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## **Response to the Criminal Code Amendment (Agricultural Protection) Bill 2019**

Vegan Australia welcomes the opportunity to make this submission to the Senate Legal and Constitutional Affairs Committee on the Criminal Code Amendment (Agricultural Protection) Bill 2019.

Vegan Australia is a national organisation that informs the public about animal rights and veganism and also presents a strong voice for veganism to government, institutions, corporations and the media. Vegan Australia envisions a world where all animals live free from human use and ownership. The foundation of Vegan Australia is justice and compassion, for animals as well as for people and the planet. The first step each of us should take to put this compassion into action is to become vegan and to encourage others to do the same. Veganism is a rejection of the exploitation involved in commodifying and using sentient beings.

### **Facts**

Before commenting directly on the Bill, we present some facts relevant to this discussion.

- Over half a billion farmed animals are bred, raised and killed for food in Australia every year.
- Most of the animals live their entire lives in sheds, they all suffer, they are nearly all killed when they are just babies and none of them want to die.
- Animals are sentient, they feel pleasure and pain, they form social bonds.
- Humans are able to live healthily without consuming any animal products.
- Many people who adopt a nutritious vegan diet will enjoy significant health improvements by reducing the risk of major diseases such as heart disease, stroke, cancer and diabetes.
- Raising and processing of animals for food is a major cause of environmental damage, including land degradation, water shortage, deforestation, ocean degradation, air pollution and climate change.
- The animal agriculture industry protects its profits by preventing the public from learning about the systemic suffering of farmed animals.
- Whistleblowers and rescuers want to document and expose the mistreatment and suffering of farmed animals.

## What are they hiding?

The introduction of this Bill, and many similar new 'ag-gag' laws in Australia and around the world, raises the question: What is the animal industry hiding? What is being covered up that they don't want us to see? Clearly these laws are a response to increasing reports and exposés of systemic suffering in the animal agriculture industries. These reports have come from concerned people who have risked criminal consequences to find out what the industry does not want the public to know. This exposure has led to a greater understanding of the sentience of animals by the public.

This Bill is not really about protecting the owners of agriculture facilities or their workers from intruders. It is about making it harder for the public to see the horrific treatment of farmed animals in Australia. The animal industry has a lot to hide. Below we list a few of the ways animals are harmed in the agriculture and slaughtering industries. The documentary *Dominion* has a more complete view. Note that all of these are standard legal practices. Note also that most of these would be illegal if done to a pet cat or dog.

- branding without anaesthesia
- castration without anaesthesia
- chickens bred to grow so heavy their legs break
- chickens crammed in cages so small they can't spread their wings
- continual pregnancy of cows and pigs
- cows bred to have udders ten times natural size
- de-beaking of chicks
- declawing
- dehorning
- depriving ducks of water
- ear clipping and tagging
- electrocuting pigs and cows
- forced insemination
- forced molting of chickens
- forcing animals live in their own waste
- grinding up or suffocating day-old male chicks
- group housing for dairy calves
- hens bred to lay unnatural number of eggs
- light-deprivation of chickens
- live animal export
- long distance transportation
- lowering pigs into gas chambers
- mass depopulation of egg laying chickens
- mulesing
- overcrowding of animals
- permanent confinement
- scalding pigs and chickens alive
- separation of mothers and babies
- sow stalls
- tail docking
- teeth clipping
- toe trimming

Any objective view of the above would conclude that massive suffering is endemic in the animal agriculture industry. Yet we have the government and much of the media going to great efforts to support the animal agriculture industry to prevent the public from knowing the truth. Against these well funded groups we have a small number of committed people wanting to expose the atrocities occurring behind the gates of animal agriculture facilities and slaughterhouse walls.

Animal agriculture groups try to paint a rosy picture of animal farming. But these groups should not be believed when they say they have the best interests of the animals at heart. It is in the animal industry's financial interest not to have the truth exposed, so their views should not be believed without further investigation. Fortunately this research has already been done. Watch the documentary films Dominion and Lucent to see what really happens behind closed doors.

The animal agriculture industry is using these new "tough laws" as a diversion and hopes they will result in a reduction in the exposure of the horrors inherent in the Australian animal agriculture industry. It is a blatant attempt to prevent further scrutiny. But the law will be too late. The truth is already there in thousands of hours of footage and countless images gathered over many years.

To learn more about animal agriculture in Australia, we urge those who are deciding on this Bill to watch the documentary film Dominion, available at [www.watchdominion.com](http://www.watchdominion.com).

## **Blaming the messenger**

Laws like this attempt to criminalise undercover investigations that reveal the inhumane conditions on animal agriculture facilities and slaughterhouses.

This Bill is part of a wider campaign to vilify people acting out of concern for the wellbeing of animals, which has even seen the Prime Minister calling them 'shameful, un-Australian' and 'green-collared criminals' and the NSW Agriculture Minister calling them 'vigilantes and thugs'. The goal is to dissuade people from engaging in ethical behaviour by inciting hatred and prejudice toward those who do.

People don't go to the trouble and expense of planting cameras in sheds and slaughterhouses to gather footage of the suffering of farmed animals for no reason. They do it to educate the broader public about what is going on. If the animal agriculture industry did not harm animals, there would be no need for people to take these risks.

If this Bill becomes law, it will be punishing the messenger and letting those who commit the real crimes against animals go free. Rather than opening up the animal industries to more transparency, the law would make it a crime for people to demand such transparency.

## **Public right to know**

It is a basic principle of democracy and consumer protection that the public has a right to know that which is in the public interest.

