

LEGISLATIVE COUNCIL ECONOMY AND INFRASTRUCTURE COMMITTEE

Inquiry into the impact of animal rights activism on Victorian agriculture

Melbourne—Wednesday, 4 September 2019

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WITNESS

Ms Patricia Mark, Founder, Animal Liberation Victoria.

The CHAIR: Welcome to the public hearings of the Economy and Infrastructure Committee. All evidence taken at this hearing is protected by parliamentary privilege. Therefore you are protected against any action for what you say here today, but if you go outside and repeat the same things, those comments may not be protected by this privilege.

Before you start, please state your name for the Hansard record, and allow us some time to ask questions.

Ms MARK: Thank you. I would like to give a big thank you to everyone here and say how very grateful I am for this opportunity to speak to you all today. I am so grateful.

I am the Founder of Animal Liberation Victoria, incorporated in 1978, and I spearheaded what is now called globally the ‘open rescue’ movement 26 years ago. I founded Animal Liberation Victoria on 7 December 1978, and for that past 41 years I have been a full-time volunteer working against animal exploitation and suffering.

For the first 15 years of running ALV we did everything legally possible to draw attention to by far the largest abuse of animals in Australia—without doubt the most hidden and secretive industry we have. We have done things in those first 15 years: street marches, speaking at schools, hosting public meetings, endless petitions, I think in those 15 years I had a meeting with every single state minister for agriculture about our concerns, and humane education. I also in the early days—in the early 80s—worked very closely with the department of agriculture. They arranged visits to six or seven abattoirs for me. They accompanied me to other inspections on factory farms around the state. They were in the early days very helpful. I had read stories on dark cutting in cows, which means they have a lot of stress, and so that is when I requested visits to the slaughterhouses, because I have a science degree so wanted to know more, because I thought, ‘This proves how stressed the animals are when there is such a high incidence of dark cutting’.

During these years we tried so hard to alert the authorities, the responsible authorities in the state of Victoria who protect animals, to listen to our concerns and to do something to help. And as Pam mentioned, it all goes down to the code of practice. So in the *Prevention of Cruelty to Animals Act* in Victoria it is a defence to an offence if you are covered by a code of practice. So this has been the most frustrating thing I have ever come across. So every single time, in the farms, where we find incidences—gross incidences—of suffering, dying animals, they always alert to the codes of practice.

In Government law, our Government, if there is a violation to the *Prevention of Cruelty to Animals Act* but the animal is covered by a code, nothing can be done. So in effect the majority of animals in our state have absolutely no legal protection whatsoever.

So then after 15 years of working very hard, diligently trying to get some help for the animals we knew were suffering, I had a call from an employee on a farm. It was in New South Wales, right on the border. I was a seasoned activist of 15 years, and what she told me—I could not believe what I was hearing, because I thought I knew everything about what was happening in intensive farms. She worked at a huge caged egg farm in Corowa, and she told me that at the edge of the cages they would put four hens, because the cages were built for four hens, but in the back, after the first five or six rows, they all had seven or eight or nine hens in small tiny cages, and that they were above a manure pit. And the birds would drop into the manure pit—I did not even know what a manure pit meant—and these hens would drop down there because there was a gap under the cages, and they would slowly starve to death because there was no way out.

And to be honest I did not actually believe what she was saying. I thought, ‘This can’t be true’. And I had a friend who went up there to work and he confirmed—

The worst thing she told me was that during lunch hour the other employees at the farm would take shooting practice on the hens down in the manure pit, and often just wound them. This was so distressing. So then I had another good friend who very, very bravely—in my eyes, anyway—went to this farm in the middle of the night and went inside the manure pit and took footage; this was 1993. When she brought me that footage, something

happened to me and I just thought, 'Oh, my gosh, this is so wrong'. Because the images were hens literally drowning in their own faeces. The water taps were dripping down. There were pools of effluent, and there were dead hens laying all around the pools where they had obviously tried to get a drink. And other ones were sitting on the mounds of faeces, which got to be six feet tall, and slowly dying. And I said to my friend, 'We just have to go in there ourselves and get them out'.

