



Creating a compassionate world

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Committee Secretary

State Development, Natural Resources and Agricultural Industry Development Committee
Parliament House, George Street, Brisbane Qld 4000

Sent by email: sdnraidc@parliament.qld.gov.au

Agriculture and Other Legislation Amendment Bill 2019 **Submission on behalf of Animal Liberation Queensland**

Thank you for the opportunity to provide a submission in relation to the Agriculture and Other Legislation Amendment Bill 2019¹. We wish to make some general comments regarding the approach taken toward targeted animal rights activists. Some of these comments will repeat points raised in response to the “Trespass Bill 2019” that is before the LACSC. We also offer some more specific responses to parts of the Bill, and offer some context to animal rights protests.

Animal Liberation Queensland (ALQ) is an independent animal advocacy organisation founded in 1979. ALQ is a not-for-profit organisation in the state of Queensland and a registered charity. ALQ campaigns on a broad range of animal protection issues and represents the interests of all animals. ALQ is well known for our investigation that exposed the cruel and illegal practice of live baiting in the greyhound racing industry in Queensland, as seen on 4 Corners in February 2015. More information is available at www.alq.org.au.

Procedural concerns

ALQ wishes to raise concerns regarding the nature of this omnibus Bill. This Bill combines a large number of amendments covering a number of different Acts (many of which are unrelated). Important changes that concern animal welfare, the right to peaceful protests, and the right of the public to know how animals are treated in this state, should not be rushed through under the guise of a large and complex administrative Bill. Furthermore, the short consultation period and lack of publicity also means that many Queenslanders will not have a chance to understand this Bill or to have a say.

We also have concerns regarding the consultation. At no time was Animal Liberation Queensland consulted, nor (to the best of our knowledge) any other organisation that advocates for the rights

¹ <https://www.parliament.qld.gov.au/work-of-committees/committees/SDNRAIDC/inquiries/current-inquiries/AOLAB2019>

and protections of farmed animals. In fact, multiple requests to meet with the Minister (and previous Ministers) over the last 3 years regarding our concerns about routine animal cruelty and the failure of existing laws have so far been declined.

Excessive laws aimed at stopping debate around animal welfare

The proposed amendments would alter the Summary Offences Act to broaden the offences for 'unlawful assembly' and 'unlawfully entering farming land' and increase the penalties.

While we do not advocate for people to break the law, it is important to recognise that non-violent peaceful protest plays an important role in democracies.

Issues such as climate change and animal cruelty are of increasing concern to Queenslanders and people across the country. According to the Federal Government supported Futureeye report², based on a survey of 1,521 people, 95% of respondents viewed farm animal welfare with concern, and 91% want reform to address animal welfare issues.

There is currently a concerning lack of transparency around protection of animal welfare in animal agriculture, and an extremely low rate of prosecutions for animal cruelty in animal agriculture. Animal Liberation Qld shares the view of the majority of Australians³ that animal welfare laws need to be addressed and transparency should be a key part of addressing concerns. But instead of increasing transparency, these laws seek to increase secrecy and block public discourse.

We encourage open debate around these important issues of public interest. The government, and all members of parliament, should play a key role in this debate and in addressing the public's concerns. This Bill appears to be an attempt to silence members of the public who have grown frustrated by the government's lack of action to address issues of public concern and therefore take part in peaceful protest. This Bill is a threat to public dissent and the role of whistle-blowers in ensuring our regulations and governance are adequate, fair and just and protect the public interest.

Furthermore, the Explanatory Notes for the Bill state that the "regulated behaviour is not unique to animal rights protests and the amended provisions will apply equally to all Queenslanders". However, Part 133 specifically targets a number of types of facilities where animal cruelty may occur.

Failure of current systems and the importance of investigators and whistleblowers

ALQ, alongside other animal protection organisations, have at times made use of covertly obtained footage to expose animal cruelty, illegal behaviour that is not being addressed by government, and to bring issues to public attention. An important example of covert surveillance that has led to positive change for animals is ALQ's investigation (in collaboration with Animals Australia in NSW & Victoria) that led to the exposure of the cruel and illegal practice of live baiting in the greyhound racing industry. Covert video footage obtained by ALQ was central to law enforcement charging

² <http://www.agriculture.gov.au/SiteCollectionDocuments/animal/farm-animal-welfare.pdf>

³ Ibid.

several participants with animal cruelty and leading to widespread industry and legal reforms across the country. This type of work by investigators and whistleblowers in the public interest needs to be protected.