A 2010 survey found that "99% of Australians are against cruelty to animals" and many were opposed to common agricultural practices such as the killing of male chicks in the egg industry. The public is interested and has a right to know what happens in the animal agriculture industry.

The passing of this Bill would be damaging to the community and to consumers. It would hinder consumer access to information and the right to know matters of crucial importance to society, that being the way animals are raised and killed for their bodies to be turned into food.

Over several decades, many inquiries have been created and many legal changes have been made because people concerned with the wellbeing of animals have exposed systemic animal suffering in a number of areas:

- **Live animal export:** The most obvious and dramatic example is the live animal export trade which would have remained unchanged without evidence from whistleblowers. In the course of investigations, not only did these people risk criminal consequences but they risked their lives. Because of these investigations, the federal government halted live export for some time and has implemented the Exporter Supply Chain Assurance System. There is also a ban on live sheep export in summer and an inquiry into whether this ban should be extended. All this has come about because of footage from a whistleblower.
- **Hens in cages in the egg industry:** There is a current inquiry in the NSW parliament into the use of battery cages for hens in the egg production industry.
- **NSW egg producer convicted of animal cruelty charges:** The charges, relating to thousands of hens found in appalling conditions, were made after concerned members of NSW Hen Rescue attempted to rescue the hens. They discovered the shocking state of the hens and first alerted the RSPCA and NSW Police. After nothing was done, NSW Hen Rescue entered the facility to rescue the hens. 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.
- **Banning sow stalls:** due to extensive coverage of footage taken by whistleblowers around the world, sow stalls have been, or will soon be, banned by many governments, including New Zealand, United Kingdom, Sweden and the ACT.
- **Tasmanian piggery found guilty of charges of cruelty:** After people who were concerned about the wellbeing of the pigs entered Oliver's Piggery in Tasmania, they found "suffering of an unimaginable scale". The police were called and immediately acted. The judge in the case suggested that the defendants had acted "in the public interest". Please see Paul Mahony's submission to this inquiry for more on this case.
- **Greyhound racing:** After an exposé showing widespread suffering in the greyhound racing industry, the NSW government halted the industry for some time. Since then, the industry has been subject to continued investigation.

None of these inquiries and legal changes are at the request of the industry concerned. All occur because of undercover (and often illegal) investigations by concerned people in the community and their revelations of systemic suffering. The industries' response is to block exposure of the truth as much as they can and then to delay action as long as they can. Those profiting from a practice will simply never choose to expose it.

It is concerned people taking action who have raised awareness of these and many other issues. This awareness has resulted in a groundswell of public support that has seen both changes in consumer behaviour and legal changes. People gathering this information play an important role in informing the community about conditions and practices they would have no other way of knowing. As shown above these people drive positive change that has far reaching benefits. That these concerned citizens perform a public service should be supported by the law and not stifled.

An example of a practice that the industry never wanted anyone to see is the maceration of day-old male chicks. The first Australian footage of baby chicks being pushed into spinning blades has only come to light due to the incredible efforts of a few dedicated people.

The movement to protect animals follows in the footsteps of many other social justice movements where people have stood up against oppression by participating in civil disobedience. The disclosure of information about the animal agriculture industries is part of the larger whistleblowing movement and should be protected under law just as strongly as other forms of whistleblowing.

This Bill is not in the public interest. The public is demanding more transparency in the animal industries, not less.

### **Whistleblowers and rescuers pose no threat**

When whistleblowers and rescuers enter an animal agriculture facility, their target is the sheds and pens holding farmed animals. They are not interested in the homes of the owners or workers, which in any case are usually far from where the animals are kept. Their goal is to document and expose the conditions of the animals, not to threaten those who work in the facilities.

As far as we know, there been no reported cases where a home has been entered or a worker harmed in any way. There also has not been any recorded biosecurity incidents at facilities entered by whistleblowers or rescuers.

Even the proposed legislation suggests this is the case. It does not mention the personal safety of workers. Rather, its target is behaviour that "would cause detriment to a primary production business".

There have been some reports of animals being poorly treated by rescuers. Whether this is true or not, any harm caused by rescuers is unintentional and millions of times less harmful than that caused by the animal industry, which breeds, raises and kills over half a billion farmed animals in Australia each year for food.

## **Existing laws are adequate**

There are already in this country laws that allow for prosecution of people who incite others to break the law. In addition, well established trespass laws already exist and adequately fulfil their objectives. This new law is redundant.

We support the submission by the Legal Services Commission of South Australia, which says it "considers that the new offences are unnecessary" because "there are already significant and appropriate sanctions against this type of behaviour."

## **Replace law with protection of animals**

The flurry of legislative and other activity to protect the animal agriculture industry from public scrutiny is in stark contrast to the calls for many years for an independent office for farmed animal welfare. These calls have been ignored by all governments, even though the Productivity Commission has recommended that such an independent body be created.

What the legislation should be doing is educating the public on the suffering of farmed animals, explaining to the public how to live healthily without animal products, encouraging the public to go vegan and assisting the animal agriculture industry to research alternative ways to use the land.

Rather than holding an inquiry into the activities of those trying to help farmed animals, this inquiry should look at the industry that treats these sentient beings as commodities, that profits from them and causes suffering to over half a billion of them each year. It should investigate how to phase out this industry entirely within ten years.

## **Summary**

In summary, we recommend that this Bill be rejected on the grounds that it is against the interests of both the Australian people and farmed animals. It should be replaced firstly by legislation to open up the animal agriculture industry to full transparency, then by moves to phase out the industry entirely within ten years.

We also strongly support the submissions to this inquiry made by Paul Mahony and Peta Australia.

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