

TRANSCRIPT

LEGISLATIVE COUNCIL ECONOMY AND INFRASTRUCTURE COMMITTEE

Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture

Melbourne—Monday, 23 September 2019

MEMBERS

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Mr Bernie Finn—Deputy Chair

Mr Rodney Barton

Mr Mark Gepp

Mrs Bev McArthur

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Ms Sonja Terpstra

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Ms Melina Bath

Mr David Davis

Mr David Limbrick

Mr Andy Meddick

Mr Craig Ondarchie

Mr Gordon Rich-Phillips

Ms Mary Wooldridge

Dr Catherine Cumming

WITNESSES

Ms Sally Fensling, Executive Director, Animal Welfare Victoria, and Executive Director, Agriculture Regulatory Policy;

Mr Michael Rosier, Acting Executive Director, Biosecurity Services, Biosecurity and Agriculture Services; and

Dr Cameron Bell, Acting Chief Veterinary Officer, Biosecurity and Agriculture Services, Agriculture Victoria.

The CHAIR: Good morning, everyone. The Committee is hearing evidence today in relation to the Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture, and the evidence is being recorded. Everyone in the public gallery, please make sure you do not use your phone. Phones should be on silent, and no photos are allowed unless you represent the media.

Welcome to the public hearing of the Economy and Infrastructure Committee. All evidence taken at this hearing is protected by parliamentary privilege, therefore you are protected against any action for what you say here today, but if you go outside and repeat the same things, those comments may not be protected by this privilege. Before you start can you state your name for the Hansard record, and allow us some time to ask you questions. Welcome.

Mr ROSIER: Michael Rosier, Acting Executive Director for Biosecurity Services.

Ms FENSLING: Sally Fensling, Executive Director of Animal Welfare Victoria.

Dr BELL: Cameron Bell, Acting Chief Veterinary Officer.

Visual presentation.

Mr ROSIER: Good morning, everyone. We have just got a brief presentation, before we kick off into questions, that we just wanted to step people through just to provide a sense of Agriculture Victoria's role and some points that we feel are relevant to the nature of the discussions at this hearing.

The role of Agriculture Victoria within the Department of Jobs, Precincts and Regions is a multifaceted and broad one. Essentially we support Victoria's food and fibre sector to be globally competitive, resilient and responsive. We undertake a range of activities and services. They stretch from research, a lot of policy work, a lot of in-field work relating to provision of best practice information and advice, extension, activities, education, regulation and compliance, industry development and market access.

By way of context—and this is important in relation to the work that we do and the issues of discussion—just to provide a sense of the context for agriculture and livestock in Victoria, despite having a relatively small percentage of agricultural land and development relative to some other parts of Australia, Victoria is actually a very significant producer of agricultural products. We are talking about around 21 000 farms, 70 per cent of which are livestock-based, and that is significant. In terms of productivity, the 2017-18 financial year statistics for Australia's total gross value of agricultural production had Victoria contributing over 25 per cent of the nation's total, at a value of around \$15 billion relative to the national total of \$59 billion—so very significant. The industry in Victoria is also relevant and important in terms of regional and rural communities and employment, with around 52 000 people employed in the sector—so very significant in terms of the state and the national economy.

In terms of the pertinent matters within that context for today—the animal welfare and biosecurity responsibilities that we have as Agriculture Victoria—our role in implementing biosecurity is essentially around implementation of measures to protect the economy, the environment and society from threats and impacts associated with biosecurity threats. Those threats are plant pests and diseases, animal pests and diseases, and invasive species. We work within a national system. That is important to note because in terms of managing biosecurity threats, anything pre-border or at the border to the country is the remit of the Commonwealth Department of Agriculture. Anything that is post-border, as we call it, within jurisdictions is the remit of that lead agency, and Agriculture Victoria is the lead agency for biosecurity incursions in Victoria.

Animal welfare—we obviously have a very significant role in that space, and that extends from things such as making sure that all Victorians are aware of their animal welfare responsibilities. It extends to developing policies that are based on science and evidence, implementing the *Animal Welfare Action Plan* for Victoria and administering the *Prevention of Cruelty to Animals Act* in Victoria. We also have a memorandum of understanding with RSPCA Victoria in regard to responding to animal welfare complaints.

Just by way of a quick visual cue, this is the geographic footprint of Agriculture Victoria. This is not just boots on ground—animal health and welfare staff, for example. It also includes a lot of staff involved in agriculture services which are out there connecting with rural communities as well, talking about a broad range of commodity areas—red meat, yes, but also commodity areas such as grains, irrigation, dairy, horticulture and a range of others. It also represents Agriculture Victoria research staff, as well as technical staff and policy staff. The point of this visual is just to let the Committee know that we are out there connected into our regional communities. That is really important for us, to be placed out there with those communities and with those industries, understanding the challenges and the opportunities that they have, and also out there to remind them of their obligations as well as the regulator.

