

TRANSCRIPT

LEGISLATIVE COUNCIL ECONOMY AND INFRASTRUCTURE COMMITTEE

Inquiry into Pig Welfare in Victoria

Melbourne – Tuesday 12 March 2024

MEMBERS

Georgie Purcell – Chair

David Davis – Deputy Chair

John Berger

Katherine Copsy

Bev McArthur

Tom McIntosh

Evan Mulholland

Sonja Terpstra

PARTICIPATING MEMBERS

Gaelle Broad

Georgie Crozier

David Ettershank

Michael Galea

Renee Heath

Sarah Mansfield

Rachel Payne

WITNESSES

Glenys Oogjes, Chief Executive Officer,

Shatha Hamade, Legal Counsel, and

Dr Stephanie Hing, Research Lead (*via videoconference*), Animals Australia.

The CHAIR: I declare open the Legislative Council Economy and Infrastructure Committee's public hearing for the Inquiry into Pig Welfare in Victoria. Please ensure that mobile phones have been switched to silent and that all background noise is minimised.

I would like to begin this hearing by respectfully acknowledging the Aboriginal peoples, the traditional custodians of the various lands we are gathered on today, and pay my respects to their ancestors, elders and families. I particularly welcome any elders or community members who are here today to impart their knowledge of this issue to the committee or who are watching the broadcast of these proceedings. I also welcome any members of the public watching via the live broadcast or in the public gallery today.

To kick off, we will get committee members to introduce themselves to you, starting with Ms Broad.

Gaëlle BROAD: Hi, I am Gaëlle Broad, Member for Northern Victoria.

Bev McARTHUR: Bev McArthur, Western Victoria.

Renee HEATH: Renee Heath, Eastern Victoria.

Katherine COPSEY: Katherine Copsey, Southern Metropolitan Region.

The CHAIR: Georgie Purcell, Northern Victoria. And, like most witnesses on this inquiry, I am just declaring that I know Glenys and Shatha here today. We do not have anyone on the screen, I do not think.

Katherine COPSEY: I think Tom is trying to join.

The CHAIR: Okay. Well, we might have Mr McIntosh or Mr Berger join on the screen at some point.

Thank you very much for coming along today. All evidence taken is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council standing orders. Therefore, the information you provide during this hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded and you will be provided with a proof version of the transcript following the hearing. Transcripts will ultimately be made public and posted on the committee's website.

For the Hansard record, can you please all state your full names and the organisation that you are appearing on behalf of.

Glenys OOGJES: Glenys Oogjes. I am the CEO of Animals Australia.

Shatha HAMADE: Shatha Hamade, Legal Counsel, Animals Australia.

Stephanie HING: Stephanie Hing, Research Lead, Animals Australia.

The CHAIR: Wonderful, thank you. We now welcome your opening comments but ask that they are kept to a maximum of 15 minutes to ensure there is plenty of time for questions and discussion. And we now have Mr McIntosh on the screen.

Glenys OOGJES: Thank you. Good afternoon, committee members. Animals Australia welcomes this Inquiry into Pig Welfare in Victoria and appreciates the further opportunity to provide input to the inquiry. I am

Glenys Oogjes, a long-time CEO of Animals Australia. I have been involved in animal welfare reform in Australia since the 1980s. Indeed I provided a submission to the Senate Select Committee on Animal Welfare back in the 1980s and provided submissions and witness input to the report of the inquiry into intensive farming in 1990. I was also around, later, the stakeholder table in the early 2000s when the pig code was reviewed, the pig code that we have now. But sadly, very little has changed for pig farming in Australia, and we been hearing that today.

I am here today with my colleagues, as you can see, Shatha Hamade and Dr Stephanie Hing. Shatha Hamade is the in-house legal counsel of Animals Australia and she engages in legal advocacy across multiple court jurisdictions, giving strong representation of and protection for animals. Shatha also conducts in-country global investigations of the live export industry. Dr Stephanie Hing, on Zoom, is a veterinarian and has practised both nationally and internationally. Dr Hing completed her PhD in the effects of stress on animal health and has for many years applied this expertise in advocacy, policy development and legislative reform. We of course refer you to, and you have, our extensive written submission which we provided. It covers in very great detail the legal, regulatory, policy, scientific, evidentiary and public interest considerations relevant to pig welfare in Victoria and therefore to this inquiry.

I am actually going to throw to Shatha to provide a full opening statement to recap the issues that we have provided to you and then we are very happy to enlarge upon today.

Shatha HAMADE: Thank you, Glenys. I would also like to add for the committee that you may or may not be aware but Glenys Oogjes has just been awarded the Victorian Senior of the Year for 2024 for her work in animal advocacy and to honour, basically, the work she has done to forge policy and legislation in animal advocacy and welfare over four decades – 40 years. I must mention that, Glenys.

Throughout today's previous hearings the committee has been apprised of the serious welfare and cruelty issues entrenched in the way that we raise and kill pigs in Victoria. The committee has heard that for most of her breeding life the sow is confined to a cramped, barren stall and farrowing crate. She suffers injury, infections and stress. She cannot move. Her piglets have their teeth and tails cut off without pain relief. Her uncommercial piglets are killed by being smashed against a hard surface. When they are ripe for the slaughter, more than 85 per cent of pigs are trucked off to abattoirs where they are lowered into gas chambers and suffocated with CO₂ gas. The CO₂ gas burns their mucous membranes – their eyes, their throats, their noses and their mouths – as they gasp for air and eventually suffocate into unconsciousness.

The committee has heard that pigs are in fact one of the most sentient and intelligent beings on the planet, which increases their capacity to suffer. They are highly empathetic and inquisitive animals, and their intelligence is akin to that of a three-year-old child. The committee has heard that Australia is one of the worst of the developed countries in terms of sow stall confinement practices, and our track record for husbandry mutilations without pain relief is equally poor. The committee has heard about the systemic failings in the compliance and enforcement of what minimal or little standards do exist in this space, including auditing failures. But none of this is new news, and all of this is in fact why we are here. It is a serious and unacceptable situation, but it is not helpless.

