

## LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE

### CRIMINAL CODE AMENDMENT (AGRICULTURAL PROTECTION) BILL 2019

#### Submission

I thank the committee for the opportunity to make a submission. I strongly oppose the proposed bill, and I wish to make some general comments about these types of ag-gag bills.

Rather than increasing penalties and imposing jail terms for animal activists, the government should be asking: why is trespass occurring? Only by analysing why activists are outraged can effective solutions be found. Merely introducing punitive ag-gag laws will be counterproductive.

This is reinforced by a recent report in 2018, which was commissioned by the federal government, entitled *Commodity or Sentient Being? Australia's Shifting Mindset on Farm Animal Welfare*. This Futureye report found that activists are not the only ones who are concerned about farm animal welfare. Through its analysis of national surveys and focus groups of everyday Australians, the report found that 95 per cent of Australians view farm animal welfare to be a concern. See link:

<https://theconversation.com/notjust-activists-9-out-of-10-people-are-concerned-about-animal-welfare-in-australian-farming-117077>

For those politicians who belittle Australians who are interested in animal welfare as being 'keyboard warriors' and 'latte city slickers, Futureye found there was no difference in views between residents in capital cities or regional towns and rural areas. They also discovered there is distrust of government agencies in charge of regulating farm animal welfare -- and that the livestock industry is too secretive about activities on farms. According to Futureye this is what is driving growing outrage about farm animal welfare.

Further, the report found that 76 per cent of Australians say whistleblowing by activists about farm animal welfare should be encouraged. While 20 per cent were undecided, only 4 per cent disagreed with the whistleblowing.

I believe that the revelations in the media about egregious cruelty in the live export industry and ongoing cruelty in battery egg, chicken broiler and pig farms, to name but a few, have increased community awareness of farming issues. People cannot understand why farmers continue to send their animals for live export, for example, when they know what happens both during the voyage and, if the animals arrive alive, that they will be killed without being stunned first. I recommend that before the committee members tick off this bill, they read the Futureye report so that they understand how strongly Australians feel about farm animal welfare.

I believe the community is further outraged when the perpetrators of farm cruelty are handed light sentences, and even allowed to keep operating. Their cruelty is besmirching the reputation of all our farmers. And this is why increasing penalties for trespass will be counterproductive. The community wants to know what is going on in farming enterprises. People want to know that the animals that are killed to provide them with meat have been humanely treated. Little wonder there is an increasing trend towards vegetarianism and veganism for health reasons, for environmental reasons, and because people do not like the way animals are farmed.

I believe the only way to stop activists trespassing on farms is to tighten up the farm animal welfare standards to instil in the community a sense of transparency and trust in farming generally. At present the agricultural industry has considerable input into framing these standards. There is no community input at all. It is concerning that routine practices on farms such as mulesing, castration, dehorning and so on, continue to be carried out without pain relief, even though it is readily available.

The community cannot see what is going on behind the walls of factory farms. All they know is that there is a veil of secrecy about these places. Whenever activists produce footage showing examples of what happens inside, the community is rightly shocked – shocked enough to encourage Coles, Safeway and IGA to phase out cage eggs, for example. The actions of animal activists have brought about limited improvements in farm animal welfare, but more fundamental change is needed.

In 2016 the Productivity Commission wrote a report entitled *Commission Inquiry Report - Regulation of Australian Agriculture No. 79*, 15 November 2016 . This report made recommendations about how the whole system of

standard-setting and regulations for farm animals could be vastly improved. The federal government ignored the findings of the Productivity Commission. However, I believe that if its recommendations were implemented it would, given time, alleviate a lot of the concerns of activists and thus reduce the motivation to trespass. The report recommended:

**RECOMMENDATION 5.1**

To facilitate greater rigour in the process for developing national farm animal welfare standards, the Australian Government should take responsibility for ensuring that scientific principles guide the development of farm animal welfare standards. To do this, a stand-alone statutory organisation — the Australian Commission for Animal Welfare (ACAW) — should be established. The functions of ACAW should include:

- determining if new standards for farm animal welfare are required, and if so, to develop the standards using good-practice public consultation and regulatory impact assessment processes
- publicly assessing the efficiency and effectiveness of the implementation and enforcement of farm animal welfare standards by state and territory governments
- publicly assessing the efficiency and effectiveness of the livestock export regulatory system and making recommendations to improve the system to the Australian Government Minister for Agriculture.

ACAW should comprise no more than five members (including a Chair) appointed by the Australian Government following consultation with state and territory governments.

Members should be appointed on the basis of skills and experience, not as representatives of a particular industry, organisation or group.

It should also include animal science and community ethics advisory committees to provide independent, evidence-based advice on animal welfare science and community values.

**RECOMMENDATION 5.2**

State and territory governments should review, by the end of 2017, the way in which their farm animal welfare regulations are monitored and enforced, and make necessary changes so that:

- there is separation between agriculture policy matters and farm animal welfare monitoring and enforcement functions
- a transparent process is in place for publicly reporting on monitoring and enforcement activities
- adequate resourcing is available to support an effective discharge of monitoring and enforcement activities.

State and territory governments should also consider recognising industry quality assurance schemes as a means of demonstrating compliance with farm animal welfare standards, provided that the scheme complies (at a minimum) with standards in law, and involves independent and transparent auditing arrangements.

**RECOMMENDATION 5.3**

The Australian Government should appoint an independent expert or committee to publicly inquire and report, by the end of 2017, on the efficiency and effectiveness of the livestock export regulatory system.

The review should include an assessment and make recommendations for reform on:

- industry-developed initiatives, such as quality assurance programs, as a means of compliance with livestock export regulations
- recognition of equivalence of regulatory arrangements in livestock export markets

- the effectiveness of the auditing arrangements used to demonstrate compliance with livestock export regulatory requirements, including mandatory rotation of auditors and requirements for auditors to have expertise in animal welfare and animal husbandry.

If the Australian Commission for Animal Welfare (recommendation 5.1) is established in time, it should undertake the first review. It should also undertake subsequent regular reviews of the livestock export regulatory system.

**In conclusion, I urge committee members to have regard to the implementation of the above recommendations rather than proceeding with the proposed bill.**

**What is the point of having an expensive Productivity Commission if its thoroughly researched and sensible recommendations are not taken up?**

**As I said the best way to deter trespass on farms is to vastly improve the farm animal welfare standards with effective monitoring, compliance and penalties, where appropriate. This would leave activists with no motive to trespass.**

**Along with many other Australians I believe people should have the freedom to 'call out' bad farming practices, a view espoused by Senator Janet Rice in the link below. It is up to the courts to decide whether the rationale behind the trespass was reasonable to draw attention to an alleged issue. See link to article - <https://www.abc.net.au/news/2019-07-25/greens-back-civil-disobedience-on-farm-trespass/11345132>**

**Transparency and truth are vital in gaining community confidence.**

**The current trespass laws are more than adequate. However, the process of setting standards for farm animal welfare needs a complete overhaul.**

**Charles Davis**

**26 July 2019**