

Parliament of Victoria



Case Study

Inquiry into the *Impact of Animal Rights Activism on Victorian Agriculture*

This case study explores the Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture conducted by the Legislative Council Economy and Infrastructure Committee from 2019-2020.

The case study includes:



Background Information



The committee inquiry process



Exploring perspectives



Forming your response and recommendations



Glossary

Background Information



Victoria is Australia's largest agriculture producer, contributing approximately 25% to Australia's total agricultural production, and of all farms in Victoria, 70% of them raise livestock. These farms support many related sectors including abattoirs, saleyards, and livestock transportation.

Animals continue to be an important part of the economic and social fabric of our state, which is why many in our community care about their ethical use – farmers and consumers alike. Alternatively, some people believe that animals and their products (e.g., milk, fleece, meat) should not be used at all. For instance, there are those people who are concerned for 'animal welfare', where animal suffering is minimised or eliminated as much as possible, while there are other people who would prefer animal use to cease altogether on moral grounds – an 'animal rights' view.

Groups such as the RSPCA may advocate for increased animal welfare by working with farming communities and animal-related industries through dialogue. Other groups concerned with animal rights may take on advocacy roles working with government agencies to change policies, while other animal rights groups may take unauthorised actions, including 'open rescues' (stealing animals to free them), illegal protest, or trespass to obtain surveillance footage. When unauthorised action happens on agricultural land it can negatively impact the people who live and work there, and may have unintended consequences, such as biosecurity risks or risk to the animals that are being freed. It is important to state that not all animal rights groups use unauthorised methods to influence change.

In the leadup to the inquiry, a series of highly publicised animal rights activism events took place across 2018-2019 which prompted the Legislative Council to refer the inquiry.

The committee inquiry process

Referral to committee

In May 2020, the Legislative Council (Parliament of Victoria) referred the Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture to its Economy and Infrastructure Committee. A motion was originally introduced by Melina Bath MLC and amendments were put forward by Jaclyn Symes MLC and agreed to by the House.



Terms of Reference

On 1 May 2019 the house agreed to the following motion:

That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by Thursday, 28 November 2019, on the effectiveness of legislation and other measures to prevent and deter activities by unauthorised persons on agricultural and associated industries and in particular, the Committee should consider:

- a. the type and prevalence of unauthorised activity on Victorian farms and related industries, and the application of existing legislation;
- b. the workplace health and safety and biosecurity risks, and potential impacts of animal activist activity on Victorian farms, to Victoria's economy and international reputation;
- c. animal activists' compliance with the Livestock Disease Control Act 1994, Livestock Management Act 2010, and the Prevention of Cruelty to Animals Act 1986;
- d. the civil or criminal liability of individuals and organisations who promote or organise participation in unauthorised animal activism activities;
- e. analyse the incidences and responses of other jurisdictions in Australia and internationally; and
- f. provide recommendations on how the Victorian Government and industry could improve protections for farmers' privacy, businesses, and the integrity of our biosecurity system and animal welfare outcomes, whether through law reform or other measures.

*** The reporting date for this inquiry was changed to 5 February 2020.**



[Download full Terms of Reference document](#)

Research, public submissions and hearing

The committee sought a range of evidence to address the terms of reference, including calling for written submissions and conducting public hearings in metropolitan and regional areas.

A total of 506 submissions were received and 54 witnesses were heard from during 7 days of public hearings that took place from August to October 2019. Among the views represented were those of farmers, government agencies, community groups, industry groups, activists and individuals, including some of those involved in the high-profile animal activist activities that prompted the inquiry. In addition, the committee carried out three site visits to gather evidence: to a saleyard, an abattoir, and a sanctuary for rescued farm animals.

Parliamentary privilege;

Parliamentary privilege is a privilege of the Houses of parliament (both federal and state/territory) that protects Members of Parliament from having anything said in parliament used against them by another member, for instance in a court case. It's based on the belief that a Member of Parliament should be able to freely speak in Parliament without fear of any consequence. In Victoria this is outlined in the Constitution Act 1975 (Vic).

