

Submission
No 247

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

Name: Ms Sharon Church
Date Received: 28 September 2019

Partially
Confidential

“Right to Farm” – when animal laws protect the abuser, not the abused.

The only reason Australian consumers (like myself) know about the routine cruelty inflicted by animals in factory farms is because investigators “whistle-blowers” have documented it. Using the rhetoric of 'activism', 'extremism' or even 'terrorism', powerful vested interests have thrown their enormous weight behind efforts to make it illegal to gather evidence of animal abuse.

Key points

- There is a widespread phenomenon throughout Australia whereby animal advocates and animal protection organisations employ surveillance activities, most notably covert surveillance and drone technology, to monitor facilities that house animals on a short- or long-term basis for the purpose of either producing animal products (such as meat or eggs) or carrying out research on animals.
- Surveillance by animal advocates and organisations is ordinarily carried out at a facility, in circumstances where a complaint has been made to the relevant advocate or organisation about serious animal cruelty or neglect occurring at that facility. The purpose of the surveillance is ordinarily to capture audio-visual footage of any such cruelty or neglect and to utilise the retrieved footage in:
 - (a) informing the public of the cruelty or neglect, directly¹ or through the media;
 - (b) reporting the relevant cruelty or neglect to animal welfare² or other regulators, so as to compel those regulators to investigate and take enforcement action; or
 - (c) providing evidence of the cruelty or neglect that can be used in court proceedings against the employees or owners of the facility.
- The surveillance under discussion provides the public with a significant degree of visibility of commercial animal facilities. Such facilities are often located on private property, “behind closed doors”, and in the absence of surveillance, the public may, in a practical sense, have no other way to witness what transpires within the facilities.

1

² e.g., in New South Wales, the Royal Society for the Protection of Animals NSW (RSPCA NSW)

Submission addressed to the Legislative Council Select Committee about the oppressive “Right to Farm” legislation that is trying to silence whistle-blowers and animal activists here in NSW

- Surveillance footage, often graphic and confronting, promotes public awareness of, and encourages public debate about, issues of a political nature, including animal welfare, consumer protection, food safety and criminal justice.
- Surveillance facilitates the effective monitoring and enforcement of animal welfare regulations. Public outcry following the dissemination through the media or internet of surveillance footage provides animal welfare and other regulators with a potent incentive to investigate the relevant facility, and to enforce animal protection regulations in relation to the incident captured in the footage.
- Surveillance footage itself may constitute direct evidence of animal cruelty or neglect, which, in the hands of an animal welfare or other regulator, can be adduced as evidence in court proceedings relating to the relevant cruelty or neglect
- Serious animal cruelty and neglect, in contravention of animal welfare regulations, are widespread in the Australian agricultural industry. Surveillance, for the reasons referred to in this submission, assists with reducing the rate of contravention and improving animal welfare standards.
- Additionally, there are already significant barriers to effective enforcement of animal welfare regulations, such as:
 - inadequate numbers of animal welfare inspectors;
 - budgetary constraints of animal welfare organisations;
 - key government agencies having animal welfare as one of a number of policy concerns (some which may conflict with animal welfare); and
 - logistical difficulties with carrying out inspections or prosecutions in remote locations or in relation to large facilities.
- Consumers have a right to know about the cruelty occurring daily as standard practice within Australian animal agriculture no business has a right to abuse animals in secrecy, and until the government mandates transparency in animal agriculture or criminalises

³ In development for over 8 years, the Farm Transparency Map is a comprehensive, interactive map of factory farms, slaughterhouses and other animal exploitation facilities across Australia, launched publicly by Aussie Farms in January 2019.

Submission addressed to the Legislative Council Select Committee about the oppressive “Right to Farm” legislation that is trying to silence whistle-blowers and animal activists here in NSW

animal cruelty towards ‘livestock’ animals in the same way that it’s criminalised towards companion animals, this role will unfortunately continue to fall on surveillance activities and whistleblowers.

