

Take action for the animals

New Zealand's animal welfare laws are outdated and an international embarrassment, a Swiss lawyer told the 2013 New Zealand Companion Animal Conference. But politicians who attended don't necessarily agree. This begs the question: just how strong is the political will to address animal welfare matters effectively? The 2014 general election offers the opportunity to lobby MPs for real change on animals' behalf. Animal welfarist and lawyer **Catriona MacLennan** outlines a plan for making a difference ...

THE RUN-UP to the general election provides the perfect opportunity to place animal issues on the political agenda by developing and publicising an Aotearoa Animals' Agenda.

The agenda should be drawn up in the next few months and forwarded to MPs and political parties early next year. They would be asked to indicate their support for the agenda so that electors voting in the 2014 election would be able to back those candidates and parties with a firm commitment to animal welfare.

At present, there is no strong political will to improve the treatment and position of animals in New Zealand. Indeed, the current very timid and limited review of the Animal Welfare Act makes plain that politicians have almost no understanding of animal welfare issues and believe that New Zealand's current law is broadly satisfactory.

However, that is far from the international view.

Thoughts on creating an Aotearoa Animals' Agenda

- Animal groups to unite to draft an animal welfare agenda by March 2014 through the New Zealand Companion Animal Council (NZCAC).
- Agenda will be sent to main political parties and MPs seeking a response by mid year, detailing their commitment to the agenda.
- *Animals' Voice* will publish the proposed agenda which will be fully promoted in the public forum.
- The public will be invited to lobby their local MPs and Ministers to back the agenda.
- A full summary of the agenda, with political party and MP responses, will be published before the election to guide voters to those parties supporting the animal agenda.



Overseas, this country is regarded as having backward animal welfare laws that are damaging to its international reputation. Some of our laws are decades behind European legislation.

Primary Industries Minister Nathan Guy told the 2013 New Zealand Companion Animal Conference, held in Auckland in early October, that New Zealanders, rightly, placed a lot of importance on animal welfare.

"We pride ourselves on our assurance to the world that we have high standards of animal welfare. Even isolated cases of poor animal welfare can have a negative impact on our reputation as a responsible agricultural producer."

The Minister said New Zealand had a strong animal welfare system.

"This system is supported by progressive animal welfare legislation that goes further than just preventing cruelty. It also places an obligation on all people in charge of animals."

He said the Animal Welfare Act was not broken

and did not need a major overhaul, as its policies and principles remained valid.

But a very different view of this country's treatment of animals was provided to the conference by Swiss lawyer Antoine F. Goetschel, who criticised New Zealand's weak and outdated animal laws.

What should be alarming both to the Government and to New Zealanders generally was that, from the other side of the world, he was fully informed of the details of our poor treatment of animals. He specifically expressed concern about sow crates, battery cages, catching crayfish in pubs using metal claws, and zoos.

Antoine said animal welfare had been anchored in the Swiss constitution since 1973 and the "dignity of animals" had been specifically written into Switzerland's constitution in 1999. He said it was essential that animals be included in a country's constitution, as this ▶

► placed pressure on the state to take concrete steps to protect animals.

Noting that Germany, Austria and Slovenia had similar provisions in their constitutions, he emphasised how far New Zealand was lagging behind Europe in its animal law by.

New Zealand should incorporate a Declaration of Sentience in the Animal Welfare Act as part of the current review of the legislation.

Nathan Guy, in his remarks to the conference, noted that no declaration was currently included in the Bill but said he was looking forward to receiving the Primary Production Committee's report to see whether such a declaration should be written into the law.

These comments are an encouraging sign that having a Declaration of Sentience written into the Act is an achievable aim.

Protection of the rights of animals should also be incorporated in the New Zealand Bill of Rights Act 1990. This legislation sets out the framework for human rights in this country and could easily be amended to incorporate protections for non-human animals. Without this, human rights will always prevail over the rights of non-human animals.

Antoine went on to criticise the very limited scope of the Animal Welfare Amendment Bill and, in particular, condemned what was missing.

"Lots of you will be disappointed by what is looked to be acceptable standards of animal welfare. Some of it is very, very low – in some aspects not acceptable internationally. It's much behind what are daily standards of countries in the European Union."

These words should be a loud wake-up call to our politicians to go back and look in detail at the many animal welfare issues not dealt with by the proposed amendments to the Act.

The Primary Production Committee should take a very broad approach to its consideration of the legislation and prepare a detailed report for the House recommending sweeping changes to the Bill to include pressing animal welfare matters that are now ignored.

Antoine also condemned the structure of the legislation, stating that he did not believe it was acceptable to provide just a basic outline in the Act and then add detail after the Bill had gone through the political process. He said that such an approach meant that



Antoine Goetschel

animal protection was weakened in the drafting of the details.

That is exactly what happens under New Zealand law. The Animal Welfare Act sets out basic protections for animals, but the Codes of Welfare mean that millions of animals are placed outside these protections. This is particularly the case with factory-farmed animals. The Act provides no legal rights to them.

Antoine said he did not understand why this country, when it claimed to have high standards of animal protection, did not provide for sow stalls and battery cages to be phased out within five or 10 years.

"I was a little bit shocked when I saw the list of animal mistreatments that were legalised by declaring them not an



Trevor Mallard

infraction of the Animal Welfare Act."

He said the economic interests of farmers should not override animal welfare. Rather, farmers should take pride in treating animals well. He implored this country to act rapidly to ban factory farming.

This is absolutely correct. If New Zealand, instead of taking the low road of producing cheap animal products through appalling treatment of animals, insisted on high standards, it would be able to command an international premium for its products.