Instead of new laws to attempt to silence protestors, we should be looking at reforms to the current system of animal protection. Under the existing memorandum of understanding between RSPCA Qld and the Department of Agriculture & Fisheries (DAF), all complaints relating to farmed animal cruelty are generally forwarded to Biosecurity Queensland (BQ) within DAF. BQ may investigate a number of animal cruelty cases, however there is no publicly available records of outcomes of these investigations, and certainly no evidence that any of these cases ever make it to prosecution.

We ask the committee to consider: **if someone can be rightly prosecuted for punching a dog, why should someone not be prosecuted for kicking a boar, confining a boar in a small metal stall, leaving wounds untreated, neglecting their duty of care and allowing the boar to die over several days?**

In January (2019) we obtained footage of this cruelty taking place at a pig semen collection facility in Wacol. We lodged a complaint immediately with RSPCA Qld. RSPCA Qld and DAF ran a joint raid and found several issues. We understand at least one more animal had to be killed due to the level of neglect. Unfortunately, after that initial raid, DAF chose not to prosecute, and instead choose only give “directives” to the owner. DAF refused to release any information to the public on the outcome of the investigation or the cruelty that was found to be taking place. Of further concern is the fact that this cruelty and neglect occurred on land owned by DAF.



We invite the committee to read the full details of this case at: <https://alq.org.au/wacol-pigs2>

If inspectors or police simply gave a “directive” to someone who brutally attacked protected wildlife or a companion animal such as a dog, the public would be rightly outraged.

Furthermore, the current system for investigating and enforcing animal welfare laws is a complaints based system where a complaint must be received for an investigation to take place. If it weren't for the brave investigators who provided the footage regarding the boars at Wacol, we would never have learned of their fate and there would have never even been an investigation by RSPCA Qld or DAF.

We are extremely concerned at the level of animal cruelty that goes on in the animal agriculture sector, and extremely concerned at the complete lack of enforcement, transparency and accountability. Our research shows that for the last year we have found data for (2015) there were zero (0) prosecutions for farmed animal cruelty by DAF, despite 16 complaints regarded as critical, 151 major, and 200 deemed less serious.

What this shows is that if the animal is part of animal agriculture there is almost never a prosecution.

This Bill could have been an opportunity to strengthen powers for inspectors, increase transparency and public accountability, and mandate prosecutions for serious animal cruelty offences (including offences that take place in animal agriculture), but sadly it falls well short of that potential, and offers little to protect animals at all.

Existing laws are already sufficient to cover protest offences

Queensland already has laws in place that deal with trespass under the Summary Offences Act which includes a penalty of up to 1 year in jail. Additionally, the Queensland Government recently introduced on the spot fines for anyone breaching biosecurity⁴. Other laws exist to deal with more serious offences committed while trespassing. There is no need to introduce new offence provisions specific to “farmland” and other areas where animal cruelty may occur, unless the purpose is purely to hide animal cruelty from public scrutiny.

Solutions for addressing the perceived threat of “farm protests”

People don't protest or enter places where animal cruelty may be committed for no reason. They do it because they are driven by compassion and they care strongly about the individuals confined on these farms (or other places where animals may be housed, transported or used), and because they believe the public has a right to know.

Instead of increasing penalties and creating new laws specifically targeting animal activists, we recommend that the government look at the following avenues for addressing concerns by those who advocate in favour of animal protection.

⁴ <http://statements.qld.gov.au/Statement/2019/5/10/farm-invaders-to-pay-heavy-price-for-breaching-biosecurity>

Increase transparency and accountability of industry

- Remove exemptions under the Animal Care and Protection Act 2001 and the relevant Codes that essentially allow the animal agriculture sector to commit legalised animal cruelty under these exemptions and standards and guidelines.
- CCTV in slaughterhouses and other areas where animals are used or confined. This footage must be publicly accessible if it is to create transparency and accountability.
- Regular audits and surprise inspections by inspectors of all facilities where animals are used for commercial purposes, and the findings published publicly.

