

Victorian  
Farmers  
Federation

# Inquiry into the impact of animal activism on Victorian Agriculture

Economy and Infrastructure Committee

2 August 2019



## EXECUTIVE SUMMARY

The Victorian Farmers Federation (VFF) has members across all commodities that form the Victorian agricultural sector. The membership hold concerns for their businesses, families and livestock as a result of the recent increase in animal activist activity in Victoria, and across Australia. The impact of this illegal activity is having devastating implications on farmer's physical and mental health, but also undermines their legitimate right to farm.

Victoria is home to some of the most rich and diverse agricultural products in Australia. Producers in Victoria generate over \$14 billion of agricultural produce from 12 million hectares. Victorian farmers are some of the most efficient and innovative in the world. Our primary producers employ world's best animal welfare practices, with them leading the way globally. Our farming practices allow consumers access to some of the world's best quality and most ethically produced food and fibre.

The Victorian Government must protect farmer's ability to engage and undertake their legitimate business operations. Farmers being forced to work in an environment where they are fearful of farm invasion is completely unacceptable. The State Government must create a legislative framework that protects primary production businesses, families, staff, infrastructure and their livestock.



## INTRODUCTION

### **The Victorian Farmers Federation**

Victoria's agricultural production accounts for over \$14 billion of Victoria's economy and over 25 per cent of the State's exports per annum. Victoria's farmers produce high quality food and fibre, produced to high standards of safety, with little taxpayer support, and to some of the strictest environmental and highest animal welfare controls in the world.

The Victorian Farmers Federation (VFF) represents a farming community which creates a profitable, sustainable and socially responsible agriculture sector connecting with consumers.

We have a proud history representing Victoria's farm businesses since 1979 – primarily family farms that produce the eggs, grain, fruit and vegetables, meat, and milk that help to feed Victoria's six million people, and the bigger global community, every day.

The VFF consists of commodity groups: dairy (United Dairyfarmers of Victoria), grains, horticulture (including Flowers Victoria), intensives (chicken meat, eggs and pigs), and livestock – and expert committees representing; water, land management, agricultural and veterinarian chemicals, farm business and rural development, and workplace relations.

Our purpose is to make Victorian farmer's lives better; enhancing Victoria's future.

Our mission is to ensure a community of farmers creating a profitable, sustainable and socially responsible agricultural industry connecting with all Victorians.

## Addressing the Terms of Reference

### **a. the type and prevalence of unauthorised activity on Victorian farms and related industries, and the application of existing legislation**

There has been a rapid and coordinated increase in animal activist campaigns sweeping Australia. These events have taken place via public demonstrations, social media, use of drones and technology and unfortunately illegal entry onto private farming properties.

The VFF is supportive of Australians having the right to voice their opinions, protest and speech. However, this has to be done in a legal manner, and a manner that doesn't inhibit a person or entity's ability to undertake their lawful business. Many of the recent acts carried out by activists have been illegal as they engage in trespass, criminal damage and theft. The VFF implores the State Government and the judiciary to create an environment where the community understands that everyday Victorians do not accept this behaviour.

Despite the State of Victoria having existing trespass legislation, it is not accommodating the current issues occurring on farms, and the criminal code cannot be retrofitted to these circumstances within the judiciary system. Evidence of misapplication has been identified with fines being issued to persons who have engaged in trespass receiving a fine of \$1. This demonstrates the requirement for the State of Victoria to urgently establish laws that protect farmers' livelihoods.

### **b. the workplace health and safety and biosecurity risks, and potential impacts of animal activist activity on Victorian farms, to Victoria's economy and international reputation;**

Australia has a global reputation for reliably producing food and fibre that is of high quality and free of harmful pests and disease. Biosecurity is paramount for each and every agricultural business, and those who are engaged in the supply chain. There is a real threat of activists illegally entering farming properties which poses a biosecurity risk. Biosecurity incursions can have significant impacts on livestock, the farming property, and throughout the supply chain.

An incursion on farm can result in serious injury or death of both animals and humans. An activist who may not be trained in animal handling is at serious risk, particularly if livestock are in yards. Incidences have occurred across Australia where a human has been pushed against yards and railing, resulting in serious injury or death. The VFF is explicit in outlining that farm owners and employees are trained and experienced with the handling of livestock, and the VFF does have concerns for trespassers who may not be experienced, or spook livestock when engaging in illegal activities

Recently within the media, activists have made claims that the agricultural industry will hide behind biosecurity as a means of covering poor animal welfare practices. The VFF disputes this claim, and is on the public record outlining that we will never stand by and support poor animal welfare outcomes.



As referenced in the VFF commodity submissions, it is important to outline that livestock on a farming property are effectively in a quarantine environment. Animals on farm experience constant and reliable environmental conditions, feed, water and care. Any change in condition can cause stress, introduce pests or lead to negative health outcomes for the animal. An unauthorised farm entry can change the environment leading to devastating outcomes for livestock. As a result, an activist may unknowingly jeopardise the health and lives of any breed of livestock.

The introduction of dust, dirt, debris and other foreign matter can have serious ramifications for livestock, particularly those in intensive farming systems. If the introduction of disease does occur, it usually spreads through an entire flock/herd quickly. The management of diseases in livestock is expensive with the requirement to administer antibiotics. This is cause for concern as animals can build immunity to drugs which results in public health concerns. There are many diseases that originate in animals, but can spread to humans. We have seen global examples of this with swine flu, bird flu and foot and mouth disease (FMD).

