



**SUBMISSION ON THE CRIMINAL CODE
AMENDMENT (AGRICULTURAL PROTECTION)
BILL 2019**

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ABOUT AUSSIE FARMS INC

Aussie Farms is a non-profit, ACNC-registered animal rights charity, dedicating to ending commercialised animal abuse and exploitation in Australian animal agriculture facilities by increasing industry transparency and educating the public about modern farming and slaughtering practices.

Aussie Farms operates under the belief that most Australians are good, caring, decent people who are opposed to animal cruelty. Industries that use animals for commercial gain operate in almost total secrecy, and exploit this decency through marketing ploys such as "humanely slaughtered", "ethically raised", and "free range", utilising imagery depicting happy animals living out their days on rolling green hills in the sunshine, while actively seeking to limit awareness of the routine cruelty inside farms, slaughterhouses and other related facilities.

By breaking down this secrecy and making it easier for consumers to see the truth about what their purchases support, the commercialised abuse and exploitation of animals will slowly but surely come to an end. We believe that information - freely and readily accessible - is our greatest and most powerful tool.

It is to this end that we released in 2018 the feature-length documentary [Dominion](#), an exploration of what modern, legal, standard-practice animal farming and slaughtering looks like in Australia, one of the most comprehensive resources available to consumers seeking to increase their knowledge of the subject.

Similarly, in early 2019 we released a [map](#) identifying the locations of farms, slaughterhouses and other animal exploitation facilities across Australia, complementing an existing [catalogue of thousands of images and videos](#). This resource allows consumers for the first time to see the scale of industrial animal farming on both the micro and macro levels, grounding in reality the previously somewhat mythical concepts of factory farms and slaughterhouses. For many Australians, even this satellite imagery depicting a typical farm with numerous enormous sheds, or barren feedlots with tens of thousands of cattle, is a shock compared to the 'Old Macdonald' style farm presented by the industry and reinforced throughout their childhood.

Repeatedly, we have seen these resources enable consumers to have informed conversations about the ethical, environmental and health detriments of animal agriculture, and to make kinder choices that align with their own ethics.

STATED INTENTIONS OF THE BILL

We believe that this bill has been proposed on deceitful and confected grounds, aimed at perpetuating without evidence a false sense of fear around peaceful, non-violent activists.

BIOSECURITY

There has not been a single incident of a biosecurity hazard caused by activists, despite hundreds of investigations into farms and slaughterhouses by activists over the last 40+ years.

Factory farms are not biosecure environments. They are in almost all cases, plagued by rats, mice, birds, cats, mosquitoes, cockroaches, and all manner of disease-carrying animals, who freely come and go through open doors and windows or decaying walls. An outbreak of avian influenza at a Young free range egg farm in 2013, believed to be contracted from wild ducks, spread to a nearby caged facility and led to the culling of over 400,000 farmed hens. It then also spread to a second caged egg farm.

With farms containing hundreds of thousands, sometimes millions, of animals, living in their own excrement, conditions are rife for the rapid spread of disease; it is impossible with only a handful of workers to provide individual vet care or to identify and then isolate/quarantine those affected. This is a problem inherent to intensive farming.

Staff, truck drivers, and other visitors frequently move between farms, or between isolated 'modules' within the same property, without changing clothes or boots or washing down their vehicles. Meanwhile, activists employ single-use full-body coveralls and boot-covers and have not been known in any circumstances to move from farm to farm within a short period of time.

FARMER PRIVACY & SAFETY

Businesses in Australia do not have a legal right to privacy. The conducting of a business is not considered a "private activity". No activist has any interest in the private/personal homes, families or lives of the farmers, and accordingly there has not been a single incident of activists going anywhere near farmers' homes. While in some cases, the farmers do live on the same property, they do not live inside the sheds or cages with thousands of animals; they live in a house located often more than a kilometre away from the sheds (*Figure 1*). The smell and noise would prevent them living anywhere close enough to risk encountering activists in the process of documenting cruelty. Furthermore, there are very few slaughterhouses or saleyards located on the same property as personal homes, yet there has been no distinction made between these types of facilities, with the same argument of privacy and safety nonsensically applied.

Animal cruelty must not be allowed to occur simply because it occurs on private property, especially when it is then being deceptively sold to consumers as "ethical" and "humane".