In order to pave the path forward it is important that we understand the circumstances that got us here in the first place. In the last 50 years we have seen the intensification of animal farming practices. Most animals raised for food are now raised indoors in intensive housing systems under strictly controlled conditions. Any natural behaviours of these animals which do not accord with these unnatural and confined conditions are quelled in order for the animals to survive their environments. For example, pigs become agitated and stressed in confined and cramped spaces, so naturally they fight. To counter this we pull out their teeth and we cut their tails off.

These practices have never had a place in established animal protection and welfare laws. They are simply cruel if considered under the cruelty provisions of established animal welfare protection laws. Now, to counter this, industry has worked with the relevant departments of agriculture to codify these practices into what is known as codes of practice, and let us be clear here: codes of practice are not animal welfare standards; they never were and they never could be. They were brought in to shield factory farming operators from what would otherwise be considered animal cruelty under established animal protection laws. The committee has heard about the regulatory capture and conflict of interest that exists within departments of agriculture and primary industries that have allowed for these codes to be put in place in a manner that steamrolls over any acceptable animal

welfare standards. These codes are decades old, and so here we are in 2024 and it is now time for us to lift our eyes and progress as a society.

We now know that pigs are sentient, emotional and intelligent beings who suffer greatly in the way that we raise them and kill them. We have the technologies, the veterinary medicines and treatments and an overwhelming will to progress as a society. We have a more informed community who are no longer kept in the dark and therefore expect better animal welfare standards to be in place.

It is important for the committee to be aware that a 2018 report commissioned by the Australian government and prepared by the specialist consulting firm Futureye explored the views of Australians on farmed animal welfare. The report found that community expectations on farmed animal welfare are evolving and there is a high level of concern about the treatment of farm animals and current regulation. It further found high levels of agreement on rights and freedoms for animals particularly related to freedom from pain and cruelty. Now, the major driver of this shift is an increased focus on the now known and accepted level of sentience and related capabilities of animals.

It is now 2024, and we no longer want to have any more debates about whether it is painful to pull out teeth and cut off tails without pain relief. We no longer want to engage in any more debates about whether confining a sow to a crate no bigger than her body for up to six weeks over and over again is harmful and cruel. In the spirit of evolution, I would like to draw on a very relevant analogy, which surprised even me. For much of the 20th century the prevailing view on human medicine was that human babies do not feel pain. Doctors were taught that infants – that is, babies less than one year old – could not feel or perceive pain like we do. Until the 80s infant surgery was routinely conducted with minimal or no anaesthesia. Even clear responses to painful stimuli – for example, vocalising and thrashing – were often dismissed as reflex responses. The reason for this view was the acceptance at the time that the child was a primitive, lower being at that stage of life. So in the 1980s research overcame the entrenched denial of infant pain, which then opened the door to infant pain management.

Finally, it would be remiss of us to not recognise that there are significant human welfare issues associated with how we farm and treat pigs. These accepted industry standards do not accord with current community standards and morals about animal welfare, and yet we have been indoctrinated to accept that there are members of our community that are expected to work in these conditions and commit these practices that the rest of us would find extremely traumatising. Gassing pigs in gas chambers, cutting off their tails, clipping off their teeth and smashing piglets against the ground to kill them also create human injury, because they require that particular individual to disconnect from their natural empathy and morals and their rational thinking. We are kidding ourselves if we think that these individuals working in these environments are not suffering trauma in the form of moral injury and associated distress. This is also the elephant in the room here, and these are the OH&S issues that must also be recognised and addressed. Thank you.

The CHAIR: Wonderful. Thank you. Committee members, we have a little bit more time for questions. In the interest of fairness, I will start with you, Mrs McArthur.

Bev McARTHUR: This inquiry was prompted by the unlawful activities of the so-called Farm Transparency Project. Do you encourage or condone people breaking the law by trespassing on private property?

Shatha HAMADE: Mrs McArthur, that is a very expected question –

Bev McARTHUR: Good.

Shatha HAMADE: and it is a good question. However, what I will say is that the outcome of that activity is why we are here now. The outcome of that activity is why we have a more informed community and society. The outcome of that activity is what drives and propels human evolution and societal revolution. We do not tolerate, the community does not tolerate, the way that we treat pigs. We can talk about illegal activity and trespass and breaches of private activity, we can talk about vegan diets and we can talk about anything you would like to talk about, but the elephant in the room and the real issue here is: what is the litmus test of society? The litmus test of society is this: if you as an individual have no issue walking into a farm, picking up a piglet and cutting off their tail and then taking a set of pliers and pulling out their teeth and/or smashing them on the floor and killing them and/or standing in a factory farm watching sows in there for weeks and weeks at a

time suffering from sores and stress and anxiety and illnesses et cetera, if you can handle that without feeling a skerrick of trauma or sadness or heartbreak or whatever else, if that is the case, then this is all fine. Truly, we can deflect and deflect as much as we want, but we are all here now on common ground – that we need to do better for these animals. We need to afford them a kinder and more humane existence.

Bev McARTHUR: I asked you a specific question –

Shatha HAMADE: And that was my specific answer.

Bev McARTHUR: do you condone people trespassing on private property? Do you condone it, yes or no?

Shatha HAMADE: We do not condone any breaches of law.

Bev McARTHUR: Okay. Great.

Shatha HAMADE: That is the answer.

Bev McARTHUR: Right, so you do not condone illegal activity.