Create opportunities to give people a voice

- Mandate that Ministers and other government officials meet regularly with animal protection organisations.
- Encourage peaceful protest. Rather than attempt to vilify peaceful protestors as “extremists” or worse, politicians should respect their right to voice their concerns and peacefully protest.
- Hold community forums outside of an election context to actually listen to the community. Such forums should be focused on particular issues and have government leaders there to answer questions directly to the people.
- Create online forums where people can have discussions with elected individuals. This could even be on social media or an interactive website where people can post their concerns and have public dialogue with elected leaders.
- Consultation with non-industry groups such as animal protection organisations as well as academics and leading experts (that are not conflicted with vested interests working for industry).

Separation of powers

- Create an independent office of animal welfare that is empowered to enforce animal welfare laws and investigate animal cruelty. This would separate the commercial and animal welfare functions that currently sit under the Department of Agriculture and Fisheries. The current model of expecting the Department of Agriculture to police animal cruelty in the farmed animal sector, when the Department’s primary role is to grow the industry is a conflict of interest that results in poor outcomes for animals. (Refer to examples toward the end of this submission).

Responses to specific parts of the Bill

Due to the short consultation period on this Bill that amends some 17 Acts, we have been unable to complete detailed legal analysis of the bill and obtain advice on their implications, however, we offer the following general comments on areas we recommend the Committee consider in more detail.

Part 2 Animal Care and Protection Act 2001

Clause 4 Breach of duty of care prohibited & Clause 5 - Animal cruelty prohibited

We welcome changes that assist in tackling cruelty and risks related to confining dogs in hot cars. We are concerned the changes do not go far enough to prohibit cruelty and heat stress for farmed animals as transport of these animals is likely to be overridden by relevant Codes/Standards that effectively allow for animal cruelty to be committed legally. We recommend that the changes be made to ensure they apply to *all* animals, including those confined and transported for agriculture and other purposes - whether in a factory farm, a cattle or chicken truck, or a live export ship.

Clause 6, 7 & 13 - Confidentiality of information

We have concerns regarding the potential for the amendments regarding “confidentiality of information” could be used to decrease transparency and further stop information that the public has a right to know regarding animal cruelty offences. We believe strongly in the right to privacy but this right should not be extended to cases where it may hide animal cruelty from public scrutiny and effectively allow perpetrators to continue in secrecy.

s214B specifies that information that “would likely damage the commercial activities of a person to whom the information relates” be considered within the definition of confidential information. We argue that information such as animal cruelty being committed by its very nature may very likely damage the commercial activities of a person, but it is of public interest and should be released. Attempting to hide this information will only exacerbate the very problems the government is attempting to resolve in other parts of this Bill.

We should be strengthening Right to Information provisions as well as Department reporting requirements to increase transparency in regard to animal cruelty offences investigated by authorities.

Clause 8, 9, 17 - Power of entry / abandoned animals

We welcome increased powers for inspectors to enter places of suspected animal abandonment. However, we recommend further increasing such power to empower inspectors to enter if they reasonably suspect animal cruelty or neglect to be taking place (rather than limiting power to just abandonment). Without such power, inspectors may be forced to wait for a warrant or negotiate with landowners while an animal is left to suffer. While we respect the rights of private landholders, these rights should not allow landholders to commit acts of animal cruelty without oversight from authorities.

Clause 16 - Use of body-worn cameras

We welcome the use of body-worn cameras for inspectors that may assist in investigation of animal cruelty offences in this and other Acts in this Bill.

Clause 18 - Use for certain scientific purposes unlawful

This clause seeks to amend s92 to remove the prohibition on using an animal for cosmetic testing under this section. We note that the explanatory notes state that this “is because the Scientific Use Code is proposed to prohibit such testing”. However, this may be dangerously preemptive to pass legislation removing the prohibition if the Code does not currently prohibit this.