- Agriculture should NOT be exempt from public accountability for their actions.
- “Right to farm” amendments deny people of their basic human rights of self-determination and self-defence. People have an inherent right to defend themselves whenever they have legitimate reason to believe their safety, health, and essential well-being is threatened.
- Constitutions were never intended to give special rights to any particular cohort, but instead to ensure that no particular people, including farmers, are able to deny the inherent rights of others.
- Right to farm amendments are just the latest and boldest tactics of corporate, industrial agriculture to protect itself from growing public concerns about the abuse and unnecessary cruelty to animals as well as the overall integrity of the Australian food system.
- Right to farm amendment’s guarantee one thing for certain: increased distrust of Aussie Farmers and our food supply in general. They are exactly the wrong solution to a problem entirely of large corporate-controlled agricultures’ own making.
- The primary beneficiary of right to farm amendments would be large corporately-controlled, industrial operations. The corporations’ commitment is to their profit margins and stockholders, not to consumers, farmers, or rural communities.
- The right to farm legislation does not tackle the real issues, such as legalised cruelty to animals in factory farming and slaughterhouses, and extremely low penalties for animal cruelty and neglect in animal welfare laws. Instead of punishing those responsible for animal suffering, they punish the whistle-blowers. They stifle rather than encourage industry transparency and visibility, and make it more difficult to obtain evidence of sustained animal abuse carried out in animal enterprises over a period of time. They don’t protect the public interest in knowing how food animals are treated, and they stifle freedom of speech and assembly and the right to protest. In doing so, they prioritise industry profits above both animal welfare and the public interest in enforcing anti-cruelty laws.
- Any economic benefits of “right to farm” amendments would be reflected in increased consumption of animal products among affluent consumers in developing countries, such as China and Korea. Meanwhile Australians

Submission addressed to the Legislative Council Select Committee about the oppressive “Right to Farm” legislation that is trying to silence whistle-blowers and animal activists here in NSW

face increased food safety, environmental, and public health risks associated with expansion of corporate, industrial agriculture. They get the benefits, we keep the chemical and biological wastes.

- There are better alternatives for the future than industrial agriculture—for Australians, and for the world. An emerging sustainable agriculture, including organically grown crops would provide enough healthful food to meet the needs of Australians, while also “feeding the world,” without polluting the environment.
- Broadcasting surveillance footage from inside these facilities promotes public awareness of farmed animal welfare, leading to open dialogue, which is essential in shaping public opinion and encouraging law reform.
- This is not a new phenomenon or one unique to the cause of animal rights. Activism and undercover work has long been the trigger that causes social change, and the political and legislative work that cement those changes.
- Whistle-blowers have revealed abuses of old people in aged care; Illegal activity in the banking industry. Investigators have discovered donations sought from the NRA, revealed government corruption, unsafe work practices and exposed unethical corporate practices. The work of activists has reformed industries. So where do we draw the line at hindering these activities?
- As you next cut into a steak or crack an egg, ask yourself why and industry that claims it has nothing to hide demands protections afforded to no other!!
- Without the work of activists, none of the following atrocities would be known to the public, as it is not at all in the best interests of the offending businesses or government agricultural bodies to expose such practices themselves:
 - The slaughter of five-day-old male calves () in the dairy industry because they won’t ever be able to produce milk, and female calves who are in excess of the farm’s needs. This follows the forced separation from their mothers just hours

Submission addressed to the Legislative Council Select Committee about the oppressive “Right to Farm” legislation that is trying to silence whistle-blowers and animal activists here in NSW

after birth; the mothers are known to grieve for days or even weeks. The mothers are repeatedly and forcefully impregnated, as like humans they do not lactate without giving birth.

○

○ Repeated failure of stunning methods at numerous slaughterhouses

○ In all of these cases except for live export, this evidence has been obtained as a result of trespass by activists who are aware that they are breaking the law, but adamant in the belief that the Australian public, and specifically consumers of meat, dairy, eggs and other animal products, deserve to know what they’re paying for.

