

Submission
No 389

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

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Partially
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SUBMISSION TO THE INQUIRY INTO THE 'PROVISIONS OF THE RIGHT TO FARM BILL 2019' NSW

Tuesday, October 1, 2019

Dear Committee Members,

I thank you for the opportunity to contribute my views via the following submission to the inquiry.

Introduction

Whilst hundreds of farmers are given amnesty for illegal land clearing (1), federal and state governments are legislating to make it illegal to expose hidden animal cruelty.

But people have the right to know, and it should not be up to animal charities and whistleblowers to have to investigate, document and expose legal and illegal routine atrocities inflicted on those among our most vulnerable. It is the official responsibility of Australian governments.

In NSW, as it is across the nation, the responsible authority for the welfare of farm animals is the Department of Primary Industries, but it also has responsibility for supporting and promoting the animal agribusiness industry. A glaringly ludicrous conflict of interest. Money and animals are a toxic mix, and the animals will always pay a terrible price.

The establishment of an Independent Office of Animal Welfare is well overdue.

“The Right to Farm Bill is a threat to democracy that affects us all.”(2) And it will protect the abusers - not the abused, keeping consumers in the dark about cruel practices. Here are just a few examples, thanks only to undercover investigations:

1 (Friday, September 6, 2019, 1.20pm)

Mother pigs. Piglets. Dairy calves... nearly all animals in Australia's meat, dairy and egg industries end up in slaughterhouses. But yet again, it's only because of a brave whistleblower that the public gets a glimpse of what their final moments can be like:



- Pigs in their pens before being slaughtered at

Picture: Aussie Farms

The shocking and brutal reality of commercial animal abuse taking place at Sydney's South-West. It is an example only, routine, and legal.

The body-worn camera video captured the use of carbon dioxide gas chambers on pigs, goats and sheep, repeated failure of captive bolt stunning, twisting and breaking of cows' tails to force them to walk into the knockbox (a containment area where the animals are stunned before death) and animals trying to escape after witnessing others being slaughtered.



World-first footage shows just how "humane" the carbon dioxide (CO₂) gas chambers used to stun the majority of Australian pigs really are. Excerpts:
They are clearly panicked; thrashing and screaming for air.

Many instances shown of pigs being forced into the gas chamber, most show excessive use of the electric prod, and the clearly panicked reactions of the pigs who often will try to jump out of the race rather than go into the chamber where they can hear other pigs suffocating. e.g.

- After one pig has tried several times to jump out, the worker uses the electric prod on his face, then holds it inside his ear for 12 seconds while the pig screams.
- The worker jabs the pig in the face with the electric prod multiple times;
- A lame pig crawls into the room; it appears as though one or more legs may be broken or injured. Using the electric prod, the worker tries repeatedly to get him to enter the gas chamber, before jumping in, kicking him in the neck, and trying to push him in from behind. Eventually he gives up and tosses the pig aside. For the next 12+ minutes, the pig lies there getting trampled by the other pigs entering the chamber. Eventually the pig is forced into the chamber and dies like all the others.

2

Approximately 2,000 to 3,000 pigs are killed here daily.



3 "I hate it when their heads come off". Atrocities to 18-month-old 'spent' layer hens



Watch the footage here:

Routine industry-standard practices

- that would be a criminal offence if inflicted on companion animals, are all legal to inflict on farm animals. Just a very few examples:

1 Mutilations – All with no pain relief – include:

Extremely painful and traumatic - Disbudding calves where their hornbud is scooped out or burned away with caustic chemicals, dehorning cattle, mulesing - slicing away the flesh of the hind quarters of sheep (Although available, pain relief for mulesing is not commonly used), castration, clipping teeth and cutting off the tails of piglets, debeaking with a hot blade, chopping off the toes of turkeys. The list goes on.

2 The dairy industry considers killing calves younger than one day old by blunt force trauma “humane”. They are bludgeoned to death - And it’s legal.

3 "In the end, calves are a waste product and these farmers do not care about their lives"



The only thing worse than **seeing** day-old calves being torn away from their mums? **Hearing** them.





The Australian meat and wool industry accept that farmers forcibly impregnate ewes so that they give birth in winter because it's cheaper to feed them in Spring, knowing full-well that they will be freezing, and 15 million (1 in 4) will die annually within 48 hours of birth.

7 Transportation



Rescuer report: “She died like this. There was nothing humane about it. Nothing. She was grabbed and thrown in to this transport crate on a Tuesday evening, and was dead on arrival at the slaughterhouse.”



“Last night, my team and I rescued 54 of the most sick and broken hens we have ever rescued. In a delivery to the abattoir in their thousands, hens were jammed in to crates that were so full that each crate sported many dead and dying hens. We currently have hens in our care who have broken hips, severe bruising, broken wings, laceration, egg yolk peritonitis and worse. These hens have been literally thrown from their cages to the crates. Heaps have been kicked and stepped on by farm workers.”

