

**Submission to  
Legislative Council Economy and Infrastructure Committee  
Re-Impact of Animal Rights Activism on Victorian Agriculture**

**Preamble**

This submission has been prepared by Edgar’s Mission Farm Sanctuary on behalf of the organisation and our 350,000 plus supporters in response to the Legislative Council Economy and Infrastructure Committee re-Impact of Animal Rights Activism on Victorian Agriculture. Edgar’s Mission is a world-renowned not-for-profit organisation dedicated to the protection of farmed animals. Our sanctuary, based in Lancefield, Victoria, currently offers refuge to just over 500 orphaned, abandoned, abused or surrendered farmed animals. Since inception in 2003, Edgar’s Mission has provided sanctuary and hope to approximately 5,000 rescued farmed animals. Many of these animals have come into our care via council pounds or have been surrendered directly to Edgar’s Mission by farmers or hobby farmers.

Edgar’s Mission acknowledges that one of the most important purposes of legislation is to provide Government with a means to reflect the will of the people, providing society with a sense of order through detailing rights, responsibilities and duties to individuals, companies, organisations and authorities and offering safeguards and protection to all society members - human, nonhuman as well as the environment. Legislation is not static, being reflective of public thought and as such is ever-evolving. Therefore, it is subject to change, review, and even interpretation.

**Current legislation**

Edgar’s Mission acknowledges that existing state legislation is in place for trespass (Summary Offences Act 1966), theft and inciting others to break the law (Crimes Act 1958), as well as the Federal Biosecurity Act of 2015. Whilst there are current laws that exist to protect animals from acts of cruelty, neglect and harm (Prevention of Cruelty to Animals Act 1986), these are left wanting, inadequate or non-existent when it comes to the animals who are farmed for food and fibre. Furthermore, those laws that do exist, for farmed animals are often poorly enforced or not enforced at all. In addition, Edgar’s Mission notes that this bill diverts much-needed attention away from the most serious issue of breaches of animal protection laws and the failure to have in effect meaningful laws to prevent animal cruelty, neglect and suffering. It is these laws that should be addressed, amended, updated and made fully enforceable.

**Animal loving nation**

Australian has been identified as an animal loving nation. Australians showering billions of dollars each year on the animals who share our hearts and homes (Animal Medicines Australia 2016), yet what few Australians are aware of is that the largest number of animals in human care, farmed animals, are denied the same protection as domestic animals by way of Codes of Practice. It has been found that of a sample of 1521 Australian adults 95% were concerned about farmed animal welfare with 91% wanting Government reform to address this. The same report commissioned by the Federal Department of Agriculture and Resources also stated the department “currently has very limited powers over farm animal welfare” (Futureye 2019).

**Historical practice**

Policing for farmed animal cruelty complaints has fallen to Agriculture Victoria with the RSPCA handling matters involving fewer than 10 animals. It has been the experience of Edgar’s Mission, others in the farmed animal protection movement and members of the general public that action for farmed animals has been slow, if not non-existent. Since 2003, as our organisation has grown, Edgar’s Mission has been increasingly turned to for assistance in matters of farmed animal cruelty and neglect matters, with members of the public often citing they have contacted the responsible authorities, and nothing/little has happened. And in many instances this has seen members of the public convey that they have stepped in

to assist animals in need. Edgar's Mission acknowledges that much of this is due to a lack of resourcing for animal protection and the location of animal-based agriculture occurring in rural, and often remote areas, where direct and immediate assistance from responsible authorities is difficult at best. This means that those witnessing animal neglect, cruelty or suffering are posed with the difficult situation of walking away or intervening, both situations posing an ethical dilemma.

A common saying in the farming industry is, "You have livestock, you have deadstock." Sadly this is true, but what is also true is that a substantial amount of preventable suffering occurs between the two. Edgar's Mission feels that it has been the failure of successive governments and responsible authorities to address this issue that has led well-intentioned animal rescuers and whistleblowers to step in. Further much of the animal cruelty driving such actions are legally sanctioned acts of animal husbandry.

As an example of responsible authorities failure to adequately address poor animal husbandry that has led to animal cruelty, suffering and deaths, Edgar's Mission cite the example of a property it has repeatedly reported for poor animal welfare dating back to 2015, and each subsequent year following. A property to this day that is still the site of animal suffering and prolonged deaths. This is sadly not an isolated incident.

Edgar's Mission notes that in time spanning 2012-2018 only 71 cases of cruelty have resulted in prosecutions (Agriculture Victoria 2018). This equates to around 13 per year. We find this figure to be particularly low given the evidence of cruelty we witness, learn of and receive contact about.