It was just such a strong feeling, and at that time I called the *A Current Affair*-like program—it was *Hinch at Seven*—and I told him. I showed him the footage and I said, 'We're going to very peacefully and non-violently go in there and rescue those hens'. You have to be aware this was after 15 years of meeting every responsible authority and getting nowhere. So we did that and we rescued this beautiful bird, Jackie, who was crippled, as well as 20 other hens. And Derryn Hinch ran the story nationally, and it was called 'The dungeons of Alpine Poultry'. That was in 1993, and that was what has been called the first open rescue, which is now being practised widely on almost every continent. In the United States now there are huge movements called 'right to rescue'. You can look it up. There are activists in Europe, New Zealand, Australia, the United States and South America, all doing what is called open rescue.

So during these past 26 years, since that rescue at that place, I have organised and have participated in hundreds of peaceful undercover rescues and investigations inside Australia's animal production facilities and destruction facilities. Things I saw haunt me endlessly—there were rats crawling through cages; rats eating the chickens, chickens impaled on wire; chickens roosting on dead hens in cages. Some places had so much cobwebs—we do not find that so much anymore because we did have a lot of media in the first 10 years—when you opened the door you could not even see the cages, they were literally covered in cobwebs. Pigs eating other pigs and pigs disembowelling other pigs. I have seen, an earlier witness said, cows having their horns cut off with no anaesthetic, where they were screaming in pain and where the blood shot from me to where you are sitting. And mulesing—I photographed mulesing back in 1984 and it was featured on a billboard in Times Square by PETA. And since then many, many companies have now stopped using wool, because they just take huge slices off the little lambs, around their tails—just slice them off with no anaesthetic.

Then I thought I would say a bit about the anatomy of an activist, because we are portrayed as terrorists, as criminals. I would just like to say a few things about my own background. I am the second of 12 children and I grew up in a small country town in Midwest USA, which is called the breadbasket of the world. A lot of my family were farmers. I grew up, I was in the 4-H, I know more than anybody how hard farmers work. There is no doubt about it. To me they are some of the hardest working people I have ever met. But I just think, after all I have learned going through my whole life, that it is just the type of farming that has to change. It is not that they are not good hardworking people in an industry; it is that it is the wrong industry. I have a bachelor of science degree from the University of Illinois, which is one of the top 10 agricultural universities in the United States. My whole study was with agricultural students, so I have a broad knowledge and experience of animal welfare.

My biggest influence, I would say, in my whole life—I had a very strict religious upbringing, but I am not religious anymore—was the story the nuns and priests told us over and over of the good Samaritan. It just lives in me all the time. So the good Samaritan: the people that were expected to help the man that was laying there beaten and bloodied walked right by him—the priests, the Levites—but then the good Samaritan thought, 'No, it's about who needs help is what is important', and that is basically how I live my life. It does not matter if someone is a man or a woman or black or white or has skin or fur or feathers; if someone is in trouble, it is our duty to give them some help. I abhor violence. I cannot bear to see anyone suffer. I cannot bear to see anyone harmed or suffer humiliation. When I started this work I had two young toddlers. Now I have a seven-year-old grandson who I would die for.

In my open rescue work I have been arrested countless times. I have been handcuffed. I have been put in the back of divvy vans. I have spent countless hours in lock-up and I have had two imprisonments—five days in 1997 and 10 days in 1998. The last imprisonment in 1998 was when I was imprisoned for refusing to sign bail documents not to go back to a huge egg production, the largest egg production in Victoria, which we had investigated at least 23 times. I refused to sign bail documents not to go back because even though I had taken the evidence to the—

In the *Prevention of Cruelty to Animals Act* there are four bodies that can lay information for a cruelty prosecution: the police, the RSPCA, the department of ag and the local council. I could say over 100 times I have appealed to these bodies with statutory declarations, video evidence, photographic evidence—nothing was ever done. So when I refused to sign the bail documents I was put into prison for 10 days. When this case was fought—there is a report from the *Age*—I won the case. The police had to drop all charges of trespass from me and they were ordered to pay \$3000 for my legal fees. I have to say, during that testimony I was allowed as the defendant to show footage that we had gotten inside these intensive farms, and the magistrate had tears in his eyes.