○ Recently, new footage captured by a hidden body-worn camera at

, amid

efforts by the NSW and Federal Governments to severely increase penalties for activists who expose animal cruelty.

Submission addressed to the Legislative Council Select Committee about the oppressive “Right to Farm” legislation that is trying to silence whistle-blowers and animal activists here in NSW

○

The footage includes: the use of excruciating carbon dioxide gas chambers on pigs, goats and sheep; repeated failure of captive bolt stunning, with one pig shot eight times while screaming in pain; twisting and breaking of cows’ tails to force them to walk into the knockbox; animals regularly witnessing those before them being killed and consequently trying to escape. It was recorded by a university student undertaking a placement at the facility as part of their animal science degree.

Chris Delforce, Executive Director of Aussie Farms and director of Dominion: “This is some of the most damning Australian footage I’ve ever seen, and yet, it’s completely legal. There are very minimal laws in place to protect animals in facilities like these, which is the complete opposite to what most consumers are led to believe; while there’s a general offence for animal cruelty in the Prevention of Cruelty to Animals Act (POCTA) NSW, farms and slaughterhouses are exempt from this if they follow basic codes of practice which effectively legalise cruelty that regular citizens wouldn’t be able to get away with.”

“The code of practice relating to slaughterhouses is only a model code, intended as non-enforceable guidelines for states and territories to develop their own legislation, but 18 years later none have done so. Even if a company was found to be engaging in cruelty not permitted under the codes of practice, the maximum penalty under POCTA is \$27,500. Meanwhile, the NSW government has introduced fines of up to \$220,000 for individuals who trespass onto farms or slaughterhouses to expose cruelty, and are now seeking to add jail terms of up to 3 years. It’s almost beyond comprehension that the act of jumping a fence to merely film animal abuse is somehow considered worse than committing it.”

“However, this new footage was obtained not by trespass, and not in breach of any biosecurity protocols – so would not be covered by these new laws. If John Barilaro, Adam Marshall and their federal and interstate counterparts want to bring in ag-gag laws on behalf of the industry to stifle exposure of animal agriculture facilities, they’re going to have to start being honest about it and stop hiding behind these smokescreens, otherwise activists will continue to find ways to show the public the reality of what they’re being told is ‘humane’ and ‘ethical’.”

Submission addressed to the Legislative Council Select Committee about the oppressive “Right to Farm” legislation that is trying to silence whistle-blowers and animal activists here in NSW

- Ultimately I encourage you to watch
- In his judgment in the High Court case of *Australian Broadcasting Corporation v Lenah Game Meats Pty Ltd* (2001) 208 CLR Voiceless Patron and former Justice of the High Court of Australia the Hon. Michael Kirby, defended the media’s use of surveillance footage obtained by animal activists on public interest grounds:

“Parliamentary democracies, such as Australia, operate effectively when they are stimulated by debate promoted by community groups. To be successful, such debate often requires media attention. Improvements in the condition of circus animals, in the transport of live sheep for export and in the condition of battery hens followed such community debate.”

Rescuing animals

All animals bred into commercial farms are destined for slaughter at a fraction of their natural lifespan:

	Typical Slaughter Age	Natural Life Span
Chickens (male in egg industry)	1 day	Up to 8 years
“Veal” calves	1-24 weeks	15-20 years
Chickens (broilers / meat breeds)	5-7 weeks	Up to 8 years*
Ducks	7-8 weeks	6-8 years
Rabbits	10-12 weeks	8-12 years
Goats	12-20 weeks	12-14 years
Geese	15-20 weeks	8-15 years
Turkeys	4-5 months	Up to 15 years*
Pigs	5-6 months	10-12 years
Lambs	6-8 months	12-14 years
“Beef” cattle	18 months	15-20 years
Chickens (egg laying hens)	18 months	Up to 8 years

Submission addressed to the Legislative Council Select Committee about the oppressive “Right to Farm” legislation that is trying to silence whistle-blowers and animal activists here in NSW