The committee report

The committee tabled its report to parliament on 5 February 2020. It detailed the actions that activists use and the impact these have on agricultural communities, and some of their motivations for engaging in animal activism. It also explored the effectiveness of the current regulatory framework to support animal welfare in Victoria and presented some cases where it had been applied by the courts. Across five areas, the committee made 15 recommendations and reported 12 findings, including:

The main types of unauthorised animal rights activist activity of Victorian agriculture
Animal rights activists' impact on individuals and communities
The response of law enforcement to animal rights activism
The motivations of animal rights activists
The regulatory framework for animal welfare in Victoria



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Recommendation list](#)

Government Response

The government tabled its response to the report on 4 June 2020. Out of the 15 recommendations, the government supported 13 in full, except for recommendation one:

“That in the context of the review of the Prevention of Cruelty to Animals Act 1986, the Victorian Government consider the need to codify public interest exemptions in the Surveillance Devices Act 1999.”

They stated that:

“Deciding whether the public interest exemption applies is a matter for the courts to determine on the merits of an individual case. Any consideration of amending public interest exemptions should be considered holistically across Victoria’s statutes.”

In addition, the government supported recommendation two ‘in-principle’:

“That the Victorian Government instruct relevant regulatory bodies to collect data that distinguishes between livestock theft committed by animal rights activists and livestock theft committed by non-activists. This data should then inform policy development in this area.”

Although they agreed that collecting data was important for making decisions, they outlined that doing so may risk linking a citizen’s belief system with criminality and may lead to unfair treatment.

In summary, the government communicated their strong view that farming communities should be protected from illegal activist activities that take place on their homes and workplaces. They also reiterated the need to modernise Victoria’s animal welfare legislation to bring it in line with community standards and expectations.

Law Reform

On the April 5, 2022, the Livestock Management Amendment (Animal Activism) Act 2022 was given Royal Assent. The new Act amended the Livestock Management Act 2010 to enable better biosecurity measurements and increased penalties for biosecurity breaches, as well as a range of other consequential amendments such as exemptions. For instance, in instances of emergency response, concerns about animal welfare or disease control.

The Premier of Victoria provided a media release detailing some of the changes <https://www.premier.vic.gov.au/new-laws-protect-our-farmers>

Exploring perspectives



The information below will help you evaluate arguments that different stakeholders held about animal activism and its impact on Victorian agriculture. The range of evidence given by witnesses demonstrates the different views that exist in the community.

In December 2018, around 70 animal rights activists trespassed on the ‘Gippy Goat Café’, owned by John Gommans, and stole livestock. They believed that the animals were subject to mistreatment. It was the second time that an incident had taken place on his farm. Some statements below relate to this incident.

John Gommans - Owner, Gippy Goat Farm

“ Rural people now know that trespass, theft and biosecurity breaches are trivial matters not worthy of the judiciary’s time and effort. Two thousand dollars worth of livestock was stolen from us, and it still remains in the activists’ hands. Compensation was set by the magistrate at \$250 with six months to pay—to date we have not seen anything—and the biosecurity breaches were assessed at \$1. So we were devastated by those results, and to us that was the grossest failure of justice. The impact on us and our staff is difficult to quantify, but I can tell you that it is quite severe. Imagine how hard it is to tell your staff after the court hearing that no-one gives a damn about them—that what we do, our farms, our business, are of no consequence at all. ”

Mhairi Roberts - Animal Welfare Policy Manager, RSPCA Victoria

“ We believe that animal welfare improvements can be achieved through productive engagement with key stakeholders and democratic processes rather than through illegal activities. Victoria already has criminal and biosecurity laws in place that can be applied in cases where activists illegally enter farming properties. In addition, research has demonstrated that the creation of new or harsher punishments in responding to crime does not reduce offending through the mechanism of general deterrence. We are also concerned with the broader social context in which increasing levels of animal activism are occurring and how government and industry could respond to this. Community attitudes towards animal welfare and farming are changing and so too are expectations regarding appropriate standards for animal welfare. ”

Patty Mark - Founder, Animal Liberation Victoria

“ It was just such a strong feeling, and at that time I called the A Current Affair-like program—it was Hinch at Seven—and I told him. I showed him the footage and I said, ‘We’re going to very peacefully and non-violently go in there and rescue those hens’. You have to be aware this was after 15 years of meeting every responsible authority and getting nowhere. So we did that and we rescued this beautiful bird, Jackie, who was crippled, as well as 20 other hens. And Derryn Hinch ran the story nationally, and it was called ‘The dungeons of Alpine Poultry’. That was in 1993, and that was what has been called the first open rescue, which is now being practised widely on almost every continent ... I would hide the fact that I was a vegan in the early days. Now the whole world is starting to change, and it might not be so much because the animals deserve it but because we can finally see we need to do this if we are going to survive. So it is going to happen. But, yes, please start that. An office of animal welfare? Yes. CCTV cameras? Yes. But we need to keep going further, because animals are individuals. They are citizens just like we are; they just happen to have different forms. ”

