

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

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Dear Committee Secretary

### **Agriculture and Other Legislation Amendment Bill 2019**

Dear Committee,

Thank you for the opportunity to comment on this omnibus Bill. First and foremost, I draw attention to the Premier's comments that this Bill is not aimed at animal activists. That statement belies the facts that the omnibus Bill **is directly** aimed at people who uncover the cruel and inhumane conditions in which certain classes of animals live and die. As such, this may fall foul of anti-discrimination provisions and the *Human Rights Act*, as animal activists hold political beliefs as to the politics of farmed animals. Farmed animal policy is a political issue, with many politicians being involved in the industry themselves. The excessive subsidies, drought relief, flood relief and all other forms of relief and tax exemptions given to farmers from public money demonstrates that animal farming is a political issue and is politics in itself. The great public interest in how animals are treated makes this issue – and the exposure of normalised cruelty on farms - part of political discussion. Further, Roy Morgan research shows 2.1 million Australians (including 500,000 Queenslanders) – nearly 10% - no longer eat meat and of these 500,000 are fully vegan. Research shows that most people who give up meat do so after discovering the animals themselves live short, cruel lives and many suffer horrendously in the deaths we label 'humane'. The use of an omnibus Bill to ram legislation to criminalise and target a substantial group of Queenslanders is inherently wrong and unjust. The short consultation period meant few interested people had a chance to comment, and although politically engaged I found out about this massive Bill on the first business day after close of submissions. Omnibus bills cram unrelated issues and planned legislation together with little, if any, public or parliamentary scrutiny.

*Very quick background*

I have lived in regional north Queensland for over three decades. In the course of my life I have witnessed excessive cruelty to domestic animals used for slaughter or entertainment. In northern Australia we endure 40+ degree days with 80+% humidity, making the apparent temperature much hotter than the digit given on the thermometer. I see cattle crammed in trucks to be live exported to Vietnam, the most dangerous and brutal destination for Australian cattle. Livestock transport industry websites recommend denying cattle water and food for at least 12 hrs before transport, and state government guidelines allow for cattle to be denied water for *up to 48 hours*, even at 40+ degree heat. Cattle frequently have no shelter from the burning sun or torrential rains of the wet seasons. Around Townsville huge signs advertise upcoming rodeos – a barbaric activity banned in the ACT for cruelty, and an activity that regularly sees bulls, horses and calves catastrophically injured - and killed. Cruelty to animals, like excessive alcohol consumption, is a way of life, much as racism has always been a north Queensland speciality. Even our public institutions are not immune – a boar in a tiny pen on a Department of Agriculture semen collecting facility died slowly and in pain after skin on his head rotted and employees did nothing to assist him. A herd of cattle starved to death in a Townsville Department of Agriculture facility and we the public have no knowledge of the outcome of these acts of cruelty. If these animals were pet dogs the people in charge would be prosecuted. Our own Government facilities have disregard for gross animal cruelty, and this necessitates CCTV installation in *all* animal producing and killing facilities to protect animals from cruelty and to provide the public with confidence that animals they are consuming have been raised and killed humanely. Shooting the messenger leaves the public under the (correct) assumption that animal producers and killers have something to hide.

### *Summary Offences Act*

I wrote a similar submission to the **Criminal Code (Trespass Offences) Amendment Bill 2019** (Appendix 2) and it is a shame that laws criminalising protest are back on the table again. As mentioned in the previous submission, no animal rights protestor has caused harm to any agriculturalist. Animal rights protestors have not caused any harm to any person nor – despite allegations, entered farmers' houses – because farmers do not live in factory farms, feedlots or slaughterhouses. Due to the overwhelming stench of shedded pigs and chickens and cattle in feedlots, and the rotting corpse left in the facilities or in pits adjacent, and the disgusting stench of manure and urine settling ponds, farmers live nowhere near the facilities. To suggest farmers live in the same conditions as they force animals to live is a patent nonsense. No farmer has suffered risks to their health due to animal activists. Similarly, no animal activists have risked biosecurity as they have at all times complied with relevant biosecurity laws. I might note that ordinary news and current affairs footage frequently shows farmers walking from shed to shed in the same clothes and boots and generally not complying with stringent biosecurity measures. Further, farmers, not animal rights activists, were responsible for the spread of swine flu. As a person who has lived in northern Queensland for a very long time, I reject the notion that remote farmers would be intimidated by a group of animal rights protestors. The farmers are more than happy to use thuggish behaviour and fire fire-arms. A friend in a remote town has been threatened by farmers with guns for *not* having cattle and daring to speak out about land-clearing. As a

