

Submission to the State Development, Natural Resources and Agricultural Industry
Development Committee, Queensland Parliament

Agriculture and Other Legislation Amendment Bill 2019

Thank you for the opportunity to contribute a submission to this Inquiry. The first part of this submission focuses on the proposed amendments related to animal activism about which I have significant concerns. The second part of the submission focuses on proposed animal welfare, companion animal and native fauna amendments.

Introduction

It is understood the Queensland Government faces many serious challenges due to drought, bushfires, adverse weather events and threats to the Great Barrier Reef caused by global warming. The first mammal that has become extinct due to anthropogenic climate change has also occurred in Queensland with the loss of the Bramble Cay melomys (*Melomys rubicola*) in Torres Strait.¹ It is acknowledged that such challenges have indeed been catastrophic and have not been faced in such magnitude by some of the other States.

It is understood that a Government dealing with such serious issues may be concerned about additional perceived threats including challenges from new quarters such as the rise of animal activism. However, it is concerning that the Queensland Government is not focusing on the reasons for the rise of animal activism. Instead the Government appears to be introducing reforms that may result in the punishment and criminalisation of idealistic people, often very young, who are genuinely concerned about serious instances of animal cruelty that have been revealed by undercover investigations of animal industries in Queensland and elsewhere in Australia. Powerful reforms are needed to ensure animals do not suffer the way they are suffering now, particularly in intensive farming facilities, feedlots and abattoirs across the State of Queensland and the rest of our country.

¹ Gynther, I., Waller, N. & Leung, L.K.-P. (2016) 'Confirmation of the extinction of the Bramble Cay melomys *Melomys rubicola* on Bramble Cay, Torres Strait: results and conclusions from a comprehensive survey in August–September 2014.' Unpublished report to the Department of Environment and Heritage Protection, Queensland Government, Brisbane. Also available at the following link as at 9/9/2019, <https://environment.des.qld.gov.au/wildlife/threatened-species/documents/bramble-cay-melomys-survey-report.pdf>. (It is noted that the Committee does not maintain weblinks.)

It is noted the current Bill contains a significant focus on targeting animal activism while the Explanatory Notes state the amendments will apply equally to all Queenslanders. It is also acknowledged that some of the proposed amendments that do not relate to animal activism may have positive outcomes for animal welfare and the investigation of animal cruelty. This is to be commended.

1. Amendments related to animal activism

1.1 Essential problem that needs to be addressed

The proposed legislative amendments are prompted by policy objectives that seek to protect the economy, human safety, biosecurity and food safety. These are important objectives. However, I respectfully submit the essential problem is not animal activism or whistle blowers who expose the cruelties that occur in animal industries. The essential problem that needs to be urgently addressed is the illegal and legalised animal cruelty and breaches of biosecurity that take place in abattoirs and places where animals are farmed intensively.

1.2 Factors motivating animal activism

Animal activism is driven by strong concern about the suffering of animals, particularly in intensive farming facilities and abattoirs, that is usually hidden from consumers. There have been many instances of a serious lack of biosecurity in intensive animal industries that have been exposed to the public by whistle blowers. Unedited undercover footage from certain animal industry facilities and filmed by unknown parties has been forwarded to animal activists and the public has already been made aware of this lack of biosecurity via various media. The community expects that the cruelty should be addressed, and measures taken to radically improve biosecurity within animal industries rather than target those that blow the whistle on animal cruelty and lack of biosecurity in these industries.

Animal activists are motivated by kindness and compassion towards animals, are non-violent, have no intention of harming anyone and are already aware of the need to observe biosecurity protocols. It is suggested that a group of idealistic non-violent people, who are

highly motivated by ethics and kindness to prevent animal cruelty, who undertake protests like the brief occupation of an abattoir, are not to be feared. Although such a protest is unlawful, the activists have very legitimate concerns.

