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

The impact of undercover investigations into the treatment of animals in factory farms in Victoria appears to be minimal. In almost all cases where activists have acquired photographic or video evidence of the way animals are treated, the farmers are not even aware that they have been the subject of an investigation until after the evidence has been released. This is necessarily the case because there are already harsh penalties in place for trespass offences and breaches of the biosecurity act. It is also because the activists have more to fear from the farmers than farmers need to fear from activists.

Animal Rights Activists have several motives for acquiring evidence for the mistreatment of animals. Their primary concern is the right of animals to the five fundamental freedoms listed by the RSPCA.

- Freedom from hunger and thirst
- Freedom from discomfort
- Freedom from pain, injury or disease
- Freedom to express normal behaviour
- Freedom from fear and distress

It should be noted that food animals are exempt from the POCTA legislation that would allow the RSPCA to prosecute operators of factory farms for violating these fundamental freedoms.

A secondary reason is that they are concerned for the future and understand the impact of animal agriculture on the environment and our climate. This includes the damage to our economy and the economic opportunities for future generations. For example, the property market in Australia is expected to lose \$571 billion in value by 2030 due to climate change and extreme weather. [<https://www.climatecouncil.org.au/resources/compound-costs-how-climate-change-damages-australias-economy/>] Some scientists are now saying that climate change poses an existential threat to the survival of our species. Whether we take their warnings seriously or not, climate change presents significant risks to the viability of many of our industries.

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

Investigators/whistle-blowers are typically very selective about the farms they investigate. Their efforts are concentrated on Concentrated Animal Feeding Operations (CAFO) where it is known the likelihood of animal mistreatment is high. Their operations are generally covert and planned to minimize any disruption and chance of detection. They must operate this way because the existing

penalties for these activities are severe. In Victoria trespass is a criminal offence punishable with up to six months imprisonment. [Section 9(1)(e ) of the [Summary Offences Act 1966](#)]

Recently some activists have undertaken some types of activism designed to create more publicity around the plight of animals. This may be attributed to their frustration that, so far, the whistle-blower type of activism has had almost no impact. Imprisoning large numbers of protestors would have political implications and come at significant cost to the taxpayer. The government may consider that legislating for more transparency within the industry will reduce the risk of this type of activism in the future.

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

Any civil liability should be related to the economic damage sustained. Given the estimated economic cost of climate change and the contribution of animal agriculture to that cost it is likely that the net economic impact of animal rights activism is positive. Nevertheless, there are sometimes economic costs for companies or individuals when their cruelty to animals is exposed to the public.

Whistle-blowers and investigators should be exempted from civil liability in these cases as they are rendering assistance to animals and the community in good faith. [Wrongs and Other Acts (Public Liability Insurance Reform) Act 2002 (Vic)]

It should be considered that animal agriculture should share some of the liability for the economic damage caused by climate change, given that animal agriculture is the leading cause of it. Farmers involved in animal agriculture should be encouraged and incentivized to transition to more sustainable and ethical agricultural practices.

Instead of demanding heavier penalties for investigators and whistle-blowers, the government should legislate for greater transparency in the industry.

### **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.**

Victoria has a reputation for being the most progressive state in Australia and one of the most liveable cities in the world. [<https://www.abc.net.au/news/2017-08-16/melbourne-named-worlds-most-liveable-city-for-seventh-year/8812196>] We should enhance our reputation in the International Community by showing leadership on the issues of animal welfare and the impact of animal agriculture on our climate.

It should also be noted that working with animals poses significant risks to the health and safety of workers in this industry at all stages. The risk of physical injury to farm workers is much higher than most other occupations, owing to the resistance that animals have against being man-handled and finally slaughtered for human consumption.

Also, that there are significant mental health risks associated for workers in abattoirs, where the risk of traumatic stress disorders and depression is markedly increased. We also note the increased risk of domestic violence in those families where members are employed in killing animals.

[\[https://www.ncbi.nlm.nih.gov/pubmed/28506017\]](https://www.ncbi.nlm.nih.gov/pubmed/28506017)

[\[https://www.animalsaustralia.org/issues/slaughterhouse-cruelty-human-factor.php\]](https://www.animalsaustralia.org/issues/slaughterhouse-cruelty-human-factor.php)

### **Compliance with disease control and the Prevention of Cruelty to Animals Act (POCTA).**

Animal Agriculture presents a significant biosecurity threat to Australia due to the extensive use of antibiotics that is standard industry practice. It is estimated that more than 80% of all antibiotics used in Australia are used in animal agriculture. The use of antibiotics is required because the conditions animals are kept in leaves them prone to infection and the scale of this practice significantly contributes to the problem of bacterial resistance to antibiotics. There are already superbugs in our hospitals resistant to all known antibiotics.

