

1 August 2019

## SUBMISSION

### On the Impact of Animal Rights Activism On Victorian Agriculture

We, Carolyn Drew and Sinem Ketenci, oppose the efforts of the Animal Industry and Victorian Government to further criminalise the activists' attempts to expose unethical and cruel practices against animals in the farms for the following reasons:

1. These efforts of the Victorian Government will further protect the Animal Industry (Agribusiness) which is inherently cruel towards non-human sentient beings, we call animals.
2. These efforts will further allow the unsustainable and unethical practices of the Agribusiness that destroy our ecology, environment, and threatened species in Australia.
3. In the current legal system, the imbalance of power exists. This means that the current system favours the industry lobbyists who have the monetary and political power to influence the government. The public, unfortunately, appears not to have much say in this.
4. The recent research shows that the public has little to no trust in the regulatory system (led by the government and/or industry-led agencies) that clearly fails to address the cruel and non-sustainable practices of Agribusiness.
5. These efforts are a serious threat to free speech in Australia because it attempts to intimidate, suppress, and silence activists who expose the cruelty and practices of Agribusiness.
6. The recent studies and research have already established that the government and the industry fail to regulate the Industry practices whereby the animal welfare and anti-cruelty legislation and industry standards and regulations allow the inherent cruelty towards animals.<sup>1</sup> Animals are exempt from anti-cruelty laws.<sup>2</sup>

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<sup>1</sup> Christine Parker and Josephine de Costa, 'Misleading the Ethical Consumer: The regulation of free-range egg labelling' (2016) 39(3) *Melbourne University Law Review* 895; Peter Sankoff and Steven White (eds), *Animal Law in Australasia: A New Dialogue* (Federation Press, 2009); Deborah Cao, *Animal Law in Australia and New Zealand* (Thompson Reuters, 2010); Mark Gold, *Assault and Battery: What factory farming means for humans and animals* (Pluto Press, 1983); Rory Sullivan and Nicky Amos, 'Why business benefits from farm animal welfare' (27 May 2013) *Ethical Corporation*; Daniel Imhoff, 'Myth: Industrial Food Is Cheap – Myth: Industrial Food Is Efficient' in Daniel Imhoff (ed), *The CAFO Reader: The Tragedy of Industrial Animal Factories* (Foundation for Deep Ecology, 2010) 63-8; Peter Stevenson, 'In Defence of Factory Farming: How a ruinous system is kept afloat,' *Compassion in World Farming*; Voiceless, 'Unscrambled: The Hidden Truth Of Hen Welfare In The Australian Egg Industry' (May 2017) (Online); Voiceless, 'Cruelties In Egg Production' (2019) (Online).

<sup>2</sup> *Prevention of Cruelty to Animals Act 1986* (Vic) s 6; *Prevention of Cruelty to Animals Act 1979* (NSW) s 9(1A), s 24.

7. *Failure of Current Regulations*: State legislation aim to prohibit animal cruelty<sup>3</sup> but allow cruelty based on the following reasons:
  - a. The definition of cruelty is formulated in the meaning of ‘unnecessary’, ‘unjustified’, and ‘unreasonable’ suffering.<sup>4</sup> However, cruelty is often considered ‘necessary’, ‘justified’, and ‘reasonable’ when balanced against the perceived human benefit (industry benefit). For example, a particular taste is “considered more important than the animal’s interest to avoid pain and mutilation.”<sup>5</sup> Therefore, it is *necessary* for animals to suffer for taste.<sup>6</sup>
  - b. Production animals have property status as per the common law. The current legislation perpetuates this notion.<sup>7</sup>
  - c. The word ‘stock’ or ‘livestock’ used for production animals objectify animals as a commodity and remove their sentient status.<sup>8</sup>
8. In contrast, the European Union recognizes all animals (including farmed animals) as sentient beings.<sup>9</sup> Sentience suggests a level of conscious awareness.<sup>10</sup>
9. These efforts appear to aim to further enforce the concerning practices of Agribusiness, directly and indirectly.
10. Trespass laws already exist; therefore, the Bill is unnecessary.
11. The real issue is that these efforts attempt to hide the truth regarding Agribusiness’ practices which are not reflected in advertisements and labelling practices, misleading the consumers.

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<sup>3</sup> *Animal Care and Protection Act 2001* (Qld) s 3; *Prevention of Cruelty to Animals Act 1979* (NSW) s 3; *Animal Welfare Act 2002* (WA) s 3; *Prevention of Cruelty to Animals Act 1986* (Vic) s 1; *Animal Welfare Act 1999* (NT) s 3.