Examples of cruelty about which activists and many others in the community are strongly concerned include:

- Newly hatched male chickens ground up alive as they are of no commercial value to the egg industry.
- Battery hen cages.
- Unwanted bobby calves being left out in fields to starve.
- Lambs born in winter freezing to death.
- Rapid growth of chickens causing metabolic and painful skeletal disorders.
- Surgical procedures on chickens and turkeys including debeaking and toe cutting without anaesthesia or pain relief resulting in chronic pain.
- Chickens and turkeys spending their short lives in crowded insanitary sheds living in their own waste with thousands of other birds.
- Sleeping and feeding patterns of chickens and turkeys kept in sheds distorted with artificial light used to maximise growth.
- No requirement for commercial duck farms to have water in which ducks can swim or bathe which causes extreme stress.
- Mother pigs confined in tiny concrete and metal spaces in farrowing crates and sow stalls.
- Cutting piglets teeth, ears and tails without anaesthesia or pain relief.
- Decaying and mutilated dead piglets left lying next to their mothers confined in farrowing crates.
- Feedlots used for finishing livestock prior to slaughter where animals are crowded together in pens, without being able to range freely, so they put on weight more quickly, and there is no shade or protection from extremes of temperature.
- Stress of transportation to abattoirs due to severe overcrowding and lack of food and water.
- Pigs and piglets being forced with an electric prod into a gondola to be lowered 7 to 10 metres into a gas chamber and suffocated by CO₂ gas. They scream in agony as

the gas hits their lungs and thrash around, sometimes even losing one of their feet as they desperately try to escape.

- Animals beaten to death in an abattoir if stunning has not rendered them unconscious.
- Animals being slaughtered in full view of other animals who struggle to escape.
- Animals drowning in scalding tanks if stunning and having their throats slashed or pierced has not killed them.

Stronger scrutiny of animal agricultural industries is clearly urgently needed. Law reform to ban outright cruel animal agriculture practices that are currently legalised is also essential.

1.3 Lifting the veil of secrecy

Legislation to introduce and enforce the placement of independently monitored CCTV in intensive animal agricultural facilities and abattoirs is urgently needed. The current proposed reforms will only have the effect of silencing ethical people who question the mythology of “happy animals in happy farms” and wish to expose the cruel practices of “lawful” farming and “humane” slaughter. I strongly urge the Queensland Government to legislate to lift the veil of secrecy that exists over the activities of intensive farming facilities and abattoirs and introduce strengthened livestock Codes of Practice while amending legislation to outlaw all cruel livestock practices.

1.4 Consumers have a right to know

Consumers are beginning to be increasingly aware of the cruelty occurring in farms, feedlots, abattoirs and other animal holding facilities. Now secrecy will be increased if the laws aimed at animal activists are passed and implemented. It is very concerning that those who expose cruelty to animals in animal industries may now be more severely punished for doing so. This can only lead to greater mistrust by the public.

1.5 Amendments to the *Summary Offences Act 2005*

It is of concern that the effect of clause 133, in amending the *Summary Offences Act 2005*, s13, is to introduce stronger penalties (maximum penalty \$2,200, or one-year’s imprisonment) together with extending the existing offence of entering land to “land used

for a broader range of purposes related to animal keeping and other agriculture”². In the absence of an effective well-resourced regime to investigate and prosecute animal abuse, animal activism has stepped into the gap to investigate and expose the overwhelming amount of animal abuse and exploitation that can exist at these locations. Some of this abuse is “lawful”, although it should not be, due to the inadequacy of legal protections for farm animals in comparison to the protections available for companion animals. However, extensive undercover footage made available by activists has also documented an overwhelming number of acts of cruelty that are illegal and severely breach biosecurity protocols. Not only will the proposed reform of s13 make it harder to expose significant and extreme animal cruelty and biosecurity breaches perpetrated in abattoirs and by farmers, especially those running large agribusinesses, but it will also have the effect of stifling the right of anyone to engage in legitimate protest in the following locations:

a) Land used for tree farming and felling

Tree clearing has been devastating for native species in Queensland. WWF-Australia has documented the loss of 68 million animals in Queensland in two years due to tree clearing. There is a need for stronger protections of native species in areas where tree farming and felling occurs rather than banning protestors from exercising their democratic right to protest in areas where tree farming and felling may be having a negative impact on native fauna.³

b) Land used for animal exhibitions

Animals in zoos, circuses and aquariums are deprived of a natural life and freedom. The amendments will limit the right to protest about this. Animals Australia has documented the problems that arise in zoos and has a summary of the history of zoos featured on their website which details why zoos are not good for animals and is kept up to date.