small example that farmers do not feel fear or intimidation is last week, when I conducted a lone-person counter demonstration against farmers protesting new reef run-off laws. This farmer demonstration was outside regional Parliament and the place was crawling with police, as appropriate for such an occasion. Despite being a lone, 163cm woman, groups of farmers mobbed me and ripped some of my signs in front of police. These farmers were not intimidated by heavily armed police, and nor are they intimidated by a group of animal activists. In remote regions it is a long way to a police station, and an even longer way to a sympathetic police station and these farmers have never been shown to be fearful when no-one is watching. Perhaps farmers are fearful that their routine animal cruelty will be documented....

Section 10A's amendments would make a gathering of more than three people unlawful where there is a risk to animal welfare. Now, animal activists respect animals and their lives and do not risk their welfare. What risks to welfare does a steer standing in manure in a feedlot with no shade on a 40-degree day have that an animal activist will make worse? Or pigs in sow stalls or battery cages, or animals castrated and mutilated without pain relief, etc? These amendments would be welcome if they attract **every person** who risks animal welfare – the men mowing down bullocks with quad bikes, tying their legs and some hours later winching them on to trucks to go to slaughter or live export; live exporters; anyone who confines animals or inflicts pain and suffering that actually risk animal welfare – routine animal agriculture farming practices.

This section seeks to criminalise a certain group of people for acting against cruelty and is redundant in purporting to protect humans or food. I notice food producers such as broccoli and carrot growers have not had activists documenting cruel and routine activities. Just laws in line with community standards would see a commitment to criminalising cruelty to animals rather than a commitment to hiding the inherent violence and cruelty of modern agriculture.

The amendments deal with hypotheticals and criminalise protest. By its very nature, protest often has an economic impact. In the years of the logging wars in Victoria, loggers blocked the second busiest road way in Victoria for **10** days. If the public is allowed to see how the animals they eat live and die, many **may** stop consuming them. Almost all vegetarians and vegans began life eating meat, myself included. Almost all vegetarians and vegans have given up eating animals after informing themselves about the animal agriculture industry. This may have economic impacts, just as Netflix and Stan have had negative economic impacts on the video-for-hire industry. In a free society, people must have the opportunity to know how their food is produced, and until government legislates for CCTVs in animal enterprises, the only way the public can find out how farms really operate is when people enter and take footage. Farmers have been causing economic loss to others when protesting tree-clearing bans, yet this group seems to get a free pass to block traffic and cause economic loss, assault people and threaten parliamentarians with violence. Last year I appeared at the public hearings into the Vegetation Management Act and the Chair told of the violent, threatening and thoroughly thuggish submissions they had received from many farmers. The Chair also escorted me to my car as he feared for my safety following threatening behaviour by farmers. No animal rights protestor has threatened others with

violence or damaged property, yet the laws are coming down hard on these peaceful witnesses?!

As I have mentioned in past submissions, there is no general right to privacy in Australia and none for corporations. The High Court has found that the right to privacy does not mean people have the right to act cruelly on their own private property (*ABC v Lenah Game Meats Pty Ltd* [2001] HCA 63). Should child abusers get a free card if they carry out abuse at home?

### *Animal Care and Protection Act*

#### *Animals in hot vehicles*

I would be pleased to see this provision applied equally to all animals. As mentioned above, as a heavy vehicle driver I see cattle crammed in trucks to be loaded to live export shops on days over 40 degrees or more and humidity of over 80%. Queensland Rail's own cattle trains have no shelter from searing heat, and anyone in north Queensland knows how slowly QRail moves (i.e. no adequate cooling air) Queensland Codes of Conduct entrench cruelty by allowing cattle to be withheld water for up to 48 hours in transit, even on 40-degree days. Other animals have differing lengths they can legally be denied water and all of these amount to cruelty which would result in prosecution if perpetrated on a pet animal. Please expand this provision to prevent gross cruelty to cattle and other animals forced into vehicles in the searing Queensland heat. I notice too that feedlots are deficient in shade, and in fact animal activists uncovered a number of dead cattle left to rot in a shadeless feedlot outside of Brisbane.

Facilitating entry of inspectors to prevent animal suffering is a positive but needs to be applied to all animals including those kept by the State of Queensland. Inspectors need to be empowered to enforce laws against cruelty to all animals, and courts need to be empowered – or directed – to impose hefty sentences against people cause cruelty to animals.