Just jumping to some key legislation relating to farm animals, the *Livestock Disease Control Act* really sets out the requirements to protect Victorian livestock from disease and to maintain enhanced domestic and international market access. It is also there to protect public health by preventing diseases that are transmissible to humans—what we call zoonoses. It also facilitates the operation of livestock traceability systems, which are obviously very, very important for market access and trade. The *Livestock Management Act* really provides a framework to regulate specific standards relating to livestock management. And really the intent of that legislation is to apply to anyone that owns, manages or works with livestock in a capacity relating to those specific prescribed standards. So that is the intent of that Act. The *Meat Industry Act* is something that is primarily administered by PrimeSafe, and that relates to the handling of live animals in places such as abattoirs, poultry processing facilities and pet meat processing facilities.

And then there is obviously the *Prevention of Cruelty to Animals Act*, which is the premier piece of legislation governing animal welfare in Victoria, which briefly I will just step you through. It has got three key purposes: to prevent cruelty to animals, to encourage considerate treatment of animals and to really improve community awareness about the importance of preventing cruelty to animals. It establishes the key threshold concept of unnecessary pain and suffering and has a range of regulations and codes that are connected with it. In terms of the codes, their purpose is to set out minimum standards and practices in relation to the keeping of species and for broader animal welfare-related activities. Most of those codes presently are advisory in nature. However, a code can be made mandatory through recognition within POCTA. So as an example, POCTA—as we call the *Prevention of Cruelty to Animals Act*—mandates that debarking of dogs is only done in this accordance with the code of practice. So codes can be made mandatory through recognition in the overarching legislation. Just a point at the end there: prosecution for non-compliance with the code can occur if the action also constitutes a breach of the Act or regulations. We have noted that is something that has come up previously in terms of reference to exemptions, and we just wanted to make sure that that point is understood by the Committee.

Just quickly, other relevant legislation: the *Surveillance Devices Act*, *Civil Aviation Act* and *Privacy Act 1988* are all Commonwealth pieces of legislation. Obviously there is the Victorian version of privacy, which is the *Privacy and Data Protection Act 2014*, which has some relevance, and then the *Crimes Act* and *Summary Offences Act*. In terms of that legislation, that is primarily administered really through the Department of Justice and Community Safety. I think it is relevant just to note the *Summary Offences Act* in particular does make reference to offences such as trespass, refusing to leave a private place, damaging property, entry with a (provision) to breach the peace, blockades of farm areas, footpaths and roads, and what they refer to as besetting or harassing. That is all covered within the *Summary Offences Act*.

Just in terms of a quick note on potential impacts and risks to Victorian agriculture, and these were referenced in the department's submission to the Inquiry, we just note that there are a range of potential risks associated with unlawful activities on farm or in relation to livestock and the management of livestock, and those include biosecurity risks not just with a sense of exotic animal disease but also in relation to endemic disease, animal welfare obviously, public health—I mentioned a reference to zoonoses previously; there are public health matters to be considered in relation to unlawful activities on farm and at facilities—human safety and wellbeing

just naturally in terms of interacting with livestock in a range of potentially dangerous situations, stock theft and then business disruption, and that is not necessarily limited to farms or facilities. It could be in relation to trucks, livestock movement—welfare where things are being delayed or prevented from going forward—which does not just have impacts potentially in terms of that place but could also have upstream or downstream impacts on other operators within the supply chains. So that is also just something to bear in mind. I am conscious of time, so I might end there and we will open it up for questions, Chair, if that is okay.

The CHAIR: Thank you. Would Sally or Dr Bell like to add anything?

Ms FENSLING: No.

The CHAIR: We will go straight to questions. In your submission you state you work with a wide range of stakeholders to advise the Government on animal welfare issues. Who are the stakeholders? Can you name them, please?

Mr ROSIER: I can name a range of them, but I might also defer to Sally in terms of her role as Executive Director for Animal Welfare Victoria. In terms of animal welfare, the Victorian Farmers Federation is actually an organisation that obviously we liaise with. They are the premier one really for us, and I made reference to it earlier by mentioning the memorandum of understanding, but obviously the RSPCA Victoria is a key one for us and also there are a range of industry groups that are also represented through committees such as the livestock committees that we sit on as well and that we interact with in terms of a broad range of livestock and associated animal welfare matters. Sally, are there some other key ones that you just wanted to reference?

Ms FENSLING: They are a number of the key ones, but for processes like the development of legislation or codes we typically take a really broad view and open conversations with a really wide range of community members and representative organisations, so it might be that we engage with particular individuals and livestock producers that make themselves known to us or are particularly interested in the topic which we are considering. We might work through representative groups. Michael touched on the VFF as well as RSPCA. We work actively with Animals Australia and other groups like that as well. We also work with the Minister's animal welfare advisory committee—they are a group of experts appointed by the Minister that provide us with their expertise and experience on a very wide range of matters—and then a range of sector organisations. So if we are dealing with domestic animals, we might work with Dogs Victoria, and if we are talking about rodeos, we would work with the rodeo organisations and those sorts of things, but certainly no matter what we are talking about we try and engage as directly as we can with people who are interested. The list is long.

Mr BARTON: Good morning, Michael. I wonder if you can tell me: has there been a biosecurity incident because of activists in the last five years?

