



Hon Alannah MacTiernan MLC
Minister for Regional Development; Agriculture and Food; Ports;
Minister Assisting the Minister for State Development, Jobs and Trade

Our ref: 64-12862

Mr Patrick O'Brien
Secretary
Legislative Council Economy and Infrastructure Committee
Parliament of Victoria
Spring Street
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Dear Mr O'Brien

INQUIRY INTO THE IMPACT OF ANIMAL RIGHTS ACTIVISM ON VICTORIAN AGRICULTURE

Thank you for your letter dated 14 June 2019 and for the opportunity to provide a submission to the Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture.

The Western Australian Government supports the rights of our farmers to raise and process livestock within the legal framework of the animal welfare laws of each jurisdiction. We believe farmers should be adequately protected against those trespassing against farmers and processors because of their philosophical opposition to the livestock industry.

However it is important to understand that if we do not do more to develop confidence in our animal husbandry and processing, livestock producers risk losing market share to manufactured meat and dairy substitutes. The modern consumer is demanding higher standards of transparency in animal welfare. We need to deliver that to be sustainable.

We acknowledge there have been several incidents of animal activists unlawfully entering properties in WA, as well as harassing producers from public places.

Trespass and harassment are criminal matters. The Department of Justice and the Western Australian Police Force are taking this matter very seriously. Not only do trespassers invade a producer's privacy and interfere with the normal running of their business, they also pose a serious risk to farm biosecurity and animal welfare.

In WA there are already significant penalties for trespass – up to one year's imprisonment and a \$12,000 fine. These represent a very real deterrent. The recent

successful prosecution for an act of trespass on a WA piggery, including a total of \$13,500 in fines, appear to have deterred activists. As far as I am aware, no further such trespasses by animal activists has taken place since the penalties were imposed.

In order to better address the issue, the WA government is in the process of developing amendments to legislation by introducing circumstances of aggravation for the criminal offence of trespass. The proposal is a targeted response aimed at better protecting the agricultural industry from unlawful interference.

The key change will be the introduction of aggravated circumstances for the offence of trespass, to apply where the offender interferes with agricultural production while trespassing. The maximum penalty for aggravated trespass will be a fine of \$24,000 and imprisonment for two years, double the usual maximum penalty for trespass.

In addition to any other penalty imposed, and subject to a limited judicial discretion, a person who commits aggravated trespass will be made subject to a community based order containing conditions aimed at preventing further offending. The community-based order also avoids exclusive reliance on monetary penalties which can be met through crowd funding. The Government's reform package will also include amendments to the *Restraining Orders Act 1997* (WA) making it easier for agricultural landholders to seek the protection of a misconduct restraining order where appropriate.

The WA Police Force have set up a task-force, with representatives from the Department of Primary Industries and Regional Development and livestock industries, to address this issue and educate farmers on their legal rights and how to appropriately respond to any incidents.

If you require any further information please contact Dr Mia Carbon, Manager Biosecurity Strategy, Department of Primary Industries and Regional Development on

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**HON ALANNAH MACTIERNAN MLC
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