

**Submission
No 300**

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

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Date Received: 27 February 2022

NSW Animal Welfare Reforms New South Wales

I wish to make a submission regarding the proposed NSW Animal Welfare Reforms which will officially include fish under the definition of 'animals'. The proposed Bill contains an exemption which will allow cruel fishing practices to continue. We know from scientific evidence that fish feel pain and distress and therefore this exemption should be removed.

Of particular concern is the proposed exemption to permit the tethering of live finfish, cephalopods and decapod crustaceans for the purposes of live-bait fishing. This exemption simply must be removed from the Bill.

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 causes severe pain and injury to the animal.

In addition, tethering is prolonged, until such time as the animal is either eaten alive or expires from exhaustion, stress, fear, blood loss or other internal injuries.

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 illogical, unjustified and inconsistent with objectives of the animal welfare legislation. It is in complete 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.

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.

The practice is also in conflict with clause 34 which 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.

The exemption is self serving as these beings 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 taxa are somehow exempt from being afforded these protections.

The only justification provided in the NSW Animal Welfare Reform Consultation Outcomes report (p. 10) (see here) to view the exemption to allow continued live-bait fishing is 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."

Important: This cruel practice is unjustified, there are other more humane methods to fish, including dead natural baits and artificial lures. 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.

There is simply not a valid reason to allow this practice to continue because recreational and commercial fishing can still exist without live baiting!

It has been scientifically proved that these creatures feel pain. There are more humane fishing methods available, there should not be an exemption that promotes animal cruelty in a policy designed to facilitate animal welfare.