<sup>4</sup> *Animal Care and Protection Act 2001* (Qld) ss 17–18; *Prevention of Cruelty to Animals Act 1979* (NSW) ss 4–7; *Animal Welfare Act 1985* (SA) s 13; *Animal Welfare Act 2002* (WA) s 19(2).

<sup>5</sup> Susan Arbon and Zach Duncalfe, Food, Animals, And The Law: Do we have a moral obligation to protect them from the suffering that the law does not? (2014) *Griffith Journal of Law & Human Dignity* 2(1) 210. See: Bob Torres, *Making A Killing: The political Economy of animal rights* (AK Press, 2007) 67.

<sup>6</sup> Harlan Miller, ‘No Escape’ in Paola Cavalieri, *Death of the Animal: A Dialogue* (Columbia University Press, 2008) 59, 69 cited in Susan Arbon and Zach Duncalfe, Food, Animals, And The Law: Do we have a moral obligation to protect them from the suffering that the law does not? (2014) *Griffith Journal of Law & Human Dignity* 2(1) 210.

<sup>7</sup> Katrina Sharman, ‘Farm Animals and Welfare Law: An Unhappy Union’ in Peter Sankoff and Steven White (eds), *Animal Law in Australasia: A New Dialogue* (Federation Press, 2009) 49; *Prevention of Cruelty to Animals Act 1979* (NSW) ss4, 9(1)(a); *Animal Welfare Act 1999* (NT) s11(3).

<sup>8</sup> *Prevention of Cruelty to Animals Act 1979* (NSW) s4(1); *Animal Care and Protection Act 2001* (Qld) s13(2)(e); *Animal Welfare Act* (SA) Sch 2; *Prevention of Cruelty to Animals Act 1986* (Vic) ss 15A(3), 24D; *Animal Welfare Act 2002* (WA) s 26; *Animal Welfare Act 1992* (ACT) s 17(4); *Animal Welfare Act 1999* (NT) s4; Gary L Francine, *Animals, Property and the Law* (Temple University Press, 1995) 17–49, 253–61.

<sup>9</sup> *Treaty on the Functioning of the European Union*, opened for signature 7 February 1992, [2009] OJ C 115/199 (entered into force 1 November 1993).

<sup>10</sup> Department of Agriculture, Fisheries and Forestry, *The Australian Animal Welfare Strategy* — Revised Edition June 2008 (Department of Agriculture, Fisheries and Forestry, 2008) 7.

12. It is a public interest concern that the current legal system punishes activists who try to expose the cruelties and atrocities behind the so-called “family farms” when they trespass with an attempt to rescue animals in horrendous conditions and expose these realities.
13. The recent studies show that many Australians do, in fact, care for farmed animals and would not allow this treatment to continue if they knew the truth in animal farming practices.<sup>11</sup>
14. Most Australian people need to know the truth in order to make informed consumer choices when buying animal products.
15. It is a public interest concern that activists are trying to be further silenced because they attempt to inform the public on these very important issues.
16. The government must make the practices of Agribusiness transparent (such as 24-hour live CCTV cameras installed to expose all processes of animal production and killings) instead of trying to silence the activists and the concerned public.
17. Protecting Agribusiness by not allowing the activists to publicize their practices is unjustified.
18. Government, farmers and industry lobby groups have claimed activists are a biosecurity threat when entering farm premises. However, the claim is stated as a fact when there has been no evidence brought to light to corroborate such a claim. Instead this claim appears to be used as a scare tactic to frighten the public into agreeing with the powers the government, farmers and industry seek. The integrity of our biosecurity system could be solved through a real independent research and not trough industry-led research.

Based on the above-mentioned reasons, we recommend that the Victorian Government work with activists rather than against activists to expose the cruelties against animals at farms that the laws do not or cannot prevent.

Kind regards,

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*The Institute for Critical Animal Studies (ICAS) is an international organization which aims animal liberation through an intersectional, transformative, holistic theory-to-action activism to dismantle all systems of oppression, in hopes for a just, equitable, inclusive, and peaceful world.*

[www.criticalanimalstudies.org](http://www.criticalanimalstudies.org)

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<sup>11</sup> Journal Articles by Christine Parker and Steven White. See: Peter Sankoff and Steven White (eds), *Animal Law in Australasia: A New Dialogue* (Federation Press, 2009); Deborah Cao, *Animal Law in Australia and New Zealand* (Thompson Reuters, 2010); Voiceless, ‘Unscrambled: The Hidden Truth Of Hen Welfare In The Australian Egg Industry’ (May 2017) (Online).