Glenys OOGJES: Can I just add that we totally understand it, and we understand it because of what Shatha has talked about. But we also understand it because there has been such a lack of transparency through many years. Until a few years ago Australian Pork Limited, or APL, did not even have photos – any vision, if you like – of what a sow stall looked like, for example. There was no way that the community knew about it. It was only once there was vision coming out of those places that they then thought that they might have to put up an argument. Can you believe they now call, for example, farrowing crates, which have been talked about today and the terrible confinement and frustration that that leads to with the piglets – ‘piglet protection pens’ instead of farrowing crates, just to move away from them and to suggest, wrongly, I would say to you, that it is all about protecting the piglets. Indeed different systems now are achieving similar results – that is, understandably some piglets do not survive, but the death rate is very similar in those so-called piglet protection pens as it is in freer systems. We have not had a proper discussion about this. This is the vision and the information that has come out – often illegally, as we have seen on occasions – but usually it is about routine and legal suffering that we are seeing in this vision. It is the only reason we are having a proper community discussion. It is the only reason the community sentiment is increasing. It is the only reason that the industry eventually had to say yes to getting rid of sow stalls, and that is still only a voluntary thing.

Bev McARTHUR: Okay. Pig products are the second most consumed source of protein in Victoria. If you are successful in forcing the pig industry in Victoria to close, will you then be trying to ban imported pork products?

Shatha HAMADE: I do not recall stating that we are intending to close down the pig industry. What I am merely saying is that we need to evolve as a society. We do not accept, the community does not accept, the way that we treat pigs.

Bev McARTHUR: What do you mean ‘the community’? On what evidence have you got ‘the community does not accept’?

Shatha HAMADE: I just talked about the Futureye study that was done in 2018. You were apprised of surveys –

Bev McARTHUR: We heard before of a survey that was 120 people who were surveyed –

The CHAIR: Order!

Shatha HAMADE: That was commissioned by the Australian government.

The CHAIR: Order! Mrs McArthur, if you ask the witness a question, can you please allow them to respond.

Glenys OOGJES: Can I just say it was not 120. In 2018 it was commissioned by the department of agriculture in Canberra –

Bev McARTHUR: No, I was talking about the previous witnesses – when he talked about a survey, and then we found there were 120 people involved in it.

Shatha HAMADE: I was trying to tell you that I referred to a 2018 Futureye survey that was commissioned by the Australian government.

Bev McARTHUR: Do you think we should import pig products? If we phased out the pig industry in this state and in this country, should we ban imported products?

Shatha HAMADE: I really do think that we need to stay on topic here. The terms of reference are clear. The inquiry is clear. We are here to talk about the way in the here and now that we are treating pigs in farming practices and slaughterhouses. That is why we are here, Mrs McArthur. We are not here to deflect to industry dollars, vegan diets and biosecurity risks. We are here to talk about the fact that these codes of practice that have legalised these horribly cruel practices were set up to 50 years ago. The only incremental shifts we have had in the way that we treat animals incrementally better in these industries is because of exposé after exposé in the media, where activists have been forced to have to take matters into their own hands to open the door to the public and show them the things that they have been left in the dark about. We do not accept cutting off tails from sentient beings who have the capacity to suffer, without pain relief. We as humanity can do better.

Bev McARTHUR: Did you say that codes of practice are not mandatory in the pig industry?

Shatha HAMADE: They are mandatory, but they are not worth the paper that they are written on.

Bev McARTHUR: Okay. So they are mandatory? There are codes of practice that are mandatory?

Shatha HAMADE: They are not animal welfare standards. They are codified cruelty practices. That is what they are.

Glenys OOGJES: Can I just say only some parts of the code are put into regulations. That is for sure, okay. Most of it is advisory. But in any event because anything you do under a code of practice is an exemption in Victoria under the *Prevention of Cruelty to Animals Act*, that means as long as you comply with that code, then you cannot be prosecuted. It does not mean that if you breach it that you are going to be prosecuted – not at all.

Bev McARTHUR: Okay. One of your recommendations in your submission is to ‘prohibit the extreme confinement of sows in sow stalls’. The Australian pork industry took a world-leading position by voluntarily committing to phasing out sow stalls by 2017. Why are you mentioning a practice that Australian farmers do not engage in?

Glenys OOGJES: The pig industry was dragged kicking and screaming to that voluntary undertaking. It is still legal to keep them there. It is still legal to put them into that confinement for some five days during mating and then for another week before they go into another similarly confining farrowing crate for up to six weeks. That is the case. Some 20 per cent – a fifth or so – of the industry are still not required to do that even under those voluntary APIQ standards because they are not covered by them.

Bev McARTHUR: How many times have you met with pig farmers to discuss your position?

Glenys OOGJES: Quite a lot of times. I have been around stakeholders, including the pig reviews through 2005–07. I am on so many of these committees as a stakeholder and speak to them quite a lot. I have been to piggeries – I have seen them – and it has not changed my view; it has just strengthened my concern about the way that these sentient beings, these intelligent animals, are treated.

The CHAIR: Thank you, Mrs McArthur. I might pick up from that questioning on the voluntary phase-out of sow stalls. I understand there are other people on this committee who will not know the ins and outs of that. Simply, would you say the industry has complied with the phase-out?

Glenys OOGJES: Sorry, that they have –

The CHAIR: That they have complied with the voluntary phase-out.

Glenys OOGJES: I assume so, because the Australian pig industry QA program, APIQ, requires that of those that are audited under APIQ. We are told that some 80 per cent or so of pigs raised in Australia are in that. But as I say, it is not a total ban and it is not a total end to confinement for pigs. It does not change very many of the other issues that we are talking about. It is true that the industry did not want to do this. They were forced to do this, and when I say that, they were forced through Animals Australia's campaigns and exposés way back then – that is, in the early 2000s. And it was also because Coles first – and then other supermarkets followed – decided that they would take up that issue. Essentially, if your primary buyers – Coles and Woolies, for example – are moving away from wanting to sell pork that has been produced, if you like, or at least the mothers of the pigs that become the meat were kept in sow stalls, then that is going to shift the dial, and it did. But it was on a voluntary basis, as I say; it had to be forced. They only did it reluctantly.

The CHAIR: Thank you. Shatha, you were interviewed on the 7.30 report last year in relation to the exposé of CO₂ stunning, and in that interview you said that gassing cells should never have been approved for use in the first place as they do not meet Australia's slaughter standards. Can you elaborate a little bit more on this for us?

