



Inquiry Name: Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture

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## **SUBMISSION CONTENT:**

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Thank you for the opportunity to provide a submission on this critical issue.

a. the type and prevalence of unauthorised activity on Victorian farms and related industries, and the application of existing legislation;

Unauthorised activity on Victorian farms is typically limited to facilities designated for animal use. These facilities are not located in close proximity to the homes of farmers and there is no evidence of whistle blowers ever entering the living areas of farmers or their families. Unauthorised activity is generally undertaken without the knowledge of farmers in order to obtain film and photographic evidence of the abhorrent conditions of the animals in these facilities. There is no evidence of whistle blowers ever posing physical threat or harm to farmers or their families. There is however evidence of farmers and other animal agricultural workers threatening the lives and safety of whistle blowers in addition to committing physical harm to these individuals, particularly females during unauthorised activity. The motivation behind unauthorised activity is to serve public interest in exposing information that is intentionally concealed from the public (consumers) who deserve the right to be able to make an informed decision when purchasing products from an industry built on violence and secrecy. A significant number of animal welfare violations have been identified exclusively as a result of the actions undertaken by whistle blowers. Animals may be rescued from facilities in the case that they require emergency veterinary assistance prior to being placed in experienced and caring homes/sanctuaries to live out their natural lifespan. In terms of prevalence, unauthorised activity is not a regular occurrence. Existing legislation is adequate in addressing unauthorised activity as there are established offences such as trespass, property damage, theft, etc. The penalties for these offences are also adequate as it is the duty of the judiciary to impose what is considered to be an appropriate penalty, not the parliament. There is however inadequate legislative provisions to address animal welfare given that 'production' animals are exempt from protections under the Prevention of Cruelty to Animals Act 1986 (POCTAA).

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;

Animal agricultural work poses physiological concerns to workplace health and safety due to consumer demand for higher volume and greater efficiency in the workplace. Company profit continuously takes precedence over the basic rights of workers (Australasian Meat Industry Employees Union). There have been instances in Australia of workers being hurt and/or killed within factory farms and abattoirs (example: Surel Sing; a contract cleaner decapitated following orders to clean a chicken line running at full volume, 2010).

Furthermore, the nature of this work requires workers to suppress empathy in order to commit unjust, abusive and/or violent industry practices on animals. This type of psychological damage is extremely dangerous with studies showing high rates of domestic violence in animal agricultural workers in addition to Post Traumatic Stress Disorder and Depression as a result of the ongoing trauma of working in an industry characterised by regular abuse of animals

([https://www.veganaustralia.org.au/mental\\_distress\\_of\\_slaughterhouse\\_workers](https://www.veganaustralia.org.au/mental_distress_of_slaughterhouse_workers)). There is no evidence that unauthorised activity by whistle blowers has ever caused a biosecurity breach in Australia. The foremost risk to biosecurity is in fact intensive animal agriculture. Rigorous farming systems confine animals to stressful, space limited environments relying on the prophylactic use of antibiotics to discourage disease. Antimicrobial resistance is a global health issue and the use of antibiotics in animals is recognised as a major contributor. The spread of disease is predominantly due to the movement of pests and/or animals between facilities. In the conditions that farmed animals are confined to I have personally witnessed at multiple facilities infestations of flies, spiders, rats, maggots, birds, mosquitos, cats feeding on the decaying bodies of dead animals. Animal agricultural facilities indeed have problems with biosecurity but it is of no relevance to whistle blowers who are competent in taking appropriate biosecurity measures and utilise personal protective equipment (PPE) typically comprising of hazmat suits, gloves, booties and masks. Whistle blowers also adhere to infection control measures such as hand and footwear decontamination and are aware of the dangers in visiting multiple properties within a short period of time and thus refrain from commencing such activity.