8 Slaughter

a Animals still fully conscious in slaughterhouses when they are shackled, hung and butchered. Pigs and poultry plunged into the scalders – screaming and scrambling to get out.



Horrific slaughterhouse footage shows the brutal and bloody measures workers use to kill the animals. Cows are seen hanging from the roof by one leg while the other leg aggressively shakes to try and free themselves from the inevitable killing. Workers aggressively throwing sheep around, and pigs are seen to be in visible pain and are heard screaming when poorly stunned. Drowning pigs in boiling brown water. Terrifying murder instruments used, including serrated blades, bullet shells and a rusted heavy metal hammer.

b Male chicks are ground up alive or gassed in large plastic bags because they can't lay eggs.

c Calves, barely able to walk, are taken from their mothers and trucked to slaughter because they can't produce milk

d 'Spent' layer hens gassed with CO2

- Animal Liberation, 19.07.19

For further examples of the systemic cruelty to Australian farm animals, watch 'Dominion'. See – and hear – just an example of what governments and the animal agriculture industry want to keep hidden. See how governments don't enforce what inadequate laws there are to protect farm animals. See how the farmers 'love' their animals:

Biosecurity

Activists' sole motive is animal welfare, so they are extremely mindful of biosecurity risks. On entering they ensure that they are outfitted, from head to toe, in biosecurity clothing. That clothing is removed on leaving the property/facility. And, even though biosecurity doesn't apply to slaughterhouses, investigators and rescuers apply the same regime.

"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." +

- ABC News, July 2019

Whereas:

a "... .., factory farms are not bio secure environments. They are in almost all cases, plagued by rats, mice, birds, cats, mosquitos, cockroaches, and all manner of disease-carrying animals, who freely come and go. An outbreak of avian influenza at a Young 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 spread to a second caged egg farm." +

+ Chris Delforce, Executive Director, Aussie Farms, 23.07.19

b "Lakesland egg farmer convicted of serious animal cruelty" – April 30, 2019

had no biosecurity in place - no clothing, no footbaths etc. .

Exposed by rescuers, and only after that - an RSPCA NSW inspection followed, the Lakesland egg farmer was finally convicted of serious animal cruelty. One thousand hens were found dead in his shed.

Of the 4,000 hens still alive, the RSPCA said most were "underweight to emaciated", and half were suffering "a respiratory disease with mucoid discharge from the nares [nostrils] and mouth". Additionally, "all the birds had severe lice infestations and appeared to be hungry and very thirsty, spending most of the time attempting to drink from the nipple drinkers and search for food".

Inspectors also identified severe issues with condition of the shed where the birds were kept, from "poor ventilation, poor substrate, broken feeders and water pipes" to "dangerous wire causing the birds to become trapped and the deceased bodies left to decompose amongst the surviving hens.

These hens were living in such poor conditions, they were all destroyed after tests of the flock returned positive results for *Infectious Laryngotracheitis* (ILT) – a highly contagious, respiratory disease caused by a herpes virus.



PHOTO:

“The footage captured and posted to social media of the hens' living conditions was distressing, showing hundreds of hens crammed into a shed as well as rotting carcasses of dead chickens.”
“To see the animals dying, deceased or covered in faeces or mud was quite shocking,” – RSPCA NSW inspector, Tanya Dominguez.

c Dozens of hens found abandoned among enormous towers of rotting faeces, surviving on scraps, beetles and eggs, beneath the long rows of cages, stacked vertically up to six rows high. (Animals Australia, August 21, 2014)



Photos: “Egg Corp Assured” ‘state of the art’ PACE farm factory, NSW, August 2014

A Humane Society of the United States public health report entitled ‘Human Health Implications of Intensive Poultry Production and Avian Influenza’ concludes:
“Genetic selection for productivity and the stressful, overcrowded, and unhygienic confinement of animals in industrial poultry production systems facilitate immune suppression in birds already bred with weakened immunity, offering viruses like avian influenza ample opportunities for spread, amplification, and mutation.

Placing genetically un-diverse birds into these kinds of unsanitary environments with inadequate ventilation and sunlight exposure is believed to provide a ripe “breeding ground” for the emergence and spread of such diseases as virulent avian influenza—diseases with human public health implications.”

- This obviously includes animal advocates who risk their own health to expose the truth.

Exposing animal cruelty in sport could well be subject to the bill

e.g. Greyhound racing industry exposés, which included the illegal export of greyhounds to Macau, China, etc. All thanks only to undercover investigations by animal activists.



Feb 16, 2015 - Inside Australia's multi-billion-dollar **greyhound racing** industry.

A brief clip of Australian exposés. Governments in other countries are grateful for similar exposés:

These exposés are all thanks only to the tremendous courage of animal charities, and compassionate members of the community – across all socio-political and economic groups, mothers and fathers, sons and daughters – who are trying to stop animal cruelty across the animal agriculture industry, because the responsible authorities are not. It’s the last thing they want to be doing. It’s frightening, dangerous, and heartbreaking.

