

Minister Hill has announced a review of the PCA Act and invited submissions from the public. AVU is sending the following submission and encourages its supporters to send in their comments and ideas regarding any aspects of animal welfare regulation that are felt to be inadequate or omitted in the current PCA Act.

Deadline for submissions is 31/10/05

Address your submission to:

Animal Welfare Unit

Dept for Environment & Heritage

GPO Box 1047

Adelaide 5001

If you want to view the current **PCA Act** online, go to

<http://www.parliament.sa.gov.au/Catalog/legislation/Acts/p/1985.106.htm>

Anti-Vivisection Union of SA Submission to the Review of the 'Prevention of Cruelty to Animals Act 1985'

Preamble to the Act

The AVU believes that there should be a preamble to the Prevention of Cruelty to Animals Act consisting of a general statement voicing our attitude towards animals, an attitude which would express compassion and the sense of moral responsibility that should be exercised in our treatment of them. We believe that underlying all our activities concerning them there should be a relationship between animals and people which would operate for the mutual benefit of both.

- As the term 'suffering' is used to describe the situation for animals that the ACT is designed to prevent, a definition of 'suffering' needs to be given eg "to suffer is to experience physical and psychological harm as exhibited by positive signs of life-style deprivation and the curtailment of basic needs, behavioural needs and instincts."

- The term 'unnecessary pain' to be deleted. What is necessary pain? This Act is supposed to protect animals from cruelty (the infliction of pain and suffering) so it is hypocritical to include these words.

We have received a copy of the **Review of the Prevention of Cruelty to Animals Act – Discussion Paper** and now offer some comments of a very general nature regarding animal welfare. We presume that the Table of Contents is not the sole basis for the review of the Act however, in regard to the Table, the numbers listed hereunder would cover the positions as stated in the Proposals:

2(a) and (b), 3, 6, 7, 8, 9, 10, 12, 13, 14, 16, 17, 18, 19, 20, 21 and 22

We offer these further comments on the other Proposals.

1. Composition of the Animal Welfare Advisory Committee

It is proposed to amend section 6 by "reducing the above two persons to one person and adding a sub-clause (g) to include a person representing the companion animal industry". In our opinion this amendment is most undesirable. The companion animal industry has many doubtful facets, some of which are more in the interests of the companion animal breeding industry than of the animals themselves. One example is the puppy farm industry which has become notorious, particularly in Victoria, in the way it is run and for the ultimate destination of many unfortunate puppies which can be shipped off to Asian and other countries for unspecified purposes, if redundant to the purposes for which they are bred in Australia.

In our opinion giving the companion animal industry a seat on AWAC where it could presumably push its own barrow and have a more or less official voice would be a backward step and we therefore urge you in reviewing the Act not to introduce such a sub-clause but to let the provision of two persons suitable to represent the interests of animal welfare organizations stand.

It is really a choice between the representatives of an industry which is a profit-making concern, and an advocate for animal welfare who has no profit-making incentive but only the interests of the animals themselves in mind. Animals have very little representation when it comes to the uses to which they can be put, and to take away half of their representation on AWAC would be a blow to any progress likely to come from this review of the Act.

4. Animal Ethics Committees

Animals are supposed to be protected by ethics committees but most of the members have a vested interest in continuing their experiments and heavily outweigh any representation by members concerned with animal welfare. A heavy veil of secrecy has always surrounded the workings of these committees which suggests that all is not well in the laboratory. It seems to follow that they are more like safety nets for experimenters than protection for animals. Animal welfare members have sometimes broken ranks and spoken out and their revelations make anything but pleasant reading. The Code of Practice for the Care and Use of Animals in Laboratories is similarly suspect since it is not legally enforceable. Such a code seems useless.

If the Head of the Institution is to appoint ethics committee members, as is proposed, this would give the Institute even more power than it already has over these animals. In our opinion there should be a greater openness from these organisations – their annual reports, for instance, should be available to any interested party, in total, and statistics relating to all experiments should be made available promptly on a yearly basis. Information should be available to the public as to what experiments are approved and why they are approved.

