



Affidavit

No. 1 of 20

Federal Court of Australia
District Registry: Melbourne
Division: General

First Prospective Applicant **The Game Meats Company Australia Pty Ltd**
A.C.N 095 440 823

Second Prospective Applicant **Eugene Christopher Tomasoni**

Third Prospective Applicant **Pauline Elizabeth Hohn**

Applicants

Prospective Respondent **Farm Transparency International Pty Ltd**
A.C.N 641 242 579

Respondent

Affidavit of: **Eugene Christopher Tomasoni**
Address: 21 Dunstan Track Tawonga Gap Road, Tawonga Gap
Occupation: Company Director and Farmer
Date: 16 May 2024

Filed on behalf of (name & role of party)	<u>Applicant</u>		
Prepared by (name of person/lawyer)	<u>Michelle Trost</u>		
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JOHN HART JP
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BRIGHT 3741
JUSTICE OF THE PEACE FOR VICTORIA
REG. NO 12394

[Version 3 form approved 02/05/2019]

17/05/24

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I, Eugene Christopher Tomasoni, company director and farmer affirm:

1. I am the second applicant and a director the first applicant, the Game Meats Company Australia Pty Ltd A.C.N 095 440 823 ('the Company'). I am authorised to make this affidavit on the first applicant's behalf.
2. I have made this affidavit based on my own knowledge and the statements within are true to the best of my knowledge, information and belief and based on my inquiries of relevant persons.

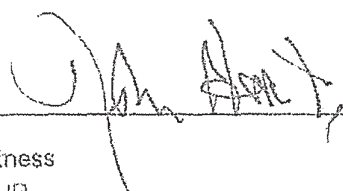
The Game Meats Company



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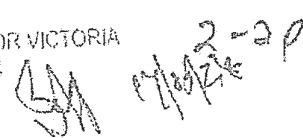
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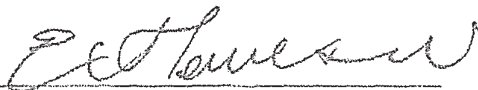


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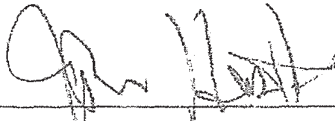
3. I am one of the directors of the Company. The Company undertakes the business of an abattoir/slaughterhouse at Eurobin in the state of Victoria. The business is known locally as the Game Meats Company ('the Business').
4. I was appointed as a director of the Company on the 20th of December 2000. My role as director encompasses the usual duties of a director including attending meetings, passing resolutions and reviewing statements of accounts and extends to the interviewing and placement of employees in the Business and dealing with issues related to senior management. The Third Prospective Applicant is also a director of the Company. The Third Prospective Applicant and I are well known in our town and region as directors and operators of the Business.
5. The Business commenced operation in October 1996 and is in the small rural town of Eurobin, Victoria.
6. The Business occupies the land pursuant to a lease arrangement with The Emu Company Pty Ltd A.C.N 064 088 928 ('The Emu Company'). There are common directors between The Emu Company and the Company. The confirmation and details of this lease were agreed at a meeting of The Emu Company and a copy of the resolution is exhibited to this my affidavit at exhibit "ET1".
7. Eurobin has a population of approximately 250 people and the Business employs up to 43 employees - staff include a production manager, numerous slaughtermen ranging from level MI3 to MI7, a maintenance officer (fitter fabricator) and full-time truck driver.
8. The Business also contracts with several freight companies that are engaged to deliver freight both to and from the abattoir on a regular basis.
9. The Business is a Tier 1 export meat processor and is licensed by Primesafe and holds approximately 10 – 12 % of the total game meat export business in Australia.
10. The Business slaughters game animals, predominantly feral goats which are sourced from New South Wales. On average 4,500 goats are slaughtered at the abattoir each week.
11. All of the carcasses produced by the Business are exported to markets overseas via the Port of Melbourne. This product is delivered from the abattoir to the Port of Melbourne via local freight contractors.



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12. In the 2021 – 2022 financial year the business turned over \$37,383,716, a true copy of the financial statements of the business for the year ended 30 June 2022 is exhibited to my affidavit at exhibit "ET2".
13. Through employment of locals alone the Business is an integral part of the Eurobin community, by employing people that live and shop locally the community benefits from the Business.