Shatha HAMADE: Sure can. In looking into the evolution of the use of pig-gassing machines in Australia, what we discovered was that the first pig-gassing machine was installed in 1992 in Corowa. But there was no mention of CO₂ gassing in the law until around 1996. There is a gap there between 92 and the 96 period where there was never any mention of the CO₂ gassing as a prescribed or allowable or acceptable standard of slaughter under animal welfare laws or even codes. There was also never any parliamentary debate about it that we could find, and there was also no public inquiry around it. Our position is that had this been done in a transparent manner at the time and had there been due process around public consultation, these machines could not have ever been installed or accepted under Australian community standards in terms of acceptable animal welfare practices.

The CHAIR: Thank you. Following on from that, Animals Australia has filed a proceeding in the Supreme Court of Victoria to challenge the legality of suffocating pigs in these gassing cells. Understanding that that process is still ongoing, can you please explain to us, in the way that you can, the legal basis and what led you to do that?

Shatha HAMADE: Absolutely. This comes back to evolving. I mentioned earlier that the codes of practice were set 50 years ago, 40 years ago et cetera. What the current law – meaning the standards – says is that the way that we slaughter pigs, use equipment to slaughter pigs and handle pigs must be done in a way that minimises the risk of pain, injury and suffering and causes the least practical disturbance to those animals. Now, compliance with that particular requirement is essential for a slaughterhouse to comply with its meat licensing regulations, so to comply with the licence to operate, a meat establishment or slaughtering establishment must comply with this particular standard. What we say is that the act of gassing pigs does not accord with or does not meet the standard where you are required to minimise the risk of injury, pain and suffering to the animals as part of that process, and that is the crux of the case.

The turning point or I guess the operative word here is: what is necessary suffering and what is unnecessary suffering? For too long these codes were set in place and the necessary suffering that has been put on these animals was driven by profit and economies of scale, hence this intensification in the way that we farm. Necessary suffering was 'Well, how many pigs can I kill in an hour? Can I maximise that?' for whatever reason, economic reasons et cetera. So what they discovered was that the pig-gassing machines could allow, in the current day, abattoirs that are killing up to 5000 pigs a day through the gassing system. The average is about 3500 a day through the gassing system. This is about economies of scale. Animal welfare plays no part in any of this; this is really just codified cruelty to push out the economies of scale in these intensified industries. That is what this is all about. What we are doing is we are putting a line in the sand, we are going to an impartial courtroom and we are going to have a conversation with the judge around what is necessary and unnecessary suffering in 2024 and what the Parliament intended when these particular standards were rolled out.

To that point I would just like to mention that New Zealand had a case in their High Court in 2020 around the farrowing crates and the sow stalls. New Zealand has pretty much the same system as ours; they have animal welfare laws and these codes of practice that exempt protection to basically farm animals and production animals. Prior to 2015 their regulations said, 'All the animals are protected, and this is what you can and can't do to them; however, there are exceptional circumstances.' Exceptional circumstances are what allowed

farrowing crates, sow stalls et cetera – exceptional circumstances. They realised that that was not helping industry to evolve, so in 2015 they reviewed the Act, they went to public consultation and they removed the exceptional circumstances clause. What they said was: for any regulation or code to be valid, if you want to use farrowing crates and sow stalls, fine, here we are now; however, you have to put a transitional date in that reg to show that you are striving to do better by the animals and you are bringing it back into what the Act intended – to protect all animals, because they all suffer the same. So that is what happened after 2015.

The regs were reviewed in 2018. They kept the farrowing crates and the sow stalls in there and they did not put a transitional date in the regs, so that went to court. The High Court of New Zealand held that they were invalid because there was no transitional date put in the regs and that they needed to show that they were evolving and moving back into the spirit and intent of the animal protection Act. This is where we need to go. This is where we need to evolve to, because we are stuck at a moment in time where what was necessary in 1980 is no longer necessary and acceptable in 2024, and that is why we are here.

The CHAIR: Thank you. Go on.

Glenys OOGJES: I was just going to say that a real concern at the present time – and it is an issue for today if you like and the next couple of years – is that at the moment there is a Bill that is out for consultation for the review of the *Prevention of Cruelty to Animals Act*, and of course it is now called the Animal Care and Protection Bill, as I am sure you know. The issue is that for the sorts of exemptions we have for codes at the present time under the Act – and that is for the meat Act, the land management Act and the codes of practice – it is contemplated that that is going to happen again. They are just going to be called exceptions – okay, exemptions, exceptions, whatever you like. There are some really good people trying to put this together, but there is so much pushback that it does not look like the key elements – the skeleton, if you like, the structure of the new Act – are going to be any different. We have an opportunity here to do something about that.

With the New Zealand example, what I mean by that is not that they had to go to court but the very fact that the intent of the Act they want to try and preserve. By doing that they are already making a compensation. They are saying if you put a transition package in place, then okay, but if you do not, then you are not complying with the intent of the legislation and that is not good enough. I really think we need to take that lesson on board.

The CHAIR: Thank you. Just very, very briefly, today we have had a little bit of an us-and-them narrative going on between members of the committee and witnesses. In Animals Australia's experience as a member organisation, is this an issue for people who purchase and consume pork? Is it a concern for them as well, the treatment of pigs?

Glenys OOGJES: Gosh, absolutely. We have got a wonderful and large supporter base, and a very large part of what we do is to provide information, something that is not, as we have discussed, generally available to most people. A lot of information is about the way animals are treated, particularly today's topics, farm animals and pigs, and the responses we get are amazing. People absolutely are deciding to change their lives once they know about it – the sorts of things that Pam Ahern and others have talked about, like acting to ensure that they are acting in accord with their conscience and with their own humanity. So it is about information.

Also, I have to say, to be absolutely open, we are an organisation that believes that change is needed, and we have to help that change. For example, we promote plant-based eating because we know that you have to reduce the number of animals in these intensive systems over time, and the only way to do that is to seek to change community attitudes and choices – kinder choices, if you like. So we absolutely try to help people with that transition.