² *Agriculture and Other Legislation Amendment Bill 2019, Explanatory Notes*, p6.

³ Cogger H, Dickman C, Ford H, Johnson C and Taylor MFJ, 2017. *Australian animals lost to bulldozers in Queensland 2013-15*. WWF-Australia technical report.

c) Land used for animal holding facilities

Feedlots and saleyards are often sites where animal cruelty occurs. Animal Liberation Queensland has exposed the serious issues at feed lots in Queensland. More information is available on a search of their website. Tighter regulation and protections for animals are needed.⁴ Activists should have a right to peacefully protest about animal exploitation and cruelty that occurs in these locations. If independently monitored CCTV cameras were installed in all Queensland's feedlots and saleyards, incidents of animal cruelty would be exposed and could be prosecuted without the intervention of activists.

d) Land used for abattoirs

Documentation of appalling cruelty has been gathered in undercover investigations of abattoirs, which has been made available to animal activists and also to the general public via media. Earlier this year reports exposed how, in one Queensland abattoir, animals have been killed in front of other animals without being fully stunned. More information is available in the Queensland section of the Aussie Farms website repository.⁵ This highlighted the urgent need for independently monitored CCTV cameras in the 60 plus abattoirs in Queensland to be monitored by an independent animal welfare body.

e) Land used for agricultural showgrounds

Instead of effectively banning animal activists from protesting at rodeos it would be timely to ban rodeos which are extremely cruel and often held in agricultural showgrounds. If rodeos are not banned, at the least please consider banning the appallingly cruel practice of calf roping. There is strong concern among animal rights and welfare organisations and the general community about the cruelty that occurs at rodeos and they have been banned for this reason in other jurisdictions.⁶

⁴ See the website of Animal Liberation Queensland.

⁵ See the website of The Aussie Farms Repository.

⁶ See the websites of the following organisations for further information regarding serious concerns about rodeos: Animal Liberation Queensland, Animals Australia, Animal Justice Party Queensland and RSPCA Queensland.

f) Land used for live export holding facilities

Rather than introducing punitive measures aimed at those who oppose the cruelty of live export and approach or enter live export holding facilities to protest, the community is asking Governments to impose a total ban on live export. The general public is very aware of the appalling suffering of animals that occurs on live export ships leaving our country following recent exposure by a whistle blower that was made public by Animals Australia. The community is asking Governments to listen to all stakeholders about this issue, not only to those who profit from live export. An important concern is that animal welfare should be prioritised over private economic gain.

1.6 Extension of the unlawful assembly offence

It is of concern that the effect of clause 132, in extending the unlawful assembly offence, currently contained in the *Summary Offences Act 2005*, s 10A, to land used for a range of purposes related to animal keeping, will also serve to stifle exposure of the animal abuses that occur on land used for animal keeping. In s10A, for three or more persons to assemble it is said to become unlawful “if their conduct taken together would cause a person in the vicinity to reasonably fear that unlawful violence will be used”. Section 10A is reminiscent of martial law I have personally experienced when living in other countries in the past where no more than two people were lawfully permitted to gather in a public place in times of serious political unrest. In NSW there is a summary offence of violent disorder that is similarly worded, but not classified as an offence of unlawful assembly like this one. To my knowledge animal activists avoid violence although they have been threatened with violence for revealing or protesting animal abuses. Amending s 10A to cover land used for animal industries as a “deterrent” to “inappropriate” protest ignores the fact that the greatest risks to food, animal welfare and biosecurity can come from serious failures in biosecurity on the part of those running businesses on land used for animal keeping.

Biosecurity “risk”

