

## **Submission for the Inquiry into the impact of animal rights activism on Victorian agriculture**

The systematic cruelty to animals on Australian farms has not only become a talking point in most households and work places, but is a massive social justice issue confronting many people. More and more Australians are becoming aware of how our farm animals are mistreated and the lack of adequate protection afforded them by current legislation.

Animal agriculture is becoming a struggling industry for many reasons. These reasons include conditions attributed to climate change, such as drought, floods, storms, temperature extremes etc. Another reason is the growing number of people turning away from animal products for health reasons, environmental reasons, or animal cruelty reasons. Veganism is the fastest growing social movement in the world at the moment.

In recent times, whistle blowers (both animal rescuers and workers from within the industry) have provided irrefutable evidence of animal abuse and mistreatment on farms, during transportation and in processing plants (abattoirs). Organisations such as Animals Australia and Aussie Farms have provided similar evidence. It seems unfortunate that the industry itself appears to do very little in the way of addressing these issues and is more often seen to attempt to cover up or keep secret such activities.

### **The type and prevalence of unauthorised activity on Victorian farms and related industries, and the application of existing legislation.**

The great majority of unauthorised activity directed at farms, transport and processing plants, is primarily peaceful protests conducted in front of such premises. These activities are designed to bring public awareness to the cruelty associated with animal agriculture. They generally involve displaying posters and placards explaining their purpose and sometimes include photographic evidence of cruelty and mistreatment of animals within the particular premises or activity.

The photographs and graphic images of systemic cruelty shown in these demonstrations need to be obtained somehow. These are usually provided by whistle blowers from within the industry, animal activists entering the premises in order to gather evidence, or animal welfare organisations doing the same thing. These activities sometimes include the installation of cameras to collect evidence of systemic cruelty. These evidence gatherers never enter the private dwelling of farmers or in any way threaten or assault farmers, their families or their workers. Nor do they cause any damage to property or equipment. Their only purpose is the gathering of evidence.

Current legislation is more than adequate to deal with such offending.

### **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.**

Having travelled extensively overseas and having close friendships with people from all over the world, I can say categorically that our animal farming '**international reputation**' is already in the gutter. This is due to the media coverage of animal cruelty on farms with the evidence provided by whistle blowers, animal welfare organisations and activists. So many documentaries have been produced showing our appalling treatment of animals. This

combined with obvious Government (Federal and States) protection for farmers and abattoirs.

**Workplace Health and Safety**, as far as I am aware, has never been impacted by any protest, whistle blower, organisation or activist. In fact, these activities have probably led to better and safer conditions in the work place as farmers and processing operators are being held to account to a far higher level than ever before.

**Animal Activists' Compliance with the Livestock Disease Control Act 1994, Livestock Management Act 2010, and the Prevention of Cruelty to Animals Act 1986;**

As is the case with most Acts of Parliament, these documents are convoluted and difficult to understand and the average person in the street could not really be expected to have a full understanding of them. And I am certainly not going to study 3 Acts of Parliament in order to provide my submission. Instead, I shall convey a laymen's understanding of the essence of these acts.

Disease control on Victorian farms is an interesting subject. In my experience, the only time farmers are concerned about disease control is when someone is highlighting an issue with the way they treat their animals. I have spent a considerable time working on farms and have relatives and friends who own farms, and I am yet to see a single farmer wearing suitable protective clothing or use any equipment to protect against any disease risk. I have, however, noticed that every photograph I have ever seen of activists on farms or in abattoirs, the activists were the only ones in the photographs with appropriate protective clothing.

The Prevention of Cruelty to Animals Act and the Transport Management Act set standards and guidelines for dealing with commercial livestock. The Prevention of Cruelty to Animal Act treats domestic and farm animals differently and the RSPCA has a memorandum of understanding with the Dept. of Agriculture, that they only deal with domestic animals and farm animals are handled by the department.

Hopefully, one day, these Acts will treat all sentient beings with the same compassion as most of us treat our pets.

**The civil or criminal liability of individuals and organisations who promote or organise participation in unauthorised animal activism activities.**

This 'term of reference', as it reads, appears to me to be a little bias in itself. It does not appear to be searching for truth but rather, implying a wrongful act is being committed. Civil Liability, Criminal Liability and Activism are all interesting terms. Let us examine them individually.

- Activism – the policy or action of using vigorous campaigning to bring about political or social change.  
As stated by the definition above, activism consists of efforts to promote, impede, direct, or intervene in social, political, economic, or environmental reform with the desire to make changes in society. History is littered with examples of activists bringing about positive change by protesting in many different ways – often illegal at the time.

Over the last few weeks we have witnessed millions of people, known as the Umbrella Movement, protesting in Hong Kong (illegally) to prevent the return of Chinese communist domination. Thousands arrested and many more injured. Greta Thunberg, a young school girl from Sweden organising school children all over the world to protest Government inaction on climate change.

