



Animal Welfare and Trespass Legislation Amendment Bill 2020 - Consultation Draft

Submission from the
Australian Veterinary Association Ltd

April 2020



Introduction

The Australian Veterinary Association (AVA) is the national organisation representing veterinarians in Australia. Our 9,500 members come from all fields within the veterinary profession, including clinical practitioners, government veterinarians, veterinarians in industry, and veterinarians in research and teaching.

Summary

The AVA welcomes the invitation to comment on the *Farm Trespass and Animal Welfare Bill consultation*. The AVA supports amendments to the *Criminal Code, Restraining Orders Act 1997 (WA)* and the *Animal Welfare Act 2002 (WA)* that aim to both deter trespass and improve monitoring on animal farms, abattoirs and knackeries. The AVA believes that the most important objectives of this consultation are that high standards of both animal welfare and biosecurity are achieved. In supporting these proposed amendments, we also think that further initiatives can be undertaken to assist in achieving these objectives.

Proposed amendments

The AVA notes the intention of the proposed amendments:

- *Animal Welfare Act 2002 (WA)* - Introduction of designated inspectors that possess powers to enter an intensive production place, an abattoir or a knackery at any time, using such force that is reasonably necessary. These powers also extend to any vehicle that is used in relation to any of these places
- *The Criminal Code* – insertion of definitions of abattoir, animal source food production, animal source food production facility, animal source food production place, circumstances of aggravation, family member, interfere with and knackery in addition to outlining fines and sentencing in particular
- *Restraining Orders Act 1997* – insertions to allow misconduct restraining orders to made for protection of persons engaged in animal source production

The AVA has no objection to these proposed amendments. We do, although, recommend that legislation entail that designated inspectors will abide by all biosecurity protocols on each individual premise they attend.

Key points for supporting proposed amendments:

The *Inquiry into animal rights activism on Victorian agriculture* recently found that animal rights activists spread misinformation and frighten farming families and that illegal activism poses a biosecurity risk. The report was critical of the illegal actions of animal rights activists and that animal activists who are engaging in illegal behavior must stop. It also found that trespass and threat of trespass by animal rights activists have caused physical and mental distress to many people in the agricultural industry, including farmers, their families and employees. The following points summarise why the AVA supports legislation to prevent incitement of illegal trespass activities on agricultural land:

- Unauthorised entry to any animal facility poses an unacceptable risk to biosecurity, and the safety and welfare of animals is potentially compromised by such actions
- There are serious disease risks associated with illegal farm entry, particularly when the trespass is associated with intent to disrupt or destroy farming activities. Humans can introduce animal diseases from outside the farm by carriage on clothing and footwear (fomites). They can also directly infect animals with diseases such as influenza
- Increased powers for inspections (if resourced appropriately) will lead to increased compliance of animal welfare standards
- People undertaking illegal trespass place themselves at risk of injury and zoonotic disease

Further initiatives required

The AVA recommends that a broader approach by government is needed, to not only prevent trespass, but also address the underlying reasons for the rise in animal activism. Building consumer confidence and gaining public trust through schemes which both educate the public and, where possible, promote transparency of operations, is needed. Robust industry quality assurance programs on animal welfare help to reassure consumers about the provenance of animal products. Demonstration of adherence to good animal welfare practices, as well as enforcement of the legislated standards by regulators, are key to maintaining social licence and the confidence of the community.

A return to national leadership in animal welfare is also needed, to progress incremental and sustainable improvements in animal welfare, and re-establish trust between animal welfare advocates, industry and the wider community. A broader approach is needed, which would seek to not only treat the “symptom” of illegal trespass, but which will also address and rectify the underlying cause of this activity.

What is the underlying problem?

Existing animal welfare legislation in states and territories is in place to provide safeguards for animals in Australia. This includes the *Standards and Guidelines for livestock species*, which are variably adopted into legislation in each jurisdiction. The AVA is concerned that state government agencies are not effectively implementing this legislation. Poor practices by a minority of operators can result in reputational damage to animal industries and loss of community trust.

As a result, a section of the public has lost its confidence in the ability of regulators to adequately enforce existing legal protections for animals. Some animal welfare activists have taken matters into their own hands. This situation is highly undesirable for a number of reasons, including the potential for serious breaches in biosecurity protocols, and risks to the animals themselves from uncontrolled contact with unauthorised personnel.

