



Speech by

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ANIMAL CARE AND PROTECTION BILL

Mr SHINE (Toowoomba North—ALP) (3.10 p.m.): It is indeed pleasing to know that the National Party and the Liberal Party—formerly the coalition—support this legislation. I hope that other legislation before the House will similarly be supported by them.

In 1965 when the British government reviewed the welfare and care of animals in the UK for legislative purposes, they proposed that all animals deserved the freedom to stand up, to lie down, to turn around, to groom and scratch themselves, and to stretch their limbs. They are wonderful ideals. In fact, by the sound of them, if each were applied, animals would probably enjoy much more freedom and a better life than do many humans. These minimum are known as the five freedoms.

Over time those five freedoms have been reviewed. They now read as: one, freedom from thirst, hunger and malnutrition by ready access to fresh water and a diet to maintain their full health and enthusiasm for life; two, freedom from discomfort by providing a suitable environment, including shelter and comfortable resting areas; three, freedom from pain, injury and disease by prevention, or rapid diagnosis and treatment; four, freedom to express normal behaviour by providing sufficient space, proper facilities and company of the animals' own kind; and five, freedom from fear and distress by ensuring conditions that avoid mental suffering. Although those five rules of thumb are wonderfully inspirational and idealistic, the reality is that if everyone ran around trying to provide each of those freedoms to their pets and livestock, they would most probably fail.

Dr John Webster, a Professor of Animal Husbandry and one of the researchers who helped develop those five freedoms agrees. He said—

When put to work by comparing different housing systems, the five freedoms are an attempt to make the best of a complex situation. Absolute attainment of all five freedoms is unrealistic.

By revealing that all commercial husbandry systems have their strengths and weaknesses, the five freedoms make it, on one hand, more difficult to sustain a sense of absolute outrage against any particular system such as cages for laying hens or stalls for sows and easier to plan constructive, step by step, routes towards its improvement.

One example he uses to explain what he means is laying hens that produce eggs. These hens are kept in cages that, obviously, restrict movement and other natural behaviour, such as nesting, perching and dust bathing. Evidence suggests that over time this leads to frustration and possible distress.

However, before domestication hens lived in social groups of about six hens with one rooster. During the day they would shelter under bushes to seek protection from predators. Staying in small groups and in a small area allowed hens to know their companions and where to find shelter when faced with a threat. Research in Europe and Canada has proven that with four to six birds in each cage each hen gets the food and water it needs without having to fight for it. When birds are in a large, open aviary or free-range flocks, disease and cannibalism is a serious problem.

In the cage systems with mesh floors, waste falls away from the birds. This means clean birds, clean eggs and a cleaner shed, making it difficult for disease and parasites to live. While their right to freedom and normal behaviour may be limited somewhat, the hens are provided with a stable environment with clean food and water. They are protected from predators, disease, parasites and fighting.

Researchers are now investigating enriched cages that take advantage of the benefits of cages—small group sizes, food safety and hygiene—and combining these with the benefits of open housing by adding nest boxes and dust bath locations. That is a perfect example of how the five

freedoms cannot all be met realistically, but challenge, educate and inspire the community to look for modern ways to maximise the health, care and wellbeing of animals. These five freedoms also provided the inspiration behind the Animal Care and Protection Bill.

Before us is a bill that is realistic and proactive. With the five freedoms in mind, it strives to educate the community on what is appropriate and what is not in terms of animal care and protection rather than simply punishing people for poor animal welfare standards. In my electorate of Toowoomba North, the Toowoomba Department of Primary Industries receives numerous calls about animals being deprived of good health and wellbeing—animals deprived of the five freedoms. They admit that, in most cases, it is a lack of education that has led to animals being treated poorly and not malicious intent. Rather than punishing people for misguided care, education would prove to be much more effective in the long term for both the animal and the carer. Nevertheless, under the current Animal Care and Protection Act, these people would receive a slap on the wrist with either a fine or a jail sentence—the maximum penalty being \$1,500 or six months in jail. Despite that, the owners and carers of these animals still would not know how to treat their animals any better. I ask members: does this solve the problem? I think the answer is, we think not.

I refer the House to chapter 3 of the bill titled 'General animal offences'. I believe the most important sections for consideration are contained in this part of the bill, because it affects the majority of the community who deal with animals. It is inspired by those five freedoms to which I referred and outlines the duty of care that we have to animals. We can use this section of the bill to educate those people who unknowingly do not provide adequate care to their animals because they lack the knowledge.

Part 4 of chapter 3 raises the important subjects of the ear cropping, tail docking and de-barking operations. The significance of these surgical procedures has been debated for some time. However, research has proven that these procedures are not in the best interests of animals and violate their five freedoms. Rather than sustain the life of debate on that issue, through this bill the state government has taken the initiative to ban those surgical procedures, unless they are necessary for the animal's welfare. It is hoped that that will educate the community, showing that these procedures are, in fact, harmful to an animal's wellbeing. It is just one example of this proactive, realistic bill that strives to educate Queensland on animal care and protection.

Members should not get me wrong. Some people are misguided and uneducated on animal care and protection. However, they are very rare and few—thank God. In those circumstances the bill, and in particular this chapter, deals with these people, too. The bill uses those five freedoms to define what is cruel and what is depriving animals of adequate welfare. It also uses community and market expectation to decide and maintain high animal welfare standards.

As part 3 of chapter 3 shows, bullfighting, cockfighting, dogfighting, or anywhere where an animal fights with another or is hunted for entertainment purposes has been deemed in modern western civilisations to be abhorrent and wrong. These issues are raised by the bill as inappropriate and have severe repercussions for offenders, the maximum penalty being \$75,000 for individuals and \$345,000 for groups. In these circumstances, clearly no amount of education will prevent events like these from happening. It is hoped that heftier penalties like the ones I just mentioned will deter people from being cruel to animals.

The welfare of an animal includes its physical and mental state. From the five freedoms we consider that good animal welfare implies both fitness and a sense of wellbeing. I am sure that every person in this House today would agree that any animal kept by man must at least be protected from unnecessary suffering.

I believe that an animal's welfare, whether on a farm or in transit, at market or at a place of slaughter should be considered in terms of the five freedoms. What must be remembered, though, and what is conveyed through the bill, is that these freedoms define ideal states rather than minimum standards for acceptable welfare. Through this, they do the task of defining what is right and what is wrong in animal care. Considering this, I believe that this is the firmest foundation that a bill like this can be built upon. It is legislation that strives to educate and enforce a high level of animal care and protection and it is legislation that is proactive.

In a pamphlet released by the Department of Primary Industries, a summary is made of the purposes of the bill, which are to promote the responsible care and use of animals, to provide standards for the care and use of animals, to define and protect animals from acts of cruelty, to reflect the changes in community and consumer expectations about the use of animals, to take into consideration the updated scientific information about animals since the 1920s when the first bill was enacted in this state, to provide guidelines for people whose livelihood is dependent on animals, and, finally, to ensure that the use of animals for scientific purposes is accountable, ethical, open and honest.

I congratulate the minister on the work done by him and his department with respect to this bill. It is with great pleasure that I commend the bill to the House.
