

**Supplementary
Submission
No 40a**

**INQUIRY INTO ANIMAL WELFARE POLICY IN NEW
SOUTH WALES**

Name: Professor Culum Brown

Date Received: 18 March 2022

Submitter details:

Professor Culum Brown is head of the Fish Lab at Macquarie University. He is a recognised world expert in fish behaviour, particularly cognition. His work on fish intelligence overlaps with and informs on the concepts of fish sentience and welfare.

Prof Brown sat on the Macquarie University AEC for 10 years as a Category B member and is Chair of the Australian Society for Fish Biology Fish Welfare Committee. He is on the Scientific Advisory Board for FairFish International and Aquaculture Stewardship Council devising fish welfare indicators.

About the submission:

The submission solely addresses issues pertaining to fish welfare and notions of sentience.

Submission:

- *Definition of animal:* Existing NSW legislation already recognises fishes in the definition of animal and thus fish welfare is safeguarded under the act with exemptions for commercial fishing, recreational fishing and aquaculture which all fall under Fisheries legislation. The inclusion of cephalopods and decapod crustaceans under the definition of animal would not be controversial. This is consistent with the current state of scientific knowledge and brings NSW into line with other states/territories in Australia, NZ, the EU, Canada and the UK.

We should make every effort to quash the notion that such changes to the definition would have impacts on fishing related activities.

- *Use of live bait:* While I personally disagree that recreational fishing should be an exempt activity (inflicting pain, anxiety and stress on an animal for “fun”), I’m also pragmatic in that this is not a widely held view. Fishers are increasingly aware of fish welfare and NSW DPI now has several web-pages devoted to this topic. Nonetheless, I reiterate the point I made in my previous submission, that the use of live-bait should not be permitted when viable alternatives are available. Banning the use of live bait would have almost no impact on existing fishing activities. This practice is an unnecessary and flagrant breach of the vibe of the welfare act.
- *Recognising sentience:* My general feeling is that the current proposal is not progressive enough and is simply a rehash and amalgamation of 3 existing sets of legislation. As such it represents a lost opportunity. One obvious improvement would be a statement recognising all vertebrates (and select invertebrates) as sentient beings. Sentience in its simplest form is capacity to feel; that is have positive or negative subjective experiences (fear, joy, pain etc). Such a statement would not be controversial, is in line with current scientific knowledge and bring NSW in line with the ACT, New Zealand, UK and Canada. The EU recognised animals as sentient beings in the Lisbon Treaty (2009) and this concept is deeply ingrained in all aspect of business conducted in the EU. I can see no reason why the NSW government not to make a similar statement.