

Animal cruelty laws lack punch

Caitlin Evans

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AUSTRALIANS like to think of themselves as compassionate people who look after the welfare of animals. We hailed Steve Irwin as a national hero, expressed outrage when thousands of exported sheep died from dehydration and heat exhaustion aboard the Cormo Express, and reacted with horror at news of underground animal fight clubs in Victoria.

But few Australians realise that legally sanctioned acts of cruelty to animals happen every day. Annually, 420 million meat chickens are kept confined in sheds before slaughter — at 23 chickens per square metre. Many chickens endure unnaturally rapid growth, bone deformities, fractures, hip dislocations and diseases due to selective breeding and high-growth feed.

Every year, 11 million egg-laying hens are kept in wire cages, where they are unable to spread their wings or perform natural behaviours. Chicks have most of their beaks cut off to stop them pecking each other.

And 350,000 mother pigs are kept in individual sow stalls and farrowing crates, where they cannot turn around or take more than one step forward or back. As a result, they suffer lameness, foot injuries, lesions and weakened bones, as well as considerable mental distress.

The situation described above is permitted by section 6(1) of the Prevention of Cruelty to Animals Act 1986 Victoria, and its state and territory equivalents, which exclude "production" animals (the vast majority of animals in Australia) from the legislation's protection.

If production industries follow a code of practice for their particular animal, they are exempted from prosecution for cruelty, despite the fact the codes are barely enforced, or allow very cruel practices.

As a result, millions of factory-farmed animals daily endure conditions that would be illegal if they involved a companion animal such as a cat or dog.

As Katrina Sharman, corporate counsel for animal advocacy group Voiceless, says: "Most never see the light of day, feel the earth beneath their feet, walk freely, stretch their wings or limbs, forage for food or engage in normal socialisation."

Even the scant legislative protection we do offer animals is inadequately enforced. Under section 24 of the act, charges may be laid by a member of the police force, a public servant in the Department of Primary Industries, municipal council officer or RSPCA officer. But in reality, all bodies are under-resourced, meaning most breaches of the law are not detected or investigated, let alone prosecuted, even if there is genuine will to do so.

There is, moreover, a fundamental conflict of interest in the Department of Primary Industries being conferred with the administration of an animal protection statute.

There are also numerous technical difficulties in prosecuting associated with the drafting of the legislation. And even if someone is convicted, penalties are woeful. Under section 10 of the act, for example, the maximum penalty for aggravated cruelty is 12 months' jail.

I find it difficult to understand how anyone with feeling cannot be moved by the suffering of a defenceless, sentient being. Anyone who has loved a pet, watched a wildlife documentary or seen a small child bond with an animal knows how wonderful our connection with them can be.

Caring about the vulnerable among us brings out the best in people, and society; unthinking violence brings out the worst. We know now that people who abuse people often start by abusing animals: Victoria Police and the RSPCA are beginning to share data on this.

I would argue that those who enjoy meat have no right to be shielded from the distressing reality of its production.

Even if one does not have an emotional response to animal suffering, the arguments are persuasive for rejecting the current intensive farming system by turning vegan or vegetarian, buying free-range meat, cutting down on meat consumption, or, at the very least, pressuring our governments to enact proper animal welfare laws.

One does not have to love animals to oppose cruelty to them, just as one does not have to love mistreated ethnic groups to oppose racism.

Few scientists today still argue that animals are automatons or mindless machines. Animals, like humans, are consciously aware of themselves and their surroundings; and experience hunger, cold, pain and distress.

Possessing a higher capacity for abstract thought does not give one person the right to abuse another for personal gain, and nor should it an animal. As the philosopher Jeremy Bentham put it, "the question is not, 'Can they reason?' nor, 'Can they talk?' but 'Can they suffer?'" The answer, in the case of animals, is a resounding "yes".

On environmental grounds, meat production is one of the most ecologically disastrous industries on the planet.

It uses up to 1000 times more land, water and energy than that required to produce an equal amount of plant food, and results in massive deforestation, habitat destruction, loss of soil fertility, soil erosion and desertification.

Meat production, ironically enough, perpetuates human starvation and malnutrition in many parts of the world. Depending on the type of animal, it takes 10-20 kilograms of feed to produce one kilogram of meat.

It would make far more sense, environmentally and economically, to grow food directly for people rather than animals that will later be eaten by people. A well-planned vegan or vegetarian diet is perfectly healthy and tasty. Despite the efforts of industry to convince us otherwise, a meat-free diet can contain plenty of iron, calcium and protein.

The American Dietetic Association's position paper, among many others, has found that vegetarians on average have less chance of developing many common diseases and health conditions, including obesity, hypertension, high cholesterol, type 2 diabetes, heart disease, prostate cancer and colon cancer. A vegan-vegetarian diet also tends to be a lot cheaper for the consumer and society than one that is animal-based.

Even if Australians are not persuaded by the arguments for veganism-vegetarianism, however, I think most would agree that if we are going to eat, wear, hunt, race and experiment on animals, this should happen with as little pain and suffering to them as is humanly possible.

This is why Lawyers for Animals, along with a growing animal law movement across Australia and the world, will continue to educate government, industry and the public on the need for better animal welfare laws.

Some members of Lawyers for Animals are vegan-vegetarian, some are not, but we all believe animals should be protected by genuine and responsive anti-cruelty laws. If this challenge seems difficult now, it is important to remember that the advocates who abolished slavery, promoted women's equality, child protection and labour reform all once faced similar apathy (or ridicule) for seeking to uphold the interests of an oppressed and exploited group.

As Leonardo da Vinci once said: "The time will come when men such as I will look upon the murder of animals as they now look on the murder of men."

Australia has come far, but we still have a long way to go.

Caitlin Evans is the co-founder of Lawyers for Animals (a group of Melbourne lawyers who volunteer their expertise on behalf of animals).