

Submission to the
Inquiry into
the impact of animal rights activism
on Victorian Agriculture

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31 July 2019



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Issued 31 July 2019

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Cover image: © Unknown 2014. Sick and suffering hen living in manure pit at battery cage egg farm.

Contents

About me.....	4
1. Introduction.....	4
2. Executive Summary.....	5
3. The current framework for animal welfare regulation in Victoria.....	6
4. Failures of the current framework.....	6
Conflict of interest.....	6
Lack of compliance monitoring and enforcement.....	7
Animal welfare measures.....	8
Animal welfare science.....	8
5. Community expectations.....	9
Lack of transparency.....	9
Social licence.....	10
6. Biosecurity.....	10
7. Shooting the messenger.....	11
8. The way forward.....	12
An independent animal protection agency.....	12
The role and functions of an IAPA.....	13
A new Animal Welfare Act.....	14
Benefits to Victoria.....	14

About me

I am an experienced professional who has been involved in veterinary medicine and veterinary regulation all my working life. As such I have considerable experience in issues of animal welfare, biosecurity and antimicrobial resistance, and a thorough knowledge of Victorian legislation that pertains to animal use and abuse.

I thank the Committee for the opportunity to provide this submission.

1. Introduction

On 6th June 2019, the Victorian parliament announced a public inquiry into the impact of animal rights activism on the state's agricultural sector. The Legislative Council's Economy and Infrastructure Committee are conducting the inquiry. The terms of reference require the committee to inquire into, consider and report on the effectiveness of legislation and other measures to prevent and deter activities by unauthorised persons on agricultural and associated industries. Specifically, the committee is required to consider –

- a. the type and prevalence of unauthorised activity on Victorian farms and related industries, and the application of existing legislation;
- 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;
- c. animal activists' compliance with the Livestock Disease Control Act 1994, Livestock Management Act 2010, and the Prevention of Cruelty to Animals Act 1986;
- d. the civil or criminal liability of individuals and organisations who promote or organise participation in unauthorised animal activism activities;
- e. analyse the incidences and responses of other jurisdictions in Australia and internationally; and
- 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.

This submission contends that concerns with unauthorised activity by animal advocates can be effectively managed by addressing those issues that motivate whistleblower activity, namely –

- I. the lack of comprehensive and robust animal welfare protections for animals deemed as 'livestock' and/or 'production animals';
- II. the lack of effective monitoring of compliance with animal welfare protections, and of rigorous and persuasive action to address failures to comply with animal welfare protections; and
- III. the lack of transparency within animal use industries, which seek to hide the realities of animal use from public scrutiny and operates in a climate of secrecy and suspicion.

While acknowledging the terms of reference, I intend to limit the scope of my submission to general comments on those issues referenced by the inquiry, with a focus on those matters identified above as motivating the unauthorised activity with which the inquiry is concerned.

2. Executive Summary

"We merely bring to the surface the hidden tension that is already alive. We bring it out in the open, where it can be seen and dealt with. Like a boil that can never be cured so long as it is covered up but must be opened with its ugliness to the natural medicines of air and light, injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured."

Martin Luther King responding to "moderates", Letter from a Birmingham Jail, 1963

The Victorian inquiry into the impact of animal rights activism on Victorian agriculture occurs concurrently with action at both state and federal levels to amend legislation to target whistleblowers who obtain evidence of systemic animal cruelty in animal use industries.

When introducing the inquiry to the Legislative Council, the Member for Eastern Victoria, Ms Melina Bath, cited concerns with issues such as biosecurity and farmer's safety as the reason for the inquiry. This rhetoric is the same as that purported in NSW, where the government has amended the *Biosecurity Act 2015* to introduce fines for persons who trespass onto farming properties of up to \$220,000 for individuals and \$400,000 for groups/corporations, and federally, where the *Criminal Code Amendment (Agricultural Protection) Bill 2019* will introduce new offences for using a carriage service to incite trespass, theft and/or property damage on agricultural land.