It is also not clear how biosecurity “risk” will be defined. Animal activists claim they are aware already of the need to observe biosecurity protocols and will take measures to avoid creating a biosecurity risk when protesting or exposing cases of extreme animal cruelty. On viewing recent unedited undercover footage from certain intensive piggeries filmed by

unknown parties and forwarded to animal activists it appears very clear that these facilities are not biosecure. Numerous breaches of biosecurity are recorded on the footage. These facilities do not appear to adhere to biosecurity requirements listed in the on-farm biosecurity plan template version 1.5 [31/7/2017] that can be accessed from Animal Health Australia (“AHA”) via the Queensland Department of Agriculture and Fisheries website.⁷ Yet animal activists are careful to wear disposable protective clothing and head and foot covering. The lack of biosecurity e.g. a baby piglet born onto a cold urine-soaked metal floor to rest his or her head on a pile of rotting manure among the corpses of dead siblings and decaying afterbirth, next to the mother pig confined in a narrow metal farrowing crate that is injuring her, creating pressure sores and does not let her move, appears to be a distressingly normal occurrence in some of these facilities. Unedited undercover footage from certain intensive piggeries filmed by unknown parties and forwarded to animal activists has exposed this type of shocking cruelty and failure of duty of care by farmers which in turn has led to prosecutions in Australian jurisdictions. It is unfortunate Governments are targeting activists. Again, arguably they are not the problem.

1.7 Amendments to the *Biosecurity Act 2014*

The tightening of biosecurity controls introduced in clauses 29, 46 and 49 of the Bill which will have the effect of imposing a general biosecurity obligation to comply with a biosecurity management plan, on anyone entering or leaving a place where biosecurity matter or a carrier is present, is aimed at animal activists. Yet, as noted above, intensive animal farming, by its nature, has been revealed by undercover footage to involve ongoing and significant breaches of biosecurity, especially where large numbers of suffering animals are crowded together in enclosed spaces.

⁷ See “On-farm biosecurity plan template”, Version 1.5, [31/8/17], available to download at Animal Health Australia’s website. This is the on-farm biosecurity plan template to which the above discussion refers. Available at the following link as at 8/9/2019. <https://animalhealthaustralia.com.au/download/16517/> This link may change in future if and when this form is updated. A search of the website at that future time should bring up a current form. (It is noted that weblinks are discouraged in submissions as they cannot be maintained by the Committee).

The new Regulation that these amendments will allow to be created will make it difficult for outsiders or employees to record and expose animal abuses to the public. i.e. increasing the veil of secrecy that already exists and denying consumers the right to know how their food is really produced. The new penalties appear to be extremely severe and to lack proportionality. Will farmers who breach biosecurity be subject to similar penalties? Hopefully this will be the case. It is noted there are significant penalty increases for non-compliance with a biosecurity management plan i.e. by 2500 per cent.

It is also noted that more farms may now put in place biosecurity management plans which has the potential to improve biosecurity, particularly if the facilities conform to regular inspections by veterinarians. Regular property inspections by veterinarians on all sites used for animal agriculture should be mandatory not voluntary. Now regular annual inspection does not appear to have to be performed by a veterinarian or animal health officer. Although it is preferable that this occurs, it is not mandatory, according to the “On-farm biosecurity plan template”, which is frankly astonishing.⁸ It would appear, in the interests of good biosecurity and animal welfare, that legislation should be introduced to make it compulsory that frequent unannounced checks as well as regular inspections by veterinarians or independent animal health officers should occur in all these facilities.

Empowering inspectors to give biosecurity orders to protestors

It is noted that the proposed reforms will mean that an inspector will have power under the Act “to give a biosecurity order to a protestor who enters a property if the inspector reasonably believes they may not be discharging” their biosecurity obligation. The effect of this is to stifle all legitimate protest at animal industry facilities. If activists, concerned about animals being harmed at a facility, also try to intervene to assist a suffering animal, they will face heavy fines if they do not comply with an order to leave.

1.8 Amendment to the *Exhibited Animals Act 2015*

The amendments directed at animal activism will hamper the right to protest animal cruelty at locations where animals are exhibited. Animal activists are non-violent, have care and

⁸ Ibid. See 6.2.3.

compassion for animals and do not threaten animal welfare, biosecurity or public safety as the wording of the new s 22A implies.

Chapter 6, Part 3, Division 3A, gives an inspector power to direct an activist to move on at locations where animals are exhibited which interferes with the democratic right to protest in places like zoos, circuses and aquariums. The insertion of s 222A will see the use of body worn cameras to record activists exercising their democratic right to voice a political opinion about animal cruelty. This is concerning.

2. *Animal Welfare and Protection Act 2001*

The amendments to the Act are supported to the extent that they may serve to help investigate and prosecute genuine animal cruelty offences and promote animal welfare rather than target animal activists. However, the use of body worn cameras may impact on the right to privacy.

