

Submission to

**Inquiry into the
Criminal Code Amendment
(Agricultural Protection) Bill 2019**



Challenging tyranny against animals

Paul Mahony

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Bill 2019: Challenging tyranny against animals**

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Excerpts from the case of Oliver's Piggery, Winnaleah, Tasmania in Scottsdale Magistrates Court, 2009. (See Section 3.)

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Introduction

For readers who are unfamiliar with the topic, the Australian parliament is considering a new bill, the Criminal Code Amendment (Agricultural Protection) Bill 2019. On 4th July 2019 the senate referred the bill to the Legal and Constitutional Affairs Legislation Committee for inquiry and reporting, and the committee has invited submissions.

The bill introduces new offences for individuals who use the internet or other “carriage services” to incite another person to trespass, damage, destroy or steal property on agricultural land.

It applies to agricultural operations such as land and sea animal farms, abattoirs, meat exporters, livestock sale yards, and tree, fruit, vegetable and crop growers.

This submission aims to assist the committee by adding some perspective to the role of activists who enter premises unlawfully in order to inform the community of conditions and activities inside.

The submission comprises sections dealing with relevant issues under the headings: honesty and justice; legal cruelty; uncovering the truth; carnism; and challenging laws to achieve social justice.

Executive Summary

Honesty and justice

- We teach children that honesty and justice are noble traits; however, such traits are sorely lacking in the treatment of farmed animals.
- Industry advertising and PR largely determine the community's perceptions of animal agriculture, enabling unjust practices to proliferate.

Legal cruelty

- Many exemptions in favour of the animal agriculture sector apply to so-called "prevention of cruelty to animals" legislation throughout Australia, permitting cruelty to occur as standard practice.
- In Victoria, the government has displayed double standards by banning puppy farms, which it has described as "cruel and barbaric factory farms", while permitting cruel and barbaric practices in relation to other animals.

Uncovering the truth: The case of Oliver's Piggery, Tasmania

- Without animal activists entering Oliver's Piggery in Tasmania, we may never have known of the horrific practices that had been occurring there.
- The piggery had been a major supplier to Woolworths, with the owner appearing in promotional brochures as one of its "fresh food people".
- It had recently passed an industry-based quality audit, with only a clerical error delaying formal approval.
- The activists notified police after the RSPCA refused to assist.
- Charges were laid and fines imposed against the piggery's owners and operators.

Carnism

- The term "carnism" was coined by Harvard-educated psychologist and author Dr Melanie Joy, comprising "carn" for "flesh" and "ism" to denote a belief system.
- It is an invisible belief system or ideology that conditions people to eat certain animals but not others.
- If the community were willing to challenge this dominant belief system, it may begin to look objectively at the horrors we are imposing on animals used for food and other purposes.

Challenging laws to achieve social justice

- History is full of activists who challenged the law of the day in pursuit of a just cause, and suffered through intimidation, arrest and incarceration.
- They allegedly broke laws and challenged those in authority, only to eventually be widely regarded as heroes as the validity of their position became evident.
- Today's animal activists could one day be perceived the same way by the general community.

1. HONESTY AND JUSTICE

We teach children that honesty and justice are noble traits; however, such traits are sorely lacking in the treatment of animals within the animal agriculture sector.

Let's consider each issue in turn.

Honesty

The lack of honesty is represented by the portrayal of animal-based food production by industry, media and government, and their failure to inform the community of cruel practices that are standard within the sector.

The community is subjected to sophisticated advertising and PR campaigns by industry which include, but are not limited to, the involvement of high-profile entertainment programs on national media outlets.

Relevant government departments and agencies should conspicuously inform the community that cruelty is permitted when it involves animals bred for food and other purposes. At present, the opposite occurs.¹ An honest approach would assist consumers to make their own judgements based on a clearer understanding of the truth.

Activists have helped to overcome the lack of honesty by providing information about cruel practices that occur every day, of which the community may otherwise have been unaware.

Justice

The question of justice involves the need to act on the basis of what is morally right and fair. The animal agriculture sector is failing to do so.

There is a simple test (based on the "veil of ignorance" concept) to determine whether or not a practice is ethical.² If we imagined we were a speck of consciousness somewhere in the universe, waiting to be born on planet Earth and not knowing whether we would be born as a human or as an animal to be exploited for food or other purposes, would we approve of such exploitation?