### **The role of whistleblowers/rescuers**

Whistleblowers and rescuers have a vital role to play in our community. Operating with motives of social good and not financial gain or malice, time and again it has been these people who have uncovered rampant acts of cruelty, ineffective animal protection laws and poor biosecurity, that would have otherwise gone undetected. Just this morning (2nd August 2019), ABC News reported on an alleged illegal abattoir operating in the outskirts of Melbourne where gross acts of animal cruelty had been perpetrated, along with food hygiene breaches. Something that was only brought to light due to the efforts of a whistleblower. Prior to this, and most significantly, it was to a whistleblower's brave credit that atrocities in Australia's live export trade were exposed in 2011 (Parliament of Australia 2016).

### **Shoot the messenger**

Without industry telling the full story of how animals are treated on farms, slaughterhouses, feedlots, and in transport, the general public would be largely unaware of the complete picture. Rather than addressing the inherent problems in a system that is vastly inadequate in terms of protecting animals, it is of concern that Government and industry are working to cover these issues up.

### **Right to know**

For several years now there has been a huge push in Australia for truth in labelling (Food Standards Australia 2019). Edgar's Mission greatly supports the initiative for consumers' right to know in order to make purchases and choices that are consistent with their beliefs, ideals, ethics, and budget. This too should extend to animal agriculture and in particular to how animals are treated. There is good reason public tours are not held in factory farms, slaughterhouses, feedlots, or on farms where routine animal procedures are carried out, and these go beyond biosecurity.

Factory farms are increasingly being exposed for their poor animal welfare practices that would shock most caring Australians (New Matilda 2018). Most recently the documentary Dominion exposed many cruel practices within the Australian animal agricultural industry that would otherwise be hidden from view.

### **Not all farmers, not all industries**

Whilst Edgar's Mission acknowledges that not all farmers or animal based agricultural industries/businesses engage in deliberate animal cruelty or neglect, many of the standard industry practices are inherently cruel and would not legally be permitted to be carried out on domestic pets. Regardless of the type/use of farmed animal, few get to live to the full extent of their natural lives. This then leads to the methods of killing animals. Taking the life of an animal is an unpleasant business and one which feeds into the difficulty of finding and retaining slaughterhouse workers. A media article, "Abattoir jobs aplenty but few regional workers are spare" in May of 2018 reported that some slaughterhouses "were reporting between 15% and 40% workforce turnover".

Recent whistleblower footage released depicting gross acts of animal cruelty at a Central Victoria poultry farm highlight problems within the industry. The facility, Bridgewater Poultry, that at the time was owned by a consortium of farmers, including the Victorian Farmers Federation Egg Group president Tony Nesci, had contractors dealing with the animals. Mr Nesci in an attempt to distance himself from the cruelty was quoted stating "he was not responsible for the workers' treatment of the animals because they were contractors" further adding, and highlighting the difficulty of hiring people to do unpleasant tasks to animals, "Trying to get people to go into a quarantined farm is like trying to find gold nuggets in pig shit"

### **Harming animals takes its toll**

Gail Einitz in her 2006 book "Slaughterhouse: The Shocking Story of Greed, Neglect, and Inhumane Treatment Inside the U.S. Meat Industry" speaks to the toll slaughtering animals takes on the humans who perform this grisly task. Recent stories in Australian media indicate these problems are not restricted to America alone. Most recently the story of one-time slaughterman, Craig Whitney, relays not only the dangerous nature of the work but some of the problems he encountered including crime and drug use. In December 2017 journalist Ashitha Nagesh wrote an article detailing the trauma inflicted on slaughterhouse workers due to the nature of their work. Nagesh wrote "The psychological toll this takes on a person cannot be underestimated. Slaughterhouse work has been linked to a variety of disorders, including PTSD and the lesser-known PITS (perpetration-induced traumatic stress)". Further such work has the potential to desensitise the workers to the plight of animals which sadly often leads to aggravated animal cruelty. Behind closed doors this is often unseen by the general public until a whistleblower comes forward.

### **Media and public response to recent acts of animal activism**

After the initial response to the recent acts of animal activists, much media discussion and debate has shifted toward the motives behind such actions and this is something Edgar's Mission feels this inquiry needs to target - the treatment of farmed animals in Australia. Put simply, such treatment is not in line with the public's perception of good animal husbandry, care or stewardship.

### **Practices of concern**

Many Australian's take great comfort that animals are protected in Victoria by the Prevention of Cruelty to Animals Act 1986. However, what many people are not aware of is the fact that Codes of Practice and the more recently developed Standards and Guidelines, which are being adopted in Victoria under the Livestock Management Act 2010, circumvent this legislation and make legal otherwise illegal acts. Of particular concern are the following practices;

- caging/confining animals such that they cannot express their natural behaviours
- carrying out of procedures without pain relief or anesthetic and
- carrying out of procedures by untrained/unskilled people
- forced insemination
- early separation of mothers and babies
- live animal export
- crowding in transport
- long-distance transport (in particular in extremes of weather)
- mutilation of animals (including debeaking, toe trimming, tail docking, mulesing)

-inadequate numbers of stockpeople to care for and inspect animals on a daily basis. Whether it is thousands of birds or pigs housed in sheds or sheep, cattle and goats who graze over hundreds if not thousands of hectares of pasture, providing individual inspection on a daily basis does not happen, often leaving animals to suffering undetected. Of note too, the broiler meat industry factors in a loss of around 4% of birds not making it to their target slaughter weight.

