

# **LEGISLATIVE COUNCIL ECONOMY AND INFRASTRUCTURE COMMITTEE**

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

Wangaratta—Tuesday, 8 October 2019

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**WITNESS**

Mr David Evans.

**The CHAIR:** Good morning, everyone, and welcome. 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. I would like to remind members of the public not to use their phones or take any photos. I would like to welcome the local Member, Mr Tim McCurdy. Welcome; it is nice to see you here.

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.

I welcome Ms Tania Maxwell, the local MP, as well. Thank you, Tania. It is nice to see you here. I am sorry that I did not see you when you walked in.

Please, David, can you state your name for the Hansard record before you start. It is all yours.

**Mr EVANS:** My name is David Evans. I am a farmer at Myrree. I will go through my CV in a couple of minutes. I started off the day by going out and checking on my girlfriends and the kids—I said g'day to them. They raised their heads, looked at me, and then went on eating their breakfast. So that is how I see cattle, and that is what I am as a cattle farmer. I do not approve of cruelty to animals, nor do I approve of actions being taken by farmers that are not in the best interests of the animals. The point is of course that if you look after your animals properly, regardless of where they may be or where they are going, then you get the best possible production from them. That is the way I see things. But I do not agree with unauthorised entry onto family properties to take what is seen as an opportunity to see that nothing wrong is going on and unfortunately sometimes to take films that can be used publicly and misrepresented.

My CV is that my father died when I was 18. I am the oldest son and became responsible for day-to-day management of the family farm, running sheep, cows and some cereal crops. Since 1953 I have been on a number of sporting committees—football, cricket, aero club—secretary, president et cetera. In 1961 I joined the Victorian Country Party, now National Party, as the secretary for the branch, and I have attended all annual conferences since that date. So I have attended 59 in a row. I was on the National Party state executive from 1966, and I was state president in 1975–76, when I handed over to a lady called Shirley McKerrow, who was the first lady ever to be president of any political party at state level in Australia, and went on to be the first-ever federal president. I was state treasurer from 1998 to 2003. I was elected to Parliament in 1976 and stayed there until 1996 as a Member for North Eastern Province, in a somewhat different area to that which is currently occupied by other party members.

I have been a member of a number of all-party committees: Statute Law Revision Committee, 1976–82; Public Bodies Review, 1982–88; Prisons review in 1982; chairman of the Legal and Constitutional Committee, 1988–92; and Environment and Natural Resources Committee, 1992–96. I was Deputy President, a Chairman of Committees of the Legislative Council from 1992–96 and for a short term I was actually Acting President. I retired in 1996. I represented Victoria at the Commonwealth Parliamentary Association annual conference at Harare, Zimbabwe, in 1990, and I was one of the facilitators, of four facilitators, to a discussion on toxic waste disposal in Third World countries at that conference attended by representatives of 40 nations.

In education, I was on the high school council here for 33 years and chairman for 22. The school went from 700 to 1400 kids when I was there. I did not do it all, but I was there when it all happened. I have served on a number of university councils: Deakin, from 1979 to 1982, and RMIT and Victoria University in the 1990s. I was on the Victorian Curriculum and Assessment Board from 1986 to 1993 when it developed and implemented the new Victorian certificate of education.

Since leaving Parliament I have been a member of St John's Anglican Retirement Village board from 1996 to 2018 and chair for 10 years. It now has some 400 residents in three different categories. In local government, I was on the Oxley shire council from 1966 to 1976, Campaspe shire in 1997 and the Rural City of Wangaratta

from 1997 to 2000. I have held a number of executive positions in the CFA, Landcare—I was in the room when Landcare was born in 1986—the VFF and the Anglican diocese of Wangaratta. I am currently chairman of the upper catchment water committee. My last public position—God bless me—is chairman of the Whitefield Cemetery Trust in King Valley. My next public position will be buried there. And that is me!

Now, I did put in a submission, and I will just briefly go through the things that I said. Firstly, the farm that I am currently on has been in my family's possession since 1853. I currently run a beef cattle herd of about 50 cows. I was running 140; I have reduced the number because, as you can see, I am getting pretty old. On leaving school in 1952, my father died the next year and I took over the management of a substantial family farm, running 4000 sheep, 200 acres of crop, a couple of hundred cows, and certified grass seed, lucerne hay and potatoes for a short time with my younger brothers. I have also had—owned and managed—an Appaloosa horse stud for a short time.