They risk injurious physical, mental, emotional, and financial consequences. They would rather be anywhere else than bearing witness to, and documenting what no one should ever have to see and no animal should ever have to suffer.

They should not have to subject themselves to any of this. The federal Department of Agriculture website states:

“State and territory governments are responsible for animal production and welfare laws and their enforcement. The states and territories set and enforce animal welfare standards through administration of state legislation for animal welfare or the prevention of animal cruelty.”

However, the responsible government authorities also have responsibility for supporting and promoting animal agriculture:

Conflict of interest

The Productivity Commission report found (Page 224) that at all levels of government, the regulation and governance of animal protection has been delegated to government departments that possess a real or perceived conflict of interest as they are also responsible for ensuring the profitability of the agricultural industry. This raises concerns that animal welfare laws are not being appropriately enforced. (3)

Among others, the Law Society of South Australia states: “As a result, the detection of contraventions of animal welfare law has, in large part, been left to individuals and animal welfare groups. Had it not been for the work of these parties, illegal activities resulting in the abuse of animals would likely remain undetected.

Circumstances where individuals and charities are required to take on the role of investigating and detecting contraventions indicate that there is a significant deficiency in the enforcement of the law. Some animal welfare groups even feel it necessary to write to government departments asking that criminal prosecutions be initiated. This should not be necessary if the law were applied more rigorously.”

“Independent regulator needed”

“This saga seems to underscore a claim that lawyers have been _____ that animal welfare regulation is characterised by conflicts of interest and dominated by industry.”

“The Productivity Commission, in 2016, recommended the establishment of a standalone statutory animal welfare commission to manage national standards development. It further recommended that state and territory governments separate agriculture policy from livestock welfare monitoring and enforcement.”

“To restore public confidence, we need to take animal welfare out of the hands of state and federal agriculture and industry departments, and give it to an independent umpire.” (4)

SUMMARY

These few examples of the volumes of irrefutable evidence of hidden animal cruelty would never have seen the light of day - were it not for the animal protection movement. I am eternally grateful to all the animal charities, whistle-blowers, and members of the public. Right now, they are the animals' only hope.

“It isn't clear how the new bill against animal rights activists will protect farmers”

What is clear, however, is that this bill is part of a growing trend of creating heavy-handed “special offences” punishing protesters that go beyond merely symbolic actions. Meanwhile, the government claims to respect the freedom of assembly and right to protest.

Rather than engaging with activists' demand for more transparency in the meat industry, the government has now made it a crime for them to "demand" more transparency, when the latter might be detrimental to the business." (5)

The NSW government knows full well that the investigations, protests, exposés, and attempts to rescue animals from abuse on farms and in slaughterhouses, have all been peaceful and non-violent. And yet it "... claims these changes are needed to protect farmers from dangerous trespassers, but the law already has those safeguards." Furthermore, it is activists who have taken action to denounce the unethical practices employed on farms and in slaughterhouses who have been subjected to _____ and violence.

"Such draconian laws and disproportionate penalties have a significantly chilling effect on people's willingness to participate in peaceful protest – a basic human right enshrined in international law." "The right to protest is a cornerstone of our democracy." (2)

But bill is not remotely democratic, and is founded on maintaining secrecy and deception. It does not want transparency. It wants to impose police-state legislation to keep hidden the inherent, industrial-scale cruelty, terror, torture and death that farm animals suffer every day -- all for the 'bottom line'

However: "Of significant importance to the animal protection movement, Kirby J acknowledged that animal welfare issues are legitimate matters of public debate and noted the importance of public interest groups in raising awareness of these issues and of generating public debate in Australia. Importantly, Kirby J reinforced the view that such debate should be protected."
- Former Justice of the High Court of Australia, and Voiceless Patron, the Hon Michael Kirby (6)

It is no longer possible to hide the truth as the wider community becomes increasingly well-informed and shifts to a lifestyle for a kinder world on ethical, environmental, and health grounds.

Australian governments and the animal agriculture industry are all lagging well behind community expectations, as well as international standards when it comes to our treatment of farm animals:

"Not just activists, 9 out of 10 people are concerned about animal welfare in Australian farming"
- and ... 91% want reform to address this.

The report says concern has been growing over the years, and shows no sign of abating. It predicts that more exposés, negative media focus on farm animal welfare, and a perceived lack of governmental responsiveness will intensify public outrage and demand for reform.

The report also says one of the best indicators to explain the growing concern for farm animal welfare was the public's views on _____ the capacity to experience suffering and pleasure. Over 90% believe farm animals are sentient. (7)

And businesses around the world realise that there are tremendous economic benefits associated with this shifting mindset.

In the execution of your duties as a committee member, I trust that you will view - *and listen to*, all material contained in the links. And I strongly urge you to reject this bill, for the only laws that need to change are the ones that are failing to protect animals from cruelty.

Yours faithfully,

Cheryl Forrest-Smith

(3) **Productivity Commission:** *Regulation of Australian Agriculture, Productivity Commission Inquiry report No 79, 15 November 2016.*

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