-methods of collecting animals for transport (in particular collection of “spent” hens for slaughter and depopulation of broiler birds)

- breeding of animals that are predisposed to conditions of ill-health and/or poor welfare such as laying hens for brittle bones, reproductive problems and respiratory infections, broiler chickens for cardiovascular and musculoskeletal problems, dairy cows for leg disorders, mastitis and reproductive disorders. Professor Donald Broom of the University of Cambridge UK in 2018 stated: “Any breeding that can be predicted to result in poor welfare should be illegal.”

-methods used to kill animals (including macerating day-old male chicks, use of gas chamber)

-killing healthy animals

### **2017 Animal Welfare Action Plan - Improving the welfare of animals in Victoria.**

In 2017 the Victorian State Government released the above mentioned action plan. It promised much, yet it is still to deliver. It's stated purpose was “A Victoria that fosters the caring and respectful treatment of animals.” This would seem at odds with much of the cruelty and treatment of farmed animals that has been exposed by animal rescuers and whistleblowers over the past years.

### **The science of sentience**

The 2016 Productivity Commission Inquiry Report into the Regulation of Australian Agriculture identified that “farm animal welfare is a policy area that is expected to evolve over time as community attitudes evolve and as new scientific evidence becomes available”. The same report also notes that “animal welfare regulations are not meeting community expectations about the humane treatment of farm animals”. In respect of new scientific evidence into the sentience of farmed animals, it is emerging every day, often citing cognitive abilities of that have previously not been considered. One recent study of chickens that appeared in the journal *Animal Cognition*, titled “Thinking chickens: a review of cognition, emotion, and behaviour in the domestic chicken” documented examples of “complex cognitive, emotional, communicative and social behaviour in domestic chickens...these capacities are, compelling, similar to what we see in other animals regraded as highly intelligent”.

“An exploration of the cognitive complexity of *Sus Domesticus*, the domestic pig”, highlights the intelligence and rich emotional world of pigs including amongst other things, their excellent long-term memories, sense of play, their ability to exhibit empathy and concludes “through respectful noninvasive study, we may come to realize that pigs are not very different from the dogs and cats we share our homes with”

### **Biosecurity**

Edgar's Mission takes very seriously the role of biosecurity in protecting animals, people and the environment and acknowledges it is the responsibility of landholders to ensure at the very least adequate biosecurity measures are in place. Further those entering such facilities too need to be mindful of biosecurity. Edgar's Mission also notes that images seen of those who have entered animal based agricultural facilities have donned biosecurity attire. Edgar's Mission further acknowledges that many of the diseases that pose a risk to animal health and the humans who come into contact with animals, occur on factory farms. The severe confinement of animals coupled with unhygienic housing that sees animals living in or in close proximity to excrement creates a toxic mix and repository for disease. It should be noted that more than half of the antibiotic use in Australia is for farmed animals, much of this for growth promotion. Due to the nature of feeding these confined animals en masse invites rodent infestation and cats, along with the flow of wild birds – all of which represents another biosecurity challenge.

Edgar's Mission is not aware of any instances of an animal rescuer or whistleblower being responsible for the spread of disease.

### The solution

In offering a solution to this inquiry, Edgar's Mission calls for a rejection of the proposed bill. Edgar's Mission recommends no change to the laws of trespass and no specific anti-activism or 'ag-gag' laws. Instead, Edgar's Mission recommends the installation of CCTV in all agricultural operations (such as feedlots and factory farms), livestock markets and abattoirs along with greater transparency within animal based industries including truth in labelling.

Edgar's Mission recommends that all codes of Conduct be made mandatory and that the developing Standards and Guidelines reflect this with Standards expanding to cover all practices relating to animal welfare. We also offer that animals in agriculture be protected by the Prevention of Animal Cruelty Act 1986 as well as a rapid response to animal cruelty complaints by authorities equipped and legally capable to enforce the Act.

We further seek the recognition of the sentience of animals as set out in the 2017 Victorian Government Animal welfare Action Plan, which stated "science demonstrates that animals are sentient. This means they experience feelings and emotions such as pleasure, comfort, discomfort, fear and pain."

Government assistance for farmers to transition from animal based agriculture to plant based.

Prepared by - Edgar's Mission Inc.

Edgar's Mission Director Pam Ahern wishes to speak to this submission before the inquiry.

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