The CHAIR: Thank you. That is well and truly my time. I will go to Mr McIntosh.

Tom McINTOSH: Hi. Thanks for being here today. I just wanted to ask, I suppose following on from the Chair's question around the sort of us-and-them side of things: are there examples of where you and others have been able to work with industry over the last decade or preceding years on advancements that both groups have felt have led to better outcomes or better practices?

Glenys OOGJES: I would have to say that while there is communication and, as I say, round tables for reviews of codes and such things, there has not been a lot of change. I think a number of people have talked about that. There has not been a lot of change to work on, so it is very hard to maintain long-term relationships

when things are so slow to change. I have said it too many times probably – and I believe the Australian Alliance for Animals would have spoken about this this morning – but the current system of review for our codes and indeed to some extent legislation is just so slow, glacially slow, and biased. The codes of practice in front of them and the standards and guidelines – that is, the new iteration of the codes and standards and guidelines – all start off talking about how they are set, taking into account community views, scientific expertise and knowledge, and industry operations and practicalities. I am afraid it is only that third element – that is, industry capabilities and operations – that is seriously taken into account. The whole system is based on consensus, but the decisions end up being made by ministers for agriculture – state ministers for agriculture led by the federal minister. That means that they have an inherent conflict or bias – that is, that ministers for agriculture are both trying to promote further or greater industry profitability and growth, and animal welfare does not always accord with that. And of course the agriculture ministers need to look after their constituents, the agricultural industries. Even parts of the industries that are not involved in animal production tend to side with the agricultural production, farmers and farming groups. We have not seen good leadership in those areas. So on all counts we are up against it. I just have to say to you that while there has been lots of talk and at times relationships, they do not last when there is no outcome from them. And we are getting really tired of the system that we have.

Tom McINTOSH: Re the *Prevention of Cruelty to Animals Act* and the work that is going on in that space, what are your views or reflections on that?

Shatha HAMADE: Well, it sort of comes back to how and when we are going to nip these codes of practice in the bud. You can review POCTA into the new animal care and protection Act, and you can acknowledge sentience and you can acknowledge our duty of care to animals, but for as long as you are still exempting the majority of animals in Victoria from the ambit and protection of that Act, then to what end? They are still falling into the bucket of the codes of practice, but all the other animals – the domestic animals – we are just strengthening their protection, so we are not actually looking at the right areas that need to be evolved and need to be progressed.

Tom McINTOSH: And as far as best practice goes in your view, you spoke a bit to New Zealand there before. Are there other countries around the world that you would point to as best practice in this space?

Glenys OOGJES: Again, I think that best practice in the pig industry is very hard to find, in that stress and confinement are pretty much universal. I just wonder if, Chair, you would not mind me throwing to Steph?

The CHAIR: Of course, please.

Glenys OOGJES: I will call Steph out to talk, perhaps, about international and how she thinks we are going.

Stephanie HING: Sure, and this covers Mr McIntosh's previous question about collaboration with industry. Animal welfare groups in other countries have taken a different tack. They have worked hand in hand with, for example, pig abattoirs. They have helped these abattoirs completely transform, redesign their systems and use alternatives to CO₂. So that is just one example of where some issues have been addressed in other countries, and of course as we included in our submission, looking at the legislation in other jurisdictions around the world, Australia has been left behind. If you look at some of the issues like the extreme confinement systems, there are some countries that banned these in the 80s and 90s and early 2000s, so really as a country we know we can do better and we should.

Tom McINTOSH: And off the top of your head, are there one or two nations that you could point out as worth looking at?

Stephanie HING: Every nation obviously still has their issues, but one country which is actually a very high pork-producing nation – pork is part of their culture and industry – is Denmark, and Denmark has sought as part of the EU to instigate some legislative, practical and operational changes. But even there, they see huge issues, as we included in our submission. For example, routine methods of marking pigs include hitting them with a mallet dipped in ink, and the mallet has very sharp prongs at the end. This is called slap branding, and in Denmark they have actually monitored the amount of injuries caused to pigs through slap branding and there have actually been charges laid because of these tools being used to inflict cruelty and injury to animals, and this is something which is happening on a daily basis in Australia and we do not collect the same types of records and monitoring that Denmark requires.

Denmark has also passed legislation in terms of some of the mutilations that are carried out here as well, and yes, they have passed that legislation, but investigations have shown that the enforcement of said legislation does still have many gaps and there are still issues happening. For example, technically under Danish legislation a producer must instigate all other methods to try and address tail biting before instigating the tail docking, but they have found that this is not happening; it is just happening as a routine practice, as it is in Australia. So what we would impress upon you is that it is really important to have those policies and the legislation in place, and we still have a long way to go, but the next step is actually effectively enforcing that.

Tom McINTOSH: Okay. Thank you all for that. Thank you, Chair.

The CHAIR: Thanks, Mr McIntosh. Ms Copsey.

Katherine COPSEY: Thank you. Thank you for your submission and for attending today. I want to just ask a few quick questions and then go into some further depth. From your observation working in this field as you have for decades, not only do we need to have protections that are mandatory, rather than voluntary and self-regulated, but they also need to be actively enforced in order to be effective?

Glenys OOGJES: Yes, absolutely, and the issue is that the department of agriculture, meaning the regulators if you like, are not well resourced these days. Similarly, the industry's own QA programs are there, of course, but again, they are only based on the current codes, which are, as we have indicated, inadequate standards.

The other issue is of course that they are being audited, and the audit results, if you like, are with APIQ. It is not transparent. It is not a publicly available test, if you like. It is also a real concern with APIQ, for example, where there is notice given of audits. I understand this is something that happens of course, but I have sadly learned from whistleblowers what happens before an audit – when everything is fixed up, when they know that they are coming on a certain day. So it does not give us confidence, and that takes us back to the very discussion we had very early on. The public, the community and I cannot have a lot of confidence in what is happening when you cannot see what is happening.

Katherine COPSEY: One thing that has been mentioned during witness statements today is around having spontaneous inspections, so without pre-warnings. Is that something that you think could locate some issues that might be occurring that might be cleaned up if people had notice?

Glenys OOGJES: If it was to happen. For example, even random and ad hoc inspections under APIQ, the Australian pig industry quality assurance program, give them 24 hours – they are not even scheduled ones. Similarly, currently under legislation unless you have a search warrant as such, the farmer can refuse to allow you on his property. That is the law. So, yes in theory, but in practice it is really hard to put that into place.

Shatha HAMADE: Indeed, and you can write all the laws you want and put in these particular powers, but they are only as good as they are enforced. So that is why obviously the hot issue is CCTV cameras so that there is consistent monitoring, but that needs to go a step further because there needs to be independent monitoring. We have had investigations that have been exposed publicly to the media of systemic, endemic, entrenched issues within slaughterhouses – multiple slaughterhouses – which actually had CCTV cameras. This behaviour has been going on, and a few of them had been dealt with years before. So without the independent monitoring there is no point.

Katherine COPSEY: Thank you. Going to some of the particular practices that we have been hearing about today, I think we have covered off the gassing and that there are other places where we can look to examples of better practices. In terms of confinement, how widespread do you think that that practice still is in the industry, and what kind of recommendations would you like to see?

Glenys OOGJES: Which confinement – the sow stalls?

Katherine COPSEY: I am talking particularly about sow stalls, yes.

Glenys OOGJES: What we understand is that under APIQ about 80 per cent of the industry has probably gone to that, but as I said the sow stalls are still permitted under the so-called 'sow stall free' definition. The Australian Pork Limited definition is that they can be put in there for up to five days during the mating period

or just after the mating period and then a week before they go into the farrowing crates – again even more confined. You saw this confinement here earlier. Can I just say too that that pig was not as big as most of them. The current code, and therefore the exemption, if you like, allows a sow stall size, as small as it can be, as long as the pig is not touching on both sides simultaneously or tail to head simultaneously. In other words, it just has to be this much bigger than the pig – just ridiculous. When I first started, in regard to trying to review the code, it used to be that sow stalls could be 1.8 metres long and 0.6 metres wide, okay? But a senate select committee recommended that that be increased because pigs, through selective breeding, had grown through the years since that had been put into place. Guess what? It is now still only 2 metres long – 2.2 metres if you are putting in a new set-up. It is just ridiculous. Sorry, I am getting a bit annoyed about this, but anyway.

Going back then to the farrowing crates, of course that is absolutely widespread. It is something like 95 per cent. The only ones that are not at the present time, apart from a few research projects, are those that are free range, but they are the breeding huts in paddocks. Often, though, the piglets then go into high-density indoor systems to grow to go to be slaughtered, so it is widespread with the breeding sows. The breeding boars are often overlooked as well. That is pretty awful. I mean, a boar is bigger usually, at least by the time they are at breeding age – 0.7 metres wide by 2.4 metres long, I think it is. They only have to get out twice a week for exercise or for mating, and of course, how do you monitor that, and is that for 5 minutes or however long it takes? Boars are in there for their breeding period, which will be several years at least – and this is in a cement or metal-barred pen or stall. It does not bear thinking about, particularly when I think about Pam Ahern speaking earlier about the characteristics of Edgar and the other pigs that she has known. It really does tug at the heartstrings, and I think most people would think it totally unacceptable if they sat there for even half an hour and looked at the life that these animals are leading.

Katherine COPSEY: Thank you. I think this goes to my next question, which is around: how do you think we can further strengthen the independence of our regulatory approach? An agency? You spoke before about the commercial drivers that are taken into consideration, the codification of existing industry practice and the fact that, we heard from you, community sentiment and other stakeholder contributions seem not to fare as well in these considerations. So to restore our public's confidence in the strength of and the enforcement of animal welfare, what kind of independent characteristics would you like to see for a regulator?

Shatha HAMADE: We heard earlier from the Australian Alliance, and I think Dr Jed Goodfellow summarised it very well in terms of having an independent office of animal welfare in Victoria, where there is literally independence between the enforcement and regulation policy settings, the regulatory settings, of the animal welfare portfolio – the compliance and enforcement of that portfolio and the regulation of it – versus dealing with producer and industry economic efficiencies. The two are incredibly conflicted, and so they do need to be kept separate and there needs to be a level of independence there.

Katherine COPSEY: Thank you.

The CHAIR: Thanks, Ms Copsey. Dr Heath.

Renee HEATH: Thank you for your presentation and for attending today. You spoke before about unnecessary and necessary suffering. Do you suggest an alternative to CO₂ gassing, and if so, what is that?

Shatha HAMADE: Obviously, the options are limited, but if you are looking at necessary or unnecessary suffering, it is a scale, isn't it? For example, when they set the codes back in the 70s and 80s et cetera they decided, well, there was not any affordable pain relief available, so 'we're just going to clip them off and cut them off, and that's that'. But in the current day there is pain relief available. There are better technologies. We have more evolved knowledge around the sentience of animals and what their needs are, and we also have the ability to farm better and evolve our practices, so that is what it turns on, in terms of necessary and unnecessary.

In terms of the CO₂ gassing, what we need to do, obviously, because it is here now and it is used by the majority of the industry, is to be constructive and pragmatic and reasonable and intelligent in the way that we discuss this issue. In the here and now, we know that the CO₂ machines are brutal. They are brutal and they are horrific, and the pigs are really suffering. Electric stunning when done properly is not ideal, but it is better in terms of the necessity or the scale of the suffering for as long as this practice is permitted to continue, so that is the line of argument and that is the position.

Renee HEATH: So is electric stunning one of those better technologies that you speak about?