Given the lack of any probative evidence to support claims of biosecurity risk and/or threats to farmer's safety, this inquiry (and the comparable action being undertaken elsewhere in Australia) is revealed as an attempt to silence whistleblowers in order to protect animal use industries from public scrutiny. This aim will likely be achieved with the introduction of Ag-gag laws. Ag-gag laws operate to hide the truth about how animals are used on factory farms by silencing advocates and stifling transparency. Such laws effectively suppress the public's right to question our present use of farmed animals, while permitting the concealment of animal abuse and neglect.

Due to both the desire of animal use industries to operate in secrecy and a lack of effective regulation, investigations by whistleblowers provide virtually the only insight the public has into the treatment of farmed animals. Investigations by whistleblowers therefore serve a dual purpose; they provide transparency and allow public scrutiny of animal use industries and expose evidence of animal cruelty/neglect that would otherwise not come to the attention of regulators.

If the inquiry is sincere in its mandate to identify protections for farmers' privacy, businesses and the integrity of biosecurity systems and animal welfare outcomes, the way forward is clear – to allow for transparency and truthfulness in animal use industries in order for the public to make informed choices, and to increase animal welfare protections to a level that the public deems acceptable. Should such measures be implemented the need for whistleblowers falls away.

3. The current framework for animal welfare regulation in Victoria

The Department of Jobs, Precincts and Regions (DJPR) regulate animal welfare in Victoria.

DJPR (though Agriculture Victoria) is responsible for promoting both animal welfare and the profitability of primary industries in Victoria. In regard to its role and functions, the Department states:

“The purpose of the Department is to create the conditions to sustainably develop the Victorian economy and grow employment.

A strong, competitive and sustainable economy is vital for Victoria's future. It will provide the confidence, investment and job opportunities that will enable a better quality of life for all Victorians, both for current and future generations.

The Victorian Government has identified the food and fibre sector as one of a number of growth sectors vital to the future economic prosperity of Victoria.

The Government is helping to secure the future of Victoria's industries and supporting families through initiatives that will build industry capacity, grow exports and importantly support the creation of new jobs and economic growth in our regional and rural communities.”

Animal welfare is protected in Victoria under the provisions of the *Prevention of Cruelty to Animals Act 1986* (POCTAA). However, livestock and animals used in production (and others) are exempted from the overarching protections and duty of care standards of POCTAA.

POCTAA allows for the adoption of industry specific codes of practice for livestock and production animals. Compliance with the codes is a defence to prosecution for cruelty and/or breach of duty of care standards under POCTAA.

Codes of practice set out recommended minimum standards and practices. Codes can have a different status under law and might be voluntary, or mandatory. Subject to section 6 of the *Livestock Management Act 2010*, only the *Land Transport Standard* and *Pig Welfare Standard* are prescribed livestock management standards that must be complied with by livestock operators. All other codes of practice are voluntary and therefore not enforceable.

This results in a system where the majority of practices undertaken by animal use industries are not subject to any form of enforceable regulation or oversight.

4. Failures of the current framework

Conflict of interest

While it is reasonable for DJPR to represent and promote the commercial interests of primary industries in Victoria, this focus results in an inherent conflict of interest between its responsibility to protect the welfare of animals and its primary purpose of supporting and promoting the economic prosperity of primary industries in Victoria.

It is often argued that such a conflict does not exist, and that improved animal welfare is necessary for increased productivity. This statement has been proved incorrect for anything other than low-level production¹.

As such, there is little economic incentive for animal industries to provide improved animal welfare; especially where doing so increases costs. Indeed, studies have shown that improved animal welfare and productivity are often in conflict.

¹ [John McInerney, 'Animal welfare, economics and policy – Report on a study undertaken for the Farm & Animal Health Economics Division of DEFRA' \(2004\)](#)

Examples of the conflict between animal welfare protections and productivity are not hard to find. Battery cages and sow stalls are known to have negative impacts on welfare yet are designed and used to achieve productivity gains. It is estimated that winter lambing results in the death of 10 to 15 million newborn lambs in Australia, yet this is deemed acceptable due to the profitability of lambs sent to slaughter after being weaned in spring when pastures are most fertile. The routine use of surgical procedures such as debeaking, tail docking, dehorning, mulesing, castration, and even the spaying of cattle, without the use of anaesthesia or analgesia provide further examples of the conflict between animal welfare and profitability.

