

# Definition of Animal

## Policy

The Animal Justice Party (AJP) recognises the complexity and extent of the non-human animal world, and values and respects all animal forms. Humans are animals too, but the focus here is on non-human animals. For practical reasons, the AJP will focus its activities on a narrower sub-set of animals, based primarily on sentience, cognition and interests.

For the purpose of animal protection legislation, the AJP supports a legal definition of the term “animal” that is consistent across all Australian jurisdictions and that includes at the minimum all animals that can or are likely to suffer pain, based on the most recent science. When in doubt, the AJP will push for animals to be protected as a precaution.

## Key Objectives

1. Value and respect all animals, regardless of their species or stage of development, whether they are currently understood to be simple or complex, sentient or non-sentient, and whether they are native or introduced, exploited by humans or living freely.
2. As a party, prioritise activities and advocacy towards species for which there is evidence or likelihood of sentience, intelligence, cognition, self-awareness, interests or when animals lack the above but are, or are proposed to be, exploited for recreational or commercial purposes.
3. Refer to science and apply the precautionary principle to identify the above characteristics in various species of animals, especially invertebrates, recognising that science is imperfect and in a perpetual state of development.
4. Support changes to animal protection legislation to recognise animal sentience and its rich complexity, and to incorporate the Animal Sentience Precautionary Principle as a new guiding principle to afford protection for more animals.
5. Ensure that the definition of “animal” in animal protection legislation is consistent across all jurisdictions in Australia (for more, see our Animal Law policy).

6. Ensure that this definition includes, at the minimum, animals who are capable of suffering pain, regardless of the species, stage of development, or the animals' relationship with humans. The definition should therefore include at least:

- mammals, birds and reptiles, including prenatal or pre-hatch stages past mid-point gestation/incubation;
- fish and amphibians;
- cephalopods (octopus, squid, cuttlefish);
- malacostraca (crabs, lobsters, crayfish and prawns); and any other species or life stage that has the capacity to suffer pain, based on emerging scientific evidence and the animal sentience precautionary principle.

7. Support the quest for relevant scientific evidence through observational studies which do not involve causing distress, pain or suffering to animals in a bid to prove their sentience.

## Background

As the only political party that is focused on animals and that includes “animal” in its name, it is essential for the AJP to be able to define this term precisely in order to guide its mission and activities. The definition is also important in animal protection legislation to determine which animals will be afforded protection.

## Scientific definition

In science, the term “*animal*” is defined as a multicellular organism that is generally capable of moving at will, has sensory organs, feeds on other organisms, with most animals needing oxygen to survive. This broad definition encompasses a large number of organisms ranging from simple invertebrates such as sponges and worms to complex vertebrates, including humans.

In Australia alone, over *100,000 different species of animals*<sup>2</sup> have been described, of which 92% are invertebrates.

<sup>1</sup><https://www.biologyonline.com/dictionary/animal>

<sup>2</sup><https://www.environment.gov.au/science/abrs/publications/other/numbers-living-species/executive-summary>



Want a voice for animals in Parliament? Join, donate, or find out more about the Animal Justice Party at [animaljusticeparty.org](https://animaljusticeparty.org). You can also read our policies, here: [animaljusticeparty.org/policieslist](https://animaljusticeparty.org/policieslist).

Authorised by: Geoff Russell, 6 Fifth Ave, St Morris SA 5068

## AJP Focus

Guided by the scientific definition of animal, the AJP values and respects all individual organisms that fall into this broad definition, as members of our living planet, regardless of their species or stage of development, whether they are currently understood as simple or complex, sentient or non-sentient, and whether they are native or introduced, exploited by humans or living freely.

The AJP recognises, however, that it is not possible or always appropriate to give all animals/species equal attention (such as time, physical and advocacy resources) for a variety of reasons:

- there are too many species to focus on;
- for some species, little is known of their needs and some have yet to be described;
- some species live relatively untouched by humans and do not need our attention;
- some species are severely exploited for commercial and other purposes and these need urgent attention;
- some priorities are inescapable due to conflicting interests, *i.e.* dog v heartworm.

