



Submission from the Animal Protectors Alliance, on the proposed new Australian Animal Welfare Strategy as explained in *Renewing the Australian Animal Welfare Strategy: discussion paper*

This submission responds to comments and remarks in the discussion paper itself, following the structure of the discussion paper, as well as providing answers to the questions asked by the paper. Words copied from the discussion paper are shown in Italicised text.

Purpose

The Discussion Paper states that a purpose of the AAWS is to *provide a national framework to bring key stakeholders together on animal welfare issues of national significance.*

We note that all animals are sentient beings and therefore significant to themselves. There are, in fact, only two kinds of stakeholders on animal welfare issues:

- the animals themselves, who (like human children) cannot represent themselves but who are represented by the organisations and individuals who advocate for their wellbeing; and
- those who knowingly and wilfully compromise the wellbeing of animals, either for profit, or enjoyment, or some other priority or ideology they consider more important than the wellbeing of the sentient individual.

We also note that we consider that DAFF is, inherently, an unacceptable agency to oversee the development of a AWS, given that most anthropogenic cruelty to animals is caused by agriculture and fisheries. It is inherent to the nature of DAFF (not to any particular individual) that the Department will consider farmers and fishers, not the farm animals and the marine animals they exploit (or their advocates), that DAFF regards as its “clients”.

Context

Animals are important for Australia socially, culturally, and economically. They are our companions, providers of assistance, contributors to health and ecological well-being, and suppliers of essential food and fibre resources. Animal and animal-related industries generate billions of dollars of economic activity and tens of thousands of jobs across rural, regional, and urban Australia.

We note the following:

The paper should recognise, first and foremost, that animals are sentient beings whose emotional and physical condition is important to themselves.



Certainly animals “supply” food and fibre resources, but we strongly dispute that these are “essential” resources. All resources “supplied” by animals can readily be supplied by plants and other non-sentient equivalents, at far less expense to the environment, to the climate and to human health.

The only reason *animal and animal-related industries* continue to *generate billions of dollars of economic activity and tens of thousands of jobs* is because animal exploiters are too greedy and governments too lazy and cowardly to accept that 10,000 years of animal agriculture has outlived its usefulness. The ethical, environmental and human health imperative to abolish animal agriculture in its entirety has been understood by science for decades; the means to do it have been available almost as long. The institutional change required to facilitate the necessity and utilise the means has only ever been a matter of political will.

APA notes these points as a matter of fact, not aspiration. We recognise that abolishing animal agriculture, however gradually, cannot yet be an objective of any nation’s animal welfare strategy, let alone a nation as deeply and philosophically committed to killing animals as Australia. At this stage we can only hope for a strategy that will lead, at least, to abolition of the worst cruelties currently endured by farm animals such as (*inter alia*) “factory” farming; export by sea of live farm animals; lengthy road transport of animals, especially poultry; killing practices in abattoirs; and mutilations such as debeaking and mulesing.

Australia’s animal welfare system

The Australian Government desperately needs its own national animal welfare legislation, and has the means to create it using the same heads of power it used in developing its Environmental Protection and Biodiversity Conservation (EPBC) Act in 1999.

Australia is a signatory to three international agreements which require us to protect our biodiversity: *The Earth Summit*, 1992, *The Biodiversity Convention* of 1992; and *The United Nations Framework Convention on Climate Change*, 1992. The Commonwealth’s external affairs powers enable the Commonwealth to comply with these agreements by making laws to protect biodiversity, over the heads of the States.

Sadly, although these Agreements and the exercise of those Commonwealth powers enabled the Commonwealth government to develop its own environmental legislation (previously the preserve of state and territory governments), the Commonwealth chose not to develop legislation which would meet its international obligations, but rather to agree to a complicated mess of compromises with industry and recalcitrant state and territory governments. Consequently, the EPBC Act had achieved virtually no biodiversity or other environmental protection in the quarter century it has been on the books.

Although protecting biodiversity does not explicitly recognise as sentient individuals the animals who are primary components of biodiversity, if the EPBC Act had been written to



override state and territory law, untold animals would have been spared untold suffering. Wildlife habitat would have been protected - to the benefit of both wild animals and farm animals. Commercial kangaroo “harvesting” would have been shut down. All native animals, rather than just a few threatened species (no longer surviving in sufficient numbers to provide any significant ecological contribution) would have been protected from recreational, commercial and “management” slaughter.

Many aspects of a Commonwealth animal welfare law could therefore be built on the basis of the Commonwealth’s commitments to *The Earth Summit, 1992*, *The Biodiversity Convention of 1992*; and *The United Nations Framework Convention on Climate Change, 1992*, even without any explicit international agreement on animal welfare.