Finally, I would like to just tell you the basic tenets of open rescue, what it stands for. Over these 26 years obviously I am never alone in these sheds. There have been well over 100 people who we have trained and who have risked everything—their lives, their emotional wellbeing—to help us rescue these animals. But for anyone to be on a rescue team they must, number one, vow non-violence. That is the single most important thing. Before every rescue there is what I guess you would call a mantra—‘I will give my name’—and it is open, because in my own view we have nothing to hide. I was brought up to really, really admire truth and honesty and never to lie, so when I saw what was before my eyes over and over and over I thought, ‘I have nothing to hide. What’s going on in these sheds is what is hidden’. So before every rescue I will give my name, I will say who I am from and that we have vowed non-violence and we are here strictly to give aid and rescue to any sick or injured animal or any animal in need. In our archives is all the footage, and whoever is leading the team is saying that.

We teach respect for everyone, including the farmers, because I think the farmers—like I said, I know so many farmers—are such good people; it has just been our culture and our upbringing that means this is how things are done. It is just time for things to change, and as many of the witnesses have said, they are changing. There is something every day on the internet. There are occupations of farms and of abattoirs and of public places every single day, new ones.

In biosecurity, we are strictly biosecure. We have bio suits. We disinfect our feet. Having said that, I think in over 100 places I have twice seen a disinfectant tray at some of the farms—from memory, two times. So we make sure that we disinfect our feet, we wear booties, we wear biosecure suits—it is very important to us. We never approach homes. I would be the last person to ever want to do anything illegal, but in my mind and in my heart what we are doing is not illegal. I would relate it to what happens when the SES or the fire department know there is someone trapped and they are dying.

They cannot even stand up. In the broiler chicken sheds, one rescue was so bad I think we found 120 dead birds in the first 10 minutes. It was so bad I rang the police from the shed. This was near Werribee. The police officer came—this is at midnight—and he was actually appalled. You could see he was very upset. He helped us, with the other police officer, collect the crippled birds. I think we took 52 crippled birds to the local vet that night. He actually let us drive our rescue vehicles up to the door of the shed so they had a quick trip to the vet. What I would like to think anyway is that our years of doing this since 1993—because we had a lot of media in the first 10 years until it became old news—in my mind anyway we have set a benchmark that what activists are doing is non-violent and that we are not there to threaten or to terrorise anyone. It is the last thing we want to do.

To finish, if I could appeal to each one of you as members of Parliament, what needs to happen is the *Prevention of Cruelty to Animals Act* has to be for all animals—every single animal. Farm animals should not be exempted. If that one single thing was done, there would not be any problems. I have appealed for that to the Ministers, to the police and to the head of the RSPCA for 40 years.

The CHAIR: Thank you very much for your final comments. What do you think are policies that the Government or the industry could put in place that would enable community members to address their animal welfare concerns?

Ms MARK: What do I think should be put in place?

The CHAIR: Yes.

Ms MARK: I think what Pam was talking about was the codes of practice. The codes of practice should either not be there or there should be regulation. Everything that stands in the law for a dog and a cat should also stand for a chicken and a pig and a sheep. Just like we should not say it is okay for white people not to be prosecuted if they murder somebody but it is not okay for someone who has a black skin or red skin, the law should be the law for all animals—not just some. That is something parliamentarians can push for and do.

Mr FINN: I am just wondering if you could tell us: do you believe that good intentions give people the right to break the law?

Ms MARK: Yes.

Mr FINN: You do? Okay. Fair enough. That is a direct answer, and I thank you for that. It is nice to have one. We already have in this state exclusion zones to protect one industry whereby a person who intends to protest within 150 metres outside a facility potentially could go to jail for 12 months. What would you do if we were to legislate for similar exclusion zones outside farms and other agricultural precincts?

Ms MARK: I would be extremely disappointed. I do not think it would stop the huge wave. It is a tsunami wave coming of animal activism. It is the social justice issue of our times. It is a wave coming. In my opinion, anyway, there is no way this wave is going to stop. I have seen the whole transition of the last 40 years. If we even mentioned the word ‘vegetarian’, we were thought to be really extremists. Then we actually started talking about being vegan—this was in about the early 90s—and people could not even pronounce the word. They did not know what it meant. Then in the early days of Animal Liberation Victoria we promoted free-range eggs. At the first meeting of Animal Lib I said to the people that came to my lounge room, ‘It might take us two years to get rid of this horrible cage’. Our first goal was to get free-range eggs on the shelves, and now all these years later we realise all we did was help establish another industry of abuse—because look what happens to the male chicks, even the free-range hens. A lot of our investigations have been inside RSPCA-approved sheds. They have been some of the worst cases we have ever come across. It is not going to stop, because it is so wrong.