If the examples cited above were perpetrated on a companion animal, the person with a duty of care for that animal would be subject to prosecution under POCTAA. Due to the exemptions afforded under POCTAA to production animals, the majority of Victorian animals are subject to housing conditions and husbandry practices that would be illegal if inflicted upon a cat or a dog.

While industry participants would argue that the welfare of production animals are protected under the industry specific codes of practice provided for under section 6 of POCTAA, the reality is that the practices cited above are permitted by government under standards drafted and approved by a department whose purpose is to safeguard the profitability of primary industries in Victoria.

The competing interest of profitability and welfare results in regulatory capture, where the regulatory agency, created to act in the public interest, instead advances the commercial or political concerns of special interest groups that dominate the industry or sector it is charged with regulating.

Lack of compliance monitoring and enforcement

The system for ensuring compliance and the enforcement of animal welfare standards in Victoria is shared between DJPR and the RSPCA. The RSPCA investigates matters relating to companion animals, or production animals in numbers less than ten. DJPR is responsible for investigations of matters relating to production animals in numbers greater than ten.

In Victoria, the system of animal welfare enforcement is in response to complaints only. Complaints relating to intensive farming systems are limited by a lack of visibility; intensive farming facilities are generally in remote locations and often in closed buildings. As such, the community is rarely (if ever) privy to the practices that routinely occur in such systems. Those in a position to observe issues of non-compliance with standards are generally those who own or are employed by the operation and are thus conflicted or implicated in any non-compliance.

As an example, Agriculture Victoria document a sample of its successful animal cruelty prosecutions on its website. Of the 29 cases listed, all except one relate to sheep, cattle or horses. The nature of sheep and cattle farming is that it is much more visible to the public than other forms of intensive farming such as poultry or pig farming, where housing is generally inside. Therefore, the prevalence of successful prosecutions relating to sheep and cattle is likely the result of their visibility and the reporting of concerns by whistleblowers, whether that be a conscientious neighbour or an attentive passer-by. Only one case of those documented on the Agriculture Victoria website relates to poultry, and this resulted from a report made to the department by a whistleblower. In this case over one million chickens were withheld sufficient food and water. Without the report of the whistleblower, this case of pervasive animal cruelty would have gone unreported and resulted in the ongoing suffering of over one million sentient beings.

There is no routine compliance monitoring relating to animal welfare in place in Victoria, other than for slaughterhouses. As a result, almost all breaches of animal welfare standards in Victoria are identified by NGO's and/or whistleblowers, such as the live baiting of greyhounds identified by Animals Australia. This practice went unreported despite the fact that greyhound racing is regulated in Victoria.

In a further example, the Pig Welfare Standard², which is a prescribed standard under the *Livestock Management Act 2010*, requires that sick and/or injured pigs must receive veterinary care, medical treatment and/or euthanasia, and further that animal husbandry practices such as tail docking, teeth clipping, and ear notching be avoided where possible.

² [Department of Primary Industries \(Vic\). Welfare of Pigs – Victorian Standards and Guidelines, Revision one 2012](#)

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 person in charge of a sick or injured animal and unreasonably fails to provide veterinary or other appropriate attention or treatment for the animal".

Despite these requirements, whistleblowers routinely document [dead](#) and [dying](#) pigs on intensive farms, and those animal husbandry practices that are to be avoided are [regularly](#) and [routinely](#) employed by animal use industries. While reports of failure to comply with the prescribed standards are made to the authorities, no action is taken to investigate such contraventions.