Ethics committees should be made aware of the non-animal alternatives available to evaluate all protocols and a section should be included which would cover existing alternatives. As well, information should be provided as to the experiments already done and an experiment should not be approved if it is repetitive or if alternatives can be found

Regarding this Proposal to amend the Act we believe it should remain as it is now – i.e. appointment by the Minister. We believe, too, that drastic cuts should be made to funds that go to animal-based research, diverting them to laboratories which are using modern technologically advanced research protocols.

5. Code of Practice for the Care and Use of Animals in Laboratories.

Either this is a code that means something or it is simply an exercise in the use of words to suggest a position that does not exist in reality. This really applies to all codes. If the code does mean anything, then it should be legally enforceable and there should be a system of regular inspections at all institutions to ensure it is being adhered to. There should also be heavy penalties for any breach of that code. It seems to us to be as simple as that, otherwise it only applies a fall-back position for researchers who fail to meet their obligations.

It has been said so often, "Animals in laboratories are protected; there is a code looking after their interests", but as mentioned before in this submission, animal welfare appointees have broken ranks on occasions and what they have said about the condition of animals in labs makes

anything but pleasant reading. It is more than a question of semantics; it is a matter of making the code legally enforceable and seeing it is properly policed. Nothing else appears to be relevant..

In general, we believe that codes of practice should be more strongly worded (e.g. "should" and 'must' rather than "could"; that all animal facilities should be inspected often and un-announced; and that people applying for a licence should first pass a test of knowledge in relation to the areas where they would be acting.

11. Animals in Rodeos.

Why have rodeos at all? Despite a code of practice existing for the industry, so much cruelty goes on that in our opinion an immediate ban should be placed on all rodeo performances in South Australia. The code of practice has obviously achieved nothing at all. As the cruelties perpetrated at rodeos are done in the name of "entertainment", there is not even the excuse, generally given when animals are in question, that it is an economic necessity. But what fun is there in seeing young calves lassoed and dragged about an arena, sometimes (and this has been caught on camera at least once) with broken limbs, just as a spectacle to be hooted at? It's time we grew up here and forbade such things.

Horses are sent out, their loins tightly strapped and squeezed, in such a state of fear and trembling they are half-mad. It is supposed to be forbidden by the code but quite often electric goads must be used to get them going, a practice which was actually seen last year on TV when footage from the Marrabel rodeo was shown.

It is obvious that the code of practice is useless as inspectors are supposed to be present to prevent outrages of this sort, but they have been going on for a long time and still do. It therefore seems that the only policy is a complete ban and we urge the Government to seriously consider imposing such a ban.

15. Prohibited Procedures.

Following the argument that this serves no practical purpose and causes the sheep unnecessary pain and suffering, the Proposal to prohibit tooth grinding of sheep should be introduced.

Below are some comments on animal welfare issues not mentioned in the Discussion Paper.

Fish.

We submit that fish should be included in the Act and that while this review is taking place it would be timely to introduce a provision for them specifically to protect them from cruelty, and in support would point out that there is legal animal welfare protection in all Australian States and Territories for them except in South Australia; also that since 1999 fish have been protected by New Zealand's animal welfare legislation.

It is accepted that fish are among the species feeling pain and distress and the NH&MRC stipulates that this must be avoided or minimized in laboratories. Elsewhere, e.g. in Italy, a country that has banned the keeping of fish in little bowls, it is accepted that such enclosures are cruel as the fish do not get enough oxygen and slowly die. There is also the question of the killing of crabs, lobsters and other sea creatures used for food by boiling them alive, a most inhumane and drastic method which should be banned outright. It is really incredible that such methods should still be in use today.

Recreational fishing has a negative effect on the environment and we believe that it should be more closely monitored to see, among other things, that trailing lines are not left to entangle fish, a fact that has often been reported in the media when dolphins and other large sea creatures have been rendered quite helpless and left to die in the grip of these lines.

