



Committee Secretary
State Development, Natural Resources and
Agricultural Industry Development Committee
Parliament House
George Street
Brisbane Qld 4000
By email: sdnraidc@parliament.qld.gov.au

Submission about the Agriculture and Other Legislation Amendment Bill 2019

Dear Committee Secretary

The Animal Justice Party ("**the AJP**") thanks the State Development, Natural Resources and Agricultural Industry Development Committee for the opportunity to make a submission about the Agriculture and Other Legislation Amendment Bill 2019 ("**the Bill**").

This submission is made on behalf of the Queensland branch of the AJP and is endorsed by the National Committee. The AJP is a political party that operates in all Australian jurisdictions. The AJP's primary focus is advancing the interests of sentient nonhuman animals. The AJP also supports policies that, among other things, advance environmental protection and human equality.

The AJP supports some of the Bill's proposed amendments, opposes others and has views on procedural and policy matters raised by the Bill. The AJP's position on the Bill is set out below.

Procedural matters

Use of an omnibus bill for matters of significant public concern

The AJP notes that the Queensland Government is attempting to use an omnibus bill to amend legislation that involves numerous matters of significant public concern. Omnibus bills are commonly used by legislators and bureaucrats to make a large number of minor and uncontroversial amendments to unrelated legislation. For this reason, omnibus bills are often not subjected to a high level of public or parliamentary scrutiny.

The AJP notes that the Bill proposes to amend legislation that would have significant implications for animals and citizens who advocate for greater animal protection. This includes nonviolent animal activists, whistleblowers, and investigators. Animal activism and its underlying causes are matters that receive almost daily media coverage and are of interest and concern to a large proportion of the community. Indeed, a 2018 report commissioned by the then Australian



Department of Agriculture and Water Resources found that "...95% of people view farm animal welfare to be a concern and 91% want at least some reform to address this."¹

The Bill proposes a small number of positive legislative changes to better protect companion animals, which the AJP welcomes and supports. However, the AJP is concerned that these attributes will be over-played by supporters of the Bill, while ignoring the very detrimental effects that the proposed amendments would have on farmed animals, by silencing those who speak up for animals.

The AJP submits that the use of an omnibus bill to attempt to deal with matters of significant public concern is entirely inappropriate at best, and deceptive and undemocratic at worst.

Short consultation period

The AJP notes that the Bill attempts to amend multiple pieces of legislation and regulations with its 136 clauses and a Schedule with additional amendments. However, the Queensland Government has only provided interested parties with a 14 day period to make submissions about the Bill. The vast majority of people and organisations that are concerned about the protection of animals, and therefore concerned about the implications of the Bill, undertake their work in a voluntary capacity. Therefore, it is wholly unreasonable to expect them to have the time to scrutinise and make comprehensive submissions about the voluminous proposed amendments in such a short timeframe.

Consequently, the AJP submits that a 14 day period to make submissions about the Bill is manifestly inadequate and stifles the opportunity for thorough and meaningful submissions. Because of the inadequate consultation period, the AJP's submissions are necessarily limited to a broad overview of the Bill, rather than a technical legal analysis of each clause.

Consultation only included industries that exploit animals

The AJP notes that no animal protection organisations were consulted about the proposed amendments to legislation that would adversely affect animals or nonviolent animal activists, whistleblowers, and investigators. Rather, those consulted included industries that receive financial reward for exploiting animals and the Queensland Department of Agriculture and Fisheries, whose purpose includes promoting a profitable agriculture sector. These parties are demonstrably biased towards methods of farming that continually exploit animals to produce the greatest utility, efficiency and economic returns for animal industries. Therefore, they have no incentive to address the underlying causes of animal activism (i.e. community opposition to the suffering and exploitation of others) because doing so would have an adverse economic effect on animal exploitation industries and businesses.

¹ Futureye, *Australia's Shifting Mindset on Farm Animal Welfare*, 2018, pg 4.