### *Biosecurity Act*

So far, all actions by animal activists have complied with biosecurity laws – which is why we see footage of them in hazmat suits. Compare this to footage of farmers and slaughterers who are never shown on *'Country Hour'*, *'The Land'* or other rural media wearing any hazmat equipment. These provisions appear to discriminate against a class of persons due to their political beliefs as the laws do not seem to apply to farm hands, slaughterers, stock-yards hands and other animal industry people.

Poison baiting of any animal is unacceptable. If Committee members would not use poison to put down a loved family pet, they should not be causing protracted suffering (nine hours, according to literature) of animals considered 'pests'.

*Exhibited Animals Act*

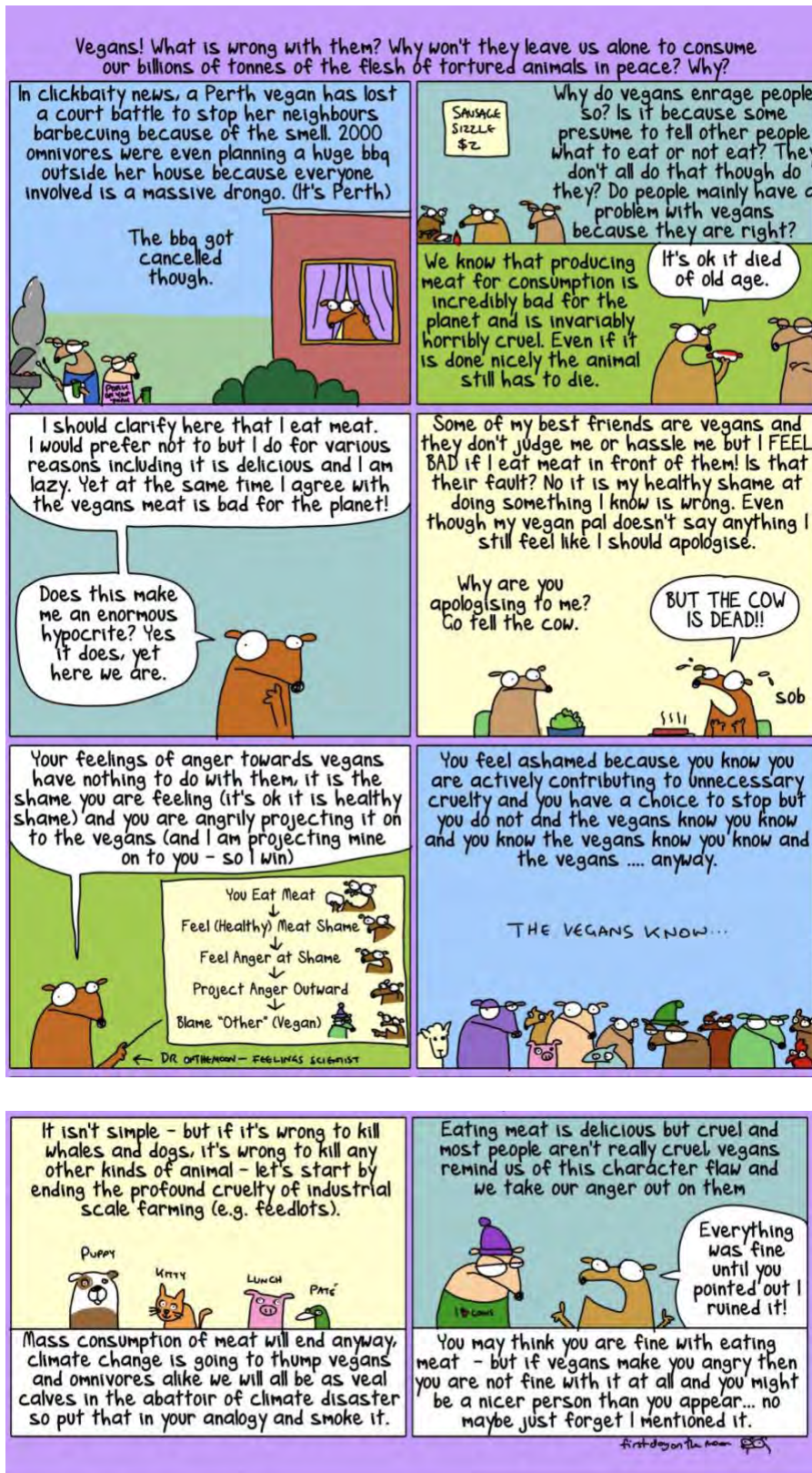
Footage from the Ekka showed people mistreating terrified animals prior to the Grand Parade. These people are the same the Bill pre-supposes what is best for the animal. The Bill's authors are disingenuously and perhaps maliciously purporting that those people who abhor and want to prevent animal suffering will do cause more suffering than the people making money from those animals. This simply does not stack up.