Pigs (breeding sows)	3-5 years	10-12 years
Dairy cows	4 years	15-20 years

** Most chickens and turkeys are bred to grow so fast that their bodies cannot endure very long. When not bred for consumption, chickens and turkeys can grow at a rate their bodies can sustain for many years.*

- This slaughter occurs regardless of how well or poorly they are treated during their time on the farm, and it is always horrific– as footage has shown time and time again, there is always fear, pain and suffering, and often an awareness of what is to come, with many subjected to witnessing the deaths of those before them.
- Livestock animals are viewed by those who breed, raise and send them to slaughter, as a “commodity”, “property” and “stock”, no different to an innate object such as a television. The only goal is to increase the profit margin; the welfare of the animals is only relevant to the extent necessary to meet this goal, and high mortality rates, especially at younger ages, are considered nothing more than the cost of doing business.
- Activists who trespass to remove these animals take them to sanctuaries where they are able to live out the rest of their natural lifespan, free from abuse, neglect or obligation, and looked after individually with veterinary care that is simply not possible for large-scale farms with thousands, tens of thousands, or hundreds of thousands, of animals per worker to provide. This occurs from their own pockets and from donations – no profits in this space.

Rescue must be distinguished from “theft” where animals or property are taken for financial or personal gain.

Workplace Health and Safety and Biosecurity Risks vs Impacts of Animal Activist Activity to NSW’s Economy and International Reputation

BIOSECURITY

- It is notable that current criminal and biosecurity laws in Australia already prohibit trespass and other actions that threaten biosecurity. The real objective of the right to farm amendments is to shield livestock industries from public scrutiny and prevent consumers from finding out about common husbandry practices that may cause alarm.

Submission addressed to the Legislative Council Select Committee about the oppressive “Right to Farm” legislation that is trying to silence whistle-blowers and animal activists here in NSW

- There has not been a single incident of a biosecurity hazard caused by activists, despite hundreds of investigations into farms and slaughterhouses by activists over the last 40+ years. There are however, many incidences of disease outbreaks caused by intensive animal agriculture.
- Factory farms are not biosecure environments. They are however, in most cases, plagued by rats, mice, birds, cats, mosquitoes, cockroaches, flies, maggots and all manner of disease-carrying animals, who freely come and go through open doors and windows or decaying walls. An outbreak of _____ NSW free range egg farm in 2013, believed to be contracted from wild ducks, spread to a nearby caged facility and led to the culling of over 400,000 farmed hens. It then also _____ caged egg farm.
- With farms containing hundreds of thousands, sometimes millions, of animals, living in their own excrement, conditions are rife for the rapid spread of disease; it is impossible with only a handful of workers to provide individual vet care or to identify and then isolate/quarantine those affected. This is a problem inherent to intensive farming.
- Staff, truck drivers, and other visitors frequently move between farms, or between isolated ‘modules’ within the same property, without changing clothes or boots or washing down their vehicles. Meanwhile, activists employ single-use full-body coveralls and boot-covers and have not been known in any circumstances to move from farm to farm within a short period of time.

Antimicrobial resistance

- In order to fight disease in these filthy places, they rely heavily on the extensive use of antibiotics. Examples of this misuse include when antibiotics are used to promote growth or prevent diseases in healthy animals.
- This can and is resulting in antibiotic resistant bacteria, the so called “superbugs”. These reduces the effectiveness of antibiotics in treating diseases, in all animals, human and non-human alike. Without serious caution, we could be plunged back into the dark ages of medicine, when anybody could die of a simple infection.
- Indeed, the World Health Organisation has a global action plan on anti-microbial resistance. Australia published its own response to the Global Plan in 2015: “Australia’s first national antimicrobial resistance strategy 2015-2019”. Nowhere in its 37 pages, does it identify animal activists or whistle-blowers as a threat.
- With both biosecurity and antimicrobial resistance, it is intensive animal agriculture that is the problem and ending it is the solution.