The AJP submits that the Queensland Government's failure to consult with animal protection organisations about the proposed amendments that would adversely affect nonviolent animal activists, whistleblowers, and investigators:

- overlooked the opportunity to understand, consider and address the underlying causes of animal activism;
- missed an opportunity to identify, explore and innovate more sustainable and compassionate agriculture;
- illustrates a flawed legislative development process; and
- indicates that the Bill may have been rushed and its implications not adequately considered.

Amendments the AJP supports

Additional protection of companion animals

The AJP welcomes proposed provisions in the Bill that would strengthen protections for companion animals, even if these protections are still limited and bearing in mind the public has not been provided with enough time to properly analyse the provisions and their intended use. For example, the AJP welcomes the following clauses to the extent that they help companion animals:

- Clause 4, which adds to the duty of care owed to animals by a person in charge of an animal under the *Animal Care and Protection Act 2001*. (**"the ACPA"**).
- Clause 5, which adds the example of confining a dog in or on a vehicle in a way that causes heat stress or other pain for the animal as conduct that amounts to an animal cruelty offence under s 18(1) of the ACPA.
- Clause 8, which empowers an inspector, under the ACPA, to enter and stay at a place if they reasonably suspect an animal at the place has been abandoned.
- Clause 16, so far as it requires the chief executive (transport) to provide vehicle registry information to inspectors for the purposes of investigating animal welfare offences under the ACPA.

The AJP contends that the amendments should extend to include causes of heat stress to all confined animals, animals used for entertainment / sport, and farmed animals confined in crates, saleyards, vehicles, and paddocks without shade. The AJP supports giving inspectors greater powers to address the:

- magnitude of complaints made each year concerning Queensland companion animals left in hot cars;
- limitations that restrict how inspectors respond to such complaints;
- delays caused to investigations concerning abandoned animals due to red-tape; and
- prioritisation of landowners' property rights over the wellbeing of abandoned animals.

Furthermore, the AJP suggests that powers of entry be increased to investigate all types of offences under the ACPA, not just abandonment.



Amendments the AJP opposes

Ag-gag clauses

The AJP notes that the Bill contains a number of agricultural gag (“**ag-gag**”) clauses. Ag-gag laws are designed to prevent people from exposing legal and illegal acts of animal violence and cruelty in the agriculture and entertainment sector. Ag-gag laws have grown in prominence in Australia and around the world in response to the increasing amount of distressing agricultural footage that has been released to the public by nonviolent animal activists, whistleblowers, and investigators. The laws are anti-democratic by nature as they are designed to prevent the public acquiring knowledge about the treatment of animals for human use. This is an important political matter, demonstrated by the existence of the AJP, our elected representatives, the substantive increase of voter support for our party, and the volume of dedicated people protesting about these matters.

The AJP submits that the Bill’s following clauses are non exhaustive examples of ag-gag laws:

- Clause 37, which amends the *Biosecurity Act 2014* (“**the Biosecurity Act**”) to empower authorised officers to use body-worn cameras while exercising their powers under Chapter 10 of the Biosecurity Act. The video footage obtained by authorised officers will be capable of being used against animal activists in criminal prosecutions. On the other hand, the footage may assist animal cruelty investigations but, again, the public has not been provided with sufficient time to properly analyse the provisions and their consequences.
- Clause 49, which targets animal activists by amending the *Biosecurity Regulation 2016* (“**the Biosecurity Regulation**”) in order to:
 - enable a registered biosecurity entity or an exhibited animal authority to make a biosecurity management plan,
 - require a person entering, present at or leaving a management area for a biosecurity management plan to comply with the measures stated in the plan, and
 - increase the maximum penalty for non-compliance with a biosecurity management plan by 2,500% (from 20 penalty units to 500 penalty units).² This would be a maximum penalty of \$66,500, which is entirely disproportionate to the nature of the offence (see discussion below).
- Clause 132, which amends the *Summary Offences Act 2005* (“**the Summary Offences Act**”) to expand the circumstances in which a person commits an unlawful assembly offence to specifically include land used for agricultural activities, including abattoirs, agricultural showgrounds, live export holding facilities, and animal exhibitions.
- Clause 133, which amends the *Summary Offences Act* to expand the circumstances in which a person commits an offence for unlawfully entering or remaining on agricultural land and doubles the penalty to 20 penalty units or 12 months imprisonment.