Mr ROSIER: Agriculture Victoria is not aware of a biosecurity incident directly linked to activities by activists, so we do not have data around that. What I would say is it is potentially a risk—

Mr BARTON: I understand.

Mr ROSIER: around illegal trespass and associated risks on site. I understand there has been some discussion around things like exotic animal diseases. That is an issue if they are there in the first instance. Certainly we do not want anything like that occurring in this country. I am talking about significant things like African swine fever—there is a lot of media around that at the moment, particularly with the spread of that internationally—foot-and-mouth disease, those sorts of risks that are generally known but are also not esoteric things. There are legitimate risks around diseases like that potentially coming into Australia. You only need to look at the UK experience back in 2001 around that. That still remains to this day I think the largest logistical exercise since World War II for that country. It delayed a general election and all sorts of things.

The potential risk around exotic animal diseases I think is always a consideration. The reason I mention it is because if you do get something like that—and knock on wood we do not—then one of the very first things you are trying to do is contain it and make sure it is not inadvertently spread. That is really important to re-establish market access, so that is why I mention exotic animal diseases.

The endemic ones I think are something that have perhaps not been talked about a lot. There is a risk of people potentially—through mixing with livestock and opening gates, that sort of thing—creating a transfer of endemic disease even within a herd on a property. Sometimes producers will very deliberately segregate parts of their herd because they have different disease statuses or have been treated or there are new stock on the property; there are reasons why they do that. However, people that may be coming onto that property may not be aware of the biosecurity practices and the things occurring on the property, so that may inadvertently result in some of those things occurring.

To answer your question: no, we do not have clear evidence of that at this point. It is always something that is a consideration and a risk.

Mr BARTON: I guess, as you do—

The CHAIR: I believe the public are having problem in hearing us. Unfortunately these microphones are for Hansard, but we will do our best. I cannot ask people to yell and scream, but we will do our best. Sorry to interrupt.

Mr BARTON: Thank you, Michael. I guess it is a sign that you are doing your job, that we are handling all these things in Australia. We are pretty good at all this sort of stuff. One of the other things I would like to ask about is trespass with drones flying over people's properties. Do we consider that trespass when they are filming for, how can I say, mischievous reasons? Or should we consider it?

Mr ROSIER: I made reference earlier in the presentation to some legislation in relation to surveillance devices. Sorry, I have just been reminded to speak up. The issue around the drones and that use needs to be considered a lot further. What I would say is that in relation to Agriculture Victoria's position we would not condone any illegal activity that is occurring in relation to impacts on farms. That is a general statement but it is true.

Do we regulate the farming community as workers as well as work with them? Yes, we do, absolutely. And the presentation clearly outlined part of our role. We are also there to ensure that people are meeting their requirements. That is part of the role that we perform as well. As a general position, if there is illegal activity that is occurring in any way, shape or form, then obviously that is not something that the department would condone.

Mrs McARTHUR: Just a basic question: I was not quick enough to do the maths on your slide, but how many staff have you got located in the country areas of Victoria compared to Melbourne? That would be my first question.

Mr ROSIER: I do not have the exact numbers for you, and it does fluctuate from year to year. What I would say is that the majority of staff are based in outer Melbourne or regional areas. There is certainly a contingent that is based in key areas such as Attwood, which you can consider is sort of outer Melbourne, but those places like Attwood, the Ballarats, the Geelong, the Horshams, are key hubs in terms of our regional communities. I would say a lot of our staff are based regionally, and that is for a very good reason. That is where we need to be.

Mrs McARTHUR: Exactly. And if I may, Chair, you have mentioned the risks associated with animal activist activities: biosecurity, animal welfare, public health, human safety and wellbeing, stock theft and business disruption. It is quite a number of risks associated with this issue. How do you see Agriculture Victoria's role in the whole area of human safety and wellbeing, for example, with farmers who we have heard feel quite threatened even if they have not had activists on their properties—the notion that they could have. How are you relating to that?

Mr ROSIER: Certainly we are aware of some people reporting those sorts of experiences or instances. I guess from our perspective, when we are out there on the ground whether it be on farming enterprises or whether it be in saleyards, wherever it may be, our role is making sure that people are aware of best practice, whether it is best practice animal welfare or best practice biosecurity; making sure that people understand where they can go to for that information if they need to improve practices; and working with those producers if there are instances where people are asking for support or for information.

Our role is really one of signposting them. In terms of advice to the sector, if people or producers are connected with farming associations, then they will obviously be able to get advice and information through the channels. Really we would advise producers to have a farm plan. They should have a biosecurity plan and a farm management plan. So it is really around producers—

Mrs McARTHUR: What about a personal security plan?

Mr ROSIER: A personal security plan?

Mrs McARTHUR: Well, if they feel threatened by people coming onto their properties, do you advise them about how to protect their own welfare?

Mr ROSIER: Not directly. I think what we would do in those instances is really encourage and signpost, as I said earlier, those people to other support mechanisms. So in that instance really the obvious referral there would be to VicPol—Victoria Police—if people do genuinely feel a threat or have experienced one. So we would more defer to VicPol in that sort of circumstance.