Submission addressed to the Legislative Council Select Committee about the oppressive “Right to Farm” legislation that is trying to silence whistle-blowers and animal activists here in NSW

- What this really shows is that the opposition are not interested in protecting the health of the animals or of people. They are confecting a story about biosecurity to try and make illegal the actions of whistle-blower’s who show the extreme animal cruelty that occurs on factory farms.

WORKPLACE HEALTH & SAFETY

- There has not been a single incident of a workplace health and safety issue caused by activists. Activists who enter farms to document and expose, rescue or protest, do so from a stance of total non-violence and indeed, a fundamental objection to the violence occurring unchecked within those facilities.
- Slaughtering and processing animals is an inherently physically hard and dangerous industry where company profits consistently take priority over workers’ most basic rights. In their endless goal of higher volume and greater efficiency, these corporations knowingly jeopardize workers’ safety every day.
- Consequently, workers’ most basic rights and interests are compromised and the animals suffer greatly. This isn’t just coming from vegan animal rights activists — it’s coming from our trade unions too.
- Reading from the Australian Meat Industry Employees Union (AMIEU) submission to the productivity commission:

“Workers use sharp hooks and knives while standing on floors made slippery from blood, fat, faecal matter, and other bodily fluids. Unpredictable and violent reactions from animals before slaughter pose constant physical threats to workers. Heavy suspended carcasses of beef travelling along a fast moving automated line can slam a worker to the floor. Down the line, processing workers stand for long periods of time working closely together while making thousands of repetitive cuts each shift. The noise is deafening and temperatures in the plants range from hot and humid on the killing floors to near freezing in the processing rooms. Pathogens can infect workers, and chemicals from decomposing animal waste, disinfectants, or gases such as ammonia used for refrigeration can prove deadly.”

- Abattoirs have a higher prevalence of self-reported poor psychological and physical health than any other workshop.
- Workers Compensation claims in the meat industry are approximately 3 times higher than average and the frequency and severity of injuries is reflected in an industry premium rate of four times the average.

Submission addressed to the Legislative Council Select Committee about the oppressive “Right to Farm” legislation that is trying to silence whistle-blowers and animal activists here in NSW

- A slew of injuries are visited upon the workers, some of them unique to these places: Chronic diseases include q-fever from goats and hydatid disease from cows. Workers become infected with Salmonella, E-Coli, Sarcocystis, Hepatitis E, Leptospira, Henipavirus, Methicillin-resistant Staphylococcus aureus, bovine brucellosis, foodborne Toxoplasmosis among hundreds of others. Not to mention the regular amount of burns, crushes, grinds, cuts, electrocutions and amputations.

- Here is a quote directly from the National Union of Workers’ website, talking about

“Many wouldn’t believe the truth about the working conditions at _____ in _____ because the stories from members are shocking. When the factory got set to negotiate a new Agreement, management felt certain that they would be able to intimidate workers into not standing up for their rights... but they were wrong.

Bullying _____ was rife; favouritism, bribery, verbal abuse and even reports of violent and sexual abuse started to paint a very frightening picture. Hundreds of workers were working cash-in-hand for \$10 an hour and the health and safety on site was terrible.

_____ a contract cleaner _____ was decapitated after he was ordered to clean a chicken line running at full capacity. He had already finished his shift, but workers say that when he asked if he could go home, he was told he could but not to bother coming back the next day. Workers were given no counselling and sent back to work within a couple of hours after the line had been cleaned.

This sort of treatment is happening in Australia. It is happening in other poultry sites. This is why workers are saying enough is enough.”

- And this has not even touched on one of the greatest risks to our society at large: the impact on workers who must suppress their empathy in order to kill as a matter of routine. Committing systematic acts of violence has been widely documented as predisposing workers to alcoholism and drug addiction as ways of combating the stress of the job.
- None of this would be known were it not for the work of activists – whistle-blowers gathering undercover footage to show what happens to humans and non-humans alike.”
- Any industry that involves killing and the potential for extreme suffering, should surely be subject to some scrutiny. Yet the animal agriculture industries hide these practices behind fences and within sheds, but even more behind legislation, regulations, and codes that are blatantly insufficient. They hide behind marketing

Submission addressed to the Legislative Council Select Committee about the oppressive “Right to Farm” legislation that is trying to silence whistle-blowers and animal activists here in NSW

buzzwords that have lost all meaning – “humanely slaughtered”, “ethically raised”, “free range” – intended only to capitalise on the Australian public’s love of animals. They also hide behind legislators that increasingly seek to punish whistle-blowers and rescuers, while protecting those who benefit financially from this systematic cruelty.

