

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

Pigs have been deemed the fifth most intelligent animal in the world - above our domesticated dogs, with an ability to learn faster than dogs and primates, and studies have shown that they are able to outperform 3-year-old human children on cognition tests. However, due to the Agricultural Industry 'Codes of Practice', farm animals such as our pigs are exempt from laws that protect our domestic animals. There is no logical justification for this distinction between farm animal and domesticated animal, bar that of maintaining profitability of animal industries.

Due to these 'Codes of Practice', it is both legal and common practice for farms to:

- Slice the tails and teeth of off piglets without the provision of pain relief
- Confine pregnant pigs to crates that are barely bigger than their bodies for the duration of their gestation
- Confine laying hens in battery cages that prevent them from stretching their wings for the duration of their life
- Breed 'meat chickens' to develop at a rate that is too fast for their legs to be able to maintain their bodyweight
- "Dispatch" of Bobby Calf's by hitting them on the head with a blunt object or crushing their chest cavity
- Kill one day old male chickens by grinding them up alive due to their inability to produce eggs

Unfortunately, neither the industry nor the government have taken it upon themselves to increase the lack of industry standards protecting these animals, and the responsibility to prevent this systematic cruelty has instead fallen on whistle-blowers, animal rescuers and ex workers from within the animal agriculture industry who were unable to continue supporting these cruel practices. Public awareness of these issues needs to be raised in order to promote positive change, and thus entry to these facilities is necessary to obtain evidence of these practices.

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

Due to the media sensationalism, the misinformation being told to our general public has been greatly tipped in favour of our farmers, to the detriment of animal rescuers, and more importantly, to the detriment of our animals. Animal rescuers have unfortunately been painted in negative light by most media outlets, with scaremongering being used as a primary tactic. This can be seen by the continuous reports of farmers "fearing for their lives and families", disregarding the fact that, to the best of my knowledge, no animal rescuer has entered any private residence, or approached families and children. There has also, to the best of my knowledge, never been any reported case of willful or malicious damage by whistle-blowers, though media coverage would have it seem otherwise.

The media has also selectively targeted and misconstrued the intention of social media comments and pages created by animal rescuer by heavily publicising them under the false pretense of malicious intent, with little to no comment on those made by farmers, such as the 'Protest At A Vegan Restaurant' Facebook page being held on October 5th. Farmers have threatened animal rescuer with guns in retaliation to them gathering footage, such as James Warden in South Australia, with numerous threats from farmers being made via social media comments, as stated in the article linked below.

<https://thewest.com.au/business/agriculture/vegan-activist-in-south-west-farmer-stoush-says-death-threats-wont-deter-him-ng-b881106943z>

Although coverage of these comments was provided by The West Australian, the vast majority of coverage is still negatively targeting animal rescuers, providing a misrepresentation of events.

It is the intention of animal rescuers and whistle-blowers to enter these facilities for the purpose of gathering footage. Should the government improve the Codes of Conduct for these animals and make CCTV cameras compulsory in all animal agriculture facilities, the need for activists to enter the premises would be void.

Legislation is already in place regarding trespassing, malicious damage and theft, with animal rescuers having already been subject to repercussions from these trespassing laws in the past. It would be therefore be advantageous of the government to instead focus on the lack of adequate legislation protecting our animals by reviewing the Animal Agricultural 'Codes of Conduct', which currently fails to meet any of the RSPCA's Five Freedoms for Animals - Freedom from Hunger and Thirst, Freedom from Discomfort, Freedom from Pain and Injury, Freedom to Express Normal Behavior and Freedom from Fear and Distress.

**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.**

Footage gathered by whistle-blowers has shown that bio-security is already at risk and oftentimes disregarded by farmers and factory workers. This can be seen in the footage on Animal Australia's website (<https://www.animalsaustralia.org/features/industry-audits-failing-animals.php>) depicting battery hens in overcrowded housing and unsanitary conditions, with mounds of manure piling up in pits below cages where hens had fallen and were trying to survive. This same article also shows footage aired on Today Tonight of South Australian slaughterhouse workers being warned of an upcoming quarantine audit, while smoking drugs in the facility. This is only two examples of footage gathered by whistle-blowers, constituting violations by farmers and factory employees to the regulations in place in these facilities, oftentimes those of biosecurity.

In contrast, footage of whistle-blowers inside these facilities shows them wearing full personal protective clothing and striving to abide by bio-security regulations. However, selective representation has again played a role in exaggerating a risk to bio-security in these facilities due to whistle-blowers, while ignoring the prevalent disregard of bio-security regulations from farmers happening daily. If it were not for whistle-blowers gathering and distributing this footage, the bio-security risk due unsanitary housing and disregard for regulation by farmers may not have been brought to public and government awareness.

Even after being brought to light, a second complaint in fourteen months was brought to authorities by Animal Australia investigators regarding overcrowding and other regulation breaches in the same cage egg facility mentioned above, highlighting an alarming failure of the industries audit system.

It interests me that the risk to bio-security has been so heavily inflated in a circumstance where there has been no reported issue to farmers from animal rescuer breaching bio-security regulation, while previous cases of bio-security risks by the industry itself was met with minimal response and no ongoing investigation. Until stricter monitoring of this industry and transparency of facilities is put into place, the argument of bio-security risks from animal rescuer is fundamentally flawed.

In 2019, the federal Department of Agriculture and Water Resources commissioned a report titled Australia's Shifting Mindset on Animal Welfare. This report found that 95% of participants were concerned with farm animal welfare, and 91% of respondents wanted a reform to address this. With the majority of Australian's showing both concern for animal welfare and a desire for reform to address these concerns, the lack of action on the governments behalf to improve the welfare standard for these animals has the potential to negatively impact the reputation they hold with the Victorian and Australian people.