We have seen the people of Melbourne come out in great numbers to protest against violence toward women.

When we think about the legality of activists we need to remember that Slavery was once legal; Homosexuality was once illegal; what Hitler did in Europe was (as far as the German people were concerned) was legal; Apartheid sanctioned racial segregation and discrimination against non-whites and was legal. Other famous protests include The Boston Tea Party in 1773, Martin Luther King's March on Washington in 1963, Women's Suffrage Parade in 1913, The Monday Demonstrations from 1982 – 1989 that brought down the Berlin Wall, Gandhi's Salt March in 1930 to free India from the oppressive control of the British Empire, Gay and Lesbian Marches all over the world. All of these protests by these 'activists' were illegal.

We are forever indebted to activists for the courage and tenacity they demonstrate to bring an end to immoral and unjust activities in spite of current laws.

- Civil Liability – a requirement to compensate another because of injury to his/her person or property.

As stated by this definition, there needs to be an injury caused to a person or damage done to property. The offending person is then required by law to compensate to injured person or property owner. I am not personally aware of any person ever being injured or any property being damaged by animal activists. If it were ever to occur then the current laws are already in place to deal with such offending.

- Criminal liability – the liability that arises out of breaking a law or committing a criminal act.

In relation to this definition, we need to understand that 'Strict Liability' does not apply to the types of offences that could be committed by protesters/activists. Strict Liability does not require *mens rea* (guilty mind) and is usually applied to OH&S responsibilities or other similar regulatory acts.

With Criminal Liability it is necessary for the prosecution to prove *mens rae* (guilty mind). This means there must be an intention or knowledge of wrongdoing that constitutes part of a crime, as opposed to the action or conduct of the accused.

With this in mind, we can see the difference between the authority (police etc.) upholding the law and the protesters/activists committing the offence. As with all the earlier mentioned protests that have shaped this world, the protesters were of the belief that what they were doing was just and necessary in order to right a wrong. I believe, in the future, animal activists will be seen in the same light as women's rights activists, gay rights activists, anti-apartheid activists and so on.

The criminal and civil laws already available to any injured party as a result of a protest action is more than sufficient. Authorities are empowered to take appropriate action and the courts are capable of dealing with any persons found offending. It seems a shame however, that other sentient beings (farm animals) are not afforded the same protection.

### **Analysis of incidences and responses of other jurisdictions in Australia and internationally.**

I am not aware of any incidences or responses of other jurisdictions.

**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.**

I would suggest that there is little requirement for any further protections for farmer's privacy and business. But more pertinently, some transparency could be encouraged in the industry. The current laws provide adequate protection and there is little or no evidence of any risk to them from protesters, activists, or animal welfare organisations.

In relation to the integrity of our biosecurity, standards are not met by the industry itself. Again there is no evidence, I am aware of, that any action by animal activists ever put biosecurity at risk.

As far as where animal welfare outcomes are concerned, we do need to tighten up laws to protect animals against cruelty and mistreatment at the hands of farmers, transporters and process workers.

I would highly recommend that CCTV cameras be mandatory in all areas where animals are raised, housed, fed, transported, and killed. Heavy penalties should be given to those who fail to comply with installing the cameras and also to those caught abusing animals. The installation of these cameras would greatly improve the welfare of our farmed animals.

With climate change a major risk to human survival, in fact it is a major risk for the survival of all life on this planet, I would also recommend that Government assist meat and dairy farmers to transition to plant based farming. This will greatly reduce greenhouse gas emission and protect our biodiversity.

**Conclusion**

In conclusion, I would like to highlight the risks to our biodiversity.

The State of the Environment Report (SoE) 2011. This report demonstrates that Australia's biodiversity is under increased threat and has continued to decline. A new UN environmental report known as the Global Assessment Report on Biodiversity and Ecosystem Services was released by IPBES , a UN organisation with over 100 member countries. This report found that animal agriculture is the primary cause of deterioration. This report also found that

- Livestock production (grazing and feedstock) is the single largest driver of habitat loss.
- Grazing areas for cattle account for about 25% of the world's ice-free land.
- Animal agriculture contributes to at least 18% of global greenhouse gas emissions.
- Livestock production uses a large portion of fresh water resources.
- One third of the world's crops are used to feed livestock.
- Animal-based foods, especially beef, require more water and energy than plant-based foods. This means more greenhouse gas emissions and less water in drought affected areas.

- The meat and dairy industries use 83% of farmland but contribute only 18% of food calories.
- Farmed animals now account for over 90% of all large land animals.
- Producing protein via farmed animals is a very wasteful use of resources. It can take from 10kg to 100kg of plant foods to produce just 1kg of animal product.
- The demand for grain-fed meat is one of the main drivers of global biodiversity loss.

The report states that animal agriculture is primary cause of biodiversity loss. It also states that animal agriculture is the easiest to reduce, because most animal products can be replaced by plant products with a much lower environmental footprint.

Stephen Brand