Stephanie HING: The keyword in the discussion about CO₂ versus best practice automated electrical stunning is the word ‘inherent’. The averseness associated with CO₂ is inherent to CO₂. You cannot change the chemistry of CO₂ or the way we and pigs as mammals react to CO₂. That is inherent, whereas with electrical stunning there are many animal welfare issues associated with it, but with careful management theoretically you can address those issues. Whereas there are the issues associated with CO₂. Like Shatha spoke about, the burning – we have CO₂ receptors in our amygdala, so that is the emotional centre of your brain – triggers intense fear. These types of reactions to CO₂ are inherent. You cannot change that. It does not matter how well you manage your abattoir, that is inherent. So that is a fundamental difference between those two methods: CO₂ and electrical.

Glenys OOGJES: Could I just add to that that one of the arguments that industry has made and others is that with electrical stunning – and obviously it still happens in Australia; indeed that is the primary way in New Zealand that they use because they do not use CO₂ – there is the lead-up to it; indeed it is the lead-up to any slaughter. When you are moving pigs, they do not like to move in single file, for example. You need to move them in groups. One of the arguments about gas stunning is that if you can actually do that, then that is useful, and of course it reduces the stress in the lead-up. It does not change the inherent issue of CO₂ and the fear and suffering that that causes. With electrical stunning, if you can deliver the pigs – and I am sorry, I feel terrible even talking about this because personally I do not want this to happen at all, that is, the slaughter of pigs because it is unnecessary – if you are looking for an alternative, then you can actually design a system. There is a new system being used in Europe and elsewhere where they can actually deliver the pigs to an automatic stunning area, head and heart, virtually stun them absolutely and they die if they are left. They can then be taken immediately, and these are good sets of equipment, straightaway to have their throats cut – that is, to be slaughtered immediately before they can return to consciousness. In other words, you are mitigating, you are reducing some of that suffering in the lead-up. You then have a system – because stunning if done well is absolutely immediate – that is a better system. It is the better of a bad lot. I have to keep saying that, because I hate talking about this subject.

Renee HEATH: No, I understand what you are saying. So in terms of electric stunning, it can happen instantaneously. They can lose consciousness. How long would it take with CO₂ for them to lose consciousness?

Glenys OOGJES: With CO₂ it is – Steph has got her hand up.

Renee HEATH: I do have a lot of questions I want to get to, so quickly.

The CHAIR: Just yell at us, Steph. Feel free to.

Stephanie HING: Some of the studies have indicated that the suffering can last up to minutes.

Renee HEATH: Five minutes or 3 minutes or something?

Stephanie HING: I think the longest that I have found in the literature is just over 3½ minutes at 90 per cent, which is what is used in Australia.

Renee HEATH: All right. Thank you. I think you answered one of my questions before without meaning to. In terms of unnecessary and necessary suffering, you would find any death of a pig to be unnecessary suffering?

Glenys OOGJES: If there is suffering, and there almost always is – even taking a pig on a truck to a slaughterhouse and then being mixed with unfamiliar pigs and unfamiliar sounds and such things is already suffering. We are talking about mitigation; we are not talking about getting rid of it.

Renee HEATH: Okay. Good. Then I read in your submission that the pork industry has lost its social licence with the majority of Australians, yet apparently 94 or 95 per cent of Australians still eat pork. So how do you marry those two?

Bev McARTHUR: Good question. It is a very good question.

Glenys OOGJES: It is a very difficult question, because I think that most people still do not know or still do not know how to go about changing their social conditioning, if you like. We all think that eggs and bacon is

what we have in the morning – I am sorry, not all of us. I think it is very hard to change, which is why I was talking before about how as we raise awareness amongst our own members – and I have to say that we have hundreds of thousands of members – we also try to assist them in a journey to transition to plant based. In other words, we provide them with recipes on how to go about it, with answers to the questions that are often raised about how you get your protein, that sort of thing. All these things have to be done, and so it is a long-term transition.

Shatha HAMADE: I think it is also important to add that this is about public awareness as well. Most people do not know how animals are raised, because most of this intensive farming is done behind closed doors, and until we see media exposés, people are just left in the dark, so most people do not understand or are not informed in terms of these particular practices.

Renee HEATH: I am not trying to push buttons here, but maybe it is aspirational that it would lose its social licence if people knew, or do you think that it has lost its social licence now?

Shatha HAMADE: It is actually a really good question, and it is a really good scenario that you are posing. I think all Australians care about animals, and no reasonable-minded person would want any animal to suffer, but I think this comes down to our inherited thinking. We have been taught and raised to believe that we bring cats and dogs into our homes and love them but that farm animals stay out there. They do not suffer like the cats and dogs, and therefore we can maim them, kill them and do whatever we need to do to get them on our plates. But this is inherited thinking and entrenched thinking, and a lot of that comes from, you know, the laws, the standards and the codes and these entrenched practices that have been happening for many, many decades. Because this was all happening largely in the dark, it is ingrained and seeded into the consciousness of our community. But now that the doors are opening, now that the light is coming in, what we are finding is that more and more people are asking questions, waking up and realising that this no longer accords with their practices. That is a journey, and that is where we are now.

The CHAIR: Thanks, Dr Heath. We will finish with Ms Broad.

Gaelle BROAD: Thank you very much for coming in. I guess I just want to clarify: do you support meat for human consumption – like, the processing of meat?

Glenys OOGJES: I would have to say that we are an organisation that supports plant-based eating, because we really do not believe that we can farm animals without harming them.

Gaelle BROAD: Okay.

Glenys OOGJES: It is just as simple as that. We just do not see a way that you can, just as a free-range farmer starts to feel really concerned when – there was an example that Pam put forward – he puts them onto a truck and sees how fearful they are to be doing something very different like that, and then they are going off to a slaughterhouse where it is even worse. We just do not think you can do it humanely.

Shatha HAMADE: You know, that is a symptom that we have lost our way. With the intensification, the vertical integration and the corporate takeovers, the way that we farm animals is so unnatural. They are in factories. We have lost our way. How could we possibly support it when we know that it is coming from such egregious suffering? The two are hand in hand. It is a causal effect.

Gaelle BROAD: Okay. So standards could change, but you still would not support it.