Mr FINN: So if we were to introduce exclusion zones, you would continue to break the law?

Ms MARK: If those animals were suffering in there. I am getting older—it is harder to get over the fences. If I could, I would be in the sheds all the time, helping, because if you saw what is in there—

I know animals, and animals to me are relatives. We all related; we are all biologically related.

Mr MEDDICK: Thank you, Ms Mark, for your testimony this afternoon. You have been involved for a very long time, since the 1970s. How have conditions for farm animals improved over that time, if at all?

Ms MARK: Sadly they have not. I have to be honest: they have not. What has improved is there is a lot more public awareness of what the truth is behind these huge shed walls. My latest court appearance was in, I think, 2016 from a rescue we did on a farm near Coldstream. I had been in that same shed I think 25 years earlier, so 25 years later—I will be honest—the shed was actually worse. There were hens that were covered in beetles. They were been eaten alive. We rescued one called Jessie whose abdomen was so big we thought it was a tumour. The vet said, ‘If it’s a tumour, we will have to euthanase her’. She could hardly move. When they operated it was pus, and she lost half her body weight but she survived. This shed was run-down. It was derelict. It was actually worse. In other sheds and piggeries that we have been in, the conditions have not changed—no, not at all.

What is changing is public awareness because there are more and more of these undercover operations happening, so people are becoming aware and they are now voting with their dollar. The vegan options now—I remember the day we had to have powder just to make some soy milk. Now the soy milks and almond milks are taking over. Someone else mentioned the super wealthy billionaires on the planet. They are putting their money into this, not so much because of perhaps the animals, but they know our planet cannot sustain the animal agriculture anymore. It just cannot.

One lady asked about the pests. We are all aware the Amazon is burning. The Amazon is our lungs; it is what keeps the air clean. Those fires are being lit by farmers to produce food, and, yes, they are producing soy. I read somewhere that something like 80 per cent of the soy and wheat products that the Amazon is being cleared for

is not going to us—it is not our bread; it is not the food we eat—it is being fed to the animals. The top scientists have shown that, I think, we would need four planet earths to sustain the western diet that we enjoy here in Australia if the whole planet ate like we ate.

Mr MEDDICK: In the actions that you have taken part in over the years you say that you are always at pains to let people know that you are there for a non-violent action. There is a lot of narrative in various media outlets and from other commentators—even from within these walls—that people who partake in these actions are violent extremists. Have you ever been violent towards a farmer?

Ms MARK: Never.

Mr MEDDICK: Have you ever experienced violence towards activists?

Ms MARK: Sadly, yes. There have been quite a few incidents of violence towards us. This is where my respect and heart goes out to so many activists who I know who have been terrorised and threatened during our rescues. It does not happen often, but it does happen. There was one instance where two of us were kept in a shed, held down and held back, and my friend was sexually molested.

The CHAIR: If you want to have water and a break, please do, before we continue.

Ms MARK: We came out, and luckily there was a reporter and cameraman, and that was in the papers. We followed it up with the police, gave all the evidence and nothing was ever done. Another time, on an earlier rescue, we called the police, because we normally do call the police to help us because the conditions are bad. We called the police and—this is quite a few years ago—one of the people with me was over 50; the police were already there. This was when hens were impaled. The shed was so old, it was covered in rats and if this was the cage, the manure piles underneath were up to the tables. They were drowning. We were pulling them out of their faces, and there were ones that were impaled and screaming on the broken wires. And the police were there. The producer came out and took a big stick and hit this woman, who was over 50 years old, right in front of the police. We were handcuffed and put in the back of the divvy van.

Mr BARTON: Patty Mark, you do not look dangerous to me. I do not think you are an extremist and I do not think you are a terrorist—but extremely passionate. I did have a small farm, and I believe that farming practices have changed and they have improved. I do not doubt for a moment there are bad farming practices still, and they have to be dealt with, so I support you on that. Just because I am asking about your experience, I do not think all farms are badly run, but there are certainly some bad ones. In terms of what we want to create, what I would like to see created, is a regulatory body where you do not feel the need to do this. That is what we want to achieve, so you can have the confidence of—the Committee will come up with a thought—a statutory body or a set of enforceable legislation to deal with this. Do you think that is the way we should be going?