In the likely event that Australia will have an opportunity to sign an international agreement on animal welfare in the not too distant future, the Commonwealth government could use its external and corporations power to develop a comprehensive animal welfare law, which overrides state legislation wherever state legislation provides inadequate protection and consideration for the wellbeing of animals. State and Territory laws would then be required to either meet or exceed the stringency of Commonwealth law. The Commonwealth law itself would be subject to ongoing amendment to meet increasingly stringent international animal welfare expectations.

A new national agency would need be established and exclusively dedicated to administering this national animal welfare law, thus addressing the previously noted problem of DAFF’s inherent conflict of interest.

Scope

Regarding *establishing a national framework for bringing key stakeholders together on animal welfare issues of national significance*, we consider that all animal welfare issues are of national interest since all animal welfare issues are of interest to all Australians, and how Australia treats its animals is of enormous interest to the international community.

Regarding *providing a forward direction for animal welfare in Australia to address community and international expectations*, we doubt there is any possibility of reconciliation of the interests of the animals who are being harmed and the humans who are harming them.

Regarding *maintaining Australia’s commitment to modern, sustainable animal welfare practices informed by science and evidence*, we would like the word “compassion” to be added after “evidence”. It takes no science or evidence to look into an animal’s eyes and know it is sentient, or to recognise the body language when an animal is suffering, or to know that a thing that would hurt us would (usually) also hurt an animal (given we all share more or less the same nervous system). Simple compassion, not science nor evidence, lies at the core of all genuine concern for animal welfare., just as it does for human welfare.



Approach

In terms of the six animal groups proposed for this updated strategy, we note that four of these (the first, fourth and fifth and sixth) are categories of ways in which animals are used, rather than relating to types of animal, since some animal species may be used in all four categories. The other two are not.

The separate category for animals, both native and naturalised, living in the wild makes sense even though there are overlaps. For example, wild animals may be harmed by recreational hunting, or subjected to commercial production, or studied in research. Naturalised free-living animals such as cats and dogs are routinely rehomed as companion animals.

We note a conceptual error in this category's reference to "native, introduced and feral animals". The reference to "feral" as somehow separate from other introduced wild animals is obscure. A "feral" animal is either an individual domestic animal that has somehow survived in the wild after running away or being abandoned, or a wild descendent of a domesticated ancestor. The term "feral" therefore does not cover wild animals whose ancestors were brought here as wild animals and released into the wild (eg foxes and rabbits). To cover all wild animals, the category should be revised to read either "wild animals, both native and introduced" or "native and naturalised wild animals".

Unlike the aquatic animals category the original strategy, "aquatic animals" in this version specifies the inclusion of "aquatic animals in production", presumably meaning fisheries and aquaculture. It would make more sense to limit this category to aquatic animals in commercial fishing and aquaculture. This would reduce ambiguity, inconsistency and duplication and double standards, allowing pet fish to be treated as companion animals, performing marine mammals to be treated as animals used in entertainment, fish used in research to be treated as research animals, and wild native and naturalised marine and aquatic animals to be treated as other wild animals.

Discussion questions

Vision: *To establish an Australian animal welfare system that brings stakeholders together, identifies national priorities with actions and outcomes, and demonstrates to the public and international partners that Australia values the welfare of all animals.*

Question 1: Does this vision statement reflect everything you feel an Australian Animal Welfare Strategy should aim to achieve?

This vision is unacceptable to APA because it does not mention actually improving the welfare of animals in Australia. Unless national priorities support improvements in Australia's treatment of animals, neither actions nor outcomes will do so. To demonstrate to



the public and international partners that Australia values the welfare of animals, Australia will need to have a vision of actually improving its treatment of animals.

Question 1a: Is there anything else it should include?

We suggest: “To establish an Australian animal welfare system that brings stakeholders together, identifies national priorities with actions and outcomes that recognise all animals as sentient beings and protects their wellbeing accordingly, and demonstrates to the public and international partners that Australia values the welfare of all animals.”

Proposed work streams for the Strategy

Question 2: Do the above proposed streams cover the right priority areas for the strategy?

It is not clear from the streams identified, where or how or even if any work will be done to identify all the areas where the current cruelties are occurring, what actual, on-the-ground changes are needed to end them, and which are the most urgent in terms of scale and degree of suffering they cause. We recognise that all these high level work streams are needed for a national strategy but, if they do not address the actual cruelties that are right now hurting animals and the human community who care about them, the strategy is a waste of taxpayers’ money.

Question 2a: Are there other priority areas that you think are important and should be added to the strategy?

No, just that the highest priority issue is not included (see Question 1 above).

Question 2b: Are there any you feel are not a priority area?

We consider that research and development is primarily a delaying tactic. It is not as though it can tell us anything about animal welfare that we do not already know. The only areas where it would be useful are in the further development of plant meats and “clean” food and fibre grown from animal cells, as an alternative to animal agriculture, and horticultural research into crops that might be able viable on land degraded by livestock grazing.