Animal welfare measures

The five freedoms were established in 1979 and outline five aspects of animal welfare for animals under human control. The five freedoms are defined as:

1. *Freedom from hunger or thirst by ready access to fresh water and a diet to maintain full health and vigour;*
2. *Freedom from discomfort by providing an appropriate environment including shelter and a comfortable resting area;*
3. *Freedom from pain, injury or disease by prevention or rapid diagnosis and treatment;*
4. *Freedom to express (most) normal behaviour by providing sufficient space, proper facilities and company of the animal's own kind;*
5. *Freedom from fear and distress by ensuring conditions and treatment, which avoid mental suffering.*

At the time of their publication, the five freedoms were universally accepted and adopted as the baseline for good animal welfare. While still relevant today, they have largely been superseded by more contemporary animal welfare measures such as the [Five Domains](#) and [Quality of Life](#) (QoL), which introduce obligations to promote positive affective states, such as pleasure, interest, and comfort, rather than simply requiring the absence of negative states.

Many (if not most) of the standard practices employed by animal use industries fail to meet the minimum requirements of the Five Freedoms, let alone contemporary animal welfare standards such as the Five Domains.

In 2014, World Animal Protection published the [Animal Protection Index](#), which classifies countries around the world according to their commitment to protect animals and improve animal welfare policy and legislation. Australia scored a 'C', along with Brazil, India, Malaysia, and the Philippines. New Zealand, which is a direct competitor to Australia for market share of animal agriculture, scored an 'A'. Australia's poor rating was largely due to the exemptions of production animals from animal welfare regulation.

Similarly, many EU countries have banned housing such as battery cages and sow stalls due to unacceptable levels of cruelty they impose.

In this regard, Australia is clearly failing to meet the animal welfare standards accepted and expected by other developed countries.

Animal welfare science

Animal welfare science in Australia is largely commissioned and funded by animal use industries. This industry-backed science is then heavily relied upon in the standard setting process.

Animal Welfare Science Centre undertakes the majority of animal welfare science research in Australia. The majority of research undertaken by Animal Welfare Science Centre is commissioned and funded by industry. The scope of a research study is generally set by, or in consultation with, the commissioning industry body.

In Victoria, an Animal Welfare Advisory Committee (AWAC) has been established. The role of AWAC is to:

"contribute to improving the welfare of animals in Victoria by providing strategic advice to the minister on animal welfare issues;

assist the minister and the department in reviewing legislation (including regulations) to improve the effectiveness of policies that relate to animal welfare;

provide comment on and participate in the development and revision of animal welfare codes and standards; and

provide considered advice on any animal welfare matters referred to it by the minister or the department."

AWAC is made up of nine members. Of those nine members, four members have ties to Animal Welfare Science Centre.

Such affiliations raise the concern that any strategic advice provided to the Minister on animal welfare issues by AWAC will be based upon industry commissioned science, and therefore not truly independent.

5. Community expectations

Australians are a compassionate people who care about the welfare of animals. A 2019 report titled *Australia's Shifting Mindset on Animal Welfare*, commissioned by the federal Department of Agriculture and Water Resources found 95% of respondents viewed farm animal welfare with concern and 91% wanted reform to address it³. While the public generally supports the raising of animals for food production, the expectation is such animals be treated humanely and with due care.

That the Australian public cares about animal welfare is further evidenced by large public demonstrations in opposition to animal agriculture, increased whistleblower activity, and increased participation in the animal protection movement, including the election of three state-based parliamentarians⁴, elected on an animal protection platform.

In response to increased scrutiny by the public, the corporate sector is now demanding higher welfare animal products. The majority of major supermarkets and fast food restaurants in Australia have committed to eliminating products produced using cruel practices such as battery cages and sow stalls.

Such examples illustrate how corporate Australia is changing based upon the evolving expectations of consumers. Unfortunately, such willingness to change in response to community expectations is not seen in animal use industries or in the regulatory environment in which such industries operate.

Lack of transparency

We routinely hear that farmers love their animals and take all measures to ensure good animal welfare outcomes. Yet despite these assurances, animal use industries continue to operate in secrecy. Animal products are carefully marketed with pictures of happy animals frolicking in bucolic fields, and were it not for the actions of whistleblowers this would be the only reference consumers would have to the treatment of animals raised for food.