Priority needs to be given to species which require the most urgent attention. Relying on science, the AJP will focus its activities on non-human animals who possess, or are likely to possess, one or more of the following: sentience (*i.e.* the capacity to experience physical, mental or emotional pain and suffering, pleasure, frustration, anxiety, fear, happiness and joy), intelligence, cognition, self awareness and interests.

The AJP will also pay attention to animals who are, or are proposed to be, exploited for recreational or commercial purposes (for instance butterflies, hermit crabs, scorpions and spiders kept by collectors or crickets used as novel food items).

The AJP acknowledges that some of these criteria cannot be established reliably given our current knowledge but that they should be interpreted as broadly as possible. We want our circle of compassion and attention to be as large as possible and we can expand it by reviewing our criteria regularly.

## Legal Definition

In contrast to science, definitions of “animal” in animal protection legislation are very narrow. They are based on sentience, although the fact that animals are sentient beings is not recognised explicitly, and particularly the narrow element of sentience that is animals’ capacity to feel pain. Historically, legislators have been conservative and only animals for whom there is undeniable public acceptance of their capacity to feel pain have been included. But even where sentience is accepted there are legal exceptions and inconsistencies across jurisdictions:

- Vertebrates are generally included in the definition of “animal” because their sentience has long been established. SA and WA, however, exclude fish despite established evidence<sup>3</sup> of their intelligence and sentience. The

extent to which pre-natal/pre-hatched stages of mammals, reptiles and birds are included is not clear in most jurisdictions.

- Invertebrates have traditionally not been included in the definition of “animal”. However, as our *understanding*<sup>4</sup> of their sentience and capacity to suffer pain and stress (although probably experienced in ways that are distinct from humans) has grown, the definition has been expanded in some jurisdictions over the past decades to include complex invertebrates. However, this varies widely across Australia. In some jurisdictions, *cephalopods*<sup>5</sup> (*e.g.* octopus, squid, cuttlefish) and/or *crustaceans*<sup>6</sup> (*e.g.* lobster, crabs, crayfish) have been included but sometimes, only in specific circumstances. For instance, in NSW, crabs are included in the definition of “animal”, and therefore protected, if they are in a restaurant, but not outside; in Victoria, cephalopods are only protected if used for scientific purposes. In SA and WA, they are not included at all.

The crucial implication of the above is that, in any jurisdiction, if an animal is not included in the definition of “animal”, they are not protected *i.e.* there is no legal remedy if the animal is subject to cruelty of any kind. Keeping definitions of “animal” narrow by excluding certain species, stages of development or circumstances, despite scientific evidence of their capacity to feel pain, facilitates the continuing exploitation of animals with little or no welfare oversight. It must be said, nevertheless, that even if an animal is included in the definition, their actual protection is not assured at all as there are further exemptions such as agricultural codes of practice that reduce or annul this protection (see our Animal Law policy).

## The precautionary principle

Animal sentience science is far from complete and, to ensure that all sentient animals are afforded some legal protection, the AJP supports incorporating the *Animal Sentience Precautionary Principle* in animal protection legislation. This principle was articulated by Birch<sup>7</sup> in 2017 as follows:

*“Where there are threats of serious, negative animal welfare outcomes, lack of full scientific certainty as to the sentience of the animals in question shall not be used as a reason for postponing cost-effective measures to prevent those outcomes.”*

Such measures would include enacting legislation to provide protection for the animals in question. The purpose is to make sure people are rapidly doing something to protect animals where there is uncertainty, and to avoid delays because of a lack of information. This resembles the precautionary principle used in environmental and medical fields. This will be particularly useful for invertebrates where there is not currently enough evidence of sentience.

<sup>3</sup><https://link.springer.com/article/10.1007/s10071-014-0761-0>

<sup>4</sup><https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4494284/>

<sup>5</sup><https://kb.rspca.org.au/knowledge-base/are-squid-and-octopi-protected-by-animal-welfare-legislation/>

<sup>6</sup><https://kb.rspca.org.au/knowledge-base/are-crustaceans-protected-by-animal-welfare-legislation/>

<sup>7</sup><https://www.wellbeingintlstudiesrepository.org/animsent/vol2/iss16/1/>

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