Ms MARK: To me that would be an amazing, wonderful first start to have a regulatory body or office of animal welfare. That would be a first start, and so would the CCTV cameras. I am not as much a fan of them as most other activists, because I think people become desensitised, do not even look at it and then it becomes the norm, but I still think it should be there. I see that an office of—I cannot think of the word.

Mr MEDDICK: An independent office, is that what you asked?

Mr BARTON: Yes.

Ms MARK: Yes. That is a must, but I really think we need to push past that too. And it is happening. Sometimes I think I do suffer from post-traumatic stress syndrome, but the one joy of my life is to see the amazing changes I have seen in the past 40 years—how people would so mock us and make fun of us. I would hide the fact that I was a vegan in the early days. Now the whole world is starting to change, and it might not be so much because the animals deserve it but because we can finally see we need to do this if we are going to survive. So it is going to happen. But, yes, please start that. An office of animal welfare? Yes. CCTV cameras? Yes. But we need to keep going further, because animals are individuals. They are citizens just like we are; they just happen to have different forms.

Mrs McARTHUR: Correct me if I am wrong, Patty: you would prefer to see no animal meat production? You would prefer all of us to be on a plant-based diet?

Ms MARK: Absolutely.

Mrs McARTHUR: Absolutely. Good. I am just interested in your care for all animals, and you did mention almonds. I am sure you would be concerned about this, because 80 billion domestic honey bees are estimated to land in the California almond industry each year, of which up to half die during the management process because of the long journeys to and from the almond orchards. Is it of concern to you that there are animals that have to die to produce plant-based products? Also, I just want to, after you answer that, ask a question about transitioning of farmers.

Ms MARK: The first question: yes, I am absolutely concerned about any animal insect who has to die. I mentioned about the rainforest in the Amazon. You have to do the mathematics—and I think the professor earlier this morning hit the nail on the head—because if you are eating animals, you are eating the animal who has eaten all the plants, so mathematically speaking it is very inefficient for the future of our planet. Like I said, imagine if every country on the planet, those with the huge populations, ate as much animal products as we do—it is impossible. I think we should find ways of farming where we have the minimal damage or destruction of any living creature. I guess none of us are perfect. I drove a car, and the tyres probably had animal products. None of us are perfect, but what we can do is try our very best to do the least amount of harm we can. And it is so easy and it is so much better for us anyway—you get healthier.

Mrs McARTHUR: I am sure we do, especially as I noticed that in 125 grams of pasta you will find an average of 125 insect fragments, so I am sure we would all have to give up pasta.

But just going to the farmers that need to transition, in Victoria we have got about 21 200 farm businesses. We have got 77 000 people employed in farm businesses, of which about 60 per cent are employed in the livestock industry. How would you propose we transition everybody involved in the agricultural, especially meat, production industry in this state alone if we get rid of animal meat production?

Ms MARK: It is not an easy question. I would be the last person to want anyone to lose their job. I keep saying I know how hard these people work. It is just that we need to change the jobs. Just like when other things that are bad for us are transitioned out, our Government—

And with all our taxes, I know that is how I want my taxes to be used—to help these farmers to transition into a more sustainable and definitely more ethical and more peaceful way of life. And we will all benefit—all of us, not only the animals.

Mrs McARTHUR: So have you got any suggestions for us, because we need to know how we are going to transition these people out of farming into—

Ms MARK: Well, it is happening now. I actually live in rural Victoria now, and some of the dairy farms are being bought out by apple orchards. The land is quite fertile. It can happen. We have to set our minds to it. It is our responsibility—every taxpayer. If we want our taxes to go that way, it is our responsibility to let all of you know that this is what we want. We do not want these farmers out of work—by no means do we want them out of work—but we just want them to do work that is not only going to be beneficial for animals but beneficial for the planet and beneficial for our health.

The CHAIR: Thank you. If there are no further questions, in a few weeks you will receive a copy of the transcript for proofreading. On behalf of the Committee I would like to thank you for your time and contribution.

Witness withdrew.