Submission: ‘Reforming Victoria’s animal care and protection laws’.

About Collective Fashion Justice

Collective Fashion Justice is an Australian registered not-for-profit Incorporated Association which works to create a ‘total ethics fashion system’: one which prioritises the life and wellbeing of people, animals and the planet before profit. Our work spans citizen consumer education, university engagement, corporate consultation and policy work, as well as political lobbying – both in Australia, and in the global fashion industry, working on policy and campaigns across the United States and Europe.

Animals are everywhere in fashion: the use of more commonly shunned materials like fur, exotic skins from reptiles and other wild animals, as well as currently ‘every day’ materials such as leather, wool and feathers exist and are sold in Victoria, with many such materials being produced in Victoria. Animals who are bred, farmed, harmed and slaughtered in fashion supply chains which both operate and are sold into Victoria must be provided with genuine care and protection. We are grateful for Victoria’s work to progressively ensure this.

We are pleased with several aspects within Victoria’s proposed animal care and protection laws. A shift forward, beyond the existing Prevention of Cruelty to Animals Act, is sorely needed, as POCTA is certainly outdated and in many cases ineffective in achieving its aim of preventing animal cruelty. To ensure the new Act is as effective and consistent as possible, we urge the following gaps be addressed:

Sentience and animals covered by the new laws

Victoria’s new animal protection laws should not have exemptions in which recognition of sentience may be dismissed. This would be unscientific and illogical: the Cambridge Declaration on Consciousness recognises that all animals, including those without a mammalian neocortex, are conscious; able to think and feel. To exempt enterprise-owned animals who are exploited, harmed, mutilated and treated cruelly from being recognised as sentient is to prioritise continuing ‘business as usual’ over societal progress.

As such, all animals, and specifically, all animals in fashion supply chains such as farmed sheep, cattle, rabbits, ostriches, alpacas, goats, crocodiles and ducks, as well as wildlife such as kangaroos and other macropods, should be recognised as sentient without exemption. Similarly, wild, native animals who are impacted by animal agricultural enterprises in fashion supply chains should be recognised as sentient
without exemption, with such species including dingoes.

All animals should be covered by these new laws, and animals should not be covered differently based on their use. For example, a duck reared in a factory-farm and slaughtered for both meat and down feather production should not be denied protections that pet ducks, who are protected by the Domestic Animal Act, receive. Similarly, pet rabbits should not be afforded better protection than rabbits who are killed and skinned for profit. To allow such contrasting rules would be unscientific, drawing an arbitrary line in the sand in which some members of the same species may be treated with cruelty, and others may not.

Legislative framework

Under the Prevention of Cruelty to Animals Act, codes of accepted farming practices are not legal requirements, and no repercussions are faced by those who do not follow the codes. For example, it is recommended that pain relief be used for many standard practices such as tail docking, dehorning and castration, but animals in the wool, cashmere and leather industries regularly suffer through these mutilative practices without any pain relief. The new Act should include both mandatory minimum standards of care and mandatory regulations without exemption. This is the only way for the Act to protect animals from acts of cruelty outlined as unacceptable by the Act itself.

Decision making principles

The creation of a framework for decision making which incorporates principles of animal care and protection is a positive step forward and should be set up without loopholes which could render this framework weak or even ineffective in ensuring animals are provided care and protection.

No exemptions or exceptions which allow animals to be used, abused, harmed, hurt, distressed, or made to feel pain or fear should be accepted, regardless of whether such cruelty is permitted within other legislation.

To ensure the protection of animals is addressed legitimately and without profit-driven prejudice, an independent office of animal protection, an animal protection Ministry and animal crime division of law enforcement should be created. Ministers and Departments which are involved in businesses where cruelty to animals is corporatized or accepted as a means for commercial gain should not be the driving force behind the legal protection of sentient animals.

‘Care’ and ‘cruelty’
The recognition of care as a requirement, in which suffering and harm can be not only physical but mental, and not only caused by active cruelty, but through passive cruelty, is greatly needed. Mandatory care regulations without exemption should be set and overseen independently. Care requirements such as mandatory shade and shelter for sheep and cattle should be included.

There should be no exemptions which legalise cruelty to animals, should animal care and protection laws live up to their name. Mandatory regulations and guidelines to prevent cruelty must be set. These regulations and guidelines should include bans on:

- All mulesing

Cost-effective and scientifically proven alternatives to mulesing have already been successfully adopted by many farmers, while others have continued to share their eagerness to adopt these strategies, and receive support in doing so with not-for-profits including Collective Fashion Justice. A phase out of mulesing in which only plain-bodied sheep are bred is both critical to cruelty prevention and entirely possible. The cruelty of mulesing we have documented in Australia has no place in a state which recognises animal sentience. Pain relief is not enough to eliminate cruelty and suffering from mulesing, an outright ban is required.

- All painful practices without pain relief

Such practices include tail docking, dehorning, debeaking, declawing, disbudding, castration, and other surgical procedures, as well as any other form of amputation. Veterinarians who perform castrations and in required circumstances, tail docking, would lose their licenses if such surgical procedures were not performed under anaesthesia and with appropriate analgesics. In fact, a veterinarian outlined the differences in surgical procedures performed on dogs as compared to sheep for us, and this review (supported by the work of Dr Clive Phillips and another registered veterinarian) can be seen here. As the capacity to feel pain is consistent across species we keep as companions and which we farm, their legal requirements for relief from pain should be no different.

- All extreme animal confinement

Caged egg farming is being phased out across the EU at the moment, with recognition that the extreme confinement of animals is unacceptable, even if profitable. A number of animals in fashion supply chains are confined in Victoria, including rabbits in cages. Caged systems should not be accepted, given the immense psychological harm caused by these outdated systems.

- The killing of animals specifically for fashion

No animal should die for fashion. While no animals in Victoria are killed specifically for fashion, they are across other Australian states and throughout the globe, which products from these systems – such as fur – being sold in the state.
Controlled conduct

In order for legislation to effectively keep cruelty towards animals out of Victoria, products of cruelty should not be imported and sold within Victoria if they are not acceptably produced in the state. For example:

- The new legislation will ban live-plucking, but without alteration to the Act, down coats from birds who have been live-plucked in other countries will continue to be sold in Victoria. All sales of products with manufacturing processes that fail to comply with the standards set by the new Act should be banned.

- Just as extreme confinement should be banned in the Act, products of extreme confinement produced outside of Victoria should not be permissibly sold in the state. Such products should include all farmed fur (such as raccoon dog, fox, chinchilla, mink and rabbit fur), all crocodile skin (including from Australian crocodile farms, where current codes of practice offer sentient reptiles less space in cages than the length of their own bodies), leather and wool from confined animal feeding operations, and so on.

In its current form, the Act views acts of cruelty towards animals (such as the previously mentioned cutting off of body parts) as criminal if performed outside of animal enterprises, but as permissible within animal enterprises.

This double standard is again unscientific and fails to equally protect equally sentient animals. Mulesing and surgical procedures without pain relief should be banned outright, regardless of whether an animal exists as a companion, in the wild, or within a commercial industry. Any required surgical procedures should be performed by registered veterinarians only.

Co-regulatory approved arrangements and other administrative arrangements

It must be ensured that policy positions within the Act do not contradict or contravene each other. The above outlines several cases in which the current proposed Act would do so.

Regulatory services should only be provided by independent authorities, and similarly, members of the ethics advisory committee should be independent, free from all ties which may influence their ability to provide unbiased advice which prioritises the aims of providing care and protection to animals.

Thank you for your consideration.

Collective Fashion Justice