Question 3: Are there any shared factors affecting animal welfare that cut across all, or multiple, animal groups? For example: Climate change, innovation, workforce retention.

Climate change, ongoing land degradation and habitat removal, ongoing urban and peri-urban development, water use and water pollution, are critical issues affecting all animal groups.



Question 3a: How can the Australian Animal Welfare Strategy address these in a practical way?

The same international agreements and Commonwealth heads of power which enabled creation of the EPBC Act, and which could (with government will) be used to improve Australia's performance on climate change and the environment could be used to alleviate some aspects of the impacts of these catastrophes on animals.

Challenges

The discussion paper states, as if it were true, that the *animal welfare system in Australia operates through a combination of laws, regulations and practices designed to ensure the well-being and humane treatment of animals in the country.*

Most animal advocates in Australia would say: *The animal welfare system in Australia operates through a combination of laws, regulations and practices designed to undermine the well-being and humane treatment of animals in the country.* Certainly, there can be no question that the animal welfare system in Australia currently fails to ensure the well-being and humane treatment of animals in this country.

The primary mechanism by which this failure is accomplished is the existence of the (industry approved) codes of practice, based on the national model codes of practice which provide a legislated defence or exemption for what would otherwise be breaches of animal welfare law.

The surest and simplest way of improving the protection and wellbeing of all animal groups is to abolish all the codes of practice and repeal all legislative reference to them, thus forcing all animal industries to abide by the actual laws of the land. These laws are themselves still woefully inadequate but if adherence to them was forced on producers, without the hindrance of codes of practice, the worst of the current cruelty would disappear.

We note with concern the discussion paper's statement that *the system aims to strike a balance between the interests of humans and animals, promoting responsible pet ownership, humane treatment of livestock, and the regulation of activities like research, recreation and entertainment*, but there appears to be no mention of promoting humane treatment of wild animals and of regulation of the way wildlife is treated.

Question 4: What do you think are the biggest challenges facing Australia's animal welfare system?

- *Developing a fit-for-purpose national strategy that suits all audiences, taking into account that different groups of stakeholders may have different expectations and interests.*
- *Animal welfare is primarily a state and territory responsibility, providing challenges to a harmonised approach to decision-making.*



- *Community values and expectations about animal welfare issues are constantly changing, while improvements in animal welfare science can take time to develop and implement.*
- *There is a complex relationship between animal welfare regulation, productivity and community expectations.*
- *The national standards development system is complex and not currently meeting all stakeholder needs.*

We agree that the fact the states and territories have primary responsibility, and exclusive legislative responsibility, for animal welfare makes it difficult to get “a harmonised approach to decision-making”.

Our suggested solution to this is discussed above: use the Commonwealth’s external and corporations power, and international agreements, as a head of power for developing a Commonwealth animal welfare law and creating a new agency to administer it. Such legislation would provide for a minimum legislated standard of animal welfare with which states and territories must comply, although jurisdictions that are willing to impose higher standards may do so.

We agree that community values and expectations about animal welfare issues are constantly changing, and note that this will continue – and generally, as more and more of the current cruelty comes to light through Internet publication and social media, we would expect public demand for abolition of specific cruelties and improved protections to increase, especially among younger people.

We do not consider improvements in animal “welfare science” and the time they can take time to develop and implement to be particularly useful or relevant. As mentioned above, it takes no science or evidence whatsoever to look into an animal’s eyes and know it is sentient, or to recognise that it is suffering, or to know that a thing that would hurt us would also hurt the animal. Simple compassion, not science nor evidence, is the key to adapting to changes in community values.

We see no reason why there should be “a complex relationship between animal welfare regulation, productivity and community expectations”. It is simply a matter of governments making decisions, on behalf of a predominantly compassionate community, rather than on behalf of vested interests in an outdated agricultural system.

Question 5: Are there additional challenges in the animal welfare system that have not been listed above, which the renewed strategy should consider?

Yes.

Other than the existence of codes of practice which (as mentioned above) undermine animal welfare law across Australia, we consider that the biggest challenges to developing a national



strategy that suits all stakeholders are the attitudinal drivers that motivate the stakeholders who enjoy or make their living from using and harming animals.

In the case of the worst cruelties to farm animals, such as in animal factories (eg battery hens, broiler hens, intensive piggeries), the motive is greed, maximising profit by minimising the costs of ensuring animal wellbeing.

Greed is also the major motive for cruelty to animals used in work, recreation, entertainment and display, and also in the breeding and sale of companion animals. If the reason for the use of the animal is to turn a profit, the animal is generally sacrificed for the profit.

The use of animals in research and teaching is also greed-driven, because of the huge industry involved in breeding and supplying animals for use in research and education.

