

Submission
No 298

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

Name: Name suppressed

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Science says fish feel pain

A significant body of scientific evidence suggests that fish feel pain. Their complex nervous systems, as well as how they behave when injured, confirm that fish should be accorded the same welfare considerations as terrestrial vertebrates.

The proposed NSW Animal Welfare Reforms fall in line with basic science and now include fish, cephalopods and decapod crustaceans under the definition of 'animals'. Why is it that in this proposed bill, do they not get the same legal protections as land animals? I will detail the proposed exemptions below that will allow cruel fishing practices to continue.

So why do we allow live baiting?

Why are we proposing an exemption which will permit the cruel practice of tethering of live finfish, cephalopods and decapod crustaceans for the purposes of live-bait fishing?

What is live-bait fishing? Common forms of live-bait tethering include the "bridle rig", which involves passing a needle through the eye sockets or nasal region of the fish (see online demonstration [here](#)) or tethering hooks through the dorsal musculature of the fish, mantle of the cephalopods or body of the crustaceans. In all cases, this undoubtedly causes *severe* pain and injury to the animal. Tethering is prolonged, the animal is tethered while he or she is either eaten alive, dies from exhaustion, stress, fear, blood loss or other internal injuries.

Let's not allow conflicts in the policy

The proposed exemption (under clause 119(g)) will allow "for the purpose of using a live fish, decapod crustacean or cephalopod as bait or as a lure to take, or attempt to take, fish" to continue.

Allowing the continuation of this practice is inconsistent with objectives of the animal welfare legislation. it is in direct conflict with the definition of cruelty as highlighted below.

(1) An act of cruelty is an act or omission that results in an animal being— (a) unreasonably or unnecessarily harmed, or (b) unreasonably or unnecessarily killed, or (c) abused, beaten, infuriated, kicked, maimed, mutilated, terrified, tormented, tortured or wounded, or (d) overloaded, overworked, overdriven, overridden or overused, or (e) unreasonably or unnecessarily exposed to excessive heat or excessive cold.

And:

An act of "aggravated cruelty" is defined as act of cruelty on the animal that results in— (a) the death, deformity or serious disablement of the animal, or (b) the animal being so diseased or severely injured, or in so poor a physical or psychological condition, that it is cruel to keep the animal alive.

Clause 34 outlines a "General prohibition on inappropriate or unreasonable tethering of animals" as follows:

(1) A person must not tether an animal unless— (a) while tethered, the animal is appropriately protected from harm, and (b) the form, length, method or weight of the tether is not unreasonable, and (c) the animal is not tethered for an unreasonable period of time.

(2) Without limiting subsection (1), the tethering of an animal that results in any of the following is **inappropriate or unreasonable**— (a) the animal is unable to access water for an unreasonable period of time, (b) the animal is unable to obtain shelter from climatic extremes, (c) the animal is unable to freely stand up and sit down, (d) the animal is exposed to attack by other animals, (e) the animal is exposed to environmental hazards, for example, road traffic, (f) injury, or risk of injury, to the animal by the tether, (g) the animal is tethered for more than 24 hours.

Live-bait fishing is also in conflict with the above clauses. These creatures are now officially considered animals for the purposes of the Act, the Act does not permit tethering of an animal where it is not protected from harm, is exposed to attack by other animals or at risk of injury from the tether, and yet these water creatures are somehow excluded from being afforded these protections.

Nothing of substance is provided as justification for this exemption.

The NSW Animal Welfare Reform Consultation Outcomes report (p. 10), allows continued live-bait fishing as follows,

"The changes to the definition of animal will not have any adverse impacts for recreational or commercial fishing. The NSW Government recognises the value of the recreational and commercial fishing industries. Fishing is a legitimate recreational activity and will continue to be allowed under the new laws. The draft Bill contains exemptions for fishing, **including using live fish, cephalopods and decapod crustaceans as bait**, which ensure that the expanded definition of animal does not impact on fishing in NSW."

This cruel practice is unjustified, there are other more humane methods to fish, including dead natural baits and artificial lures. Recreational and commercial fishing can still exist without live baiting! This exemption is not in line with the primary objects of the Act, which are to:

— (a) to promote the welfare of animals, and (b) to prevent cruelty to animals.

We need to remove these exemptions

Neurobiologists have long recognised that fish have nervous systems that comprehend and respond to pain. So unless we think that sticking hooks through the eyes of a living creature and then dangling it in the water to attract predators is not cruel, let's remove this exemption from the bill. Let's outlaw this cruel practice immediately!