In short, this is a knee-jerk reaction to some peaceful protestors who had the temerity to show us what really happens down on the farm. The government needs to work with farmers to stamp out cruel but routine farm practices and replace with respectful modes of animal husbandry. When farms are no longer places of enormous suffering to sentient beings, caring people will have no need to expose the truth behind farm gates.

Yours sincerely

[Redacted signature block]

Appendix 1 – What does the government want to stamp out animal activists?



Cartoon by First Dog on the Moon

## Appendix 2 – Submission to the similar Criminal Code (Trespass Offences) Amendment Bill 2019

Dear Committee Secretary

### Criminal Code (Trespass Offences) Amendment Bill 2019

The *Criminal Code (Trespass Offences) Amendment Bill 2019* is excessive and disproportionate and should be rejected in its entirety.

These are excessive and repressive laws aimed at silencing peaceful protesters who may take a stand against important issues in the public interest such as animal cruelty or climate change.

I note that in the Explanatory Notes the Member for Burdekin states these laws are designed to stop 'unlawful and aggressive protests in the form of trespass were not meeting community standards' – however, none of the footage broadcast showed any aggressive behaviour by any protestors. Quietly sitting at a slaughterhouse is not aggressive, peacefully walking onto a property to document dead, dying or suffering animals is not aggressive. The Member for Burdekin notes that animal activists went to a live export holding facility and documented multiple dead and dying cattle in barren feedlots where cattle are forced to live and walk in their own excrement. The feedlot owner has not been charged despite failing to care to the cattle that had died and despite serious animal cruelty having a penalty of 7 years. Seems allowing cattle to die in feedlots and leaving them there is not considered cruel by the Member for Burdekin, but documenting such cruelty is worse. The Member for Burdekin seems to believe people peacefully documenting mass deaths of 6 week old baby birds who have lived their short miserable lives crammed in huge sheds is worse than the mass deaths in the chicken factory farms *before* they reach the slaughterhouse. The public has a right to know how their food is produced, and more and more people are eschewing certain products when they have found out the inherent cruelty in the animal production methods.

Sadly, whistleblowers and activists have shown us that modern animal agriculture is anything but humane. Under government regulations, cattle can be denied water and food for up to 48 hours before transport, and transport companies recommend denying cattle food and water for a minimum 12 hours before being crammed onto cattle trucks and driven very long distances unprotected by the unrelenting sun. As a north Queenslander working in the heavy vehicle transport industry, I saw cattle transported without shade or water in 44 degree heat and 84% humidity. The truckdrivers had airconditioning. Queensland's own Department of Agriculture has seriously failed animals in its care, specifically Boe the semen-collection boar kept in a tiny dark crate. Boe could not move his body from constant dripping of water and his skin on his head started rotting. Queensland government employees in this Wacol facility did nothing to assist the stricken boar, who died a painful death from filthy conditions and untreated sores. Whistleblowers then documented government employees violently abusing other boars – and no-one has been charged for animal cruelty or made to take account. Our own Government facilities have such disregard for gross animal cruelty that this demands CCTV installation in *all* animal producing and killing facilities to protect animals from cruelty and to provide the public with

confidence that animals they are consuming have been raised and killed humanely. Shooting the messenger leaves the public under the (correct) assumption that animal producers and killers have something to hide.

The proposed new charge of 'aggravated trespass' is overkill, and what is more puts the intention of the trespassers to cause 'economic damage'. Causing economic damage is not the intention of animal activists – the intention is to highlight the gross cruelty involved in factory farming and factory killing of animals. The public wants to believe that these facilities are humane, yet leaked video after leaked video shows terrified animals who fail to be stunned, who are still conscious when their throats are cut and they are hung on hooks, on pigs who scream and trash their heads in terror whilst slowly asphyxiating on carbon dioxide gas. Activists show us that our food producers are lying to us and most of us want to believe we abhor cruelty to animals. CCTVs in all animal production and killing facilities, and tough deterrents for farmers and others who wilfully or neglectfully cause animal suffering will alleviate the need for caring activists to show us what farmers, industry and government is trying to hide. The public is already making its collective mind up when it buys (falsely) labelled 'free range' products and Beyond Burgers.

