

# CEALLAIGH S. MACCATH-MORAN

**July 31, 2019**

The Secretary  
Legislative Council, Economy and Infrastructure Committee  
Parliament House, Spring Street  
EAST MELBOURNE VIC 3002

Greetings Economy and Infrastructure Committee Members,

My name is Ceallaigh S. MacCath-Moran, and I am a PhD Candidate in the Folklore Department at Memorial University of Newfoundland. My research interests are in the ethical beliefs of animal rights activists, animal rights activism as political theatre, and narrative constructions of power in debates about animal rights activism. By way of full disclosure, I am also a vegan insider to the animal rights community in Canada. While my own research is here at home, your call for submissions about the impacts of animal rights activism on Victorian agriculture is of interest to me. I am writing to offer my perspective on three Terms of Reference: *a) the type and prevalence of unauthorised activity on Victorian farms and related industries, and the application of existing legislation, d) the civil or criminal liability of individuals and organisations who promote or organise participation in unauthorised animal activism activities, 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.* My comments will address these three Terms of Reference by discussing "unauthorised activity" as whistleblowing, the relationship of whistleblowing to "civil or criminal liability," and the problem of improving "protections for farmers' privacy" when the farming industry is self-regulating.

## **Unauthorised Activity as Whistleblowing**

It may be helpful to consider that many animal rights activists view intrusion into farms and related industries as a necessary component of whistleblowing about cruelty to farmed animals, which often goes undocumented without them. Likewise, they view as rescue the

subsequent removal of suffering animals from places where they have intruded. This is important because there are differences in public access to domestic companion animals versus farmed animals.

For example, in a hypothetical situation where a dog is left to suffer in a hot car, any member of the public may act as a whistleblower by photographing the incident or acting to remove the dog. In this situation, public sympathy rests with the suffering dog, public support rests with the whistleblower, and public condemnation rests with the perpetrator of cruelty. Contrast this with a hypothetical situation where a sick goat is left to suffer in a dirty enclosure. Public sympathy is nonexistent because the enclosure is on private property, and here the matter ends. Animal rights activists acting as whistleblowers create the opportunity for public discourse about the goat's suffering, their own activities on private property, and the farmer's cruelty. This benefits everyone from the goat to the legislator and encourages accountability in all parties involved.

### **The Relationship of Whistleblowing to Civil or Criminal Liability**

The Australian Securities & Investments Commission protects whistleblowers from damage to their reputations by criminalising efforts on the part of reported industries to do so. This encourages persons in positions of inferior narrative power to speak out against industries in positions of superior narrative power. A similar discursive dynamic exists between animal rights activists acting as whistleblowers and farmers seeking to obstruct this activity. This is reflected in the Terms of Reference themselves, which limit the discourses of animal rights whistleblowers while privileging the discourses of the farming industry. This is problematic because animal rights whistleblowers are endeavouring to document and report violations of existing Australian animal welfare laws and alert legislators to the need for stronger protections.

If Australian legislators respond by enacting laws that punish animal rights whistleblowers for these endeavours, they create a separate category for both the whistleblowers and existing animal welfare laws. In the first case, Australian animal rights whistleblowers with legitimate concerns about existing violations of the law are set apart from other kinds of whistleblowers and disenfranchised. In the second case, a set of existing Australian laws is undermined, and an industry engaged in documented violations of these laws is permitted to continue regulating itself. Such a move on the part of Australian legislators would also constitute a troubling use of discursive authority in the service of bias, serve to condone violations of

Australian animal welfare laws, and quash discourse about the possible need for updated animal welfare legislation.

### **The Problem of Improving Protections for Farmers' Privacy When the Farming Industry is Self-Regulating**

Ethnographic scholarship of narrative tells us that families and communities construct unreliable narratives about internal events, which may be comprised of documented facts, imperfect memories, and various attitudes about these events. Such narratives are also shaped to reflect well upon the family or community in question and change according to circumstance. This is the problem of self-regulation in any industry, as the Economy and Infrastructure Committee will already know. Industries speak well of themselves, and communities of farmers with a vested interest in protecting their livelihoods are no different in this regard. This means that narratives about animal treatment in farming will be unreliable even when the narrators themselves are well-meaning.

It should also be noted that farmers of animals possess what I would label a hegemonic discursive authority granted to them by normative animal use culture. Simply put, legislators and members of the public listen to what farmers tell them about farmed animal treatment because the profession itself is romanticized in public discourse and because animal use is viewed as normal and necessary. This is problematic in situations where farmers are both self-regulating and self-protective because it means that cases of cruelty toward farmed animals will be critically under-reported.

One way to correct this problem is to create the possibility for a common discourse about the treatment of farmed animals so that farmers, legislators, whistleblowers, and the public all have an opportunity to contribute to the conversation. This may be done through CCTV cameras in farms and abattoirs along with independent, veterinary oversight of these facilities. Various parties might interpret camera footage in accordance with their own interests, but these interpretations are preferable to reliance upon the narrativization of farmed animal treatment by one, self-interested group.

Thank you for considering my contribution to your discussion. As a non-Australian, it is a privilege to be offered such an opportunity, and I hope that I have responded to your

invitation helpfully. I wish the Economy and Infrastructure Committee all the very best in its deliberations of this important matter.

Respectfully,

**Ceallaigh S. MacCath-Moran**

PhD Candidate, Memorial University of Newfoundland