Centering the argument around farmers is a deliberate attempt to take attention away from the underlying issue causing activists to investigate, document and protest these facilities: systemic, legalised (and sometimes illegal) animal cruelty occurring without transparency or regulation.

Furthermore, the explanatory memorandum accompanying the bill focuses not on the safety of farmers as suggested in public commentary, but on “detriment to a primary production business being carried on on the land”. “Detriment” is a broad word and it must be noted that footage and photographs depicting the day to day operations of that business would be detrimental, as most Australians who would purchase the end products are opposed to animal cruelty.



Figure 1: House located 1.003km from edge of piggery sheds.

TRUE INTENTIONS OF THE BILL

As there have been no instances of activists threatening biosecurity or the safety of farmers or their families, and as the act of trespassing and inciting others to commit crimes is already illegal, it can be surmised that the true intentions of this bill relate to the steady stream of footage and photographs which have been, for many years, a source of great embarrassment and reputation damage for industries that engage in commercialised animal cruelty, and the governments that support them.

Without the work of activists, none of the following atrocities would be known to the public, as it is not at all in the best interests of the offending businesses or government agricultural bodies to expose such practices themselves:

- [Live-baiting in the greyhound racing industry](#)
- Live export
- [The maceration \(blending\) of live male chicks in the egg industry](#), because they won't ever be able to lay eggs (figure 2-3)
- [The slaughter of five-day-old male calves](#) in the dairy industry because they won't ever be able to produce milk, and female calves who are in excess of the farm's needs. This follows the [forced separation from their mothers](#) just hours after birth; the mothers are known to grieve for days or even weeks.
- [The use of excruciating carbon dioxide gas chambers in all major pig slaughterhouses](#) (figure 4), previously touted by the industry as 'humane', and also for the [killing of 'unviable' chicks in the broiler \(meat\) chicken industry](#) (figure 5), and ['spent' hens in the egg industry whose egg-laying has slowed](#)
- Repeated failure of stunning methods at numerous slaughterhouses ([example](#) – poor electric stunning of pigs and subsequent death by drowning in the scalding tank)
- [Routine and extended confinement](#) in battery cages, sow stalls, farrowing crates (figures 6-9)
- [Routine mutilation](#) of young piglets, lambs, goats, calves and chicks, without anaesthetic or pain relief
- [Rapid growth of broiler chickens and turkeys](#) (figure 10) as a result of selective breeding, lack of exercise due to overcrowding (figure 11), artificial lighting and the heavy use of antibiotics which enhance feed absorption

The bill focuses on the act of "inciting" others to trespass on a farm by publishing materials such as footage, photographs, or maps, but it fails to provide any explanation of what would constitute "inciting" or in what circumstances, or by whom, such a categorisation would be made. The Attorney General, Christian Porter, in speaking about the bill has indicated that the statement by Aussie Farms that we do not encourage the use of our map for illegal purposes such as trespass, now in written form in several places across our websites but also repeatedly made clear throughout media interviews and other public commentary, "would not be enough". The government has repeatedly referred to the map as an "attack map" in a clear attempt to undermine its importance as a consumer resource and engender fear and hatred of the freedom of information.

Essentially, it doesn't matter what the actual purpose or intention of the map, or the publication of footage, might be; it only matters whether the government *says* it is being used to incite trespass.

Activists have been investigating, documenting, rescuing from, and protesting inside farms and slaughterhouses for decades, long before the technology for the map website even existed. Yet, any actions by activists since the release of the map have been directly attributed by the government and the industry to the map, as though activists had no other way of finding publicly accessible information and hadn't already been doing so for a long time. If this bill is to pass, it can be assumed that for any instance of trespass by activists, even for the purpose of documenting and reporting illegal cruelty and with no association whatsoever to Aussie Farms, if the facility is listed on the map, it will be claimed that the map has been used to incite illegal trespass, and that the mere publication of the footage, regardless of accompanying commentary, is being used to incite protest simply because the cruelty uncovered will outrage the public.

This is vastly different to someone writing a Facebook post explicitly encouraging others to trespass onto a farm or slaughterhouse, and yet it will in all likelihood be treated in the exact same way.

This bill, therefore, amounts to a cleverly-disguised attempt at "ag-gag", aimed at preventing the release of material that would enable consumers to make informed decisions about what they purchase and forcing them instead to rely only on what they're told by the industry and government who, as we've seen time and time again, have no interest in showing the reality of modern farming and slaughtering.