The Member for Burdekin's reference to AgForce's opinions on judges' sentencing is laughable when this is the very organisation that deleted \$70 million of data it stored for the government on farmer spending – or squandering (we won't know now, will we?) – on reef run-off mitigation measures. This action demonstrates AgForce's [REDACTED] and extreme anti-environment stance – plus its contempt for Government.

The proposed penalties are disproportionate to the offence and are targeting and criminalising peaceful protestors concerned about animal welfare and environmental damage. In 2012 animal rights groups documented the appalling disgrace of greyhound racers training otherwise gentle greyhounds with live animals strapped on gurneys to be ripped apart on track. Under the proposed laws, these animal groups and their directors face 10 years' jail – for showing us what greyhound trainers do when they think others are not watching. This penalty is only one year less than the sentence imposed this year on vicious wife killer [REDACTED] O'Malley who brutalised and tortured his former partner Olivia Tung outside of Brisbane. Are the people who exposed the live baiting and mass greyhound graves really as bad as torturer O'Malley? How many of those greyhound trainers causing live strapped possums, rabbits and piglets to be terrorised and ripped apart got jail terms? None.

Anti-coal protestors are also targeted by this legislation. While scientists are telling us we have limited time to change our trajectory from run-away collapse, governments beholden to big business and billionaires carry on business as usual. The public demands action be taken, yet time and time again we see government side with billionaires over the people. Much like suffragettes and freedom riders who also disobeyed anti-woman and segregation laws, environmental and animal activists act with conviction of conscience, knowing fully this may result in their conviction. If not for the Martin Luther Kings and Mahatma Gandhis promoting peaceful civil disobedience, segregation in the US may still be legal, and India might still be a colony of the UK. Our own magnificent Franklin River was saved with the



help of civil disobedience. The proposed penalty for 'aggravated trespass' is 10 years jail – which is in stark contrast to wilfully causing serious environmental harm which only nets a maximum 5 year sentence. Peacefully protesting to save endangered species may reap a 10 year jail term while causing the extinction of the same species is only 5 years! Extremely disproportionate and a demonstration that our environmental laws need to be much stronger and actually enforced. In 2017 the Adani company breached its licence releasing 8 times the amounts of sediment it was licenced to release, into an internationally renowned wetland. The Director-General of the Environment Department said at the time, "There are serious penalties for corporations whose non-compliance with their environmental authorities or temporary emissions licences causes environmental harm, including fines of up to \$3.8 million if the non-compliance was wilful, or \$2.7 million if the non-compliance was unintentional" – yet Adani was fined the chicken-feed amount of \$12,190 which it has refused to pay to date. Added too is the accepted accounting practice of offsetting court actions and fines against any tax liabilities and one sees how unbalanced the proposed laws are.

Western nations have a long and proud history of civil disobedience. Civil disobedience gave women the vote, took children out of coal mines, gave Aboriginal people rights. Civil disobedience has protected the places we love – The Rocks in Sydney, old growth forests and the Gordon-below-Franklin rivers. Civil disobedience has shone light in dark places and shown us where we have lost our way. The public demands action against climate change and demands to know how food is produced, and when governments are acting against our collective demands or right to know. I have proposed the issue of animal cruelty on farms and killing facilities be addressed with CCTV cameras monitored by independent assessors issuing regular open reports. The lack of penalties to animal abusers (protected by the public's ignorance and 'Codes of Conduct' that allow mutilation with no anaesthesia, day old babies ripped from their mothers and denied food for days before killing, physical violence in animal agriculture, no shade or shelter, no ability to turn around etc – activities that would be criminal if done to a pet dog or cat) and environmental damage perpetrators who steal from us and our children *force* altruistic members of the public to take action. Fix the problem – fix and meaningfully punish violence against animals, fix and meaningfully punish damage to the environment including the damage to our climate – and stop criminalising those who take action when government won't.

I will also point out that the offences covered by this Bill are currently covered under the *Summary Offences Act* and other pieces of legislation.

I wish for the opportunity to present to the Committee during the inquiry process.

Rebecca Smith BSc-LLB, LLM(research), MInvest.

Spokesperson TREF – Townsville and Region Environment Foundation

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