Furthermore, the biosecurity concerns of the industry in relation to whistle blowers could be seen as disingenuous when considering the regular presence of police on farms in response to whistle blowers who enter facilities without PPE or any adherence to biosecurity protocols. In addition to this I have witnessed many farmers also lack in adherence to biosecurity protocols.

c. animal activists' compliance with the Livestock Disease Control Act 1994, Livestock Management Act 2010, and the Prevention of Cruelty to Animals Act 1986;

The relevance of these two Livestock Acts to whistle blowers is questionable. The Livestock Management Act 2010 appears to have little relevance to whistle blowers. Section 50 may be applicable – Offence to endanger people or animals or risk disease. This section applies to people who engage in regulated livestock management activity. It is not clear if whistle blowers would be captured under this provision. Sections 9A and 9B of the Livestock Disease Control Act 1994 would be applicable to whistle blowers. Section 9A(2) makes it an offence to remove identification from livestock. Section 9B requires that property where livestock are kept have a property identification code. The failure of POCTAA to provide protection for animals deemed to be 'livestock' or 'production' animals, resulting in a situation where acts, which if inflicted on a companion animal would be subject to prosecution under animal cruelty charges, are inflicted on other animals with impunity. Those acts which if inflicted on a companion animal would constitute cruelty under POCTAA include castration /tail docking/mulesing/teeth clipping/beak trimming/nose ringing/ear notching – all without pain relief. Codes of Practice for 'livestock' animals are established under POCTAA. At this stage the majority of the Codes are voluntary rather than mandatory. However, compliance with the relevant Code is a defence against prosecution under POCTAA. Each Code has a provision that

sick or injured animals must be identified and treated (this may include euthanasia). Further, under Section 9 of POCTAA it is considered an act of cruelty if a person “does or omits to do an act with the result that unreasonable pain or suffering is caused, or is likely to be caused, to an animal,” or “is the owner or the person in charge of a sick or injured animal and unreasonably fails to provide veterinary or other appropriate attention or treatment for the animal”. Whistle blowers routinely identify sick and injured (or dead) animals, despite the duty of care provisions of both the Codes and POCTAA that should protect them from such a fate. More robust legislation is required to address animal welfare.

d. the civil or criminal liability of individuals and organisations who promote or organise participation in unauthorised animal activism activities;

It is well established that a cause of action for breach of privacy does not exist in Australia. An individual’s privacy can be defended by reference to other laws such as those relating to defamation, nuisance and trespass. A general right to privacy does not exist in Australia. These matters have already been arbitrated in *Australian Broadcasting Corporation v Lenah Game Meats Pty Ltd* [2001] HCA 6315 November 2001, which is a valuable resource in considering the implementation of Ag-Gag Laws in Australia.

e. analyse the incidences and responses of other jurisdictions in Australia and internationally; and

Ag-Gag Laws have been introduced by stealth in both NSW (with amendment to the Biosecurity Act) and SA (with amendment to the Surveillance Devices Act). Attempts to introduce Ag-Gag Laws at a federal level have so far been unsuccessful. Ag-Gag Laws have been introduced into several states in the USA with many more failing to be passed. At least one state has overturned the law as it was deemed to be unconstitutional. The findings of the High Court in *Australian Broadcasting Corporation v Lenah Game Meats Pty Ltd* [2001] HCA 6315 November 2001, suggest that if Ag-Gag Laws were introduced in Australia, they would be subject to legal challenge.

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

There is a current failure of regulation to identify animal cruelty in animal use industries and the standing of Australia in regard to comparisons of other countries in animal welfare is poor. The fact that the majority of animal cruelty identified is done so by whistle blowers is reason enough not to further criminalise the actions of whistle blowers. The lack of transparency of standard animal agricultural practices resulting in the public/consumers being unable to make an informed choice when purchasing animal products. The inherent disconnect in seeking to further criminalise the actions of whistleblowers without seeking to address the animal cruelty that whistle blowers identify is heinous. Potential methods to decreasing the need for whistle bower activity may include increased animal protections under legislation, mandatory animal protection standards, an independent animal protection agency to ensure compliance with animal protection standards and CCTV cameras in animal use and related industries.

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File1:

File2:

File3: