

2 August 2019



The Secretary  
Legislative Council, Economy and Infrastructure Committee  
Parliament House  
Spring Street  
EAST MELBOURNE VIC 3002

Via email: [aglawsinquiry@parliament.vic.gov.au](mailto:aglawsinquiry@parliament.vic.gov.au)

Dear Secretary,

**RE: Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture**

The National Farmers' Federation (NFF) welcomes the opportunity to provide a submission to the Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture.

The NFF was established in 1979 as the national peak body representing farmers and more broadly, agriculture across Australia. The NFF's membership comprises all of Australia's major agricultural commodities across the breadth and the length of the supply chain.

As the peak representative body for Australian farmers, the NFF objects to the ongoing and unjustified trespass attacks by animal activists on farms throughout Australia, including Victoria. The NFF commends the Victorian Government for recognising the importance of responding to this issue, and welcomes this inquiry, which will examine the effectiveness of legislation and other measures to prevent and deter activities by unauthorised persons on agricultural and associated industries.

This year has unfortunately seen a surge in anti-farming activism across Australia, including highly distressing incidents where farms and supply chain businesses have been invaded by large groups who harass and intimidate law abiding farmers, in pursuit of an extremist agenda. Farm invasions – and the threat of such incidents – have a significant impact on the wellbeing of farmers, their workers and their livestock, and can cause major disruptions to business operations.

The NFF has repeatedly called for state and federal action to review and strengthen trespass laws and procedures for enforcement. Legislative frameworks should protect farmers and supply chain businesses from the unacceptable invasion of property and privacy by anti-farming activists. There must be real consequences for these actions, to reflect the seriousness of the crime and provide a genuine deterrent.

The recent surge in farm trespass incidents highlights the fact that existing laws – and their interpretation by the courts – are not sufficient to discourage unlawful activity by animal

activists. It has been encouraging to see a number of state and territory governments moving to review and strengthen existing trespass laws, and in the case of NSW and Queensland – to create new offences under biosecurity legislation. At a national level, it has also been highly encouraging to see the Federal Government take steps to protect farmers, including through the amendment of the Criminal Code to create new offences for those who incite trespass, property damage or theft on agricultural land.

The NFF welcomes the Victorian Government inquiry into the impact of animal rights activism in Victoria. Further comment is provided below, with reference to the terms of reference for the inquiry. The NFF is a national body, and state-specific input will be provided by our member organisation, the Victorian Farmers' Federation. The NFF supports the submissions put forward by the Victorian Farmers' Federation and its member organisations.

### **Unauthorised activity on Victorian farms, and the application of existing legislation**

Unlawful activity by activists creates serious risks to on-farm biosecurity, the health and welfare of livestock, and the feeling of safety of families and staff living and working on affected properties. Governments, police prosecutors and the judiciary must respond in a manner that discourages further illegal actions, but in many cases police have chosen not to make arrests, and when they do punishments ordered by the courts have been inadequate; failing to recognise the seriousness of the crimes and to provide a deterrent.

This has certainly been the case in Victoria, where some of the penalties imposed by the courts have been so far from satisfactory that it is humorous to think individuals would be deterred from reoffending. As the committee would be aware, in December 2018, 70 activists invaded the Gippy Goat Café in Yarragon and stole three goats and a lamb from an outdoor pen and loaded them into the back of cars. These offences carry maximum penalties of \$9671.40 under the Livestock Disease Control Act. Court imposed fines for the activists totalled at \$2. These weak punishments provided no deterrence to other activists who in the months that followed consistently harassed and abused staff, customers and the owners of the Gippy Goat Café, ultimately forcing the owners to close the café.

The NFF understands that there have been a significant number of attacks on Victorian farms by animal activists, with a particular focus on intensive production systems such as piggeries, egg and broiler farms. These incidents have included property damage – such as cutting fences, breaking doors and offensive graffiti on farm buildings – and theft of animals. There have also been reports of biosecurity breaches such as the spreading of respiratory disease, and livestock deaths. This includes the loss of hundreds of chickens on separate farms due to smothering and also predation after activists have let the birds out of their pens at night.