² See page 6 of the Explanatory Notes.



The AJP is deeply concerned about the Queensland Government's proposed use of ag-gag laws. First, if animal exploitation industries and the politicians who support them are concerned that public knowledge of animal agriculture practices might cause consumers to disavow their products then this is a clear sign that the practices themselves, rather than people who expose the practices, should be criminalised.

Second, ag-gag laws entrench animal cruelty in industries that use animals because the exposure and reporting of animal suffering is then left solely to people with an economic interest in exploiting animals. Currently, complaints regarding animal cruelty can only be triggered by nonviolent animal activists, whistleblowers, and investigators.

Third, ag-gag laws send a message to legislators that silencing whistleblowers is a legitimate policy objective, a stance that should have no place in a mature democracy like Australia.

Fourth, ag-gag laws prevent consumers from understanding how their food and fashion is produced. This is important information consumers deserve to know so they can decide how to spend their money.

Nonviolent animal activists, whistleblowers, and investigators have exposed countless atrocities in the Australian agriculture sector over decades. Three recent examples are the illegal Victorian abattoir exposed in July 2019, which showed conscious sheep being put upside down on metal cradles and having their throats cut,³ the repeated failure of captive bolt stunning of animals, the twisting and breaking of cows' tails to force them to walk into the knockbox in August 2019 in NSW,⁴ and baby goats being shot in the head and dumped as rubbish in Victoria in September 2019.⁵ Further, the documentary *Dominion* released in 2018 depicts standard and primarily legal Australian animal agriculture practices⁶ that have been deemed too graphic for news outlets to publish.

The AJP submits that the Bill attempts to further condemn farmed animals and animals used for entertainment to a life of pain and exploitation by criminalising nonviolent animal activists, whistleblowers and investigators who expose the reality of standard animal agricultural practices

³ 'Authorities investigate illegal abattoir in Melbourne', *Queensland Country Life* (Online, 2 August 2019) <<https://www.queenslandcountrylife.com.au/story/6307996/authorities-investigate-illegal-abattoir-in-melbourne>>.

⁴ Kayla Osborn, 'Secret camera captures disturbing footage at Picton abattoir', *Wollondilly Advertiser* (Online, 29 August 2019) <<https://www.wollondillyadvertiser.com.au/story/6355834/secret-camera-captures-damning-footage-at-picton-abattoir-graphic-content/>>.

⁵ Michael Dahlstron, 'Treated like trash': Shocking video shows baby goats shot in the head on farm', *Yahoo! News* (Online, 4 September 2019) <<https://au.news.yahoo.com/baby-goat-slaughter-video-activists-victorian-dairy-farm-223645436.html>>.

⁶ Watch the documentary at www.watchdominion.com.



in Australia. Moreover, this Bill attempts to harbour those who commit horrific acts of violence to animals, rather than protecting sentient beings, as the community expects.

'Biosecurity' and 'animal welfare' - misleading, deceptive and disingenuous policy objectives

'Biosecurity'

The AJP notes that biosecurity is an important issue that must be taken seriously. Biosecurity breaches can kill farmed and other animals, cause significant economic harm to the agricultural sector and can destroy crops.

The Queensland Government has claimed that biosecurity risks caused by nonviolent animal activists, whistleblowers and investigators are key drivers for introducing laws to deter animal activists entering farms. The AJP notes that there have been no documented cases of biosecurity breaches linked to nonviolent animal activists, whistleblowers and investigators despite these citizens consistently exposing thousands of cases of violent and cruel treatment of animals over many decades. Further, factory farms are not biosecure environments. On the contrary, factory farms are unsanitary and bio-insecure by nature because of the large number of animals so tightly confined and how few workers there are to manage those animals. Factory farmed animals commonly live in or very close to their own excrement. Factory farms are also commonly occupied by rodents, insects and arachnids that carry diseases. Tens of thousands of animals are commonly packed into small and confined living areas making the spread of disease likely, and sick, dead and decomposing animals are routinely found throughout factory farms (Figures 1 to 5).



Figure 1: Factory farmed animals often live in or very close to their own excrement. (Photos provided from Aussie Farms <https://www.aussiefarms.org.au/>.)