Practices such as castration, tail docking, mulesing, teeth clipping, beak trimming, ear notching, etc., are all routinely undertaken in animal use industries without the use of anaesthetic and/or analgesia. The maceration of live male chicks in the poultry industry and the slaughter of newborn male calves in the dairy industry are also standard industry practice (due to the males of the species being excess to market requirements). The euthanasia of pigs and chickens using carbon dioxide gas is touted as being the most humane method of slaughter, yet footage shows these animals struggling, screaming and terrified. Bringing these standard industry practices to the attention of the public allows consumers to make their own judgements as to what treatment and practices they consider acceptable, and therefore serves an important public interest.

If farmers do love their animals and take all measures to ensure good animal welfare, they should be proud to allow public scrutiny of their practices.

³ [Futureye, Australia's Shifting Mindset on Animal Welfare, 2019](#)

Social licence

A social licence to operate is said to exist where there is ongoing acceptance of an industry's legitimacy by the general public. To establish and maintain its social licence an industry must be seen as creditable and trustworthy. When problems do occur, the industry must act quickly to resolve the issues or the social license to operate is put at risk.

Animal use industries are in danger of losing their social licence. Ongoing attempts by animal use industries to operate in secrecy and without transparency erode public confidence and trust. When issues of animal welfare do arise the industry response of denying what are standard industry practices, apportioning blame elsewhere (generally onto the whistleblower who raised the issue) and descending into hyperbole and name-calling only act to raise questions regarding the creditability and maturity of the industry. Recent displays by both industry representatives and the Australian government have been both embarrassing and detrimental to Australia's reputation, raising serious questions about this country's ability to have nuanced and considered discussions about issues of public importance.

We are faced with a situation where animal use industries continue to deny those practices that regularly occur behind their locked doors. This ongoing obfuscation will only hasten the erosion of social licence, as the public rejects being continually lied to and played for fools.

6. Biosecurity

The potential for a biosecurity event is routinely raised by industry as a significant risk of unauthorised activity by whistleblowers. While this concern is not without merit, its likelihood is exaggerated by industry, for whom biosecurity is one of the only legitimate arguments against whistleblowers on farming properties.

The main risk to biosecurity is intensive animal agriculture. Intensive farming systems confine animals in crowded and stressful situations and rely on the prophylactic use of antibiotics to ward off disease.

Antimicrobial resistance is a serious threat to global public health and antibiotic use in animals is a major contributor to this problem.

Intensive farming systems are by their very nature havens for pests and disease. Spread of disease is more often than not due to the movement of pests and/or animals between facilities.

While animal use industries claim to adhere to the highest biosecurity standards this claim is not supported by evidence. Whistleblowers regularly identify serious breaches of biosecurity standards, such as [dead](#) and [decomposing](#) animals, [predation](#) by other animals, and [contaminated](#) food.

Whistleblowers are generally well versed in appropriate biosecurity measures and will utilise personal protective equipment (PPE); usually consisting of oversuits, gloves, booties and masks. Whistleblowers also adhere to infection control measures such as hand and footwear decontamination and are aware of the need to not visit multiple properties within a short period of time.

The biosecurity concerns of industry in regard to whistleblowers can be seen as disingenuous when considered in light of the regular presence of police (and others) on farms in response to whistleblowers, without PPE or any adherence to biosecurity protocols.

7. Shooting the messenger

Trespass by whistleblowers is undertaken in an attempt to raise community awareness of the practices of intensive farming operations. It is a response to an industry that operates without transparency or adequate regulation. If adequate standards, monitoring, and enforcement were implemented, the 'need' for trespass would be eliminated.

The purpose of this inquiry - to deter whistleblowers from revealing the hidden truth of animal use industries, is disingenuous and mean-spirited. It reveals an inherent disconnect in seeking to (further) criminalise the actions of whistleblowers without seeking to address the animal cruelty that whistleblowers identify and bring to the public's attention.

There are already established and robust offences for activities such as trespass, property damage, theft, etc. To seek to duplicate such laws but only apply them to a specific group of people is both unnecessary and discriminatory. Further, the penalties available for these established offences are already wide-ranging. It is the role of the judiciary to impose what it considers an appropriate penalty, taking into consideration the nature of the offending, the offender's background, the applicable statute, and relevant case law. For the government to impose mandatory penalties to certain offences erodes the independence of the judiciary and calls into question the separation of powers between executive and judicial functions.