### **Health and safety and biosecurity risks resulting from animal activist activity on farms**

Biosecurity underpins the success of our agriculture industries, and there are highly regulated controls in place to avoid the spread of pests and diseases through livestock and plant industries. Outbreaks and the spread of disease can cost industry millions of dollars in management costs and production losses, jeopardise export market access and have serious public health implications. Biosecurity is compromised when unauthorised persons and vehicles enter farm premises. By not wearing proper equipment, walking between quarantined zones, and moving from farm to farm unauthorised persons are inadvertently exposing animals to disease risk. In many intensive industries, biosecurity is the highest priority. Diseases such as *Salmonella* Enteritidis, foot and mouth and swine fever can be transported onto properties

easily without the correct prevention practices in use. Most intensive systems include strict exposure protocols and clothing requirements for people entering and working at the property.

The theft and relocation of livestock by animal activists is not only illegal, but when animals are captured, taken from enclosures by force, carried over fences and forced into cars it has a severe effect on their health and wellbeing. In some cases, livestock are returned to farmers in a poorer condition due to the lack of proper feed, or injury during transport. There have also been situations where the animals have been dumped on the side of the road due to activist's fear of prosecution. Activists may intend to "save" animals from farms but in reality, they're putting the welfare of those animals at risk.

Farm invasions are highly stressful events. Not only does it create anxiety for the animals due to improper handling, but it affects workers who are often subject to targeted harassment and abuse. Employees who take pride in their work and are performing their role to the high standards set by industry are put in threatening situations – particularly when large numbers of activists occupy their workplace. This creates an unhealthy environment for employees and it is difficult for farm managers to ensure the safety of their workers when there is a threat from unpredictable unauthorised activity.

It should also be noted that threat of trespass events, and uncertainty about when and if such events will occur, is also a very real issue for some farmers, and can be deeply distressing. Farmers should have the right to go about their lawful business free from the threat of harassment and disruption.

### **Liability of those who promote or organise unauthorised animal activist activities**

Trespass by animal activists causes disruption, damage and distress to hard-working farmers, their families and their animals. Individuals and organisations who promote and organise attacks on farms should be held accountable for the role they play in this disruption.

The Federal Government has moved to crack down on this activity, with the Attorney-General introducing the Criminal Code Amendment (Agricultural Protection) Bill into parliament on 4 July this year. This Bill will create new offences for those who use a carriage service to incite trespass, property damage and theft on agricultural land, with maximum penalties of five years imprisonment. The NFF strongly supports this legislation, which recognises the seriousness of the crime of inciting trespass, and will create a strong deterrent. It is critical that both individuals and organisations are held accountable when they act to promote and organise participation in unauthorised activities.

Penalties for those who organise, recruit for and engage in farm trespass in pursuit of an extreme agenda must reflect the seriousness of the offence and the harm created. It follows that penalties should not only include fines but also criminal convictions and prison sentences where appropriate. There is a widely shared view that fines often fail to provide a genuine deterrent or disincentive to reoffend, and in many instances are paid for through crowd-funding.

### **Responses from other jurisdictions**

It has been encouraging to see a decisive response from several state governments to address the surge in anti-farming activism and trespass incidents through legislative and other measures. Several jurisdictions have put in place measures that recognise the heightened biosecurity risks that accompany an increase in these activities. These responses – and an

assessment of their impact – will provide a useful input to the committee’s deliberations about possible measures Victoria, and include:

- Introduction of a \$652.17 on-the-spot fine under the Queensland Biosecurity Act for failing to comply with a farm’s biosecurity management plan.
- Introduction of a Bill to amend the Queensland Criminal Code to create three new aggravated trespass offences (the Criminal Code (Trespass Offences) Amendment Bill 2019). This legislation is currently subject to a parliamentary inquiry.
- Announcement by the NSW Government that from 1 August it will introduce new on-the-spot trespass fines of \$1000, and access to court-imposed fines of up to \$220,000 for individuals, or \$440,000 for corporations, under the NSW Biosecurity Act. These fines recognise the biosecurity risk posed by illegal trespass on farms.

### **Comment on lawful protest and whistleblowers**

Farmers understand their responsibility to be transparent in the way they operate and to respond to community expectations around important issues such as animal welfare. It is important that whistleblowers and those who lawfully disclose instances of animal cruelty, mistreatment or other criminal activity are protected. The NFF also strongly supports the right of Australians to express their views and to engage in protest in a peaceful, respectful and lawful way, and stresses that law reform and other measures should not compromise that right.

The NFF thanks the committee for the opportunity to provide a submission to this inquiry, and hopes the inquiry will lead to meaningful legislative change and other measures that improve protections for Victorian farmers, their families and workers and their livestock.

Yours sincerely,



**TONY MAHAR**  
Chief Executive Officer