To conclude, we suggest that perhaps interstate legislation could be looked at as a basis for our own South Australian Act.

Research – Animals in Laboratories

Organisations concerned with animal-based research routinely repeat that cruelty does not occur in labs but obviously this is an impossible claim given the nature of many experiments, some of which deal with research into pain itself. In any case the fact that animals are enclosed in small, smelly cages and deprived of everything that gives satisfaction to their instincts is cruel in itself. Human beings couldn't bear it. Animal-based research is more dangerous than is usually acknowledged, given the differences in the way animals and humans react; so it is therefore not surprising that abundant evidence exists to show that it can often be misleading or irrelevant as well as dangerous, one example being the well-known catastrophe caused by the drug Thalidomide, which caused such terrible deformities in many children. Other animal-tested drugs have resulted in death.

Animal ethics committees cannot be expected to give proper protection to animals since the code of practice for their protection is not legally enforceable. And the end result of animal experimentation can hardly be hailed as a triumph; a radio report only this month contained the news that cancer, diabetes and asthma are all on the rise in Australia. Non-animal alternatives exist and should be fully exploited and supported by government funds and we urge that any funds being directed to medical research be slanted towards the new technological advances. There should be a ban on all toxicity tests since non animal alternatives are available and researchers, animal ethics committees and the Minister responsible should familiarize themselves with the list of non-animal procedures and protocols and apply them at every opportunity.

In addition we feel that a ban on the use of Australian native animals in laboratories would be an appropriate way to begin the total replacement of animal-based research with modern, technology-based research and clinical studies.

Pig factories and battery hens

This is a matter that should come under the Prevention of Cruelty to Animals Act and be seriously looked at while this review is taking place with a view to updating the conditions under which both these species live in order to give them freedom from the pain and suffering that they presently endure.

Codes of practice could not hope to cope with the situation of these two species. There are not sufficient inspectors to go around, it seems, and when their conditions are brought to light by unorthodox methods the state of barbarism they disclose is unbelievably dreadful. The conditions of sows in particular are appalling, but the whole concept of turning living creatures into cogs in a machine has always been a blot on the Australian landscape. Sow stalls are now banned in the UK and in other countries they are being phased out. In New Zealand and in Europe, for instance, steps have been taken to get rid of them. Why must it always be Australia lagging behind when we have everything going for us, including climatic conditions?

As for battery hens, it was touted as a victory a few years ago because they were given a few extra centimetres of space in their wretched cages. It is time now to move from these medieval practices and bring about significant changes. And as a by-product if we were to do this there would be a plus in it for human health. It's no wonder that egg producers have to lace their pellets with chemicals in order to induce some colour into the egg, although nothing could induce any sense of life into that product. Only free range hens can lay an eatable egg and increasingly that's where people are turning to get some sort of satisfaction. The same thing applies to pig products since a more unhealthy system of producing food could hardly be devised.

Fines and penalties

We would like to say something generally in respect of fines and penalties. We believe that they should be increased and there should be a proviso that when a person who has committed some act of cruelty on an animal is convicted, that person should never again be permitted to have control over an animal of any sort.

Enforcement powers.

In our opinion these powers should be transferred from the RSPCA to the Police Department, or better still, consideration could be given to create a special animal-protection unit as in other states and we urge the Review panel to seriously consider this step.

Exhibited animals

-Protection for exhibited animals must be included in the new **PCA Act**. It must specifically address the physical, behavioural and psychological needs of the wide range of animals and birds captive in small and large zoos, theme parks and any other places where animals are on display. It is imperative that SA adopt the NSW Exhibited Animals Protection Act 1986 incorporating the Exhibited Animals Protection Regulation 1995. These can be viewed at <http://www.agric.nsw.gov.au/reader/1218>

Licences

Any Licences that relate to the care, control, use and killing of animals should be awarded to applicants only after they pass a comprehensive test of the appropriate regulations regarding their application, not just not just on payment of the fee.

We hope the Government will look into all these matters while this Review is taking place and would like to thank the Minister for giving the public an opportunity of putting its views.