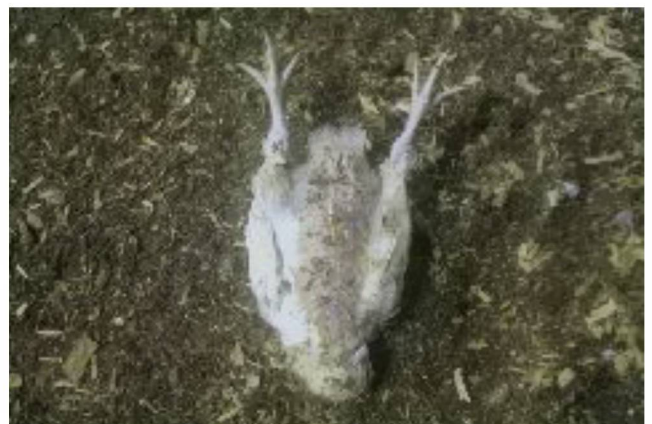


Figure 2: Pigs in sow stalls live in very close proximity and disease carrying animals such as rodents, insects and arachnids frequent factory farms. Tens of thousands of chickens are commonly packed tightly next to each other, conditions rife for the spread of disease.

(Photos provided from Aussie Farms <https://www.aussiefarms.org.au/>. Lame sow at a Queensland facility, chickens at a Queensland facility in December 2017.)



Figure 3: Dead and dying animals are common on factory farms which creates significant biosecurity risks.

(Photos provided from Aussie Farms <https://www.aussiefarms.org.au/>. Piglet photos from a Queensland facility in December 2018.)



Figure 4: Dead rat and bugs.

(Photos provided from Aussie Farms <https://www.aussiefarms.org.au/>. Both photos from a Queensland facility)



Figure 5: Cattle killed and left to rot in the open.

(Photos provided from Aussie Farms <https://www.aussiefarms.org.au/>. Both photos from a Queensland facility, January 2019.)

In order to legitimately address biosecurity risks in factory farms, the AJP submits that the Queensland Government should introduce laws that:

- require high definition CCTV cameras in all animal exploitation facilities to allow authorities to monitor the facilities' biosecurity risks and to stream CCTV footage publicly to ensure transparency for the community; and
- increase the powers and mandate of inspectors to investigate animal farm, and animal entertainment, workers for breaches of the Biosecurity Act or the Biosecurity Regulation.

The AJP submits that 'biosecurity' has been used by the Queensland Government as a misleading, deceptive and disingenuous justification for introducing laws that would severely criminalise nonviolent animal activists, whistleblowers and investigators for exposing legal and illegal extreme acts of animal violence and cruelty.

'Animal welfare'

The AJP notes that the Queensland Government has claimed that the Bill's proposed amendments aimed at gagging nonviolent animal activists, whistleblowers and investigators are necessary, in part, because of concerns about 'animal welfare'. The AJP submits that if the



Queensland Government really wanted to protect animals then it would turn its attention to how Queensland law permits millions of farmed animals to be subjected to extreme violence and cruelty, including:

- The mutilation of farm animals without anaesthetic, such as castration, mulesing, teeth clipping, tail docking and ear “notching”.
- Confining chickens to wire cages for many months at a time where they have no more than an A4 sized space to move.
- Confining pregnant pigs to sow stalls or farrowing crates with concrete or wooden floors for weeks to months at a time where they cannot turn around or take more than a step forward or backward.
- The use of high powered electrical devices which animal farmers commonly use in the ears, eyes and anuses of animals such as pigs to force them to move.
- Transporting animals for many hours at a time in extreme weather conditions where the animals are often dehydrated, hungry and cannot sit down, move, or defecate away from their group, because of how tightly they are packed.
- The breaking of animals’ bones and wings as they are roughly handled by farm workers.
- The scalding of fully conscious animals because of negligent pre-slaughter stunning practices.
- The use of carbon dioxide gas chambers to slaughter animals which causes them extreme pain and distress as the gas burns their eyes, nostrils, throats and lungs.⁷

The Bill is not concerned with standard farming practices that cause immense pain and suffering to farmed animals. Instead, it is concerned about preventing concerned citizens from exposing those practices. Consequently, the AJP submits that, as with ‘biosecurity’, ‘animal welfare’ has been used as a misleading, deceptive and disingenuous justification for introducing laws that would severely criminalise nonviolent animal activists, whistleblowers and investigators for exposing legal and extreme acts of animal violence and cruelty.