Part 3 Animal Management (Cats and Dogs) Act 2008

We welcome changes to include change of ownership form. However, we note that significant issues with the existing Act still exist. Loopholes remain for a dog bred by a primary producer. So if a primary producer breeds and sells a dog, they are treated different to someone else who may breed and sell a dog.

Furthermore, issues exist under the legislation relating to supply ID and registration of breeders. It is vital that the address of the location where the dogs are bred be a requirement for all breeders, and enforced by councils and inspectors, with very strict penalties for non-compliance.

We also recommend that complaints in regard to animal cruelty and supply ID issues be published regularly by the Department. Currently, if someone reports the failure to provide the supply ID when selling a puppy, it is unclear if this information is even investigated, let alone prosecuted.

Part 4 Biosecurity Act 2014

As stated above in relation to Clauses 6, 7 and 13, we have concerns regarding the potential for the amendments regarding “confidentiality of information” could be used to decrease transparency and further stop information that the public has a right to know regarding animal cruelty offences.

We question why there is a change omitting ‘address’ of a ‘designated place’ from the information held in the biosecurity register that the chief executive must publish. Again, this appears to be an attempt to further reduce industry transparency.

s494 of the Act already makes provisions for not publishing the address or other information where the “administrator is satisfied someone’s personal safety would be put at risk”. To remove the address for no reason only further reduces industry transparency and raises more questions.

Part 5 Biosecurity Regulation 2016

These amendments increase the scope and power of inspectors to charge people for “non-compliance with a biosecurity management plan”. The penalty for such a violation has increased from 20 penalty units to 500 penalty units making it grossly excessive. It is important to note that an individual may be aware of their obligations under the plan, or may not have actually posed a biosecurity risk in any way. Therefore we believe the scope of these laws are far too broad and excessive and squarely aimed at stopping the public from finding out about animal cruelty that takes place on animal agricultural land.

Part 8 Exhibited Animals Act 2015

We question the need for the changes and have concerns that these may be an attempt to stifle peaceful protest from voicing concerns against exhibited animals.

Relevant legislation is already in place (for example Summary Offences Act relating to trespass) to deal with protestors that may protest exhibited animals on private land.

It is unclear how the risks to human safety, animal welfare, and biosecurity are so serious as to justify the empowerment of persons responsible for exhibited animals in this way. This appears to be an attempt to reduce transparency regarding exhibited animals.

Part 14 Nature Conservation Act 1992

We welcome the update regarding 'Decision about prescription of wildlife in particular circumstances' to place a requirement on the Minister to make decisions in a timely manner without delay regarding threatened species listings. We would recommend though that the committee consider recommending this section go further and mandate that the Minister makes the decision in the interest of wildlife based on the latest science available, and not based on politics or commercial interests.

Part 17 State Penalties Enforcement Regulation 2014

Clause 130 amends the Act to allow for infringement notice where a person does not comply with a biosecurity management plan when "entering, present at, or leaving a biosecurity management area".

We find it unlikely that these infringement notices would ever be used against primary producers who routinely confine animals in filthy, crowded, rat infested sheds where strict biosecurity is questionable at best.

Therefore this section appears to be a further attempt to target animals rights protestors or investigators that may seek to enter an area where animal cruelty is taking place.

We are concerned that there is no requirement for a biosecurity breach to have taken place, only for an action that does not comply with a management plan, a management plan that may not even be known to the offender.

Despite decades of investigations into animal cruelty by those seeking to expose animal cruelty, we are not aware of a single case where an activist, investigator or whistleblower in Queensland has ever impacted on biosecurity of a Queensland farm.

The government and industry need to stop being dishonest to Queenslanders and using "biosecurity" concerns as a means for putting in place over the top laws that are not in the public interest.

Part 18 Summary Offences Act

Clause 132 amends the Summary Offences Act in regard to unlawful assembly. The proposed changes create an offence of unlawful assembly on farm land that would “cause a person in the vicinity...to believe...that the conduct” poses are risk to health & safety, welfare of an animal, biosecurity or likely to cause an economic loss. This is based on the “belief” of someone in the vicinity - regardless of whether that belief has merit, or whether there was anyone in the vicinity or not. These laws are far too broad and also unnecessary. If the assembly is on private land, existing trespass laws would cover these types of offences.