Mr GEPP: Thank you for coming along today. Just a couple of questions. I do not want to steal Mr Meddick's thunder; I am sure he has got some questions for you. But I am particularly interested in POCTA and its application and whether it applies to livestock—if you could explain a bit the conditions under which people would be charged under the Act. I note from your testimony that many of the codes are advisory rather than mandatory, so if you could just walk us through that a little bit. And could somebody also explain the announcement—I think it was around about July—between the Government, the Royal Agricultural Society and the VFF? It was in relation, from memory, to biosecurity matters and animal welfare issues. If you could just talk us through that announcement a bit and what that was designed to do, please.

Mr ROSIER: I might actually ask that of Sally.

Ms FENSLING: I might start, if I may.

Mr GEPP: Please.

Ms FENSLING: There are a number of aspects of that question, and we might share the load a little. So the *Prevention of Cruelty to Animals Act* does define animals in a legislative sense, around being vertebrate-related species. It does also define farm animals. They are those kept and used in primary production, so cattle, sheep, pigs, poultry, goats and deer. It also includes horses other than those that are used in sport, equestrian, pony clubs and those sorts of things. So the Act very clearly defines animals and includes livestock, and that is incorporated under the *Prevention of Cruelty to Animals Act*.

In relation to your question around codes, the Act also specifically provides for the making of codes under section 7 of that Act. Codes are set out, as Michael touched on in the presentation, with minimum standards for practices in relation to a range of species. Those practices can relate to the keeping of animals, husbandry and transportation—those sorts of things can be outlined in codes. They are made after usually fairly substantive consultation with a range of groups—animal welfare-related groups as well as industry and the broader community.

As Michael touched on, there are some codes that are mandatory through the *Prevention of Cruelty to Animals Act*. You mentioned the debarking of dogs. There are other ways in which those codes are made mandatory. So, for example, they can be referred to in other pieces of legislation. For example, the *Wildlife Act* mandates the code in relation to the private keeping of reptiles and caged birds. So there are other ways in which the codes are recognised as mandatory, just not through the POCTA Act.

Mr GEPP: Caged farm birds?

Ms FENSLING: Caged birds? No.

Mr GEPP: Poultry?

Ms FENSLING: No.

Mr GEPP: Right, okay.

Ms FENSLING: As you indicated in your question, most of the codes are advisory at this stage, though. I think Michael touched on as well that the Act does provide that a person cannot be prosecuted if they are carrying out an activity or a practice that is undertaken in accordance with those codes. So that is the way in which they work.

In terms of the operation and application from a compliance point of view, do you want to add anything at this point?

Mr ROSIER: Not specifically. The other element, though, is the VFF.

Ms FENSLING: Yes. So earlier this year the Victorian Government announced a partnership with the VFF. That was really around supporting farmers to deal with and prepare for a range of activities on farm, particularly illegal entry onto farms. So that is really around supporting farmers to prepare and to know what to do. As Michael said, in the first instance our advice, as is VicPol's advice, is to call them for matters of trespass. But it is also to help farmers prepare in terms of their biosecurity plans and to know what to do in those circumstances. So there is both the issue of managing the incident as it occurs, but then also the flow-on effects—what to do if stock are let loose or released and the mixing of herds and things like that. So really working with the VFF to help support farmers to know what to do in the event that that might occur on their property.

Mr MEDDICK: I have a few questions, if I can beg your indulgence. The first relates, again, to biosecurity, and it will come as no surprise to you that this has been a subject of much contention for the Committee across all of the hearings. Did I hear you right that to your knowledge there have been no reported breaches of biosecurity? On-farm trespass—nothing has been reported?

Mr ROSIER: Reported? We have not had any matters that have proceeded in relation to those activities as far as I am aware.

Mr MEDDICK: And some of the issues that we have heard about, or one of the major concerns that has been raised, is that people who are participating in unauthorised farm access might perhaps go from one farm to another to another to another, when in reality the prospects of people doing this without being discovered, with the time taken, would be completely unrealistic in my opinion. But let us say that this sort of thing happens—you are saying there is a problem with what might be on people's shoes, for instance, being transported. I can see that that might be a real problem, and we have heard from saleyards and their representative bodies that this is a concern for them as well, yet they do not want to have compulsory wash systems for anyone entering their premises. They talk about this being a real problem with people coming on, but they allow members of the public where these saleyards are public to just enter without having these types of controls, and they are completely resistant to having these controls mandatory. They want them to be voluntary.

That speaks then to a whole host of other issues when we talk about these other practices being advisory, codes of conduct and codes of practice being advisory. Do you think it would restore some confidence of the general public in the agricultural sector if these codes of practice were mandatory, if they were legally enforceable? Do you think that would be the case, something reasonable that the public might expect?