Instances where there is a severe outbreak, or the disease is transmittable in humans, a complete destock may be necessary. This process usually forces the farmer to cull their livestock. This is distressing for the farmer, and causes mental health and financial anguish. Further, this is completely at odds with the beliefs of animal activist organisations. If activists want good animal outcomes, they are best to cease entering farming properties illegally and unaccompanied.

These situations may sound severe, but they are a reality. The impact a serious disease outbreak or destocking event would have on the Victorian economy is immense. Additionally, if an event like this occurs, global trading partners cease trade immediately. Due to Australia having rigorous certification for clean and pest free products, farms can be in quarantine for many years after the event. This situation results in years of financial pressure for the farmer which has flow-on effects for their employees. This scenario would impact the local, state and federal economy significantly.

Food security is defined as the availability of food and access to it. A biosecurity outbreak will also have serious ramifications for food security in Australia and those abroad. There is strong probability of a biosecurity incursion as a result of illegal trespass. As Victoria is identified as a national food bowl, access to food for all Australians as well as those in export countries will be compromised.

**c. animal activists' compliance with the Livestock Disease Control Act 1994, Livestock Management Act 2010, and the Prevention of Cruelty to Animals Act 1986;**

As mentioned previously, there is great responsibility on farmers to comply with rigorous legislation and regulation for the safe and proper management of livestock. These measures are in place to ensure the safety and wellbeing of animals.

Interestingly, the Prevention of Cruelty to Animals Act governs the way in which agriculture and the general community handle and treat animals. The Weekly Times reported on July 24 2019, instances of activists entering an intensive farming system. When the animals were spooked, it resulted in the animals

trampling each other leading to fatalities. Not only was this illegal trespass, the activist should be prosecuted for their actions resulting in animal cruelty.

To date, the current legislation is only being applied for the farming and transport businesses who are engaged in animal agriculture. This legislation must also be applied to those who elect to engage in illegal activity. The law must apply equally to all citizens of the community, regardless of occupation, religion or personal belief.

**d. the civil or criminal liability of individuals and organisations who promote or organise participation in unauthorised animal activism activities;**

The Federal Government has recently introduced a Criminal Code Amendment Bill to the parliament that addresses the use of carrier services to incite trespass or activism. The VFF remains supportive of this amendment as it provides another layer of security for farming businesses. Additionally, the amendment does address the issue of organised activism and the potential misuse of data which was portrayed in the Aussie Farms map example. Once this amendment passes the parliament, the map should be seen as illegal and be removed.

As mentioned in the United Dairy Victoria's (UDV) submission, there is the necessity to create a legal framework that addresses illegal animal activism undertaken by an individual, but additionally include clauses that penalises corporate entities that coordinate or engage in illegal acts. The VFF is supportive of the legislation being applied to directors of the corporate entity, as well as the business or body itself.

All the completed and current reviews have addressed the criminality of illegal animal activism. The VFF appreciates the opportunity to raise the civil liabilities that may arise as a result of illegal acts. The instances outlined in the submission, and those of VFF commodities highlight the risk of damage and loss of animals, infrastructure, income and health as a result of activist activity. Should a farmer wish to pursue recovery of damages, current civil law indicates there would be a case that could be pursued. The committee is encouraged to investigate whether current civil legislation is adequate in accommodating the unique and varied circumstances that are involved with respect to the operation of a modern farming enterprise.

**e. analyse the incidences and responses of other jurisdictions in Australia and internationally;**

The VFF acknowledges the legislative environment in respect to animal activism is rapidly changing and evolving in Australia. The State Government is encouraged to monitor this progress and look to see if there is scope for harmonisation. We have seen activists travel to other jurisdictions where there may be lesser penalties to undertake their illegal activities. Harsh, consistent penalties may combat this phenomenon.



The legislation currently being introduced in Canberra has already been discussed in this submission, there are State Governments who have also drafted, introduced and passed Bills.

Queensland and New South Wales have finalised their parliamentary processes, while Western Australia's Attorney General is drafting a proposal for Cabinet consideration. Queensland and New South Wales have implemented on-the-spot fines of \$650 and \$1000 respectively. The VFF encourages the Victorian State Government to adopt \$1000 (or greater) on-the-spot fines for any individual trespassing on a farm or agricultural related enterprise. The New South Wales legislation outlines individuals can be fined up to \$220,000 and corporations \$400,000.

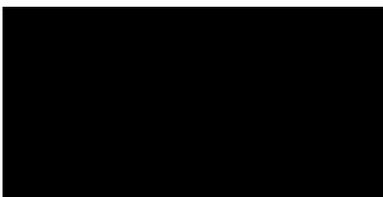
**f. provide recommendations on how the Victorian Government and industry could improve protections for farmers' privacy, businesses, and the integrity of our biosecurity system and animal welfare outcomes, whether through law reform or other measures**

The VFF is calling on the State Government to introduce farm trespass legislation as a matter of urgency. The risk to farmers, their businesses, health, livestock and infrastructure is too great. Further, the food security of Australians and our global partners cannot be jeopardised. If the state's agricultural industry is compromised, the economic loss suffered in regional centres, the state and Australia will be severe, and hold longstanding implications.

The VFF would also like the committee to consider the role crowd funding has when being used to fund the legal defence of someone who may have engaged in illegal activity. In light of what has occurred with former rugby player Israel Folou, there is a precedent to cease access to crowd funding for unintended purposes. The VFF is of the opinion that many may engage in illegal activities with the impression fines and legal representation can be raised via third party. The VFF is encouraging the State Government to work with the Australian Charities and not-for-profits Commission to begin a process that will phase out the ability to fundraise for the legal defence and payment of fines.

Thank you for the opportunity to engage in this important review process.

Yours faithfully



David Jochinke  
President

**Victorian Farmers Federation**