Ag-gag laws have been struck down in several states in the US, and previous attempts to enact them in Australia have failed.

The Australian constitution contains an implied freedom of political communication. The relationship between this implication and the publishing of footage of animal cruelty was made clear in the High Court ruling against Lenah Game Meats in 2001, with Justice Kirby acknowledging that animal welfare issues are legitimate matters of public debate and noting the importance of public interest groups in raising awareness of these issues and of generating public debate in Australia:

"The concerns of a governmental and political character must not be narrowly confined. To do so would be to restrict, or inhibit, the operation of the representative democracy that is envisaged by the Constitution. Within that democracy, concerns about animal welfare are clearly legitimate matters of public debate across the nation. So are concerns about the export of animals and animal products. Many advances in animal welfare have occurred only because of public debate and political pressure from special interest groups. The activities of such groups have sometimes pricked the conscience of human beings.

Parliamentary democracies, such as Australia, operate effectively when they are stimulated by debate promoted by community groups. To be successful, such debate often requires media attention. Improvements in the condition of circus animals, in the transport of live sheep for export and in the condition of battery hens followed such community debate. Furthermore, antivivisection and vegetarian groups are entitled, in our representative democracy, to promote their causes, enlisting media coverage, including by the appellant. The form of government created by the Constitution is not confined to debates about popular or congenial topics, reflecting majority or party wisdom. Experience teaches that such topics change over time. In part, they do so because of general discussion in the mass media."

The bill also completely fails to address the now widely-known detriments to the environment and our physical health, with animal agriculture contributing more to global warming than fossil fuels and

transportation, and accounting for enormous taxpayer expense on and unnecessary death by preventable disease. The Prime Minister, Scott Morrison, has, in defiance of science, publicly denied the negative environmental effects of this industry.

Consumers should not be prevented from being informed about the animal welfare, environmental and health concerns relating to the consumption of animals; to do so is a blatant denial of their human rights, regardless of the bill's lip service to Compatibility with Human Rights.



Figure 2: Maceration of male chicks



Figure 3: Maceration of male chicks



Figure 4: Carbon dioxide gas chambers for pigs



Figure 5: Carbon dioxide gas chambers for broiler chickens



Figure 6: Sow and piglets in farrowing crate



Figure 7: Sow and piglets in farrowing crate



Figure 8: Sows in sow stalls



Figure 9: Hens in battery cages



Figure 10: Unnaturally large broiler chickens



Figure 11: Overcrowding in broiler sheds

SUMMARY AND RECOMMENDATION

We wholeheartedly reject this bill and recommend against its passing into law, if only for the fact that it depends entirely on a manufactured fear-mongering campaign whereby peaceful, non-violent activists simply trying to reduce animal suffering are tarnished as violent criminals out to kick in farmers' front doors and frighten their children. Any legitimate bill should be able to rely on evidence and the strength of its arguments, not on ridiculous and entirely baseless assertions designed to both stoke and exploit the fires of anti-vegan sentiment.

The only way to prevent activists' attempts to force transparency on the animal agriculture industry is for government to force that transparency. If there were to be honesty and openness around the cruelty involved, there would be no need for anyone to take it upon themselves to capture and publish evidence of it. It would be entirely in the hands of consumers to decide whether industries that abuse animals for profit have a social license to operate. As a minimum, this transparency would include:

- Publicly accessible CCTV live-streams inside all factory farms and slaughterhouses
- An open-door policy for any member of the public to see inside factory farms and slaughterhouses without advance notice (complying of course with all biosecurity protocols)
- Honesty in marketing and product labelling, with deceptive phrasing (e.g. "high welfare", "humane", "ethical") banned, and descriptions of standard industry practices, environmental effects, and health effects printed on labels in the same manner as cigarette health warnings
- Honesty in education, informing school students of the harsh realities without pro-farming bias

A step further would be to criminalise cruelty towards "livestock" animals in the same way it is for "companion" animals (e.g. dogs and cats), which would require a plan to assist livestock farmers to move into other areas of work (e.g. crop or renewable energy farming). At present, it can be difficult for farmers wishing to transition to more ethical and sustainable methods of income, as there is no government support available for this purpose.

As the effects of climate change increase – fueled rapidly by animal agriculture – and Australia's population continues to grow, environmentally sustainable methods of producing food will become an inevitability. Investment must occur now into the research and development of these alternatives, to make it as easy as possible for farmers to shift out of animal agriculture.