Mr ROSIER: There is a lot in that. I think, noting that yes, a lot of the current codes are advisory, a number of those have been around for quite some time—20-odd years I think in some instances. Yes, they are advisory. I will hand over to Sally in a moment, but I would say that obviously there is a lot of broad consideration in relation to the use of codes that the Victorian Government would look to consider as part of its animal welfare reform bit of work which it is currently undergoing at the moment. I might, with that, just hand over to Sally to actually step you through exactly what is happening.

Ms FENSLING: From my perspective, the current arrangements are a reflection of historical decision-making. That is what we currently have in place. Provisions for codes of practice came into place in around the 1980s. It is my understanding that those codes really were introduced to provide more advice in terms of

acceptable farming practices, but they were also designed to provide protection from prosecution if people were operating in compliance with those codes.

The POCTA itself does not include a provision to make codes mandatory at the moment, so that is not part of the Act. Rather it simply just establishes that you can make codes and that you can use those as a defence. However, the Victorian Government has committed to reform the *Prevention of Cruelty to Animals Act* and to modernise it. They have made that commitment through Victoria's *Animal Welfare Action Plan* and they have again renewed that commitment through their election commitment made at last year's state election. They have really talked about the need to modernise that legislation and in particular that the work to review the Act would include consideration of which codes of practice would be made mandatory and which would be advisory. That is explicitly stated in terms of the review of the Act.

Mr MEDDICK: Thank you for your answer. That clears up a lot of things for me, to hear you say that these were originally introduced—it is historical, they are from a time gone by. They have not really kept pace with community expectation around what the community believes should be animal welfare standards that are enforceable today. I just want to read for the clarification of Hansard then and for people who might be listening in the public gallery there—

The CHAIR: Ask a question please, Andy.

Mr MEDDICK: Sorry, mate, there is just the one question. I just want her to explain to me that this is correct. The application of the Act—this is POCTA:

This Act does not apply to—

the slaughter of animals in accordance with the **Meat Industry Act 1993** ...

except to the extent that it is necessary to rely on a Code of Practice as a defence to an offence ...

So something that people can do which would ordinarily out in the community be considered an offence under POCTA is allowable under those codes of practice and it is actually a defence against that animal cruelty regulation if it is conducted under one of those codes; that is how I have had a lawyer explain that to me.

any act or practice with respect to the farming, transport, sale or killing of any farm animal which is carried out in accordance with—

said codes. So they are the defences. This is what POCTA is specifically precluded from. Is that correct, as read from there?

Ms FENSLING: If I may, a person can only be prosecuted for non-compliance against the code if it also is an offence under the Act. So, for example, where unreasonable pain and suffering has been caused.

Mr MEDDICK: Ta, thanks for that. Thanks for your indulgence, Chair.

Ms BATH: Thank you for appearing this morning, Ag Victoria. My question goes to traceability and ear tags. We have been having the discussion in relation to biosecurity—and noting that there has been an incident where an ear tag has been removed and a very minimal fine—but my question looks at the importance of traceability, the importance of ear tags, Ag Victoria's position on both ear tags and electronic ear tags that have been introduced at a considerable cost and noting what that could mean for the spread of a biosecurity threat and even the potential of that to the farming sector.

Mr ROSIER: I might lead off on this one and I might ask you, Cameron, if you have any comments as well. Traceability is obviously a very, very important thing for trade and market access, and increasingly so. We are seeing a lot of expectation from international trading partners around detail and proof of absence around disease presence. We talk about that paradigm shift from absence of proof—'We are remote as a country, we're pretty good, trust us'. There has been a shift in the international landscape around more of a dynamic of proof of absence—'Show us the evidence'—and the understanding that you do not have things and the strength of your traceability systems from paddock to plate.

To answer that question, traceability is fundamental. There are essentially three main components of what I would call the traceability system, and that is for Victoria and nationally. I mentioned that we work within a national biosecurity framework. That is really important. Essentially there is the national livestock identification system, which is Australia's system for basically permanent identification and lifetime traceability of livestock. The key purpose of that system is to track movements of livestock for disease control, for food safety, for biosecurity and market access. So three components: the first component is a unique property identifier that identifies a property or parcel of land. That is your property identification code, or your PIC. You then have unique identifiers for individual livestock animals, which is essentially your electronic ear tags, which are basically unique identifiers and can have a radio frequency identification. That is what it is consisting of, which is called an RFID.

Then you have the national database, so the NLIS database, and that essentially records the movement of animals from a PIC to another destination whether that other destination is another property, whether it is a feedlot, an abattoir, saleyard, whatever the case may be. Livestock producers within that system, that framework, have to complete an NVD—a national vendor declaration. Now the purpose of that NVD is basically for food safety and residue purposes. It is also for traceability. Why? Because it captures all the pertinent information. It captures the property of origin, it captures the destination property—from and to—as well as the type of livestock, the number of them and the movement dates importantly so that you can literally trace animals as they move through the system. That is the whole point.