PRIVACY AND TRESSPASS

- **For a fair analysis of these issues it is vital to distinguish between workplaces and homes.**
- NO houses have ever been entered by activists, and as far as I’m aware, farmers and their families do not live inside the disgusting sheds among the filth and disease that they force upon the animals. Neither are their children running around playing on the kill floors of abattoirs.
- In public commentary around this debate, there has been a heavy conflation of workplaces (farms, slaughterhouses, etc) and private homes, often with an implication or outright claim that activists are entering farmer’s private homes and scaring them and their families – the very loose truth of this is because in some cases the homes are located on the same property as the farms (this is rarely the case with other types of animal-use establishments such as slaughterhouses and saleyards, yet the same argument is used).
- To suggest that farmers have been subject to invasion of their personal homes is blatantly untrue and seeks to deliberately mislead the public.
- Businesses in Australia do not have a legal right to privacy. The conducting of a business is not considered a “private activity”. No activist has any interest in the private/personal homes, families or lives of the farmers, and accordingly there has not been a single incident of activists going anywhere near farmers’ homes. Granted, there are occasions where farmers do live on the same property, but they do not live inside the sheds or cages with thousands of animals; they live in a house located often more than a kilometre away from the sheds. The smell and noise would prevent them living anywhere close enough to risk encountering activists in the process of documenting cruelty, rescuing or protesting.
- Animal cruelty must not be allowed to occur simply because it occurs on private property, especially when it is then being deceptively sold to consumers as “ethical” and “humane”.
- Why is there a supposition of privacy for industries that are cruel? Perhaps because our opponents know that what Paul McCartney is true...“if slaughterhouses had glass walls, everyone would be vegetarian”.

Submission addressed to the Legislative Council Select Committee about the oppressive “Right to Farm” legislation that is trying to silence whistle-blowers and animal activists here in NSW

- Centering the argument around farmers and their families is a deliberate attempt to take attention away from the underlying issue causing activists to investigate, document, rescue from and protest these facilities: systemic, legalised (and sometimes illegal) animal cruelty occurring without transparency or regulation.
- It is also important to note that there are no incidences of animal activists physically harming farmers. However, there ARE many incidences of farmers actually harming or threatening to shoot or harm whistle-blowers (examples listed further below in this submission). Worth noting that it’s often female activists, of which there are many, who suffer the worst backlash. The sexism and misogyny that comes from the mouths of many farmers and the supporters of these industries is reprehensible. One example - an image of a woman, with her home address, number plate and workplace was posted into a private men’s Facebook group with over 50,000 members. The caption? ‘First to rape the bitch wins.’ Where is the real privacy issue here?
- Meanwhile, deaths and injuries of workers at slaughterhouses and farms are all too common
never with any significant penalties imposed upon the companies. With slaughterhouse machinery designed to kill large numbers of animals and cut up their bodies, and a high prevalence of ammonia and other dangerous fumes at poultry farms, worker safety can never be guaranteed. These dangers have nothing to do with activists.

TERRORISM

While the world is still reeling from Christchurch, from Sri Lanka, from the atrocities committed in the name of intolerance and extremism – they have the audacity to compare these acts to people who non-violently protest about the abuse of animals.

My heart goes out to the real victims of terrorism. The people who have lost their families, their lives, their homes in violent and sadistic ways. To think that people sitting in our parliament would use people’s real grief for a buzzword in a desperate attempt to try and remain relevant is both frightening and sad.

