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15 August 2016

Regulation of Agriculture  
Productivity Commission  
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To whom it may concern

### **Productivity Commission's Draft Report into the Regulation of Australian Agriculture**

Thank you for the opportunity to provide comments on the Productivity Commission's *Draft Report into the Regulation of Agriculture*. I write as an individual with 30 years involvement with animal welfare groups and 10 years teaching environmental law at university level.

My main concern with the Draft Report is that its stated aim of removing red tape is likely to lead to further environmental damage and animal cruelty. Prior to considering the weakening of agriculture regulations, it is important to remember the various adverse impacts of agricultural activities in Australia over the past 200 years. These include extensive tree clearing, habitat destruction, extinction of many species of wild fauna and flora, introduction of pests and weeds, widespread replacement of native grass by pasture species, soil erosion, soil structural decline, soil salinisation, soil acidification, excessive demand on river and underground water for irrigation, wetlands degradation, pollution and eutrophication of waterways, discharge of excessive nutrients and sediments in coastal waters, contribution to reduced rainfall due to excessive clearing, contribution to about a third of Australia's greenhouse gas emissions, damage caused by pesticides, antibiotic resistance and last but not least, widespread cruelty in factory farming.

Comments on specific recommendations follow:

#### **Recommendation 3.1**

I welcome the recommendation that native vegetation and biodiversity conservation regulations ensure that they consistently consider economic, social and environmental factors. I wish to point out however that most if not all such regulations already do provide that decision makers must take these factors into account when making a decision.<sup>1</sup> Further, contrary to what the draft report indicates, social and economic factors are very much considered in decisions made under vegetation and nature conservation legislation - in fact it is well established that they frequently outweigh environmental factors in many decisions. For instance:

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<sup>1</sup> See for instance s 3(3) of the *Vegetation Management Act 1999* (Qld). Many other laws explicitly refer to the principle of Ecologically Sustainable Development (ESD) which by definition requires the balancing out of economic, social and environmental factors.

- Only a tiny 2.2% of the hundreds of referrals made under the *Environment Protection and Biodiversity Act 1999* (Cth) since the Act's enactment have ever been refused despite many being identified as controlled actions, ie actions that have or are likely to have a significant impact on matters of environmental significance.<sup>2</sup>
- Only 7.5% of all applications to shoot flying foxes under damage mitigation permits issued under the *Nature Conservation Act 1992* (Qld) have been refused in the past four years despite the fact that some of the species of flying foxes shot are listed as vulnerable to extinction and that shooting these animals is not humane.<sup>3</sup>
- The Queensland Government's amendments to the *Vegetation Management Act 1999* (Qld) have facilitated a tripling of the tree clearing rate in that State to allow for agriculture pursuits,<sup>4</sup> despite the recognition that tree clearing in catchments that flow into the Great Barrier Reef contributes to increased sedimentation and nutrient load that have adverse impact on the outstanding values of the Great Barrier Reef World Heritage Area. Some of these clearing practices are likely to have such a significant impact that the Commonwealth has decided to intervene in the case of the Kingvale Station for instance.

Therefore I consider that it would be entirely inadequate to give additional weight to social and economic factors in the decision-making processes relevant to agriculture. What is needed is a decision-making process that gives *more* consideration to environmental factors, not *less*.

## Recommendations 5.1 and 5.2

I support the recommendation that an independent body be responsible for developing animal welfare standards or at least overseeing development processes. The development of codes of practice is currently driven by the industries themselves who are more concerned with profits than with raising animal welfare standards. This requires oversight and independence.

One area that particularly requires independent oversight is the administration of live exports. The large number of grave incidents that have been reported by animal welfare groups for this industry indicates that regulations are either inadequate or not enforced, either through lack of resources, lack of political will or regulatory capture.

I support the recommendation that scientific principles guide the development of farm animal welfare standards. This is much needed as most agriculture codes of practice allow for a wide range of practices to be undertaken despite the wide body of scientific evidence about the pain and suffering they cause on farm animals. In addition, these codes ignore the scientific evidence of the needs farm animals have for positive experiences.

I support the recommendation that the animal welfare standards should reflect community values. However, research on community values must be preceded by a wide public education campaign about common farm animal practices such as debeaking, dehorning, castration, teeth clipping, caging, overcrowding, mulesing, long distance transport, etc. There is little point in gauging values of communities which are not informed and have little access to information about such practices because most of them occur behind closed doors.

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<sup>2</sup> See <https://www.theguardian.com/environment/2015/aug/12/australia-has-denied-environmental-approval-to-just-11-projects-since-2000>

<sup>3</sup> See <https://www.ehp.qld.gov.au/wildlife/livingwith/flyingfoxes/damage-mitigation-permits.html>

<sup>4</sup> See <http://www.abc.net.au/news/2016-02-25/illegal-land-clearing-prosecution-queensland-figures/7201246>

I support the separation of policy and animal welfare monitoring and enforcement to avoid the severe conflict of interest that is currently in place in agriculture departments in most states and territories. This would be most needed also at the Commonwealth level where regulatory capture and conflicts of interests seem to be rife in relation to live export.<sup>5</sup>

### **Recommendations 6.1 and 9.1**

I object to the recommendation that States should remove restrictions on the growing of genetically modified crops and that Food Standards Australia New Zealand remove the requirement in the Food Standards Code to label genetically modified foods. Consumers should be able to choose whether they consume GM foods and should have access to more, not less information about the food they consume.

Finally, I consider that greater resources should be dedicated to policy development and law enforcement at both federal and state levels in order to increase environmental and animal welfare outcomes and thus restore some community confidence in the activities of the agricultural sector.

Yours sincerely

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<sup>5</sup> See <http://www.abc.net.au/news/2016-06-22/live-export-vet-removed-after-revealing-conditions-on-ships/7501428> and <http://newcastle.amieu.asn.au/barnaby-joyce-live-export-standbroke/>