

**Submission
No 110**

**INQUIRY INTO PROVISIONS OF THE RIGHT TO FARM
BILL 2019**

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SUBMISSION to NSW PARLIAMENT
Provisions of the Right to Farm Bill 2019

I thank the committee for the chance to make a submission.

Rather than increasing penalties and jail terms for animal activists, the government should be asking the question: why is trespass occurring? Only by analysing why activists are outraged, will the government be able to formulate effective solutions. Simply introducing ag-gag laws will not work.

The activists, by the way, are not the only ones who are concerned about farm animal welfare. I refer the committee to 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'. The author, Futureye, found, through its analysis of national surveys and focus groups of everyday Australians, that 95 per cent of them view farm animal welfare to be a concern.

Interestingly, Futureye found there was no difference in views between residents in capital cities or regional towns. 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 recommend that committee members - and all members of Parliament - should read the Futureye report.

I believe the revelations in the media about egregious cruelty in the live export industry and hideous conditions on 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 on the voyage and, if the animals arrive alive, that they will be killed without being first stunned.

I believe the community is also outraged when the perpetrators of farm cruelty are handed light sentences, and even allowed to keep operating. The activities of bad farmers are smearing the reputations of all farmers. And this is why increasing penalties for trespass will be counterproductive. The community wants to know what is going on in farming enterprises. They want transparency.

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 pain relief 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 of what happens inside, the community is rightly shocked. 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 alleviate a lot of the concerns of activists and thus reduce the motivation to trespass.

The Productivity Commission recommends:

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 the government not to proceed with the bill. Experience around the world has shown that ag-gag bills are of concern to the community because they infringe on the notion of free speech and interfere with the public's right to know. What is the point of having an expensive Productivity Commission if its thoroughly researched recommendations are not taken up?

I argue that the existing laws on trespass are perfectly adequate. But the process of setting standards for farm animal welfare needs a complete overhaul.

The best way to deter trespass on farms is to vastly improve the farm animal welfare standards with rigorous monitoring for compliance and stringent enforcement. This would leave activists with no motive to trespass.

Transparency and truth are vital in gaining community confidence. The NSW government would achieve more by urging its federal and state colleagues to adopt the recommendations of the Productivity Commission on the regulation of agriculture and restoring community confidence in agricultural methods.

Charles Davis
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