

INQUIRY ON THE IMPACT OF ANIMAL RIGHTS ACTIVISM ON VICTORIAN AGRICULTURE

Thank you for the opportunity to make submissions with respect to the Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture. I have addressed all but one of the terms of reference to be considered by the Committee. Each of the terms addressed is stated and then discussed.

Terms of Reference

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

With respect to ‘the type and prevalence of unauthorised activity on Victorian farms and related industries’, I make the following submissions:

Unauthorised activity on Victorian farms and related industries is not of a type, or occurring on such a scale, as to merit or justify the introduction of legislation or amendments to existing legislation.

There is no evidence that unauthorised activity:

- has occurred in the homes or other living environments of farmers or other persons;
- has ever caused any biosecurity event; and
- is a regular occurrence.

Whistleblowers generally enter areas and facilities related to animal use (e.g. factory farm facilities and slaughterhouses); these facilities are not located within close proximity to persons’ homes and living environments.

Unauthorised activity is undertaken in the public interest; it occurs for the purposes of obtaining evidence pertaining to the welfare of the animals at these facilities, which is used to inform the public. Without unauthorised activity, the public would not have access to this information, thus preventing them from exercising their rights as consumers. Furthermore:

- A recent report¹ commissioned by the federal Department of Agriculture and Water Resources evinces that the Australian public is concerned about animal welfare in farming and wants reform to address their concerns.²
- Whistleblowers have identified a significant number of animal welfare abuses, which would have remained undetected if not for unauthorised activity.³

¹ [Australia's Shifting Mindset on Farm Animal Welfare - 2019 Report](#)

² [The Conversation - Not just activists, 9 out of 10 people are concerned about animal welfare in Australian farming](#)

³ [ABC News - Chickens boiled alive at Melbourne abattoir, 7.30 Report \(ABC\) - Secret footage shows chickens boiled alive at Melbourne abattoir](#) and [Herald Sun report - Footage shows horrific suffering of pigs during carbon dioxide stunning](#)

- Unauthorised activity also plays a critical role in identifying other issues in the public interest relating to animal use industries, including violations of workplace health and safety, public health and environmental regulations.⁴

With regard to the removal of animals, whistleblowers rescue animals in need of veterinary care – care which farmers or other persons, have failed to provide.

With respect to ‘the application of existing legislation’, I make the following submissions:

Unauthorised activity is adequately addressed under current legislation and established offences, and the penalties imposed for such activity are adequate and appropriate; the imposition and appropriateness of penalties for unauthorised activity are a matter for the courts to decide – not the parliament.

However, the welfare of ‘production animals’/livestock in farming and related industries is not sufficiently addressed by current legislation, as these animals are exempt from the protections afforded under the *Prevention of Cruelty to Animals Act 1986*.

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;

There is no evidence that a biosecurity event has ever been caused by unauthorised activity.

Whistleblowers take appropriate measures to address biosecurity risks, which include using appropriate personal protective equipment, adhering to infection control measures and abstaining from visiting multiple properties within a short period of time.

It is animal agriculture operations which pose the greatest threat to biosecurity, given:

- Intensive animal agriculture creates ideal conditions for the proliferation of disease and pests;
- Diseases have been primarily spread through the movement of pests and/or livestock. The transport of livestock poses a significant biosecurity risk, with the risk being exacerbated by poor practices by farmers and transporters.⁵
- Intensive animal agriculture involves confining animals in crowded and stressful conditions, with disease being prevented through the widespread use of antibiotics. Such conditions are considered ideal for the generation of superbugs, and the use of antibiotics in animal agriculture is considered to be a significant contributor to the growing public health threat of antimicrobial resistance.⁶ Worryingly, there is a marked lack of transparency regarding the use of antibiotics in Australian agriculture.⁷

⁴ [Ag-Gag Laws Stifle First Amendment Freedoms - 'Industry Opposition to Whistleblowing' paragraph, The Sydney Morning Herald - Revised law could turn animal activists into terrorists](#) and [Los Angeles Times - Questions raised on meat safety](#)

⁵ [The Land - ALPA joins chorus for common sense approach on livestock effluent](#)

⁶ [National Geographic - Apocalypse Pig: The Last Antibiotic Begins to Fail](#)

⁷ [The Guardian Australia - Secrecy surrounding antibiotic use on Australian farms sparks superbug fears](#)

c. *animal activists' compliance with the Livestock Disease Control Act 1994, Livestock Management Act 2010, and the Prevention of Cruelty to Animals Act 1986;*

There exists a significant amount of documented evidence of the failure of persons employed in animal agriculture and related industries, to comply with the *Prevention of Cruelty to Animals Act 1989* ('POCTAA').