By actively working towards legislation that categorises farm animals under the Prevention of Cruelty to Animals Act 1986, we can address the growing concern amongst the Australian people of whom the government is here to serve, as well as positively increasing our international reputation through our willingness to listen to the needs of our country's people and actively lead the way for animal welfare in Animal Agriculture industries.

A 2019 report titled "Reducing food's environmental impact through producers and consumers" (<https://josephpoore.com/Science%20360%206392%20987%20-%20Accepted%20Manuscript.pdf>) concluded that the most unsustainable products are those from Animal Agriculture, such as meat and dairy. It was also estimated by Adelaide University Professor of Climate Change, Barry Brook, that raising animals for human consumption is responsible for half of Australia's short-term global warming gases - more than the coal industry. With this information, along with numerous other studies that support the negative environmental impact of the Animal Agriculture Industry, it is clear that the biggest threat to the Victorian economy is not that of whistle-blowers, but instead of the Agricultural Industry itself. Farmers around Australia are currently being heavily impacted by droughts, floods, fires and other elements that can be directly correlated with the negative impacts of global warming. Therefore, in order to maintain a viable Victorian economy, we need to take immediate action towards addressing this threat. This is a major concern of whistle-blowers and animal rescuers who are not only capturing footage to improve the welfare standards for these animals, but are also actively raising awareness and working towards more sustainable practices for our planet, without which we have no economy.

### **Animal Activists' Compliance with the Livestock Disease Control Act 1994, Livestock Management Act 2010, and the Prevention of Cruelty to Animals Act 1986;**

Government legislation currently denies farm animals the same legal protection as our domesticated animals, of which are protected under the Prevention of Cruelty to Animals Act 1986. I find it interesting that the government is calling into question the compliance of animal rescuers to this act, given that they are simultaneously denying these same animals that level of protection from the agriculture industry itself. Animal rescuers' intentions are to gather footage in order to raise public awareness and to assist officials in bridging the current gap that is allowing farm animals to be subject to treatment that would be otherwise illegal, should those responsible be held accountable to actual animal cruelty laws. Should an animal from one of these facilities be with an animal rescuer, every effort to increase its standards of care from that of the Animal Agriculture's 'Code of Conduct' to that of the Prevention of Cruelty to Animals Act 1986 would be made, as this increase in welfare standards is a primary goal for rescuers.

It is my understanding that the purpose of the Livestock Disease Control Act 1994 is to manage, prevent, control and compensate for losses caused by livestock disease, while the Livestock Management Act 2010 is in place to regulate livestock management in Victoria. I do not have an extensive understanding of these acts. However, I do have first hand experience of these facilities, having grown up in a small town dominated by dairy farming, with an ex farmer for a step father. I have never seen a farmer in my area wearing personal protective clothing, and most would have as little knowledge of the above acts as the rest of the general public. Though I cannot speak for the compliance of whistle-blowers with these above acts, I can state that it is my experience that the farmers and workers of these facilities tend only to be concerned with disease control when the treatment of their animals comes into question, as it is now.

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

To the best of my knowledge, no individual or organisation who promotes or organises participation in unauthorised animal activism activities has caused injury to person or property requiring compensation, and thus the mention of civil liability in this circumstance seems void. Should this occur, there are current laws in place to appropriately address this.

Regarding criminal liability, success in some of the biggest social justice movements across our history, including women's rights, the LGBTQI+ movement and the civil rights movement, has been achieved through activism in the form of protesting - of which is oftentimes illegal. Without these movements, positive political and social change may not have been achieved. The acts of individuals and organisations promoting animal activism activities is a form of protest, with the intention of bringing positive change to the farm animals in our society.

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

I am unaware of any incidences and reposes of other jurisdictions in Australia or internationally.

**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**

If there were adequate legislation in place to protect our farm animals from suffering from acts that would be deemed punishable by law were it to be done to our domesticated animals, the need for whistle-blowers and animal rescuer to enter these premises would be greatly diminished. This act alone would reduce risk to biosecurity, business and farmer' privacy, while simultaneously increasing animal welfare outcomes.

The implementation of legislation that prevents whistle-blowers from being able to obtain evidence of acts of cruelty in the Animal Agriculture Industry will not be able to achieve better animal welfare outcomes, as the lack of animal welfare is directly correlated with lack of protective legislation for these animals. With this in mind, should it not be a primary focus of our government to address the inadequate protection laws for our farm animals, as opposed to reducing the ability of whistle-blowers to capture footage and bring awareness to the general public?

Footage gathered from animal rescuers, such as that in the documentary Dominion, has shown animals being subject to both legal and illegal acts causing pain and suffering on a large number of occasions. If legislation to prevent animal rescuers from gaining such footage and raising public awareness is going to be instilled, it is imperative that alternative measures are also put into place to ensure that transparency in this industry is achieved, such as compulsory CCTV cameras in all animal agriculture facilities, as well as better legislation to protect our animals.

**Conclusion**

Currently, the legislation surrounding the animal agriculture industry allows the industry to generate a profit from these animals at the detriment to their welfare. I work as a veterinary nurse, and grew up in a small town primarily dominated by dairy farming, with an ex farmer for a step-father. I have witnessed first hand, on countless occasions, the pain and suffering that these animals are subject too due to the lack of transparency and protective laws for the animals in this industry. Few people in the community are aware that the animals raised for food are denied the same legal protection of their beloved dogs and cats, and as this awareness is spread, so too will the societal pressure to have these laws amended in order respect that basic rights of these sentient animals. The impact that animal rights activism will have on Victorian agriculture is one of positive change for the welfare of the animals in this industry, and I sincerely hope that the government is willing to step up and support the people, and the animals, in this movement.

Thank you for your time,

Serena Urquhart