Chris Delforce - Executive Director, Aussie Farms

“ The only way consumers have been able to see for themselves what is actually happening in farms and slaughterhouses is with the kind of footage that activists are putting out. It should not be up to activists to do that. Nobody wants to go into these places and risk their lives, risk their freedom, to capture this footage to expose it. Nobody wants to do it. The fact is it is just the only way that consumers are able to see this for themselves ... We need to differentiate between the farm itself and the home. One is a business; one is a private residence. Activists like myself only have interest in the business and what is happening where the animals are. There are not thousands of pigs and chickens being farmed in the home. ”

David Jochinke - President, Victorian Farmer's Federation

“ Be under no doubt: family farms are our homes as well. It is our land: not just where we do it but how we do it. Our land is interconnected with who we are: into our memories, into our future and also our hopes for growing a better future for us and our families. That is why we say that a farm invasion is just the same thing as a home invasion. ”

Geoff Gooch - Farmer, Sale

“ Another thing that I believe is that a lot of the animal activism we see is not so much animal welfare concerns, but what they are trying to do is destroy an industry. Even in situations like we had with the Gippy Goat, where there was absolute 100 per cent transparency, they still closed the business down and said, ‘We want transparency’. Well, you have given them transparency and they abuse it. ”

Simon Ramsay - Food and Fibre Producer, Warrnambool

“ The vegan movement is doing this by stealth under the cover of animal activists and the more righteous and idealistic political parties like Animal Justice, who have the same agendas but who use political lobbying tools rather than activism tools, which have more traction with the policy setting of the Victorian government, which we are currently seeing at the moment. And I am here to say enough is enough. ”

Australian Food Sovereignty Alliance

“ “AFSA appreciates that throughout history civil disobedience has been a key catalyst to change for the greater good. Where animal welfare is compromised at particular farms, abattoirs and intensive animal production sites then without whistleblowing from concerned members of the public or news reporting by credible journalists, such offences could go unpunished.” ”

Forming your response and recommendations

Questions and considerations

- What are the different arguments presented in the evidence?
Consider, for instance, social, economic, environmental, geographical, or any other relevant perspectives.

After consider the arguments below...

- Are there some arguments that seem more influential or important? Why?
- Are there any additional arguments and perspectives that you would include?
If so, what might they be?
- Assign a number to each statement from 1-11 and place them on a continuum from most about the rights of the farmers to most about animal rights. Are there any that you would place in the middle and would these be the best solution? Why/why not?
- Are there any conditions that you would consider open rescue of animals on private farming land justified? Explain your response.
- Based on the perspectives presented, what recommendations would you make to parliament?
Consider the range of rights, such as people's rights to employment and safety, as well as animal welfare rights and any penalties for farmers and/or activists.

Arguments

Penalties for trespassing and endangering people and animals are not strong enough.

Whistleblowing (raising concerns or alarm about animal activism) is important

Activism is not the same as lobbying

Animal activism does not equal animal welfare.

Farms, not just the house, are people's homes

Obtaining covert footage provides useful evidence against farmers

Animals should have rights

Open rescue is a useful tool

Advocacy is best as it reflects community attitudes which are changing

Harsher penalties not necessarily the answer

The ends justifies the means

Evaluating the committee process

The committee inquiry into lowering the driving age did not result in immediate reforms to the law, and there were no bills to lower the driving age introduced in the following 59th Parliament.

- What is the purpose of the committee process?
- Why do you think the government decided that it was not appropriate to leave the courts to make a decision about whether a “public interest exemption” applies?
- Given the range of evidence gathered, the committee findings and recommendations, what additional laws would you recommend parliament pass?
- What are the characteristics of a successful committee process? Do these characteristics apply to this case study?
- What recommendations, and why, would you make to the parliament, to make the committee process more effective?