In the case of the worst cruelty to wild native animals, the motive is still greed:

- killing native animals for meat and skins; and/or
- maximising production of livestock by killing native animals that compete for pasture; and/or
- destroying wildlife habitat to make room for more livestock.

In the case of the worst cruelty to naturalised animals (eg 1080 and other poisons, RHVD, Myxomatosis, leghold traps etc), the motive for the cruelty is sometimes hate rather than greed, along with the recurring human habit of designating scapegoats to persecute.

Another motive is a misguided belief that killing naturalised animals protects native animals. (Of course, it does not, because sustained lethal control of litter-breeding animals sustains larger not smaller populations of these animals.)

Opportunities

We do not agree that animal welfare is a priority for either the agriculture industry or Australian governments. Animal welfare to the agriculture industry means maintaining only the bare minimum of welfare necessary for maximising profits. Animal welfare for government means conning the public into thinking animal welfare is protected (rather than undermined) by codes of practice.

Animal welfare *is*, probably, still in the process of becoming a huge issue for the majority of the Australian community but the process is slow because the community has been successfully conned by government assertions (about codes of practice etc).

Obviously, APA is all for improvements in Australia's animal welfare system, as long as they are not just about improvements in streamlining and harmonising but result in actual improvements in the wellbeing and protection of animals.



Question 6: What do you think are the biggest opportunities for Australia's animal welfare system?

- *Overseas trading partners are increasingly interested in Australia's animal welfare credentials.*
- *Animal and animal-related industries are increasingly building animal welfare into industry-level sustainability plans and work practices.*
- *There is a strong research community, focused on developing and considering contemporary animal welfare science and evidence and coordinating research and data collection across jurisdictions.*
- *Animal welfare has become part of national conversations including biosecurity, animal health and productivity.*
- *There is a changing social licence, reflecting the intrinsic value of animals and their importance to people.*
- *Agriculture Ministers are focused on animal welfare and work is underway to improve national standards setting.*

Thankfully, we would expect overseas trading partners to be increasingly interested in and demanding of Australia's animal welfare credentials. This is certainly an opportunity which Australian animal advocates are exploiting at every opportunity.

As noted above, and on the basis of fifty years of experience, we see few opportunities arising from the behaviour of animal and animal-related industries, or from animal welfare science and evidence or coordinating research and data collection across jurisdictions.

The role of economically driven animal abuse in numerous pandemics over the last couple of decades certainly provides an opportunity to abolish some of the most cruel practices, such as overcrowding animals in factory farms, crowding wild animals into ever-shrinking patches of remnant habitat, or extending development of human habitation closer to undeveloped wildlife habitat than humans have ever ventured before.

We certainly agree that changing social attitudes to the treatment of animals, and the intrinsic value of animals provides important opportunities for making changes that improve the wellbeing of animals.

Question 7: Are there additional opportunities for improvements in the animal welfare system that have not been listed above, which the renewed strategy should consider?

Yes.

As mentioned above, our suggested solution to the problem of animal welfare being (legislatively) a state and territory responsibility, is for the Commonwealth government to use its external and corporations proration power, and its signature to international agreements



on environment, climate change etc, as a head of power for developing a Commonwealth animal welfare law. This would provide a minimum legislated standards of animal welfare with which states and territories must comply, although jurisdictions that are willing to impose higher standards may do so.

With or without legislation, the Commonwealth should create a new Commonwealth agency to oversee animal welfare at the national level, and get it out of the hands of DAFF and its inherent conflict of interest.

To the problem of keeping up with community expectations, as mentioned above is simple: rely on compassion, not science nor evidence, as the key to adapting to changing community values.

Question 8: Is there anything else you would like to be considered in the development of the strategy, within the scope described in this discussion paper?

Yes.

As mentioned above, the key opportunities for improving animal wellbeing in Australia are as follows.

- Get rid of the codes of practice and their legislative role in undermining animal welfare law.
- Remove the inherent conflict of interest arising from DAFF having management of the development of animal welfare strategies and policies by creating a Commonwealth animal welfare agency that has no vested interest in obstructing reform, and no clientele that is inherently hostile to animal welfare reform.
- Note that this condition would exclude environment and conservation agencies, as well as agricultural agencies, from taking on this role because the priority of these agencies is not (and cannot be) the wellbeing of animals as individual sentient beings.
- Create an overarching Commonwealth animal welfare law on the strength of Commonwealth external and corporation powers and international agreements.
- Accept empathy and compassion as a much surer guide to actual animal wellbeing than “science” or “evidence”; and
- Further development of plant meats and “clean” food and fibre grown from animal cells, as an alternative to animal agriculture, and horticultural research into crops that might be able viable on land degraded by livestock grazing.

Robyn Soxsmith
Co-founder
Animal Protectors Alliance