[\[https://www.grain.org/en/article/6240-the-rise-of-the-superbugs-and-why-industrial-farming-is-to-blame\]](https://www.grain.org/en/article/6240-the-rise-of-the-superbugs-and-why-industrial-farming-is-to-blame)

[\[https://www.scientificamerican.com/article/how-drug-resistant-bacteria-travel-from-the-farm-to-your-table/\]](https://www.scientificamerican.com/article/how-drug-resistant-bacteria-travel-from-the-farm-to-your-table/)

Keeping animals in concentrated numbers in confined spaces creates a breeding ground for diseases which then sometimes adapt themselves to jump species, creating the risk of epidemics within human populations. There are many examples of this, including SARS, H1N1 (swine flu) and bird flu.

### **Health and Safety, costs to farms economy and reputation.**

The reputation of factory farming is appalling, so much so that the only way the industry continues to operate is by flying under the radar of consumer interest. Investigators are undeterred by the existing severe penalties and increasing the penalties is unlikely to stem the flow of the cases of animal cruelty they uncover. Each time they discover these cases the damage to our reputation is increased. It is time we legislated for transparency in this industry to protect our reputation as a humane and just society.

Working with animals poses significant health and safety risks due to fact that animals have their own inclinations and desires which causes them to resist their treatment at the hands of farmers and workers in the industry.

### **Types and prevalence of un-authorized activity and application of existing legislation.**

The types of activity are already covered by existing legislation. The most common type of activity is covert investigation in to the systemic abuse of animals in Concentrated Animal Feeding Operations. This type of activity has been underway for many years and has caused almost no disruption to the

industry. Because there is almost zero coverage by the media of these investigations some activists have begun a more aggressive style of activism characterised by civil disobedience and the occupation of facilities by large numbers of protesters. It should be noted that the facilities targeted are ones where covert investigation have discovered serious cases of animal abuse.

Prosecuting and imprisoning the large numbers of activists involved in such operations will have severe political costs as well as incurring unreasonable cost to the taxpayers. To avoid this the government should resist pressure from the industry to punish the activists and consider serious industry reforms such as mandatory public CCTV recording for all Concentrated Animal Feeding Operations.

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

The animal agriculture industry has powerful lobby groups and very deep pockets. With their influence they have successfully lobbied in other countries and other states for draconian laws to limit the freedom of activists and whistle-blowers to call out cases of abuse. It is particularly concerning that the scope of these laws is not limited to animal rights activism but often applies to other types of protest, including demonstrators against coal mining and protests for the protection of endangered species. The effect of such legislation is to silence legitimate dissent within the community and turn a free and open society in to a state where people are afraid to speak out.

### **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.**

The Victorian Government could improve farmers privacy by legislating that investigators are not allowed to approach within 30 metres of farmers private residence. Farmers should have an assurance that investigators and whistle-blowers are not interested in intruding in their private lives and pose no threat to them or their family.

Most activists understand that farmers are just business people who comply with existing laws applicable to the treatment of animals. They are calling attention to the fact that these laws do not protect animals from cruelty and that the reason farmers have an economic incentive to mistreat animals is because of consumer demand for their products. Accordingly, their main motivation is to acquire the evidence to present consumers with the truth about how animals must be treated to satisfy the demand.

The biosecurity of our country can be improved by educating the public on the risks involved in animal agriculture and by providing incentives for farmers to move away from the forms of agriculture that create the risk.

### **Conclusion**

Animal Agriculture in Victoria is creating significant biosecurity and environmental risks for Australia. Our appetite for its products also creates significant health costs which damage our productivity. In Australia at least 1/3 people will die of illnesses related to their overconsumption of animal products. These risks are unnecessary and in the long term will be impossible to mitigate. Eventually the damage it causes to the climate will increasingly impact not only the industry of animal agriculture but all our other industries as well. We would do well to begin educating the public about the real cost of animal agriculture and begin to transition away from this unsustainable and unethical industry sooner rather than later.