If we were in that position, it is difficult to imagine many of us approving practices of the type referred to in this submission.

2. LEGAL CRUELTY

A step in the right direction: Puppy farms banned in Victoria

Since 1 July 2018, pet shops in the state of Victoria have been prohibited from sourcing or selling dogs or cats from unregistered shelters or pounds, and breeding businesses have been prohibited from owning or running a pet shop.

From 10 April 2020, approved commercial dog breeders will be limited to a maximum of 50 fertile female dogs.



Victorian premier Daniel Andrews and former minister for agriculture Jaala Pulford appearing in the government's announcement of an inquiry into puppy farming

As registered breeders can still operate, the government's claim that puppy farming has ended appears inaccurate. Nevertheless, premier Daniel Andrews and former minister for agriculture, Jaala Pulford, have expressed abhorrence of what they may regard as unscrupulous practices, describing puppy farming as cruel and barbaric, with the minister describing relevant establishments as factory farms.³

Problems with puppy farming have included:⁴

- The animals are often kept in small pens with no ability to exercise, socialise or play.
- Mothers may suffer years of isolation, with their babies taken from them soon after birth.
- They are kept in a cycle of breeding until they can no longer produce enough offspring to be profitable.

What about other cruel and barbaric practices?

In describing puppy farming as they have, Andrews and Pulford appear to have ignored standard practices within animal agriculture that the community may generally regard

as cruel and barbaric. They include, but are not limited to, those described above in the context of puppy farming plus others referred to below.

Tragically, most members of the community may be unaware that the agricultural sector is largely exempt from the provisions of so-called “prevention of cruelty to animals” legislation.

Any exemption means that a practice that would otherwise be prohibited is permitted.

That in turn means that legislation across Australia permits cruelty and does so in a discriminatory fashion.

Here are some examples of practices that are permitted without pain prevention or relief in respect of farmed animals, in addition to being brought into the world solely for the purpose of being slaughtered or exploited in other ways.:

- castration;
- debeaking;
- dehorning;
- depriving aquatic birds such as ducks of water;
- ear notching;
- forced breeding, often involving stimulation by humans, penetration with artificial devices, and ongoing confinement;
- forced separation of mothers and babies, with male calves in the dairy industry (for example) being sent to slaughter soon after;
- gassing of pigs in CO2 chambers;
- hot-iron branding;
- lifelong confinement indoors (often in cages);
- maceration of live male chicks in the egg industry;
- removal of toe segments;
- tail docking; and
- teeth clipping.

Videos from Animals Australia showing dehorning and hot-iron branding of cattle and gassing of pigs can be seen via the following links. WARNING: The videos may distress some viewers.

- **Dehorning video:** <https://vimeo.com/64529686>
- **Hot iron branding video:** <https://vimeo.com/64529687>
- **CO2 gas chamber for pigsⁱ:** <https://vimeo.com/93703613>

ⁱ Animals Australia’s gas chamber video is based on material supplied by Aussie Farms.

To further consider an example of cruel practices, the duck shown here is from an Australian duck farm. As frequently occurs, he is on his back in a shed, unable to move.



Duck in grower shed, Victoria, Australia. Animal Liberation via The Aussie Farms Repository

In nature, ducks spend much of their life in or on water and have naturally weak leg joints. Ducks bred for food are generally given no access to water for swimming or bathing, often leading to lameness, dislocation and broken bones. Slippery floor surfaces, caused by the presence of urine and faeces, increase the risk of injury.

The lack of water also prevents ducks from cleaning themselves, leaving them vulnerable to heat stress, infection and disease, including “crusty eye” which can cause blindness.⁵

The duck shown on the previous page is one of thousands of animals whose plight has been documented by animal activists in Australia. More details can be found in Section 3.

The Victorian government recognised animal sentience within its 2017 Animal Welfare Action Plan yet continues to allow practices such as those described here.⁶

Like the governments of South Australia, Tasmania and the Northern Territory, it also allows shooters to blast wild ducks from the sky for “recreational” purposes.

Duck shooting is another activity that highlights the double standards that exist in our treatment of animals. How often have we seen media reports of a mother duck and her ducklings assisted in crossing a busy road? A duck who has been blasted from the sky may have had ducklings awaiting food, warmth and comfort that will never come.

What about the RSPCA?