The imposition of any type of Ag-gag laws would target whistleblowers acting in the public interest and imperil the freedom of the press and of political communication.

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.

Matters relating to breach of privacy and the public interest have already been arbitrated in *Australian Broadcasting Corporation v Lenah Games Meats Pty Ltd [2001] HCA 6315 November 2001*⁴. Several key aspects of the *Lenah* decision are relevant to the implementation of Ag-gag laws.

In finding that no enforceable right to privacy existed in Australia, the High Court in *Lenah* also held that any such right would not extend to corporations and confirmed that the mere fact that an act took place on private property, does not make the activity private in nature.

Of significant relevance to this inquiry, Justice Kirby acknowledged in *Lenah* that animal welfare issues are legitimate matters of public debate and noted the importance of public interest groups in raising awareness of these issues and of generating public debate in Australia. Importantly, Justice Kirby reinforced the view that such debate should be protected:

"The concerns of a governmental and political character must not be narrowly confined. To do so would be to restrict, or inhibit, the operation of the representative democracy that is envisaged by the Constitution. Within that democracy, concerns about animal welfare are clearly legitimate matters of public debate across the nation. So are concerns about the export of animals and animal products. Many advances in animal welfare have occurred only because of public debate and political pressure from special interest groups. The activities of such groups have sometimes pricked the conscience of human beings.

Parliamentary democracies, such as Australia, operate effectively when they are stimulated by debate promoted by community groups. To be successful, such debate often requires media attention. Improvements in the condition of circus animals, in the transport of live sheep for export and in the condition of battery hens followed such community debate. Furthermore, antivivisection and vegetarian groups are entitled, in our representative democracy, to promote their causes, enlisting media coverage, including by the appellant. The form of government created by the Constitution is not confined to debates about popular or congenial topics, reflecting majority or party wisdom. Experience teaches that such topics change over time. In part, they do so because of general discussion in the mass media."

⁴ [Australian Broadcasting Corporation v Lenah Games Meats Pty Ltd \[2001\] HCA 6315 November 2001](#)

Whistleblowers have shone a light into the darkened corners of animal use industries to reveal the secrets there. Now illuminated, these secrets cannot be ignored. Rather than the reactionary response of this inquiry, which seeks to hide the truth by silencing those who expose it, it is now up to the animal use industries to address its current use of animals and to identify and implement improvements to animal welfare, in order to reaffirm its social licence and regain the public's trust.

8. The way forward

As documented earlier in this submission I contend that concerns with unauthorised activity by animal advocates can be effectively managed by addressing those issues that motivate whistleblower activity, namely by allowing for transparency and truthfulness in animal use industries in order for the public to make informed choices, and to increase animal welfare protections to a level that the public deems acceptable

In order to address these issues, I respectfully offer the following recommendations –

An independent animal protection agency

Calls for an Independent Animal Protection Agency (IAPA) are not new; animal protection organisations, politicians, and the public have long sought a separation of animal welfare regulation from primary industries in order to address the failings of the current framework in prioritising and enforcing animal welfare protections.

An IAPA is a recommendation of the Productivity Commission's recent inquiry into the *Regulation of Agriculture in Australia*⁵.

The World Organisation for Animal Health (OIE): *Report into Veterinary Services in Australia (2015)*⁶ also noted a need for animal welfare reform across jurisdictions within Australia.

In December 2017, the Victorian Government released its Animal Welfare Action Plan. The plan acknowledges the sentience of animals:

"Science demonstrates that animals are sentient. This means they experience feelings and emotions such as pleasure, comfort, discomfort, fear and pain. Sentience is the primary reason that animal welfare is so important. All people and industries within Victoria have a responsibility to treat all animals with care and respect."

In the foreword to the plan, the then Minister's Ambassador for Animal Welfare, Lizzie Blandthorn MP, stated:

"We must ensure that we not only protect animals from cruelty, but we support them having quality of life – in our homes, on our farms, where they support us in services and industry and, of course, in their natural environment."

In a media release on the release of the plan, the then Minister for Agriculture, Jaala Pulford MP, stated:

"We all have a moral and ethical responsibility, as part of a fair and caring society, to ensure we have high standards of animal welfare."