Clause 133 amends section 13 regarding “Unlawfully entering farming land” and replaces it with “Unlawfully entering or remaining on a particular land” and prescribes a list of places where animal cruelty is likely to take place. The offence here has been doubled to 12 month’s imprisonment. We regard this change as unnecessary. As these type of offences are already dealt with under trespass provisions of the Summary Offences Act there is no need to create duplicate offences.

Widespread animal cruelty needs to be addressed

Because this Bill is aimed at animal activists, as stated in the explanatory notes, we believe it is important to make the case for *why* activists may trespass or protest at places where animals are exploited for profit. Here are just a few of the cases of animal cruelty and neglect, that would not have come to light if it were not for animal rights activists, investigators, whistleblowers, and other concerned members of the public providing footage to us. These cases further reflect the failures of the current laws and the current system of enforcement.

Recent Queensland examples

- **Pig semen collection facility, Wacol, Queensland**

Footage released in January shows filthy conditions, violent abuse by workers, untreated wounds, and one boar left to slowly die over several days.

Result: At least one animal euthanised by vet accompanying inspector. Direction order/s given. No prosecution.

<https://alq.org.au/wacol-pigs2>





- **Feedlot, Bowenville, Queensland** - Widespread preventable deaths, particularly with calves; No shade or protection from elements, at all; Cattle suffered in heatwaves and were so weak, they were unable to reach water, and slowly died; Dead cattle left decaying in paddocks; Sick cattle left untreated in pens; Excessive use of jiggers leading to leg breaks.

Result: No prosecution.

<https://alq.org.au/wonga-plains>



- **[REDACTED] Farms, Beerburrum, Queensland**
Footage shows routine (legal) practices such as tail docking of piglets without anaesthetic and teeth clipping. It shows multiple dead piglets as well as untreated wounds on the mother pigs. It also shows a mother pig being kicked and prodded and reluctant to move. After

attempts to move her out failed, she was killed in front of all the others and can be seen thrashing around for some time while a worker stands over her. She is then dragged out. Result: No prosecution. The response from the Department was the typical response: "We are unable to provide information regarding animal welfare complaints due to privacy laws."
<https://alq.org.au/beerburrum-piggery>





- **████████ Dairy, Woodford, Queensland**

Footage shows distressed calves, filthy conditions, untreated wounds and illness. Calves are tied away from their mothers or caged in small rusty pens. Footage also shows lame cows unable to walk and left untreated. We believe this farm violated existing laws and we made a complaint to authorities. 2 years later we received further footage from this farm showing that little had changed despite documented animal cruelty and complaints to authorities.

Result: No prosecution.

<https://alq.org.au/content/pauls-queensland-dairy-exposed>





- **████████ Slaughterhouse, Gleneagle, Queensland**

Regular rough handling and mistreatment of animals. Footage shows a calf that appears to show signs of consciousness and struggling after the bolt gun and he is then kicked and stomped on in an attempt to kill or restrain him before his throat is slit.

Result: No prosecution.

<https://alq.org.au/content/pauls-queensland-dairy-exposed>



We invite the committee to watch *Dominion: Documentary* which is available to watch online at www.watchdominion.com to get a full picture of routine treatment of animals in Australia. Only by understanding what the industry is trying to hide can an informed view be made on the implications of this Bill.

Summary

ALQ submits that many of the clauses in the proposed Bill are excessive and aimed at further criminalising peaceful protests and silencing debate around important animal welfare issues. Existing laws are already more than sufficient to cover issues related to protest activity.

The current system is failing to protect animals. With an industry built on secrecy and deception, and a government department that fails to provide any real oversight, investigators and whistleblowers play a critical role in exposing routine legal and illegal cruelty to animals that take place on private properties and allow for public debate.

The Department of Agriculture fails in its responsibility to enforce existing animal welfare laws. What our experience has shown is that if an animal that is victim to cruelty or neglect is part of animal agriculture there is almost never a prosecution.

Instead of attempting to silence debate, the government should look at ways to increase transparency and accountability for the animal agriculture sector.

Thank you for considering these views. If you require further information, please do not hesitate to contact the undersigned.

Yours faithfully



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