

12 March 2015

Committee Secretary

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Senate Standing Committees on Rural and Regional Affairs and Transport

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Dear Sir/Madam

### **Inquiry into Criminal Code Amendment (Animal Protection) Bill 2015**

Australian Pork Limited (APL) welcomes the opportunity to make a submission to the Senate Standing Committees on Rural and Regional Affairs and Transport on the Criminal Code Amendment (Animal Protection) Bill 2015 (the Bill).

APL is the national representative body for Australian pork producers. APL is a producer-owned not-for-profit company combining marketing, export development, research and innovation and policy development to assist in securing a profitable and sustainable future for the Australian pork industry.

The Australian pork industry employs more than 20,000 people in Australia and contributes approximately \$2.8 billion in gross domestic product to the Australian economy. The pork industry contributes approximately 2.13% of total Australian farm production with roughly 1500 pig farmers producing around 4.8 million pigs annually. Moreover, the Australian pork industry is leading the world in animal welfare – having introduced a voluntary phase out of gestation stalls by 2017, with approximately 70% of production already gestation stall free. This means that a sow will only spend up to five days in a mating stall, to stabilise pregnancy and then later be moved into a farrowing crate or birthing stall, up to a week before she is due to give birth. In this way Australia's pregnant sows only spend maximum of 10 percent of their total pregnancy individually confined under the gestation stall free definition.

APL is supportive of the Bill and its objectives to improve animal welfare outcomes by minimising unnecessary delays in reporting malicious cruelty. APL makes the following comments on the Bill which it considers will help to improve the capacity of the Bill to achieve enhanced animal welfare outcomes.

1. 383.5, There is a need for more inclusive definitions, in particular clarifying what describes a domestic animal. Does this only include farmed animals and does this definition cover pets or enterprises such as puppy farms? This definition could also be made clearer in the Outline of the Explanatory Memorandum.
2. 383.5, APL seeks an amendment to this section of the Bill to prescribe that:
  - a. any evidence of alleged animal cruelty be provided in an unaltered state and include all metadata; and,
  - b. all material is provided to the relevant authority with appropriate details pertaining to the chain of evidence.

APL considers that the timeframes for reporting animal cruelty and the provision of any record of this cruelty are appropriate but suggests that the Bill could be strengthened by specifically stating that the removal of metadata or the manipulation of the electronic files (e.g. the incorporation of “screams” from animals for “shock” purposes) be prohibited. APL is concerned that the altering of evidence in any form will potentially render evidence of animal cruelty inadmissible in a court of law.

3. 383.5 (1) (c) (i), Clarification is sought on the term “relevant authority” when reporting animal cruelty. It is important to make clear who will be responsible for investigating incidents of alleged animal cruelty once a report has been made to ensure any reported incidents are followed up appropriately.
4. 385.5, APL is supportive of this section, however as animal welfare is the ultimate concern and intent of the Bill, APL considers that the Bill could be strengthened by including breaches of farm biosecurity protocols as the result of unauthorised property incursions. On-farm disease incursions could have devastating effects on animal welfare, human wellbeing, farmer livelihoods or environmental impacts. Therefore APL considers that there is a need to ensure that farm biosecurity protocols are maintained through the prevention of unauthorised access.

Animal activist organisations have been targeting the Australian pork industry by illegally entering farms at night, using sophisticated technology, to produce misrepresentative videos that are hosted on websites registered overseas. Activist organisations then use this video footage of “exposed” farms to seek donations to continue these activities.

Despite dozens of pig farms having been raided and “exposed” over the last couple of years, only one pig farmer has been charged with animal cruelty offences (these charges were ultimately dropped). This demonstrates that the objectives of these farm raids is purely publicity based, intended to harass pig producers and is unrelated to the welfare of the pigs.

Of greater concern is that these farm raids contravene strict biosecurity protocols designed to prevent the spread of endemic and exotic diseases. Forensic examination of early videos and photos hosted on these websites clearly shows that this material has been obtained from different farms on the same or consecutive nights. Biosecurity best practice dictates at least three days and showers between such visits is required to maintain robust biosecurity protocols. More recently, the activist organisations have removed all metadata preventing identification of farms where biosecurity protocols have been breached.

The sole purpose of this unauthorised access to biosecure premises by activists is to target the purchasing behaviour of consumers by attempting to defame and publicly humiliate the industry and individual producers. To this end, some of the harassment of pork producers has been so vitriolic that site administrators have been forced to remove comments.

5. Malicious cruelty is defined in the Bill, however to reduce any misinterpretation and potential confusion, the Bill could be amended to state that any animal management activities consistent with relevant state regulated animal welfare model codes of practice are lawful activities. This is consistent with the intent of the Bill which is to prevent illegal interference in lawfully operated animal enterprises.

If you have questions, please do not hesitate to contact me on 02 6270 8803 or by email at [deb.kerr@australianpork.com.au](mailto:deb.kerr@australianpork.com.au).

Yours sincerely

A handwritten signature in black ink that reads "Deb Kerr". The signature is written in a cursive, slightly slanted style.

Deb Kerr  
General Manager, Policy