It is also of concern that “confidentiality of information” amendments to this Act and other Acts affected by this Bill may stop whistle blowers revealing information that is in the public interest e.g. regarding food security and systemic animal cruelty.

3. *Animal Management (Cats and Dogs) Act 2008*

Reuniting lost dogs with their owner – Fine, but what about cats?

A similar provision to the proposed amended s43ZF is needed for cats. Suppliers of cats, including pounds and shelters, cat rescue organisations, registered breeders, and individuals needing to rehome a cat, should also be required to provide the new owner with a signed microchip transfer form, which may be sent to the microchip registry to record the change of ownership of the animal. This will also help new owners of cats to meet their obligation under the Act to notify a microchip registry of the cat’s change of ownership details within seven days of the change occurring.

Crucially an updated microchip can save the life of a cat if the cat becomes lost or stolen and eventually ends up at a council pound or a charity shelter. If the microchip details are not up to date and the owners cannot be contacted, cats as well as dogs, risk being euthanised if not adopted or released to a rescue organisation.

In fact, the latest available statistics from RSPCA Australia reveal a higher number of cats euthanised in their Queensland shelters than dogs. In 2016, RSPCA Qld euthanised 1,533 cats and 1,351 dogs.⁹ The total statistics for all Queensland pounds and shelters would be likely to be significantly higher but these RSPCA Australia statistics give an indication the trend to euthanise more cats than dogs is occurring in Queensland as it does in other States. However, it has not been possible to find pound euthanasia statistics for the whole of Queensland. It would be useful to view the combined regional statistics for pounds and shelters in Queensland to obtain more information about this issue.

In any case, legislative reforms should be also aiming to help reunite more lost cats with their owners. It is also important to accompany such law reforms for both cats and dogs with a targeted community education campaign in English and community languages. Such campaigns are crucial in helping to ensure companion animals get home if lost or stolen.

Nature Conservation Act 1992

The amendment that inserts a new s132B in the Act to ensure timely decisions are made on the conservation status of a species is supported.

Conclusion

The serious environmental challenges currently faced by the State of Queensland are inextricably linked to human activity including animal agriculture. Cascading environmental factors such as pastoralism, land clearing and logging of forests have been identified internationally as the driving forces of both climate change, food security risks and species loss. This has been documented in a recently released United Nations report prepared by 150 experts and relying on 15,000 references and government data, which strongly points

⁹ RSPCA Australia National Statistics 2015—2016, p 5, available via RSPCA Australia's website.

to the damage to the environment caused by human intervention.¹⁰ By acting to phase out the industries that cause such immense animal suffering and environmental degradation and by supporting the establishment and growth of new sustainable plant-based food industries,¹¹ and other industries such as sustainable power generation on farms, the Government would be taking decisive action to address both animal cruelty and the disastrous environmental events that have been ravaging the State.

Thank you for considering my views.

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¹⁰ IPBES. 2019. *Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services*. S. Díaz, J. Settele, E. S. Brondizio E.S., H. T. Ngo, M. Guèze, J. Agard, A. Arneth, P. Balvanera, K. A. Brauman, S. H. M. Butchart, K. M. A. Chan, L. A. Garibaldi, K. Ichii, J. Liu, S. M. Subramanian, G. F. Midgley, P. Miloslavich, Z. Molnár, D. Obura, A. Pfaff, S. Polasky, A. Purvis, J. Razzaque, B. Reyers, R. Roy Chowdhury, Y. J. Shin, I. J. Visseren-Hamakers, K. J. Willis, and C. N. Zayas (eds.). IPBES secretariat, Bonn, Germany.

Also available online at the following link as at 6/9/2019, <https://www.ipbes.net/global-assessment-report-biodiversity-ecosystem-services> (It is noted that the Committee does not maintain weblinks.)

¹¹ See Jack Derwin, "As one in three Aussies cut back on meat, the market for plant-based alternatives is set to explode" *Business Insider Australia*, 4/9/2019. Available as at 9/9/2019 at <https://www.businessinsider.com.au/plant-based-meat-market-australia-cut-back-meat-free-diet-2019-9> (It is noted that the Committee does not maintain weblinks.)