

WELCOME!

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A Fair Go for Farm Animals

How Australian Law Can Better Protect Animals Used in the Agricultural Industry



Overview

- Essay context
- Essay intent
- Three main sections:
 - Historical Background
 - Public vs. Political Views
 - Areas for improvement



Essay Context

- Australian cultural narratives idealise free-roaming animals.
- In early 2021, 1.4 million cattle, 1.2 million sheep, 4.6 million lambs, 1.4 million pigs, and 170 million chickens were slaughtered for meat production in Australia.
- Most are raised in factory farming or 'concentrated animal feeding operations'.



Essay Intent

- To answer the question: how can a nation so proud of the ideas of freedom inherent in its outback narratives allow the state of factory farming in Australia today?
- To provide broad contextual overview of the Australian legal system's response to this issue.
- The suggested areas of improvement are outlined, and should be explored in further detail elsewhere.



Historical Background

- First Australian colonial animal protection legislation: Act for the Better Prevention of Cruelty to Animals (Van Dieman's Land (Tasmania), 1837).
- State and Territory Codes of Practice provide a range of exemptions.
- 1/8 State and Territories (*Victoria*) has passed a specific Act to regulate the treatment of farm animals.



Public vs. Political Views

a) Lack of Political Responsiveness to Growing Public Concerns

- According to Futureye, 95% of Australians view farm animal welfare as a concern, and 91% want some reform to address this.
- Protests against factory farming conditions labeled "un-Australian" by our Prime Minister.



Public vs. Political Views

b) Lack of Transparency of Factory Farming Conditions

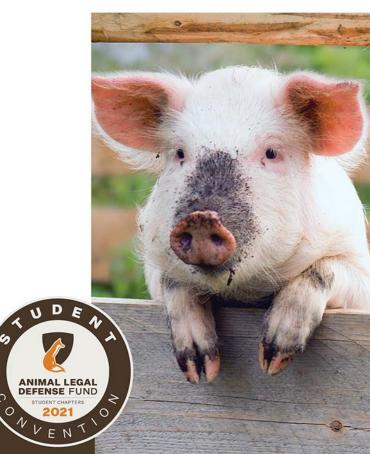
- Four of the Five Freedoms may be breached in Australian factory farming.
 - Freedom from hunger, malnutrition and thirst; from fear and distress; from heat stress or physical discomfort; from pain, injury and disease; to express normal patterns of behaviour.
- Senate inquiry into meat alternatives labeling.



Public vs. Political Views

c) Perceptions of Economic Necessity

- Political framing of economic reliance on our meat industry, which is tied to ideals of small Australian farms.
- Reality = concentration and intensification.
- Australia produces 4% of global beef and is responsible for 16% of world trade in beef.



Areas for Improvement

a) 'Unnecessary Suffering'

- Animal Welfare Acts employ 'welfare words' as 'scapegoats' for cruel treatment.
- As of 2008, Magistrate Crawford maintained Chief Justice Coleridge's 1889 conception of "unnecessary:
 - "beneficial or useful ends sought to be attained must be reasonably proportionate to the extent of suffering caused..."
- Martha Nussbaum's 'Ten Capabilities' approach.
 - 1) Life, 2) Bodily health, 3) Bodily integrity, 4) Senses, imagination and thought, 5) Emotions, 6) Practical reason, 7) Affiliation, 8) Other species, 9) Play, and 10) Control over one's environment.



Areas for Improvement

b) National Animal Welfare Department

- Currently no Federal Animal Welfare Department in Australia.
- Three major issues:
 - Conflict of Interest;
 - Unclear Implementation;
 - Enforcement structural and financial pressures.
 - RSPCA: lack of State and Territory funding, inability to address majority of cruelty complaints, less resources dedicated to farm animals.



Areas for Improvement

- c) Standing and Sentencing
- Third Party Standing
 - Requirement for government recognition to acquire special status.
 - <u>Recommendation</u>: Traditional rules of standing should be expanded in animal welfare matters.
- Penalties for Criminal Prosecution:
 - Judicial cycle of leniency.
 - Fines are the most common penalty imposed.
 - <u>Recommendation</u>: Courts should increase penalties imposed to better reflect to severity of subjugating non-human animals to cruel behaviour.



Conclusion

- Australians are increasingly in support of improving the treatment of non-human animals kept in factory farms.
- Improved education and transparency on factory farm conditions can help.
- Three broad areas for improvement:
 - Update 'unnecessary suffering' definitions;
 - National Animal Welfare Department;
 - Expand standing requirements and harsher penalties for cruelty.





THANK YOU!

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