In addition to other grave animal welfare abuses, whistleblowers routinely encounter and document sick, injured and dead animals, evincing widespread contravention by industry workers', of what meagre protections exist under the POCTAA and the voluntary Codes of Practice made under this Act.

e. *analyse the incidences and responses of other jurisdictions in Australia and internationally*

The introduction of 'ag-gag' legislation has been largely unsuccessful, both in Australia and internationally. In Australia, attempts to introduce such legislation at the Federal level have failed. In America, although a number of states attempted to pass such laws, the laws failed in the vast majority of these states, and of the small number of states in which these laws were passed, several have been struck down by courts as unconstitutional – and others are currently being challenged.⁸ Such legislation would be highly vulnerable to legal challenge in Australia.

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*

With respect to 'improve... animal welfare outcomes', I make the following submissions and recommendations:

Animal welfare abuses are usually only detected as a result of whistleblower activity. When considering the improvement of animal welfare outcomes, it would be remiss to ignore the substantial body of evidence obtained by whistleblowers regarding animal welfare abuses in animal use industries. It would also be profoundly disingenuous to ignore the vital role whistleblowers play in identifying animal welfare abuses, given the lack of both transparency and oversight of these industries with respect to animal welfare.

The documented evidence obtained by whistleblowers demonstrates the urgent need for implementation of the following measures in order to address animal welfare issues.

- Increased transparency and oversight of animal use industries. This could be achieved through monitoring the internal operations of farming facilities and slaughterhouses using CCTV cameras, as well as the establishment of an independent body to regulate these industries with regard to animal welfare, and oversee animal welfare outcomes. A 2016 Productivity Commission Inquiry Report⁹ highlighted the importance of establishing a statutory agency responsible for setting animal welfare standards. The report states:

⁸ <https://www.aspc.org/animal-protection/public-policy/what-ag-gag-legislation>

⁹ [Productivity Commission Inquiry Report: Overview and Recommendations 15 November 2016](#)

'[T]he current process for setting standards for farm animal welfare does not adequately value the benefits of animal welfare to the community... The process for setting standards would be improved through the creation of a statutory agency responsible for developing national farm animal welfare standards using rigorous science and evidence of community values for farm animal welfare.'¹⁰

- The introduction of robust legislative protections and mandatory standards for animal welfare to ensure the welfare of 'production animals'/livestock. These animals are currently exempt from the protections provided by the POCTAA, and moreover, the voluntary Codes of Conduct which apply, have proven to be ineffective in ensuring animal welfare outcomes. Many of the standard practices to which 'production animals'/livestock are routinely subjected, would be considered animal cruelty under the POCTAA if performed on companion animals; these include painful procedures conducted without pain relief, such as mulesing, castration, teeth clipping, beak trimming, nose ringing, ear notching, etc.
- Animal sentience should be formally recognised, particularly in the drafting of legislation affecting animals and the drafting of animal welfare standards. Current research on animals evinces how complex they are - both cognitively and emotionally - and the case for animal sentience is well-established in research literature.¹¹
- Product labels for all animal products should provide information regarding the level of animal welfare of the animals used to produce the product. Furthermore, such labelling should be strictly regulated to ensure that product labels accurately reflect the standards of animal welfare achieved, thus enabling consumers to make informed choices when purchasing animal products.

The Australian public is concerned about animal welfare in farming.¹² Legislation affecting animals, animal welfare standards and other regulatory measures relating to animal use industries, should reflect the expectations, views and values of the Australian public.

With respect to 'improve... the integrity of our biosecurity system', I make the following submissions and recommendations:

Measures and protections to ensure the integrity of the biosecurity system would be better directed towards the activities of farming operations and related industries, rather than whistleblowers, since it's these industry activities that pose the most significant risk to biosecurity (and public health).¹³

¹⁰ Please see pages 2 and 21 of the 2016 Productivity Commission Inquiry Report.

¹¹ [Big Think - Chickens aren't dumb](#)

¹² [The Conversation - Not just activists, 9 out of 10 people are concerned about animal welfare in Australian farming](#)

¹³ [The Land - ALPA joins chorus for common sense approach on livestock effluent](#) and [The Guardian Australia - Secrecy surrounding antibiotic use on Australian farms sparks superbug fears](#)