Public interest in the use of animals by society has never been greater. Consumers have a desire to connect with the origins of their food, and this is an increasing trend in younger consumers (Smith and Brower, 2012). Retailers respond to pressure from both activists and consumers. Similarly, use of animals in research, teaching and other areas such as zoos and circuses is under increasing public scrutiny such that continued access will rely on a ‘social licence’ to operate. Continued support from the community is key.

Promoting education and transparency

The key to sustainability of livestock and other animal-use industries is building consumer confidence and gaining public trust through schemes which both educate the public and, where possible, promote transparency of operations. Better animal welfare monitoring, whether by the regulator or through accredited industry quality assurance (QA) and auditing programs, is key. These sorts of initiatives will help to ensure ongoing public confidence and support for animal use across all industry sectors.

The AVA supports and encourages the use of independent auditing schemes which allow the consumer to make informed decisions. Examples of these are industry QA schemes such as Australian Pork Industry *Quality Assurance Program* (APIQ√®) and Egg Standards of Australia (ESA). There are numerous retailer animal welfare auditing schemes as well as the RSPCA approved food scheme. A recommendation from the recent inquiry into animal rights activism on Victorian agriculture was to incorporate existing animal welfare elements of industry quality assurance schemes into new codes of practice as part of its planned modernisation of the *Prevention of Cruelty to Animals Act 1996*.

Veterinarians are on farms regularly and are committed to animal welfare, and work with farmers to address welfare concerns. The AVA has WelfareCHECK® and BioCHECK® programs for cattle producers, through which veterinarians can assist farmers to identify health and welfare risks and work to improve animal welfare on their properties. These programs are designed to assist producers prepare for Livestock Production Assurance audits.

The AVA previously supported the Australian Animal Welfare Strategy (AAWS) as an initiative to promote sustainable improvements in animal welfare practices. The associated community awareness extension programs assisted in the development of consumer confidence in animal production. Unfortunately, AAWS ceased in 2013 and since that time the AVA has been calling on the government to reinstate a national animal welfare framework.

Some industries have already realised the benefits of transparency and are making moves to “open the farm door” either physically or virtually. This includes web cams established on farms, as well as farm tours, and is a critical educational approach to increase understanding of agriculture among consumers.

Dr Temple Grandin is a strong advocate for this kind of transparency:

“Laws which make it a crime to take undercover video send the wrong message to today's consumer. Agriculture has to look at everything it does and ask themselves, “Can I explain this to my guests from the city?” (Grandin, 2014). (See also the Glass Walls series of videos available online:

<https://www.youtube.com/playlist?list=PLkBbso1kwZ3bZTqN5MBLqHWGpRqPCH7gK>

Some US and Canadian slaughter plants have voluntarily established video auditing by third party auditors for this very reason. In England, CCTV was introduced in all slaughterhouses in 2018 following support from both industry and the public. *The Inquiry into animal rights activism on Victorian agriculture* made a recommendation that the Victorian government consult with industry, unions and other relevant stakeholders regarding CCTV. Though the intent is not for public viewing, the public reassurance comes from knowledge that independent auditing is in place, to identify and correct any poor animal welfare practices.

Australian Pork Limited chief executive officer Andrew Spencer said in 2014, regarding transparency in the pork industry:

“If consumers want to know how we produce pigs, they have a right to know - so we need to do better at letting them have a view to our industry,” he said. “That isn’t so easy because of biosecurity and other reasons why we don’t want people on our farms.

“But with today’s technology there are many other ways to see how pigs are produced with a proper understanding and contextual explanation along the way.

“That’s the kind of thing we need to do – transparency is the key word and we need to have more of it” (Farmonline, 2014).

Charlie Arnot, CEO of the US Centre for Food Integrity, says the risk is a lack of understanding by consumers; this is being tackled in the US via the smart use of modern technology such as real time webcams in the sheds and visits by consumers to real farms. He maintains that a move to more transparent operation is essential. (Agriculture today, 2012).

Some forms of animal use may not lend themselves to this type of ‘open door policy’, such as use of animals in research laboratories where complex ethical arguments and controls are undertaken to assess their use for this purpose. This is where it becomes so important that the public have faith in strong government regulation and enforcement, to give them confidence that poor practices are being identified and rectified. Significantly more government resources need to be channelled into monitoring and enforcement by state animal welfare regulators, to regain this public trust.

Ultimately a blend of better monitoring and regulation, combined with schemes to promote education and transparency wherever possible, are key to ensuring ongoing public support for the use of animals to benefit people.

References:

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