The RSPCA has no authority to deal with legal, routine acts of cruelty, such as those described on the previous page.

The scope of the RSPCA's role was highlighted by the Victorian government when it stated that the organisation should only be contacted in relation to matters involving non-commercial or domestic animals, and that the Department of Economic Development, Jobs, Transport and Resources (now incorporated within the Department of Jobs, Precincts and Regions) should be contacted in relation to farmed animals.⁷

This means that the government department responsible for the state's "strong economic performance by growing industries and regions" is also responsible for the wellbeing of animals who are regarded as products to be slaughtered and exploited in other ways.⁸ The animals would appear to have little chance when there is no one officially responsible for protecting their true interests.

In 2012, The Age newspaper reported that the RSPCA earns a royalty equal to 2 per cent of sales in exchange for its "approved farming scheme" product endorsement.⁹

Section 3 of this submission provides an example from Tasmania of inaction by the RSPCA in the face of extreme animal cruelty.

The massive scale of cruelty

The table and chart on the following page highlight the massive scale of animal breeding and slaughter within Australia.

Figure 1 depicts the number of land animals slaughtered in the most recent year of reporting (2017) while Figure 2 shows, for the period 1961-2017: (a) the cumulative number of land animals bred and slaughtered; and (b) the number of humans who lived.

Figure 1 shows that we slaughtered more than 710 million land animals during 2017, at a rate of 22.5 per second. Many species are not included in the figures, such as kangaroos, rabbits, sea animals or male chicks macerated as waste in the egg industry.¹⁰

Figure 1: Australian slaughter numbers 2017

Description	Number slaughtered	Per cent
Cattle	7,423,300	1.04%
Chickens	652,680,000	91.81%
Ducks	8,241,000	1.16%
Goats	2,080,000	0.29%
Horses	98,824	0.01%
Pigs	5,159,800	0.73%
Sheep	28,896,900	4.06%
Turkeys	6,320,000	0.89%
Total	710,899,824	100.00%

Prepared by Paul Mahony June 2019

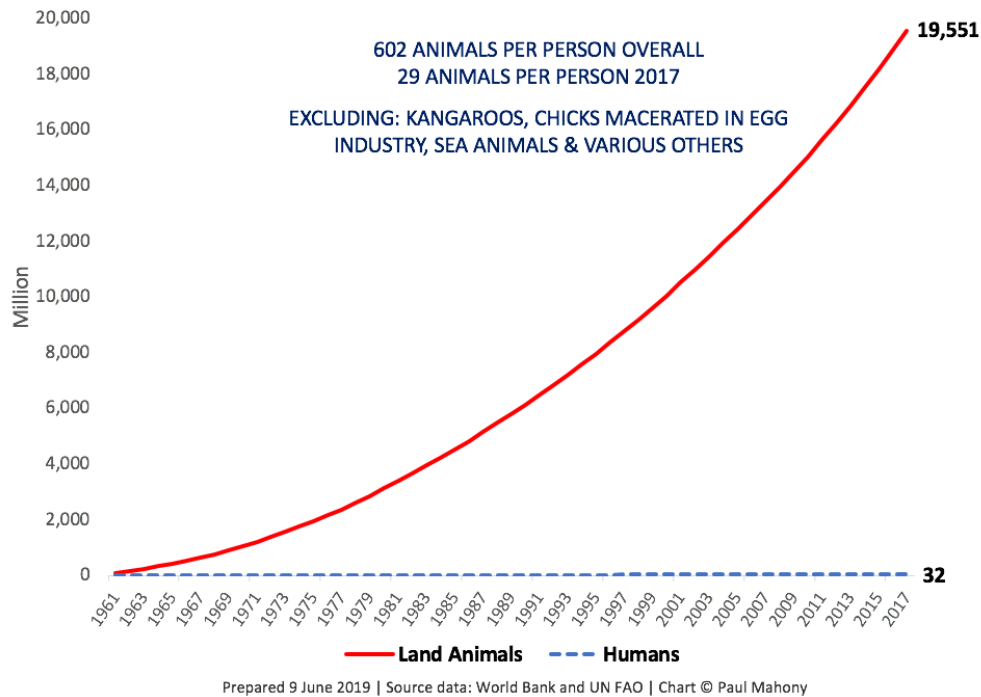
Source: UN Food & Agriculture Organization - FAOSTAT - 2017

Various figures are not available, including but not limited to: sea animals; kangaroos; rabbits; camels; male chicks gassed or macerated as waste in the egg industry.

