

Queensland Department of Agriculture and Fisheries Submission to the Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture; 20 June 2019

Queensland Animal Rights Protest Activity

Since December 2018, animal rights protestors have made representations at, or adjacent to the locations of poultry and beef abattoirs, a cattle feedlot and farms where dairying, pig production and animal grazing were being carried out. The extent of assertiveness of the protestors has ranged from minor gatherings in public places, sometimes adjacent to animal food supply chain enterprises, causing little or no disruption, through to private property trespass and in some cases, involving damage to property and/or theft.

Legislation

In Queensland, offences relating to the act of trespassing are dealt with under the *Summary Offences Act 2005* administered by the Queensland Police Service (QPS). For example, section 11 advises that a person who enters a dwelling or a business unauthorised can be issued with a maximum penalty of 20 penalty units or one year's imprisonment. A business could mean an intensive agriculture facility or feedlot.

The *Summary Offences Act 2005* has been the primary legislation used for the prosecution of persons involved in activist related incidents in recent times.

Recently Made Legislation

While the Queensland legislative provisions dealing with the criminal aspects of trespass are well established, the legislative provisions concerning the biosecurity aspects of trespass were not so clear. Activities at places where animals are kept can pose a serious biosecurity risk, especially in relation to the spread of animal diseases. Given this, in April 2019 a new offence provision was included in the Queensland *Biosecurity Regulation 2016* requiring a person to comply with a biosecurity management plan (BMP) at particular agricultural places. A maximum of 20 penalty units was applied to the offence and it was also prescribed as an infringement notice offence of five penalty units.

Over recent years, there have been significant efforts made by Government, industry and other stakeholders to encourage those who keep animals to develop a biosecurity plan for their properties. These plans identify the most significant biosecurity risks relevant to the property and detail measures that should be taken to minimise those risks.

To ensure the new offence can be applied to a property, the property owner must have a BMP, have it available for inspection during recognised business hours and have signs at entries to management areas that explain the property is subject to a BMP.

A person entering a property with a BMP must comply with the requirements of the plan unless they have a reasonable excuse. Examples of a reasonable excuse include paramedics needing to enter the property for a medical emergency or an energy company needing to fix some infrastructure.

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Risk Minimisation Strategies and Resolutions

In partnership with the Queensland Department of Agriculture and Fisheries (DAF) and with the assistance of industry groups and community members, QPS continually monitors the operating environment across Queensland to identify possible protest actions prior to their commencement.

In April 2019, DAF formed a joint Taskforce involving key agriculture industry representative organisations and the QPS, to focus specifically on animal rights activism risks and facilitate the timely sharing of information for all animal agriculture and exhibitor industries. The Taskforce's primary objective was addressing issues associated with the preservation of safety of all persons, public order, the avoidance of disruption to farm enterprises and the minimisation of biosecurity and food safety risks.

The Taskforce generated advisory information to help farmers and animal exhibitors to de-escalate difficult situations at future incidents, maintain the safety of all persons and strengthen biosecurity risk management. Industry members of the Taskforce played an important role in contributing to the body of advisory information and in the subsequent distribution of the information broadly to producers, enterprises and exhibitors across the State.

It is acknowledged that protest activity can be underpinned by a considerable degree of sophisticated planning in conjunction with the use of social media. The QPS, where possible, engages and negotiates with activists to ensure any planned protest actions are lawful and reasonable.

In cases where the law has been breached, and impacted farmers or enterprises elect to make a formal complaint, QPS conducts an investigation and where evidence is sufficient commences prosecution. The QPS Rural Major Organised Crime Squad (RMOCS) has the capacity and capability to locate offenders committing these offences across the state and actively works with regional police to ensure a coordinated response and an effective investigation occurs. A number of these offenders have now had their matters finalised in court with the offence range being \$400 to \$1 300 in fines.

The RMOCS also routinely engages with land owners/occupiers and provides protective advice and education regarding responses to farm incursions and reporting related offences.