Formal Complaint and the Farm Transparency Project

14. On the 5th of May 2024 I received an email from Rick Cavedon, the Production and Sales Manager of the Business advising me that he had received an email from the Department of Agriculture, Fisheries and Forestry ('the Department') attaching a formal legal complaint regarding the processes undertaken in the Business. A copy of Rick Cavedon's email is exhibited to this my affidavit at exhibit "ET3".
15. The formal complaint was made to the Department by the Farm Transparency Project ('FTP'). A copy of the formal complaint is exhibited in this my affidavit at exhibit "ET4" ('the Complaint').
16. On 5 May 2024 I have conducted a search of the group on the worldwide web at folio identifier <https://www.farmtransparency.org/>. and FTP describes itself on its website - [farmtransparency.org](https://www.farmtransparency.org/) as:

Farm Transparency Project is an animal protection charity, dedicated to ending the abuse and exploitation of animals in farms, slaughterhouses and other commercial setting. Based in Melbourne, Australia.

A copy of the homepage of FTP is exhibited to this my affidavit at exhibit "ET5".

17. The author of letter to Department dated 5 May 2024, Harley McDonald-Eckersall is depicted on the FTP website on the world wide web at folio identifier <https://www.farmtransparency.org/learn> as FTP's Strategy and Campaigns Director. Harley McDonald-Eckersall's biographical details appearing on the FTP website state (amongst other details) that:

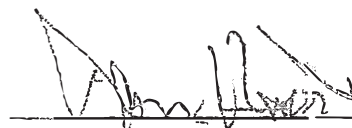
After taking part in her first direct action during the Dominion Anniversary day of action in April 2019, Harley moved to the UK to work on messaging and strategy at the organisation Animal Rebellion. It was here that she gained experience executing large-scale acts of civil disobedience, including blockades at McDonald's four UK distribution centres; costing the company millions of dollars and affecting their national supply chain. For two years, Harley guided the direction and messaging of Animal Rebellion, influencing groups across 60+ cities and 20+ countries. Harley also coordinated the group's media and messaging team, leading to a 200% increase in press coverage.



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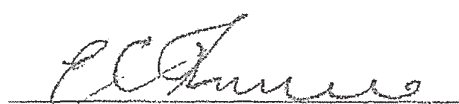
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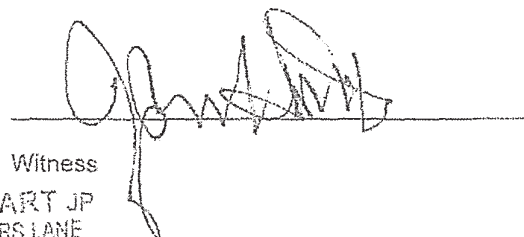
18. FTP is a registered company limited by guarantee, namely Farm Transparency International Ltd A.C.N 641 242 579. A copy of a Historical Company Extract for FTP obtained through an ASIC company search is exhibited to my affidavit at exhibit "ET6".
19. A copy of the financial statements and reports of FTP lodged with the Australian Securities & Investments Commission dated 30 June 2023 is exhibited to my affidavit at "ET7".
20. I read the Complaint on or about 5 May 2024. In reading the Complaint it became obvious to me that for FTP to have captured the video footage referred to in the Complaint that FTP must have unlawfully entered the abattoir and installed hidden video cameras in various locations inside the abattoir. The first applicant did not authorise anyone to enter the property and place the cameras which were used to take the video footage. I have watched the video footage included in the Complaint and it is evident that the footage can only have been taken by cameras placed inside the abattoir.
21. I initially contacted Victoria Police, the Wangaratta Station, on 7 May 2024 and made a complaint and I was told at that time that the complaint would be referred to the Bright Station of Victoria Police. I made a number of follow-up calls in the following days to progress the complaint and did not receive any response. On Wednesday 15 May 2024 I attended Victoria Police at the Bright Police Station to make a formal complaint about what I believed to be a criminal offence, in that a person or persons (most likely associated with FTP) unlawfully entered the abattoir from where the Business conducts its operations and installed cameras which then captured the video images which formed part of the Complaint. A police officer, namely Constable Anthony Finlaw attended the abattoir with me and took away CCTV footage from our security system. An incident number has been generated by Police under incident number 2401899911. I do not have a copy of the crime report.
22. On or about 15 May 2024, I was informed by Constable Anthony Finlaw and verily believe that the video footage obtained from the abattoir shows two persons unlawfully entering the property and climbing into the ceiling on at least four separate occasions. On 16 May 2024, I was informed by Constable Anthony Finlaw and verily believe that the video footage obtained from the abattoir shows the following:
- (a) On 27 January 2024, two people entering the abattoir at 00:06am and leaving the abattoir at 3:13am;



