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5TH ANNUAL STUDENT CONVENTION

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ANIMAL LEGAL DEFENSE FUND **STUDENT CONVENTION 2021**

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.*
 - *Recommendation: 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.*
 - *Recommendation: 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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