

To the Secretary
Legislative Council, Economy and Infrastructure Committee
Parliament House, Spring Street
East Melbourne
Vic
3002

2nd August 2019

Submission to the –

Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture

To whom it may concern,

I submit the following responses to each term of reference (TOR)

TOR 1

“Consider the type and prevalence of unauthorised activity on Victorian farms and related industries, and the application of existing legislation”

Before the committee of enquiry hands down recommendations as to what penalties the Victorian courts should impose on people whose protests and acts of civil disobedience propels them onto farms I ask that the committee consider the full range of illegal activity that occurs in these isolated rural locations.

I know of no situation where a farm employee has been assaulted by an animal rights activist. It is my understanding that animal activists are motivated by ~

- 1) A desire to record the unnecessary suffering of animals so that the relevant authorities can take action
- 2) A desire to “bear witness” to the suffering where it exists
- 3) A sense of responsibility to help animals with extreme injuries such as animals who cannot walk because they have untreated broken bones. I have seen media reports where animals have been seized by activists and taken to vets who then humanely and promptly euthanize the bird or animal.

Where activists trespass, seize a suffering animal/bird, and go on to deliver it quickly to veterinary assistance, surely this crime of trespass, while not condoned, should be considered a crime of mercy.

The subsequent penalty in that situation should be commensurate with other crimes of mercy.

I do NOT support the introduction of mandatory sentences in response to criminal behavior associated with trespass as I believe the state/ health of the animals being visited and documented and seized may well be a mitigating factor as should rightly be determined by a judge.

TOR 2

“Consider 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.”

In my view it is not appropriate that those practicing civil disobedience by trespassing on a farm are called “terrorists”.

As far as I can gather these individuals are breaking the law in a manner that is in no way intending to cause physical harm to farm employees or their animal charges.

Unlike other criminals these activists do not carry guns or hunting knives. Unlike hunters out spotlighting for prey activist trespassers have been filmed wearing Tyvek personal protection overalls to protect the farm from biosecurity risks.

I ask - What evidence is there that any one of these activists has in the course of their crimes, assaulted or injured a farm employee or resident on the properties concerned?

What actual evidence is there that animal activism is an economic threat to Victoria’s economy?

In terms of Victoria’s international reputation we risk far more damage by introducing steep fines and prison terms for crimes that in other civilized democracies would be considered misdemeanors.

Two examples in point –

- 1) Australia’s reputation is being damaged by the incarceration of indigenous people for the non-payment of fines
- 2) Australia’s reputation is being damaged by the arresting of professional journalists and cameramen documenting protests against the proposed Adani mine in Qld.

Should Victorian courts start handing down terms of imprisonment to animal activists who are conducting peaceful civil disobedience damage to our international reputation will occur. In that situation the Victorian government will be contributing to the erosion of democratic freedoms in Australia.

TOR 4

“Consider the civil or criminal liability of individuals and organizations who promote or organize participation in unauthorized animal activism activities”

I support protections for any journalists (both paid and unpaid) who incorporate photographs or video footage of animals suffering on farms, transport vehicles and at abattoirs in Victoria, into their reportage. Some may provide links to this footage on their websites as it is in the public’s interest to know how domesticated animals are treated in Victoria.

Note –journalism is undergoing seismic changes. The way I myself, acquire current affairs information is many and varied; I read print newspapers, I visit websites and I follow credible commentators on social media. If we are to strive to live in a robust and open democracy we should be able to accommodate all sorts of factual information and the many different means for delivering it. Transparency is more than important, it is essential, even a controversial website like aussiefarms.com contributes to a more transparent society.

In legal terms “unauthorized animal activism activities” needs clear definition.

- Who is the person who authorizes or forbids an activity?
- Which activities are you specifying?

For example would a persistent protester holding up an image of animal cruelty outside a place of business – for example a grocery store be permitted? Would this person face a steep penalty under any proposed new laws?

TOR 5

“Analyse the incidences and responses of other jurisdictions in Australia and internationally”

I ask that we do NOT aspire to emulate the extreme penalties issued in response to activism by several states in the USA. We will pay a steep price as a society if we go down that road. Incarcerating non-violent protesters is a gross waste of state funds.

Victoria already has a backlog of people waiting for their court sentences to be handed down. Approximately a third of people in incarceration in Victoria are on remand.

This is compromising our ability to deliver justice in a timely way to people who have been arrested and charged. The last thing we need in Victoria is a new cohort of protesters and practitioners of civil disobedience clogging up our courts and gaols.

Far better to invest government funds in remedying the animal welfare problems that clearly exist within intensive farming systems.

TOR 6

“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”

I would support mandatory CCTV in all factory farms and abattoirs.

I would support mandatory TAFE training certification for those who work in industries involving the intensive farming of animals. For example a certificate 3 level comparable to those who work with vulnerable people such as children or the elderly.

Mandatory CCTV would also be useful in identifying biosecurity breaches being perpetrated by unskilled or lax farm employees.

In terms of law reform I believe it is a consistent complaint from animal activists that they do raise concerns with authorities charged with maintaining animal welfare standards. Time after time nothing is done which demonstrates we need funds invested in training and employing greater numbers of personnel who can inspect the conditions on farms and abattoirs with authority.

Individuals who are found to have caused unnecessary and cruel suffering to domesticated animals should face penalties that involve substantial fines and more importantly - a provision that prohibits that individual from owning animals or working on premises where animals are housed. It would be similar to the way certain individuals are prevented from acquiring a working with children check.

The best protection of the livelihoods of farmers is any measure which will safeguard the animals from suffering and cruelty.

The public does not needed to be safeguarded from information. It is the domesticated animals that are at our collective mercy who need to be treated with respect and care that require our protection.

Sincerely,

Luke Davies

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