

To the parliamentary committee,

Please accept my submission in response to the invitation by the committee to address the issues identified in the inquiry into the Impact of Animal Rights Activism on Victorian Agriculture.

Animal welfare within the agricultural industry is an important issue to many Australians. In a recent government report- Australia's shifting mindset on farm animal welfare commissioned by the Federal Department of Agriculture <https://www.agriculture.gov.au> it was revealed that 95% of respondents of a survey conducted by Future Eye were concerned about animal welfare on farms and 91% wanted reform in the industry to address these concerns.

In this submission I propose that the current laws are sufficient to address unauthorised activity on property where animals are raised and processed, the focus of the Victorian Government needs to shift to examining the evidence brought forward by whistle-blowers and the wishes of the Australian public to address the cruel practices occurring in these facilities and bring reform and transparency into an industry that has relied on secrecy and government protection.

#### UNAUTHORISED ACTIVITY AND EXISTING LEGISLATION

Unauthorised activity has been necessary to obtain documentary evidence as shown in films such as Dominion <https://dominionmovement.com> and Lucent <https://www.aussiepigs.com/lucent> These documentaries were filmed at many different farms across Australia in order to represent standard industry practice considered humane that brought to light horrific cruelty and the realities of intensive animal farming.

All unauthorised entry by whistle-blowers in Australia to date has been confined to structures dedicated to animal use and these facilities are far from people's homes, in most cases without their knowledge. Despite the portrayal from the media of dangerous extremists threatening families there is no evidence of whistle-blowers ever invading a person's home or behaving aggressively towards any families living on a farm. Without the footage obtained by this unauthorised entry these industries would be completely unaccountable for animal welfare.

#### EXISTING LEGISLATION

There is current legislation in place with serious offences for property damage and theft that sufficiently addresses these issues. The courts decide which is the appropriate penalty to offenders this should not be decided by parliament.

The legislation that needs to be addressed is the exemption of production animals under the Prevention of Cruelty to Animals Act 1986.

## WORKPLACE HEALTH AND SAFETY-BIOSECURITY RISKS

Biosecurity risks has been used by industry as an excuse to toughen existing legislation to trespassing despite any evidence of an incident of biosecurity breach event ever happening. Most whistle-blowers when entering farming facilities are mindful of biosecurity risk and are dressed in the appropriate personal protection equipment of over suits, booties, gloves and masks where the staff and police that enter the facility do not.

Intensive farming itself brings the risk of disease, as footage by Dominion and Lucent have shown, with animals living in their own faeces will attract mice and other vermin which can spread disease as stated in <https://www.farmbiosecurity.com.au> as well as not disposing of dead pigs which is a common occurrence on pig farms. With many animals suffering wounds and untreated injuries these facilities are not adhering to biosecurity practices.

## LIVESTOCK DISEASE CONTROL ACT 1994 LIVESTOCK CONTROL ACT 2010 AND THE PREVENTION OF CRUELTY TO ANIMALS ACT 1986

As whistle-blowers have the intention of increasing welfare to animals the livestock acts appear to be inapplicable, animals that have been removed by whistle-blowers are usually in need of treatment and have been taken to safety and received veterinary care.

In the case of the Prevention to Cruelty to Animals Act 1986, livestock are not covered by this act yet if cruel, regular practices such as castration, tail docking, muzzling, beak trimming, notching, teeth clipping and ear ringing were all done without pain relief to a companion animal, these would be considered an offense, emphasising the need for reforms to this act.

## THE CIVIL OR CRIMINAL LIABILITY OF INDIVIDUALS AND ORGANISATIONS WHO PROMOTE AND ORGANISE PARTICIPATION IN UNAUTHORISED ANIMAL ACTIVIST ACTIVITY

The consequences of introducing laws such as these would remove the freedom of press to inform the public of matters that concern them and keep the industry accountable for the way they conduct their business. In the case of Australian Broadcast Corporation vs Lenah Game Meats 2001 <https://www.animallaw.info/case/australian-broadcasting-corporation-v-lenah-game-meats-pty-lty> footage of possum meat production in Tasmania was unlawfully obtained and on revelations made to Lenah Game Meats that A.B.C were planning to air the footage Lenah Game Meats attempted to seize this footage as they feared this would arouse public distress and anger thus affecting their business. The high court ruled in favour of A.B.C and the interests of the public but under new laws would journalists be charged with inciting trespass and imprisoned for bringing stories to the public to inform? Putting business interests over public right to informed media is not part of a democratic society.

In the case of Aussie Farms Repository <https://map.aussiefarms.org.au> where the addresses of farms all over Australia have been published, these are places of business and a quick google search will also publish these addresses. Publishing a business address is not an invasion of

privacy, it is a map for consumers to know exactly where their food is produced to bring more transparency to a very secretive industry. While some people also live at these addresses, as stated earlier there have never been any cases of whistle-blowers entering a person's home or threatening their families. Whistle-blowers however, are constantly violently threatened by the farming community and are fearful for their safety with very little help from police in addressing this threatening behaviour.

## INCIDENCES AND RESPONSES OF OTHER JURISDICTIONS IN AUSTRALIA AND INTERNATIONALLY

Ag-gag laws in America have been met with strong opposition and have had a low rate of passage into law. Of 20 bills proposed in 2011 only 4 have passed without any successful prosecutions in the few bills that were passed.

The first attempted prosecution in Utah 2013 was dropped due to intense public criticism and deemed unconstitutional and preventing the right to free speech

<https://www.courthousenews.com/wp-content/uploads/2019/01/iowaAgGagRuling.pdf>

Farmed animals in Australia are raised behind closed doors and without the surveillance of whistleblowers, these industries would have little regulation and consumers would be unaware of how their food is produced. Ag-gag laws prevent concerned Australians from making ethical informed decisions and allow animal cruelty to continue, favouring the profits of the agricultural industry over the wellbeing of sentient animals and the public's right to know how these animals are treated.

## RECOMMENDATIONS

In light of the failure of regulators to identify and act on animal cruelty as much of the evidence collected by whistle blowers has proven, and taking into account the Australian public's demand for improved animal welfare standards and transparency within these industries as well as farmers concern for their privacy and biohazard risks, compulsory CCTV cameras in all commercial animal facilities allowing authorities to regularly monitor these facilities would remove the need for whistle-blowers to enter these premises.

Amendments to the 1986 Prevention of Cruelty to Animals Act to include production animals would hold these facilities accountable to the way they operate their business and apply a duty of care to their animals and by prosecuting offenders would act as a deterrent and improve the welfare of animals in the agricultural industry while helping to repair Australia's reputation for poor animal welfare practices internationally.

I thank you for this opportunity to have my say on this issue.

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