Power of entry - inspectors - clause 9

The AJP submits that the words “over a period of at least 2 days” in clause 9 of the Bill, which would amend s 125(4) of the ACPA, should be deleted. The AJP submits that during this two day period, sick, injured or dying animals would have a prolonged period of suffering before an inspector could reach them and two days is an arbitrary and unnecessary time period for inspectors to wait before investigating animal suffering.

Policy considerations of matters raised by the Bill

Underlying causes of animal activism not addressed by the Bill

The AJP notes that we currently live in the social media age where the free flow of information is standard and consumers are overwhelmingly concerned about the treatment of farmed animals.

⁷ See www.watchdominion.com for a comprehensive analysis of the practices Queensland law permits.



Therefore, the AJP submits that the ag-gag laws proposed in the Bill are a large regressive step for Queenslanders.

The AJP recommends that the Queensland Government should focus on the underlying causes of public concern, animal activism, whistleblowing and undercover investigations rather than attempting to criminalise those who expose what really happens in animal agriculture and animal entertainment industries.

The AJP recommends that the underlying causes of animal activism could be addressed by:

- Removing the offence exemptions in the ACPA that permit acts of extreme violence and cruelty to farmed animals. The AJP notes that s 40 of the ACPA permits acts to farmed animals that would be criminal offences if done to companion animals, where those acts are done to farmed animals in accordance with industry developed codes of practice;⁸
- Requiring animal exploitation facilities to be transparent about their practices by requiring them to install high definition CCTV cameras in their facilities, the footage of which must be live-streamed to a publicly available website. If CCTV cameras were mandatory in animal exploitation facilities then animal activists would have no need or desire to enter these facilities. Further, the CCTV footage could be used by the animal exploitation facilities to monitor biosecurity risks;
- Increasing the powers and mandate of the inspectors that are responsible for investigating animal cruelty offences that occur on factory farms, in slaughterhouses and in before, during and after sports and entertainment that exploits animals;
- Introduce an Independent Office of Animal Protection while transitioning animal harming industries to other profitable industries.

Discriminatory approach to the regulation of animals

The AJP notes that the Bill contradicts itself and entrenches discrimination between species in Queensland law. The Bill seeks to make minor improvements to the wellbeing of some companion animals (i.e. dogs in hot cars), while at the same time, seeks to ensure the public is kept uninformed about the horrific mistreatment of farmed animals. The public is largely unaware that Queensland law permits people to commit acts of extreme violence and cruelty to a farmed animal as “standard practice” by law, despite that same conduct constituting a criminal offence if done to a companion animal.

The AJP notes that an animal does not suffer differently depending on whether they are labelled by humans as a companion animal or farmed animal or an animal used for sport or entertainment. The law acknowledges that animal cruelty is seriously wrong by criminalising it for companion animals because of the misery, pain and suffering it causes those sentient animals. Therefore, the AJP submits that the same rationale applies to all sentient animals - it is

⁸ Go to www.watchdominion.com to view the acts of extreme violence and cruelty to animals that the ACPA permits.



wrong to cause them misery, pain and suffering and the law should criminalise all acts of animal violence and cruelty, regardless of the victim's species.

The AJP submits that the discrimination on the basis of species by Queensland law, that permits vastly different treatment of companion and farmed animals, is akin to the discrimination on the basis of gender and ethnicity that laws of the past once allowed.

Inherent cruelty in the racing industry

The AJP is aware of the Bill's proposed amendments to the *Racing Act 2002*, but, again, insufficient time has been allocated for public consultation and review of the Bill. The AJP opposes the racing of animals simply because they are not ours to use. The Queensland Government should be aware of the serious suffering and death inflicted on the horses and greyhounds in racing, plus the animals who are *still* illegally used as live bait in the greyhound racing industry (Figure 6).