Figure 2 shows that during the period 1961-2017, around 32 million people lived in Australia, and that we bred and slaughtered nearly 20 billion land animals, at an average of more than 600 land animals per person.^{11, 12, 13}

Not only are the animal slaughter numbers massive, they are accelerating.

Figure 2: Number of humans who lived and cumulative number of land animals bred and slaughtered in Australia 1961-2017 (million)



3. UNCOVERING THE TRUTH: THE CASE OF OLIVER'S PIGGERY

Instances of cruelty often extend beyond the legally sanctioned types described in the previous section. An example was Oliver's Piggery, which was located in Winnaleah, Tasmania.

It had been operating for around 30 years when two animal activists, including Emma Haswell of Brightside Farm Sanctuary, entered the premises one night in March 2009.^{14, 15}

At the time, the piggery was supplying around 20 per cent of Woolworth's fresh pig meat requirements in Tasmania.

The owner was appearing in brochures as one of Woolworth's "fresh food people".

Three months before the visit by activists, the piggery was inspected by an industry-based quality auditor. According to Nine Network's "60 Minutes" program, the auditor had approved the piggery for accreditation, but a clerical error had delayed the process.¹⁶

A shareholder and director of the company operating the piggery was also a director of Australian Pork Ltd, an industry organisation that describes itself as "the producer owned organisation supporting and promoting the Australian pork industry".

Haswell said soon after the visit:¹⁷

"What I found in the piggery was suffering of an unimaginable scale . . . Many of the sows were unable to move, in fact some had the word 'stuck' written on a little black board above them. Most had shoulder wounds, some of which were infested with maggots, all of which were infested with flies."

"Some sows had abscesses so severe that their legs were 3 times the normal size, these poor pigs were emaciated beyond belief, unable to move, so weak that only their eyes indicated they were alive. One sow had a large wound on her neck that was seething with maggots, she lay in a pool of filth unable to move or get to food or water."

"In this piggery each sow is manually fed each day. How does a person choose to walk past an animal suffering and dying in a concrete and steel crate every day for weeks and weeks on end? How do they choose to do nothing, to provide no relief, no water, no food and not destroy the suffering animals in front of them."

Layers of faeces were deposited in group pig pens. The owner admitted the pens had not been cleaned for two months.

The pigs were said to have one visit per year from a vet, based in South Australia.

The morning after the visit, Haswell contacted the RSPCA, who told her they did not work on weekends.

She said:

“I then turned to the Tasmania Police for help, they responded straight away and I then accompanied them to the piggery as an assistant, they were fantastic.”

Police found that more than 70 per cent of the 46 sows in crates or stalls had pressure sores on their sides needing treatment.ⁱⁱ

Three animals were destroyed by a vet soon after the police arrived.

The piggery owners were charged with three counts of aggravated cruelty and other offences. In the hearing at Scottsdale Magistrates Court, fines totalling \$12,500 were imposed.

The following interaction between the magistrate, John Myer and the defence lawyer, Grant Tucker, seems particularly pertinent to the current parliamentary inquiry:¹⁸

- **Defence Lawyer Grant Tucker:** *“The Olivers have been operating the piggery for something like 30 years . . . What has in fact happened is that an animal activist has entered the farm without any invitation from Mr Oliver or the family and that is a concern.”*
- **Magistrate John Myer:** *“Is that how the report was made?”*
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Oliver’s Piggery was not an isolated example of extreme cruelty. Since and before that time, acts of cruelty committed on a routine basis have been extensively documented by Australian animal activists.

ⁱⁱ The relevant report was unclear as to whether the form of confinement was sow stalls or farrowing crates. Both types severely restrict sows’ movement and can be used for weeks at a time. The video referenced in this section showed a large number of sow stalls.

4. CARNISM

The term “carnism” was coined by Harvard-educated psychologist and author Dr Melanie Joy, comprising “carn” for “flesh” and “ism” to denote a belief system.¹⁹

She describes carnism as an invisible belief system or ideology that conditions people to eat certain animals. The animal advocacy organisation, Voiceless, has suggested that carnism is a subset of speciesism which, like racism and sexism, is a form of prejudice or discrimination.²⁰

Melanie Joy says: *“Because carnism is invisible, people rarely realise that eating animals is a choice, rather than a given. In meat-eating cultures around the world, people typically don’t think about why they eat certain animals but not others, or why they eat any animals at all. But when eating animals is not a necessity, which is the case for many people in the world today, then it is a choice – and choices always stem from beliefs.”*

It is invisible largely because it is the dominant belief system. In that way, it is much like background noise that has continued for an extended period, to the point where we have become oblivious to it.