There has been no progress at all in outlawing battery cages and sow stalls in New Zealand. As soon as any – very slow – steps toward phase-outs are announced, egg and pig producers lobby to overturn the decisions to protect their own economic interests and they are invariably successful.

The welfare of animals and New Zealand's international reputation should not be held to ransom by a small group of farmers taking an incredibly short-sighted approach to their own economic well-being.

Labour MP Trevor Mallard, in addressing the conference, held out a small ray of hope in this regard. He said that calls in submissions for a phase-out of factory farming by 2020 were not ambitious enough and he believed that it could be done sooner, although he did not provide details of how this would be achieved or commit the Labour Party to such a policy.

Antoine said he did not consider it acceptable for the Ministry for Primary Industries to have responsibility for animal welfare.

"Their interest and political goal is to represent the interests of animal users – i.e. farmers and not cows; or puppy breeders and not dogs or cats."

Switzerland had taken a big step, he said, when it separated responsibility for animal welfare from responsibility for economic growth based on animal products by placing them in different ministries.

Germany had taken a similar step. New Zealand plainly needs to follow suit by removing responsibility for animal welfare from the Ministry for Primary Industries and giving it to a stand-alone Commissioner for Animals.

The ministry is primarily an agency with responsibility for promoting economic growth. Its animal welfare responsibilities are in conflict with

this goal and are also grossly under-resourced. This country has 60 million farmed animals but the ministry employs only 11 animal welfare inspectors to deal with all animal welfare complaints on farms around New Zealand.

The Commissioner for Animals would have very clear responsibilities and sufficient resources to investigate and prosecute animal welfare breaches. That would include making unannounced visits to farms all over New Zealand to check on animal welfare.

At present, there are significant animal welfare issues on farms which never come to light because abuse and neglect occur in remote rural areas. One example of this is twisting and breaking of cows' tails.

Examples of farm abuse and neglect cases include:

- November 2007 – a Far North farmer was sentenced for breaching a court order relating to three previous offences concerning starving cows.
- January 2010 – a Rotorua farmer was convicted of ill-treatment of animals after dead and starving animals were found on his property.
- May 2010 – a poultry farmer was jailed for wilfully ill-treating broiler hens and roosters and 5000 animals had to be euthanased to end their suffering.
- 2012 – a Waikino dairy farmer broke 115 cows' tails and beat cows repeatedly with steel milking cups and a metre-long steel bar.
- February 2012 – a Dunedin farm labourer was convicted of ill-treating a calf that had been hit in the face with steel pipe and blinded.
- September 2012 – a West Coast farmer was sentenced for failing to meet cows' physical and health needs, with more than 120 animals dying.
- September 2012 – neglected cows found at Rotomanu had to be euthanased.
- September 2012 – 180 cows found starving on the West Coast were euthanased.
- November 2012 – three Gisborne family members were sentenced for ill-treating and neglecting horses and cattle.
- February 2013 – a West Coast dairy herd manager pleaded guilty to failing to alleviate pain or distress in 230 injured cows that were

Some suggestions for an Aotearoa Animals' Agenda

- Abolish all factory farming in New Zealand by 2020.
- Ban testing on animals to make New Zealand the first country in the world to be animal-testing free. Develop an international campaign linked to New Zealand's 100% Pure campaign to market this country's products based on its cruelty-free status.
- Create an independent and well-resourced Commissioner for Animals.
- Transfer the responsibility for animal welfare issues to the Commissioner for Animals to establish standards, monitor practices and develop policies and services to protect the interest of all animals.
- Insert a Declaration of Sentience into the Animal Welfare Act.
- Write into the Animal Welfare Act a detailed and specific duty for farmers to provide proper shelter for farmed animals, not only from rain, hail and snow but also from sun.
- Strengthen and administer Codes of Welfare in the enforcement area to protect all animals under the Act.
- Ban the import, sale and use of shock collars in New Zealand.
- Ban dog tail docking, ear cropping, the removal of vocal cords and declawing.
- Create a new offence of twisting or breaking cows' tails to recognise and deter the systemic use of tail twisting and breaking in the dairy industry.
- All political parties to have animal welfare policies and animal welfare spokespersons.
- Lobby to ensure that the budget for animal welfare is increased so that all enforcement agencies are suitably funded to allow full inspectorate coverage throughout New Zealand.

suffering from twisted or broken tails.

- August 2013 – a Canterbury farmer was convicted of breaking 154 cows' tails and hitting cows with a pipe.
 - September 2013 – a Canterbury dairy farmer pleaded guilty to animal welfare offences after 70% of his cows were found in poor condition.
 - September 2013 – an Opunake farmer pleaded guilty to breaking 46 cows' tails.
- How can a ministry with only 11 animal welfare inspectors for the whole of New Zealand possibly police and enforce animal laws adequately? The answer is that it cannot.

Antoine is correct when he says it

is time to give responsibility for animal welfare to a separate Commissioner for Animals.

Political parties also need to step up to the mark for animal welfare. It is almost incredible that the Greens are the only political party actually to have an animal welfare spokesperson and animal welfare policies.

All parties need to have animal welfare policies and spokespersons – and voters should let parties know they will not support them if they do not.

Let's make 2014 the year for significant advances in animal welfare in this country so New Zealand can hold its head high internationally.

A call to action

- *Animals' Voice* invites you to write your own animal agenda with your most desired policies and send it to us at Aotearoa Animals' Agenda, PO Box 33609, Takapuna 0740, or email to bruce@regatta.co.nz.
- In our next issue we will publish a draft agenda, using some of your thoughts, and also those gained from animal organisations through NZCAC.
- We will then launch our joint campaign to all political parties and MPs.
- Watch this space! 🐾