Figure 6: Live-baiting is inherent in the greyhound racing industry with animals such as possums, piglets, kittens and rabbits used to lure greyhounds around the track. Former racing horses are often killed because they offer no further financial value to the horseracing industry. (Photos provided by Animal Liberation Queensland and Animals Australia.)

The AJP notes that the Queensland Government gives tens of millions of dollars to the racing industry each year.⁹ Indirectly, Queensland Government spends significant money supporting problem gamblers who form gambling addictions by betting on horse and greyhound racing.

The AJP recommends that the Queensland Government spend the money it currently gives to the racing industry on causes that will benefit society more broadly, rather than subsidising an industry that benefits a minority of individuals through the exploitation of animals. For example, these funds could be spent on:

- Rehabilitating and protecting parts of the environment that have been devastated by animal farming;

⁹ Racing Queensland, *Annual Report 20017/18* (Report, 24 September 2018).



- Improving Queensland's healthcare system;
- Supporting Queensland's homeless;
- Creating an Independent Office of Animal Protection;
- Rewilding the vast amount of land currently used as race courses for bush regeneration, wildlife habitat and native public parklands for use by the broader community.

Use of body-worn cameras

The AJP submits that the various proposed amendments in the Bill that would empower authorised officers and inspectors to use body-worn cameras are primarily intended to capture evidence to prosecute animal activists.

The AJP recommends the Queensland Government consider how these devices could be used by authorised officers and inspectors to monitor compliance with and provide evidence to prosecute organisations and individuals what do not accord with the relevant codes of practice referred to in s 40 of the ACPA.

Future of food and the transition away from animal agriculture

The *Farm Business Debt Mediation Act 2017* illustrates that farming is already a difficult and risky business requiring government intervention to assist farmers. Food security is increasingly threatened by climate change. It is widely accepted that animal agriculture is a leading cause of climate change and extremely inefficient at producing protein for a growing population.¹⁰ 93% of land clearing in Queensland alone has been for animal agriculture which has caused a crisis for wildlife.¹¹ Further, the AJP submits that cell and plant-based animal replacement products are likely to become cheaper than factory farmed animal products in the foreseeable future, further worsening current financial issues for animal farmers. Research indicates that plant-based foods are projected to contribute up to \$3 billion to the Australian economy¹² and generate thousands of jobs within the next 10 years.

Therefore, the AJP recommends that the Queensland Government turn its attention to policy innovation by financially assisting animal farmers transition to alternative means of income. For example:

- There is a growing need for recycling facilities and recycling jobs in Australia and animal farmers often have the space for recycling infrastructure.
- There is a rapidly growing demand for clean energy and jobs in this sector.

¹⁰ Springmann M. et al., *Nature*, 'Options for keeping the food system within environmental limits', vol 562, 25 October 2018 <<https://www.nature.com/articles/s41586-018-0594-0.epdf>>.

¹¹file:///C:/Users/joann/Downloads/pub-tree-clearing-hidden-crisis-of-animal-welfare-queensland-7sep17.pdf

¹² <https://www.foodfrontier.org/reports/>



- There is a growing demand for plant-based products, the crops of which could be grown by current animal farmers. For example, hemp crops are used for thousands of industrial and commercial purposes and it is a resilient crop that has a short growing season and no weed competitors.

A growing proportion of Australians are avoiding animal products

A rapidly growing proportion of Australians (in particular younger Australians) are choosing a lifestyle that avoids the violent, cruel and exploitative use of animals. The Queensland Government has an opportunity to develop laws which future generations would be proud, such as laws that punish those who harm animals, rather than laws that punish those who expose acts of extreme animal violence and cruelty.

In its current form, the AJP cannot support the Bill. However, there are promising elements within the Bill (including greater protections for companion animals) that should be passed and extended to a wider range of animals and scenarios. If the Queensland Government adopts an animal protection agenda and starts to actively facilitate the transition away from destructive animal harming industries, then future generations will look back and thank the leaders who ended the unjust, discriminatory and manifestly harmful treatment of animals by industries that exploit them for economic gain.

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