Carnism is largely responsible for the antipathy many people feel toward animal activists. The activists are challenging social norms, much like (for example) the suffragettes of the 19th and early 20th centuries who fought for women’s voting rights.

If the community were willing to challenge this dominant belief system, it may begin to look objectively at the horrors we are imposing on animals used for food and other purposes. As a result, the public discourse on this topic may be very different to what we are currently witnessing.



Dr Melanie Joy, who developed the concept of carnism

5. CHALLENGING LAWS TO ACHIEVE SOCIAL JUSTICE

History is full of activists who challenged the law of the day in pursuit of a just cause, and who suffered through intimidation, arrest and incarceration.

Three such people, Emmeline Pankhurst, Martin Luther King, Jr. and Nelson Mandela, are considered here.

The nature of their activism (which was often perceived as extreme) is not the key point of comparison, either with each other or with today's animal rights activists. It is that they allegedly broke laws and challenged those in authority, only to eventually be widely regarded as heroes as the validity of their cause became evident.

Today's animal activists could one day be perceived the same way by the general community.

Emmeline Pankhurst

Given the fact that exploitation by the animal agriculture sector is disproportionately focused on females, the suffragette movement of the 19th and early 20th centuries may be a fitting place to start.

This image shows a leader of the movement, Emmeline Pankhurst, being arrested in London.

More than 1,300 suffragettes were arrested in the United Kingdom and many, including Pankhurst, jailed for extended periods.

Memorial statues now stand in Pankhurst's honour in London and the city of her birth, Manchester.

The London statue was unveiled in 1930 by Prime Minister Stanley Baldwin, who had opposed her cause. Musicians from the Metropolitan Police, some of whom had arrested suffragettes during demonstrations, asked to play for the ceremony.



Emmeline Pankhurst arrested outside Buckingham Palace 1914

In 2018, on the anniversary of the law granting women the right to vote, prime minister Theresa May said:²¹

"Those who fought to establish their right - my right, every woman's right - to vote in elections, to stand for office and to take their full and rightful place in public life did so in the face of fierce opposition. They persevered in spite of all danger and discouragement, because they knew their cause was right."

Martin Luther King, Jr.

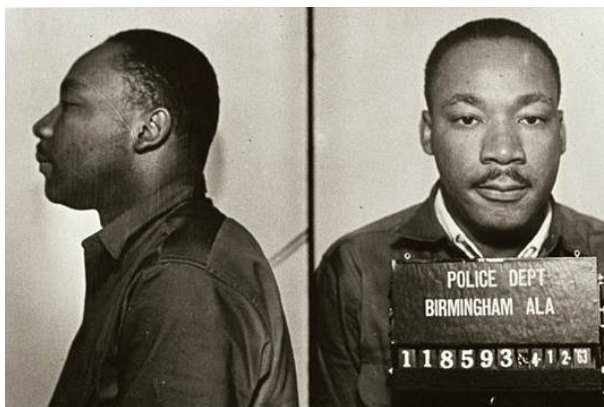
In 1955, at the age of 26, Martin Luther King, Jr. was awarded a Doctorate of Philosophy in systematic theology from Boston University.²²

Later that year, Rosa Parks was arrested for sitting at the front of a bus in Montgomery, Alabama, resulting in a bus boycott, with King becoming its spokesperson and leader.

Through vigils, protests and demonstrations over several years, King was arrested and jailed many times.



Dr Martin Luther King, Jr. being arrested in Montgomery, Alabama, for "loitering" in 1958



Mugshot of Martin Luther King Jr following his April 1963 arrest in Birmingham, Alabama

In May 1963, more than one thousand young people, including school children, were arrested and jailed in Birmingham, Alabama, during the Children's Crusade, which formed part of the civil rights campaign led by King.²³

Images of water cannons and police dogs targeting children during the demonstration motivated President John F. Kennedy, the following month, to announce his plans for civil rights legislation.