It is really, really fundamental to be able to trace livestock. I mentioned the example earlier of exotic animal disease and the need to contain any potential outbreak. The reason you do that is that you may have to trace every single animal within that system within your jurisdiction and nationally in order to basically contain those livestock. So in the event of something like a foot-and-mouth disease outbreak, you would be implementing a livestock standstill, and that is exactly what it means—bring all of those livestock to a standstill, whether they be transferring from a farm to another farm, whether they be in a saleyard, potentially whether they are at the docks ready for export. Why? Because you then have got to be able to prove that you have contained and then eradicated disease, and then you begin the journey of testing and providing evidence over a period of time to demonstrate robustly that you have proof of absence of any disease to support either continued market access and trade or re-establishing market access and trade that you may have lost by virtue of just having an outbreak of disease. Traceability is really, really fundamentally important to our system.

Ms BATH: A supplementary on that one. Thank you very much. You have very clearly identified and articulated the importance of ear tags and traceability. My next question goes to the fact that when an ear tag was removed and a fine of \$1 was issued—you have just stipulated the importance of traceability, yet that animal will no longer be traceable because the ear tag was removed. It seems incongruous to me that a fine of such minuscule magnitude would be able to be put upon somebody when the situation is quite serious. Maybe I will make that as a comment; you can make a comment on that if you wish.

My other question goes to the Minister has talked about cultural change and she has stated that, in relation to some information she provided to me, while legislation is an important tool in the prevention of illegal animal activists there are other complementary measures such as education and awareness raising which protect and support our farmers. I would like to understand from an Ag Vic point of view what that looks like in terms of education and awareness for the activists, so for those people who are choosing to break the law and go on farms. What would that look like for them?

Mr ROSIER: Okay. I will provide a brief comment in relation to the first matter, noting that incident and the fines that were issued. There has been a range of comments provided in relation to that matter. At the end of the day, that was certainly the decision of the court in relation to that matter. Agriculture Victoria respects the decision of the court and the prosecution and court process. That was the determination in relation to that particular incident, and that is pretty much as much as we can say in relation to that one.

In terms of the legislation being one tool—and there is a range of other matters by which we can ensure people are understanding and informed around the importance of things like traceability and how everyone has a role in biosecurity and also in animal welfare—there is a range of things that we do through Agriculture Victoria, and it is not just animal health and welfare authorised officers that are administering things like the Livestock Disease Control Act and the Prevention of Cruelty to Animals Act, it is also through other parts of Agriculture

Victoria that I talked about briefly a little bit earlier such as agriculture services staff who are doing a lot of extension in information sharing out on the ground. A lot of the work that we do is about informing people of best practice and the risks so that they can understand why it is important to approach farm management, biosecurity and animal welfare from a certain perspective. It is not all about going out there with a view to prosecution; it is about what we call the compliance continuum. What I mean by that is it starts with extension, advisory services and provision of general information to help set the scene and context for why we do what we do and why it is important for us, for industry, for community and for all of us, because biosecurity and animal welfare impacts on all of us and we do all legitimately have a role in it.

We provide a range of that information right through that compliance continuum: it is information, it is extension, it is being out there, whether that be with farmers, engaging with industry and community groups through animal welfare reform or biosecurity reform. It extends to voluntary assisted compliance, which is the issuing of respective notices for people to actually comply with regulatory requirements, all the way up to eventual forced compliance, which is enforcement and prosecution. There is a range of things that we do across that entire spectrum, and it is not about our role spending the majority of our time at any one particular point along that continuum. It is about investing time and resources in connection with industry and in connection with community across that entire continuum.

Part of the project with the Victorian Farmers Federation has a very strong communication and engagement component within it, and that is about communicating biosecurity best practice and responsibilities that we all have around biosecurity and animal welfare so that we can actually broaden the level of awareness and understanding around the importance of these issues to hopefully get people to voluntarily be compliant and do the right thing.

Ms TERPSTRA: Thank you for coming in today and for your submission, and also for the evidence you are giving today. I have a couple of questions, and my questions relate to pages 6, 7 and 14 of your submission. On page 6 you give a run-down of some responses to animal welfare issues. In 2018 there were two prosecutions out of 500 regulatory outcomes, with a combined total of around \$22 000. Can you just tell us what the breaches were that were involved in those matters, if you have it to hand? If you do not know off the top of your head, maybe you could take it on notice. Are you aware of what they involved?

Mr ROSIER: No, look, with respect, we are happy to take that on notice, if that is okay.

Ms TERPSTRA: On notice? Yes, that is fine. The second question is: on page 7 you stated there that from January 2017 to May 2019 Ag Vic responded to 31 alerts of potential animal welfare issues from animal activism-related organisations; 17 of those issues were substantiated following investigations by Ag Victoria staff and 14 were unsubstantiated. Can you just tell us what sort of evidence was provided by activists to substantiate the claims? Are you aware of that?

Mr ROSIER: To be honest, we would probably have to take that on notice as well, in relation to those specific matters.

Ms TERPSTRA: Yes, that is okay. Again, you may have to take this on notice as well. What were the results of the 17 substantiated breaches? The second part to that question is: do you think—you might have answered this with your previous answer to Ms Bath—it is clear enough and there is enough information in the community about what steps people can take to report animal welfare concerns or could more be done in that space? Do you think people are generally aware about animal welfare standards on farms or not?