ECONOMY

- Given what we now know about the disastrous environmental effects of animal agriculture, it is essential that all Australian governments – state, territory and federal – invest urgently in packages to assist farmers in switching to more sustainable methods of income (e.g. crop or renewable energy farming). Delaying this will have a compounding negative effect on the farmers mental health as our climate becomes more extreme and farmers can’t sustain their farms and also on our economy, whereby greater amounts of money must be spent mitigating

Submission addressed to the Legislative Council Select Committee about the oppressive “Right to Farm” legislation that is trying to silence whistle-blowers and animal activists here in NSW

the issues farmers are finding themselves in and the environmental damage that could have been avoided altogether.

- Similarly, funds spent on public healthcare treating preventable diseases could be better spent if consumers were educated about the negative health effects of meat, dairy and eggs, and the comparative benefits of eating a plant-based diet.

INTERNATIONAL REPUTATION

- Undoubtedly, the international reputation of NSW and Australia more broadly is affected every time new footage emerges of animal cruelty in farms, slaughterhouses or other animal-use industries. Rather than implementing tighter laws around the capturing and publication of this footage, which demonstrates that there is something to hide, NSW has an opportunity to be a world leader in supporting animal farmers to move to more sustainable, ethical methods of income, and investing in plant-based and/or lab-grown meat, dairy and egg alternatives. This would send a strong message that animal cruelty is not supported by the Australian government or the Australian people, and that real action is being taken to combat the climate emergency.

Animal Activists’ Compliance with the Prevention of Cruelty to Animals Act 1986

- Animal activists seek to save animals from unnecessary pain and suffering. The same cannot be said of farmers and slaughterhouse workers. Section 9 of the Prevention of Cruelty to Animals Act 1986 states:

(1) A person who—

(a) wounds, mutilates, tortures, overrides, overdrives, overworks, abuses, beats, worries, torments or terrifies an animal; or

(b) loads, crowds or confines an animal where the loading, crowding or confinement of the animal causes, or is likely to cause, unreasonable pain or suffering to the animal; or

(c) does or omits to do an act with the result that unreasonable pain or suffering is caused, or is likely to be caused, to an animal; or

(d) drives, conveys, carries or packs an animal in a manner or position or in circumstances which subjects or subject, or is likely to subject, it to unnecessary pain or suffering

commits an act of cruelty upon that animal and is guilty of an offence and is liable to a penalty of not more than, in the case of a natural person, 246 penalty units or imprisonment for 12 months or, in the case of a body corporate, 600 penalty units.

Submission addressed to the Legislative Council Select Committee about the oppressive “Right to Farm” legislation that is trying to silence whistle-blowers and animal activists here in NSW

As a matter of daily routine, this section is blatantly violated on farms and slaughterhouses across NSW and the entire country, however these violations are nullified by Section 6:

(1) *This Act does not apply to—*

(a) *the slaughter of animals in accordance with the Meat Industry Act 1993 or any Commonwealth Act ; or*

(b) *except to the extent that it is necessary to rely upon a Code of Practice as a defence to an offence under this Act, the keeping, treatment, handling, transportation, sale, killing, hunting, shooting, catching, trapping, netting, marking, care, use, husbandry or management of any animal or class of animals (other than a farm animal or class of farm animals) which is carried out in accordance with a Code of Practice; or*

(c) *any act or practice with respect to the farming, transport, sale or killing of any farm animal which is carried out in accordance with a Code of Practice;*

- Given that there is no difference in the capacity to feel pain, fear, grief and suffering between “companion” animals (cats and dogs) and “livestock” animals, with pigs known to be at least as intelligent as dogs, the Act is clear that while routine, industry-standard practices on farms and in slaughterhouses are considered an “act of cruelty”, such cruelty is entirely legal when done to the latter group of species simply because of their commercial value. This is a grossly indefensible failure of our animal welfare laws, which through no coincidence is unknown to most consumers of animal products who are therefore unwillingly funding animal cruelty.
- To suggest that activists, in attempting to **relieve, free, or protect** animals from what would be considered unacceptable and illegal cruelty if only those animals were cats or dogs, are **breaching the Prevention of Cruelty to Animals Act**, is so far beyond rational thought as to be absolutely ludicrous.
- The POCTA Act must be updated to criminalise **all** animal cruelty, regardless of the victims’ designated “purpose”.