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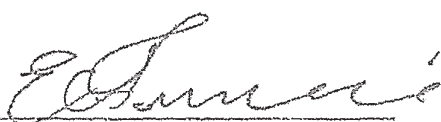


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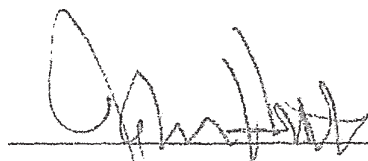
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- (b) On 3 February 2024, three people entering the abattoir at 00:19am and leaving the abattoir at 3:03am;
- (c) On 17 February 2024, two people entering the abattoir at 23:04pm and leaving the abattoir at 12:01am;
- (d) On 7 April 2024, two people entering the abattoir at 1:03am and leaving the abattoir at 1:40am; and
- (e) On 13 April 2024, two people entering the abattoir at 00:17am and leaving the abattoir at 1:22am.
23. Upon becoming aware of the existence of the video footage on 5 May 2024, I subsequently 6 May 2024 conducted an inspection of the premises and could find evidence of cameras having been placed in the premises, however I was not able to locate any cameras. I found drill holes in the premises above the restrainer/electric stunner area and a separate euthanasia box. At that time I considered that I had taken all of the steps necessary, that is, made a complaint to the police and had commenced auditing the business operations in advance of what I foreshadowed would be an inspection (at a minimum) from the Department.
24. To date no further correspondence has been received from the Department and I have not been informed of any formal investigation at this time.
25. Despite not being aware of any formal action by the Department, on 15 May 2024 the Company passed a resolution to engage an external independent investigator to look into conduct an investigation into the matters raised in the Complaint the processes of the abattoir including but not limited to the stunning handling and slaughter of animals. A copy of the Circulating Director's Resolution dated 9 February 2002 is exhibited to this my affidavit at exhibit "ET1". It is expected that the investigator will be appointed in the coming days. Additionally, the First Prospective Applicant has removed from their roles, two workers (contractors who work for the Business and who are provided by Regional Workers Management Group, a labour hire company and employed under the Pacific Labour Mobility Scheme overseen by the Australian Government) depicted in the video footage and have re-allocated them to different roles which do not involve the stunning or killing of animals slaughtered at the abattoir. The Company has also recently obtained veterinary advice from the Department as to conduct of its operations. To date, the



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26. On 6 May 2024 all staff were spoken to about what had been disclosed to us on 5 May 2024 to ensure that none of our staff had been involved with the entry of FTP to the premises. I am satisfied from these discussions that none of the employees of the Business had any involvement with the taking of the footage or inviting FTP onto the property or indeed were aware of the video footage;
27. The abattoir is surrounded by a 6 feet high chain link fence to secure the premises. On the outside of the front entrance there are signs posted that entry is not permitted. The front gate can only be entered by way of possessing the code for the key pad on the front gate, knowing the correct number to call to utilise the automated gate opening mechanism (if you call the correct number then the gate will open) or a swipe card issued by the company. The premises are secured while it is closed from 6:00 pm each evening until the first employee arrives at 4.30 am in the morning;

The Effect of publication of video footage on the Business

28. I have been informed by Jason Ollington from the Department that FTP have provided or intend to provide the video footage to media on 14 May 2024 as he informed me and I verily believe that he was contacted by Channel 7 for comment with respect to the footage.
29. It was only upon being made aware that footage had potentially been provided to Channel 7 that I became concerned as to what FTP might do further with the footage and on 15 May 2024, instructed my lawyers to commence these proceedings.
30. On 16 May 2024 correspondence was forwarded to Seven following a request for media comment which had been conveyed to me. A copy of the correspondence forwarded to Seven and dated 16 May 2024 is exhibited to this my affidavit at "ET8". A response was received from Seven on 16 May 2024 and exhibited to this my affidavit at "ET9" is a copy of the response from Seven dated 16 May 2024.
31. A media advisor has been retained and I have been advised by the media advisor, Simon Pristel, and verily believe that he has spoken with Seven on my behalf, and Seven have indicated that they will not broadcast the video footage but are running a story this evening and that the company has issued a public statement. – Exhibited to this my affidavit at "ET10" is a copy of the media release.