Mr ROSIER: Okay. In relation to the specific questions there, if it is okay we will take those on notice, because they are specific matters.

In terms of the overall reference to prosecution matters, and yes, that was the reason I touched on it just previously, a lot of matters are able to be addressed through being out on farm and actually educating people about what to do and the right way to go about it, or things they need to improve on. So generally we would respond proactively by being out, whether we are auditing biosecurity practices at saleyards, where we are also monitoring animal welfare practices; whether we are out there at markets monitoring animal welfare; whether we are auditing rodeos and those sorts of things, where we are out there in the landscape interacting with

people. We are always using that as an opportunity to educate and check in with people about what they are implementing and how it could be improved.

The benefit of the current workforce is that we have quite an interoperable approach, so we are not just out there talking about POCTA and animal welfare; we are also talking about biosecurity best practice, because industry and landowners manage their businesses holistically as well, so it makes sense.

We start there and then we would move through to following up if the matter was raised to us as an alert where we needed to triage a response, which we do. Then we would take into consideration things such as the severity of the report, the timeliness of it, the urgency and the scope and scale of it, and we essentially have triage set up in response to animal welfare alerts along three levels.

Ms TERPSTRA: Can I just ask you there for a bit more information. So depending on what information you receive, because there are a number of areas—it could be biodiversity, it could be welfare—how do you then triage it? What agencies do you refer it to, or other agencies? How do you then report it for follow-up investigations, and who is involved?

Mr ROSIER: Through the lens of animal welfare essentially every animal welfare complaint is treated seriously. It is reviewed by an authorised officer within Agriculture Victoria who is authorised as a general inspector under the *Prevention of Cruelty to Animals Act*, and they would look at the nature of the information they have been presented with. They may need to follow up for further information in order to substantiate an alert. Essentially we would triage it according to three levels. The first would be where there is an immediate need to get out there and actually address an animal welfare situation. That would be triage level 1, and the response would be anywhere from 0 up to 48 hours. I do know that in the vast majority of our cases we are responding within 24 hours to those, and the intent of responding to those matters would be to stop animal welfare issues or cruelty occurring.

Ms TERPSTRA: Just on that point, do you notify the owner of the premises that you are coming or do you come unannounced?

Mr ROSIER: I would have to take that on notice for the specific detail—

Ms TERPSTRA: Take that on notice? That is fine.

Mr ROSIER: but essentially contact is made, because you are approaching coming out to a property. There are instances where the nature of the issue means that it is a triage level 2, which means there are indications there that there could be animal welfare issues about to occur. So your intent is to prevent those from occurring. The nominal response time for those is around two days to five days. Then you have got a triage level 3, which could be that you have got information coming in, it has not been assessed to be severe and it could well be a matter of providing an extension or advisory information about improving on-farm practice or whatever it may be. There is a lot more flexibility in terms of responding to level 3 responses.

In going out there and working with people, the results that we take could be the provision of information and best practice advice. It may be that we are issuing a notice to comply, where people have to do certain—

Ms TERPSTRA: So there is a continuum, as you talked about earlier.

Mr ROSIER: It is a continuum, yes.

Ms TERPSTRA: Just one final question, because Mr Gepp asked this before and I do not think it was actually answered. Mr Gepp asked about the recent announcement of the partnership between Ag Vic, the VFF and the Royal Agricultural Society. It was announced in July. Could you just tell us a bit more detail about that announcement. You referred to it on page 14 of your submission as well. So there is a partnership to assist farmers to respond to animal welfare and biosecurity issues. Could you just give us a bit of detail about that? It is on page 14 at the bottom of that page.

Ms FENSLING: I did talk to it briefly before. So this is an initiative the Government announced in terms of helping farmers better prepare themselves and their property for potential unauthorised access. So in

partnership with the VFF we are really working directly with landowners to do a couple of things. One is to develop a biosecurity plan for their property, if they do not have one, so they know what to do in the event of activity on farm but also in terms of how to respond immediately and in the circumstances. Primarily the advice is to call Victoria Police and have them assist.

Ms TERPSTRA: Great, thank you.

Mr QUILTY: You have covered the bulk of my questions already. Briefly, do you think there is a conflict of interest between supporting agriculture and the animal welfare role in the department—potentially?

Mr ROSIER: I will respond to it, and Sally may or may not have some further comments. Essentially our role is to administer the key pieces of legislation for which we are responsible. So yes, that includes biosecurity legislation—the *Livestock Disease Control Act*—and yes, it includes animal welfare-associated legislation as well. Are we out there working with rural communities around improving agricultural productivity in the work that we do? Yes, we are. At the same time, are we out there as the regulator ensuring that they are doing that in a manner that is appropriate in meeting the requirements that are placed upon them through the legislation and regulations? Yes, we are.

Ms FENSLING: I would also say those outcomes are not mutually exclusive. In terms of animal welfare, we know industry trades on a good reputation for animal welfare, both domestically and overseas, so ensuring good outcomes are in farmers' interests as much as anything.