The Victorian Government should be congratulated for its commitment to strengthening animal welfare protections and improving the welfare of animals in Victoria.

If the government is serious in its commitment to improving animal welfare standards, the implementation of an IAPA is necessary for all the reasons documented above.

⁵ [Productivity Commission 2016. Regulation of Australian Agriculture. Report no. 79. Canberra \(AU\).](#)

⁶ [OIE. PVS Evaluation report of the veterinary services in Australia 2015. May 2016. Paris \(FR\).](#)

The role and functions of an IAPA

An IAPA would be an independent statutory authority established under an Act, to develop, promote, and enforce animal welfare protections of a standard expected by the Victorian public.

To avoid the untenable conflict of interest resulting from the competing priorities of animal welfare and the commercial productivity of animal agriculture, an IAPA should report to a department separate from DJPR, such as the Department of Justice and Regulation.

The functions of an IAPA would include:

Standard setting functions

An IAPA would be responsible for developing and enacting animal welfare protections through its enabling legislation.

To enable the IAPA to fulfil this function, it would have the authority to:

- Commission scientific or other research;
- Facilitate an expert committee such as AWAC or an ethics advisory committee, or any other committee as deemed necessary;
- Conduct inquiries; and
- Report on animal welfare issues.

Enforcement functions

An IAPA would be responsible for auditing and enforcing animal welfare protections.

To enable the IAPA to fulfill this function, it would have the authority to:

- Monitor and audit animal use businesses and animal owners to ensure compliance with animal welfare standards;
- Investigate matters pertaining to a lack of compliance with animal welfare standards;
- Enforce animal welfare standards throughout the state; and
- Prosecute acts of cruelty and failures to comply with animal welfare standards.

Under this model, enforcement and prosecution powers would be removed from DJPR and transferred to the IAPA. Similarly, the principal responsibility for enforcement of the law by the RSPCA would be removed.

While the RSPCA is empowered to investigate and enforce cruelty laws, it is, by its own admission, perpetually under-funded and under-resourced. If the Victorian Government is serious in its commitment to improved animal welfare, it should recognise that animal welfare protection is a government responsibility, not a charity's, and transfer the lead responsibility and authority to an appropriately resourced and funded IAPA.

Funding of an IAPA must be adequate. It could be partly sourced by the transfer of current funding from the DJPR and government contributions to the RSPCA investigation and enforcement budgets. RSPCA continues to have the confidence of much of the public and should maintain a role in improving welfare for animals in Victoria.

A new Animal Welfare Act

An IAPA should be established under a new Animal Welfare Act.

The purpose of the Act would be to:

- Establish an IAPA;
- Recognise the sentience of animals;
- Require persons in charge of animals to attend properly to the welfare of those animals;
- Specify conduct that is or is not permissible in relation to any animal or any class of animal;
- Establish statutory regulations for the care of and conduct towards animals (replacing codes of practice);
- Provide for the protection of livestock, production animals, wildlife, declared pest animals and animals used in science and teaching, under the Act. These animals are currently exempted from protection under POCTAA.

The Model Animal Welfare Act⁷ prepared on behalf of World Animal Net and the New Zealand *Animal Welfare Act 1999*⁸ provide examples of contemporary animal welfare Acts.

Benefits to Victoria

The benefits to Victoria in implementing an IAPA as described above include:

- Leadership in animal welfare protection;
- Increased trust amongst the Victorian public and consumers in animal welfare standards that are developed in the absence of a real or perceived conflict of interest inherent in the role and functions of DJPR;
- Improved animal welfare compliance monitoring and enforcement;
- Standard setting based upon independent peer-reviewed animal welfare science;
- Timely review of animal welfare standards to reflect developments in scientific knowledge and community expectations;
- Reduced risk by taking a proactive rather than reactive approach to animal protection issues; and
- Safeguard Victoria's reputation and investment opportunities by ensuring international benchmarks for animal welfare are met.

⁷ <http://worldanimal.net/contents>

⁸ [Animal Welfare Act 1999 \(NZ\)](#)