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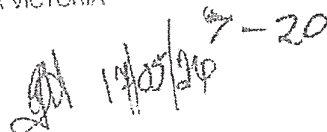
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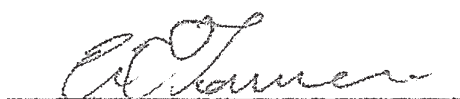


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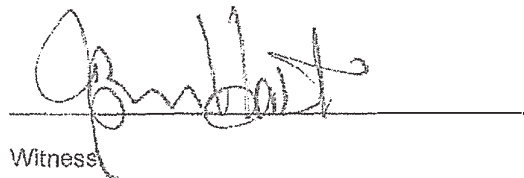
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32. If the video footage is published in the media it may cause serious damage to the Business. It will cause a loss of customers and suppliers and employees of the business. Many consumers react negatively to the slaughter of animals even though it is an obvious necessity in the production of meat. I expect that media coverage of the video footage would have the consequence that the Business would be required to close at least temporarily. Even in the event of a temporary closure the effect on the business is likely to be catastrophic and the following would likely occur:
- (a) Employees would be stood down pending the reopening of the Business.
 - (b) The Business would lose its workforce as employees would be forced to seek alternative employment.
 - (c) Suppliers would find alternative processors; and
 - (d) Competitors would take over the Business's existing clients.
33. Publication of the video footage is likely to be defamatory of the Second and Third Prospective Applicants. The video footage linked in Exhibit "ET4", the letter sent to the Department on 5 May 2024 is 13:57 minutes long. It shows footage captured on the following days:
- (a) 29 January 2024;
 - (b) 31 January 2024;
 - (c) 1 February 2024;
 - (d) 3 February 2024;
 - (e) 5 February 2024;
 - (f) 6 February 2024;
 - (g) 11 April 2024;
 - (h) 8 April 2024;
 - (i) 9 April 2024; and
 - (j) 10 April 2024.
34. The video footage shows a relatively small number of instances of staff interacting with goats in the slaughterhouse at a time when the First Prospective Applicant is likely to have slaughtered approximately 52,800 animals in the period between 29 January and 11 April 2024. The Company operates 5 days week and on average slaughters about 960 animals each day.



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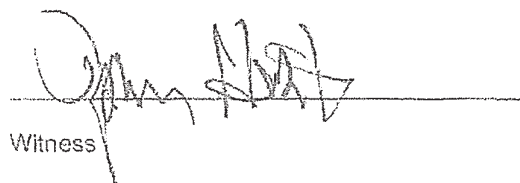
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35. The film if viewed out of context with the overall undertaking of the Business, misrepresents the manner in which the undertaking of the First Prospective Applicant is conducted and unfairly and wrongfully depicts the Second and Third Prospective Applicants as persons who tacitly or expressly condone animal cruelty and who operate an abattoir that is systemically cruel or inhumane to, or reckless as to the welfare of, the animals it commercially slaughters.
36. The video footage also identifies contract workers working in the Business and publication of the video footage would expose these employees to embarrassment, distress and public odium.
37. I am concerned that if an injunction is not granted, FTP will publish video footage captured at the business premises of the First Prospective Applicant between 29 January and 11 April 2024 on its website. On the home page of the FTP website, it purports to publish over 22,000 photos, 900 videos (many of which appear to have been captured in abattoirs) and 182 documents. Further on the Vimeo web platform located on the world wide web at folio identifier <https://vimeo.com/farmtransparency>, FTP appears to have posted 231 videos, again, many of which appear to have been captured in abattoirs. I have examined both the FTP website and the Vimeo website and have not been able to locate any videos posted by FTP of the Business.
38. If the injunction sought is granted on an interim or interlocutory basis, I and the First Prospective Applicant undertake to the Court that we will:
- (a) submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct), to any person (whether or not that person is a party), affected by the operation of the order or undertaking or any continuation (with or without variation) of the order or undertaking; and
 - (b) pay the compensation referred to in (a) to the person affected by the operation of the order or undertaking.
39. On 16 May 2024, I spoke to the Third Prospective Applicant who also informed me and I verily believe that she too offers to the Court the undertaking referred to in the preceding paragraph.



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Sworn / Affirmed by the deponent
at
in Victoria
on 17 May 2024
Before me:



Signature of deponent

Signature of witness
Solicitor/Justice of the Peace/Commissioner of Declarations


Witness name (in full)



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