As an example of what King and those who fought with him were contending with, in June 1963, Governor George Wallace stood at the entrance to the University of Alabama's Foster Auditorium, refusing to allow its first two African American students to register. He is seen here, supported by state troopers, defying federal deputy attorney general, Nicholas Katzenbach. He eventually departed with members of the national guard, following which the students, Vivian Malone and James A. Hood, succeeded in registering.²⁴



Governor George Wallace attempting to block integration at the University of Alabama, June 1963

Martin Luther King, Jr. was awarded the Nobel Peace Prize in December 1964, becoming the youngest person to receive it.

In November 1986, King's birthday, January 15, was declared a national holiday.

Nelson Mandela

As a child, Nelson Mandela would hear elders' stories of his ancestors' valour during the wars of resistance, and dream of making his own contribution to his people's struggle for freedom.²⁵

In 1942, at the age of 24, he began attending African National Congress (ANC) meetings. Two years later, he co-founded the ANC Youth League.



The Afrikaner National Party was elected in 1948 under the slogan "apartheid" (meaning "separateness") and began enforcing its policies of racial segregation.

In 1952 Mandela was chosen as the National Volunteer-in-Chief of the Defiance Campaign, involving civil disobedience against six unjust laws. He and 19 others were charged under the Suppression of Communism Act for their part in the campaign and sentenced to nine months of hard labour, suspended for two years.

In the same year, he was elected ANC deputy president and opened South Africa's first black law firm with Oliver Tambo.

Mandela was arrested in widespread police raids in December 1956, which led to the Treason Trial. He was finally acquitted in 1961.

The ANC had been banned in 1960 following the Sharpeville massacre.

In June 1961 he was asked to lead the armed struggle and the following year secretly left South Africa to gain foreign support and undertake covert military training.

On his return later that year, he was arrested and sentenced to five years in prison for inciting workers to strike and leaving the country without a passport. A subsequent trial for sabotage resulted in a sentence of life in prison.



Nelson Mandela's cell at Robben Island, the prison where he spent 18 years of his 27-year incarceration.

Mandela was released in February 1990 and won the 1993 Nobel Peace Prize with President FW de Klerk.

On 10 May 1994 he was inaugurated as South Africa's first democratically elected President.

Conclusion

Humans have almost complete power over the other animals with whom we share the planet.

With power comes responsibility.

However, we largely ignore that responsibility, and abuse our power, by forcing tens of billions of animals globally and hundreds of millions in Australia each year to become units of production.

It is hoped that the material contained in this submission provides the Legal and Constitutional Affairs Legislation Committee with some perspective that may otherwise have been lacking when considering its position on animal activism.

Image References

Front cover: © Animal Liberation via The Aussie Farms Repository, “Broiler (meat) chickens, approximately 7 weeks old”

Daniel Andrews and Jaala Pulford, © State of Victoria, Attribution 3.0 Australia (CC BY 3.0 AU), <https://creativecommons.org/licenses/by/3.0/au/>, from “New Laws To Stamp Out Cruel Puppy Farms”, 11 October 2016, <https://www.premier.vic.gov.au/new-laws-to-stamp-out-cruel-puppy-farms/>

Duck grower shed, Victoria, Australia, © Animal Liberation via The Aussie Farms Repository, <https://www.aussiefarms.org.au/photos/food/ducks>

Incontro con Melanie Joy, © Progetto Vivere Vegan, Flickr, CC BY-NC 2.0 (<https://creativecommons.org/licenses/by-nc/2.0/>)

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Dr Martin Luther King, Jr. being arrested in Montgomery, Alabama, for “loitering” in 1958, Wikimedia, Public Domain

Mugshot of Martin Luther King Jr following his 1963 arrest in Birmingham, April 1963, Wikimedia, Public Domain

Attempting to block integration at the University of Alabama, Governor George Wallace stands defiantly at the door while being confronted by Deputy U.S. Attorney General Nicholas Katzenbach, 11th June 1963, Wikimedia, Public Domain

Schavda, Nelson Mandela's cell - Robben Island, Wikimedia Commons, CC BY-SA 3.0 (<https://creativecommons.org/licenses/by-sa/3.0/deed.en>)

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- ²⁵ Nelson Mandela Foundation, Biography of Nelson Mandela (undated), <https://www.nelsonmandela.org/content/page/biography>