Summary and Recommendations

- The enforcement of animal protection laws could be improved through:
 - **Publicly accessible CCTV live-streams inside all factory farms and slaughterhouses**
 - **An open-door policy for any member of the public to see inside factory farms and slaughterhouses without advance notice (complying of course with all biosecurity protocols)**

Submission addressed to the Legislative Council Select Committee about the oppressive “Right to Farm” legislation that is trying to silence whistle-blowers and animal activists here in NSW

- **Honesty in marketing and product labelling, with deceptive phrasing (e.g. “high welfare”, “humane”, “ethical”) banned, and descriptions of standard industry practices, environmental effects, and health effects printed on labels**
- **Honesty in education, informing school students of the harsh realities without pro-farming bias**
- Additionally, an increase in **government funding to regulatory authorities to monitor and enforce animal protection laws** is needed, as well as a significant reduction in the overreliance on underfunded charitable organisations to perform these functions.
- **Criminalise cruelty towards “livestock” animals** in the same way it is for “companion” animals (e.g. dogs and cats) by **removing the exemption for farm animals in the Prevention of Cruelty to Animals Act**: all animal cruelty should be illegal, regardless of the victims’ designated “purpose”. **The sentience of farm animals, and their capacity to feel pain, fear, grief and suffering, should be mandated by law.**
- Given the animal agriculture industry’s heavy reliance on cruel practices, this would require a plan to **assist livestock farmers to move into other areas of work (e.g. crop or renewable energy farming)**. At present, it can be difficult for farmers wishing to transition to more ethical and sustainable methods of income, as there is no government support available for this purpose.
- As the effects of climate change increase – fuelled rapidly by animal agriculture – and Australia’s population continues to grow, environmentally sustainable methods of producing food will become an absolute necessity. **Investment must occur now into the research and development of these alternatives, to make it as easy as possible for farmers to shift out of animal agriculture.**
- The introduction of either a division of the police or Independent Offices of Animal Welfare at the Federal, State/Territory levels, to help improve independence and regulatory oversight.
- Documenting evidence of cruelty without authorisation at farms and slaughterhouses carries extreme risks, including but not limited to:
 - Criminal charges for trespass
 - Civil litigation
 - Violence from farmers, including the following known cases:
 -

Submission addressed to the Legislative Council Select Committee about the oppressive “Right to Farm” legislation that is trying to silence whistle-blowers and animal activists here in NSW

▪

▪ Hundreds of threats of death or violence directed at numerous activists.

- No person should feel compelled to take on these risks due to a lack of industry transparency and accountability or due to the urgency demanded by immediate or inevitable suffering.
- **Laws must be changed to protect animals from cruelty and violence in order to remove the need for civilian intervention.** It is important to note that no charges have been laid against any of the farmers involved in the above instances despite clear evidence provided to the police.
- **Police should be instructed to prosecute all cases of serious violence irrespective of whether the victim is an activist and the perpetrator a farmer, and to investigate all tangible threats of death or violence made by farmers towards activists.**
- **Media outlets promoting hate towards individual activists, such as The Weekly Times, should be held legally accountable.**
- In 2016, [this](#) report suggested the current process for setting standards for farm animal welfare does not adequately value the benefits of animal welfare to the community. It suggested 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.
- These recommendations should be acted upon immediately to address the widening gap between consumer expectations and the reality of the industry. A 2019 report [by the federal Department of Agriculture and Water Resources](#) found that the majority

Submission addressed to the Legislative Council Select Committee about the oppressive “Right to Farm” legislation that is trying to silence whistle-blowers and animal activists here in NSW

of Australians care about animal welfare, with 95% of respondents viewing farm animal welfare with concern and 91% wanting reform to address it.