Mrs McARTHUR: A question to Dr Bell. In your experience, Dr Bell, do you think Victorian farmers set out to be cruel to animals? In your process of education and advisory work, do they welcome your support for improving their practices? How do you feel Victorian farmers react to your involvement, and what is their situation with animal cruelty?

Dr BELL: I guess I cannot speak on behalf of the farmers, but certainly we—as in, Agriculture Victoria—have a well-established and good working relationship with the agriculture sector in general, and that is at both the state level and the national level. As Michael indicated earlier in the discussion, we have a number of formal forums in which we work very closely with industry in regard to both animal welfare and animal biosecurity matters, and that sort of relationship works both ways as well as at the national level; also, we have a very close working relationship with peak industry bodies. In terms of—

Mrs McARTHUR: Whether farmers set out to be cruel to their animals.

Dr BELL: As I said, I cannot speak on behalf of farmers—

Mrs McARTHUR: That is the allegation.

Dr BELL: but farmers do—

Mr MEDDICK: There is no such allegation, Chair.

The CHAIR: Order! Please resume.

Dr BELL: I was just going to say that as much as Government recognises the importance of animal welfare and animal biosecurity for market access, I think farmers and the farming community are certainly well aware of that and always have that in mind.

Mr ROSIER: Just quickly, I think it is worthwhile mentioning: I know the 2019 sentencing advisory committee report in relation to cruelty offences in Victoria did make the comment that:

... omitting to adequately provide and care for animals—was far more prevalent than more deliberate and malicious acts of cruelty.

Mr BARTON: In one of your charts, on page 6 of your submission, you have stated that there were 1485 investigations. How many actual complaints or requests to investigate do you actually receive?

Mr ROSIER: That would be—

Mr BARTON: Exactly that? So you do 100 per cent of investigations on 100 per cent of the complaints you receive?

Mr ROSIER: Sorry, no. Those are the alerts. Perhaps rather than the 1400-number quote, we actually have numbers for the 2018–19 financial year. So this will provide the context to answer your question. That reference in the submission was from the 2018 calendar year—around 1485 alerts. So they are things to investigate and determine if they are substantiated or not, which means there is something to follow up on and confirm. So 40 per cent of that total were substantiated—so there was something to go and have a look at and address.

In terms of the 2018–19 financial year, there were 1758 alerts that we investigated: 37 per cent of those were substantiated, again meaning some amount of follow-up was required; 53 per cent were unsubstantiated; we referred around 6.5 per cent of those to other agencies, which I think was a question earlier—so they might be matters in relation to livestock that are less than 10, in which case we would refer those matters to the RSPCA Victoria under the MOU that we have with them; and there were around 3.5 per cent where there was insufficient information, so we could not make a determination.

Mr BARTON: Okay. Just in terms of the people making complaints or asking for things to be investigated, is there any penalty for people making malicious allegations? It could be an activist or it could be competing business interests. Is there a penalty, and should we consider a penalty for making malicious complaints?

Mr ROSIER: I would have to take that on notice.

Mr GEPP: I will be quick. We have heard a range of testimony throughout the hearing so far about the provision of CCTV on farm, at abattoirs. I was wondering if Ag Vic have a view about whether or not it is an appropriate form of technology that we should be considering. And if so, where?

Ms FENSLING: Look, we are aware that that has been the subject of some consultations as part of the Committee. There is not a requirement now to have CCTV installed on farms and at saleyards. PrimeSafe as our food safety regulator do require, as a licence condition, abattoirs undertaking what is known as ritual slaughter to have CCTV installed. At the moment it will be part of the consideration of the review of the *Prevention of Cruelty to Animals Act*, but it is not something we are actively pursuing outside that process.

Ms BATH: The activist groups have stated in a public forum that no amount of legislation standards, welfare will serve their agenda and that they wish to close down all ag livestock events, industry. My question goes to, and it might be something you need to take on notice, what would the net cost to the Victorian economy be—you may have that prepared already—in terms of dairy, beef, wool, sheep, poultry, eggs? What would that be to not necessarily just our economy but the welfare of Victoria?

Ms FENSLING: So we would have to take the specifics of the question on notice, but I will provide a couple of observations if I may. So it would require modelling—so CGE modelling, basically—to understand the impacts of that on the broader Victorian economy. It is important because we have to understand what people substitute to when things are banned. For example, if the livestock industry was banned here in Victoria, I guess the hypothesis would be that the vast majority of people would seek to import meat for their personal consumption, given the amount of meat that is consumed by Victorians. We also have to understand the downstream implications of those kinds of things, so there are flow-on implications to food processors and a range of other people. Look, it is not just about gross state product; it is also about regional employment as well. I know Victoria is the highest exporting state for dairy, at around 79 per cent; and in 2017–18 alone meat was Victoria's largest value export, at around \$3.3 billion, and that has been increasing steadily over time. So certainly it would be a significant shift within the Victorian economy, and if you would like us to take those further details on notice, we can.

Ms BATH: Thank you; that would be really good.

The CHAIR: Thank you very much. On behalf of the Committee I would like to thank you for your time and contributions. You will receive a copy of the transcript for proofreading.

Witnesses withdrew.