Glenys OOGJES: We will be involved in those standards in the here and now. I know that this is not going to change in two years time or four years time, but we have to start, and we have to do something significant. Just fiddling at the edges of this issue is not going to do it; we need a whole mind change in order to understand that these animals are sentient, meaning that just like our dogs and cats, they can suffer not only pain and suffering but mental suffering – frustration and depression. I mean, these are real things.

Gaelle BROAD: I guess from talking with the industry, because I represent Northern Victoria Region, it seems like they have been spending a lot of time and have focused attention on improving, and they have actually said to the federal government that they are happy to work with them on national standards and contribute to that, but it has not been accepted at this point. But when I look at the VFF's submission, it says:

All pig farming in Australia, particularly in Victoria, is highly regulated, with farmers adhering to stringent welfare requirements. The legislation in place is adequate and sufficient, ensuring that these high standards are consistently met.

It says:

All pigs fall under the Australian Model Code of Practice for the Welfare of Animals: Pigs ... approved in April 2007, which provides the foundation for the Victorian Standards and Guidelines for the Welfare of Pigs. This Code also underpins the Welfare Standards in the Australian Pork Industry Quality Assurance Program ... applicable to both indoor and outdoor systems.

While the Model Code outlines minimum welfare standards, APIQ standards exceed these, with 91% of commercial Australian pig farmers APIQ accredited.

So that is their quality assurance program –

This accreditation requires independent annual audits by third party auditors, AUS-MEAT, and mandates six-monthly internal audits.

Then it goes on about the regulation of pig farming and how the legislation includes the *Prevention of Cruelty to Animals Act*, *Prevention of Cruelty to Animals Regulations*, *Victorian Standards and Guidelines for the Welfare of Pigs*, *Code of Practice for the Welfare of Animals at Saleyards*, *Livestock Management Act*, *Livestock Management Regulations*, *Livestock Disease Control Act*, *Livestock Disease Control Regulations*, *Impounding of Livestock Act*, and *Impounding of Livestock Regulations*, so there is obviously a lot there.

Bev McARTHUR: There needs to be more regulation.

Gaelle BROAD: And then there is Animal Welfare Victoria.

Stephanie HING: What you are describing is the status quo. The status quo is what they are defending, and under the status quo what we are seeing is still millions of animals living under conditions that are completely unacceptable and being treated in ways that are completely unacceptable.

Gaelle BROAD: Yes.

Shatha HAMADE: Absolutely. I think the point, Ms Broad, is that if we all fell asleep in 1980 and just woke up, that holds true. But we did not fall asleep in 1980 and just wake up. What they are hiding behind there, or what they are using there, is a shield in the code of practice. Those codes are what permit us to do things like cut off tails, remove teeth and put sows in stalls no bigger than her body. That is what is entrenched in those codes. Yes, we can wrap that all up in all the enforcement and auditing, but at the end of it is legalised cruelty in 2024 and we need to move past that. It is all well and good for them to say that they are audited against it and that they are complying with it, but it is no longer acceptable practice in 2024. It was never an intended welfare practice. It was always an exception to the established animal welfare laws in this country and in this state so that they could continue farming in an intensified way and escape prosecution. That is it.

Gaelle BROAD: But obviously if you have got the position where you do not support people eating meat, you would have a different perspective. I guess it is just coming –

Shatha HAMADE: Well, no, actually. That is not true. That is really not true, because what you are effectively saying is that if you eat meat you agree that piglets should have their tails cut off and their teeth removed without anaesthetic. These things are not mutually exclusive. People that eat meat care about animals. What they do not accept is what you are seeing happening in current husbandry and killing practices in the pig industry. It is not right, and that is offensive to people that eat meat. We looked at the submissions that came through – countless submissions – by meat eaters who are not accepting of what is going on and who are demanding change and evolution. It is not an us and them.

Gaelle BROAD: No. I hear what you are saying. I think from what I have heard the industry have made moves for better standards. I guess, is it like restaurants, in a way? You know, we have heard about a case that is before the courts at the moment. We certainly would expect that that is not something – well, it is appalling. I think with restaurants you might have a couple that are sort of doing the wrong thing, but in this case pig farming – is it tarring everyone with the same brush?

Glenys OOGJES: The standards in the pig industry are not acceptable. I have been around the tables looking at codes of practice and standards and guidelines for 30-odd years, since we were invited to that table, and things have not changed because of the biased system that we have in place. You talk about all these issues,

you present the scientific evidence and nothing changes. I sat in on the sheep and cattle and poultry standards discussions over recent decades. An example is the sheep industry – and I am saying this because it is the same with the pig industry. In the sheep industry I sat around that table when we were putting standards and guidelines together, and would you believe they would not even accept that mulesing – do people know what mulesing is: cutting a dinner plate sized piece of skin off the backside of a young lamb without any pain relief using shears. At that point when we were discussing it there was already pain relief that had been registered for that very procedure. They would not say that it should be legislated, in other words that it should be a ‘must’, that it should be a standard, because even though some of them were already doing it, a few people within the sheep industry would be very upset with their leaders if they said that. They would not force them to do anything. Farmers do not want to be forced to be changed in any way, and they have not evolved.

Gaelle BROAD: And do you meet regularly with farmers?

Glenys OOGJES: Whenever these reviews are underway. I am involved at the moment as a stakeholder in what is called the SAG, the stakeholders advisory group, and the so-called processing establishments review, which is the abattoir review. They cannot even call it an abattoir or a slaughterhouse. The system is broken.

The CHAIR: We have well and truly hit time. I am sorry, I am going have to be strict on extra questions because we have a witness at 4 pm and it is 4 past 4. There are other committee members who did have follow-up questions, so would you be happy to take those on notice through the committee staff?

Glenys OOGJES: Absolutely.

The CHAIR: Thank you. Thank you very much, Steph, Glenys and Shatha, for joining us today and for your fantastic submission and taking the time out to speak to us. We really appreciate it. That concludes the hearing.

Witnesses withdrew.