In 1958 we had a bloke working for us; he had worked for us for 14 years. He bought a heap of sheep, put them out in the bush—1400 sheep—lost 400 of them. They died of starvation. He put the rest on the road and put 453 of our sheep in with them. That was 10 per cent of our total lot. He sent them to Benalla and auctioned them in order to pay off the debt that he had with the farming estate agent. I had to go to court and identify the sheep in a court case when I was 24, under cross-examination. I did so. I then had to go to a court case where we sued the agent for return of our money, and again I had to identify the sheep. The QC we had was John—I cannot remember his other name—but he was instructed by a rising young QC named Ninian Stephen, afterwards the Governor-General of Australia. I am the sole remaining member of my family on the family farm at the moment.

Now, responding to the terms of reference. Biosecurity—there is an increasing need for livestock producers to meet high standards of biosecurity, and many farm gates in this district now show a sign which says, 'Biosecurity measures in place. Entrance only by permission'. That is done so that people do not come onto your land and introduce diseases to it. The current cattle NLIS system was introduced 20 years ago. This is a tag that goes in every head of cattle that goes on for sale; it is clipped in like that into the ear. Those tags have each got an identifiable number—there are about 30 million or 40 million around Australia—which are held at a central base in Sydney. If you sell cattle, the cattle are then transferred across, so that if anything goes wrong, they know immediately where they have been and where they are currently.

Animal activists entering a farm not only ignore the risk to biosecurity; they may even introduce diseases as an act of sabotage. Many of you will be aware that at the current time there is an African swine fever going through the pigs in China. I think about 100 million pigs have died out of 400 million, and there is real concern that it might get introduced into Australia. If it gets into the feral pig population, we will never get rid of it, and I know there is a pig producer here today who will give evidence. That is a very real risk.

Health and safety on a farm: unless you know what you are doing, if any of you members of this Committee were to come out to my farm and see what is happening there, I would not let you get into the yard with the cattle. You could walk around the outside. Just before Christmas this year I got kicked by a cow—and I have been working with cattle since I was 18—and I had a broken leg as a result of it. That is how dangerous it can be unless you know what you are doing. The health and safety of my family, any employees or anyone else is of prime importance to me. That is the reason I say that you cannot have access without coming in on a legitimate business purpose, and I have no effective control over persons invading my land without permission.

Civic or criminal liability: not only the possibility of damage to a third party but deliberate or accidental damage done by people who invade your property to valuable equipment or assets could potentially make those assets or the equipment unsafe, which unless detected could leave an owner liable for civil damage suits even by one or more of the illegal entrants. That is a real risk.

By their activities and malicious publicity, animal activists can only unfairly and unreasonably damage any business reputation, product, integrity and, in extreme cases, Australia's clean, green image. I took it up with *Four Corners* after the episode on live cattle exports and said that what was done by them was an unfair representation—it was untypical—and that the cruel acts shown on the *Four Corners* show were in fact staged and that the people who carried them out were paid to do it. I think it was Senator Back from Western Australia in fact who confirmed that view, which I had done as a deduction when I knew the people who were involved,

and said that in fact that had happened. He had a statement from one of the people who was paid to perform the cruel activities. That is what can happen: if you let people onto your land and they take films and that sort of thing, they can use them incorrectly. That is very much the case. I challenged the validity of that report, and in fact Sarah Ferguson, the presenter, and I exchanged emails. I have got three emails. I have got them here if you want to see them. She also rang me and we had a 1-hour telephone conversation about it. That is the problem you have got with people who come on and take the law into their own hands. They will misrepresent the facts they find. That is unfair.

Cattle on my farm, as I indicated when I started out, are treated with great care. I regard them as my girlfriends and the kids. They are looked after. If I have got animals on my farm, I expect to look after them because they will be more productive if they are properly looked after. I wish to produce a good product—not only their problems of health et cetera. I had sheep; the worst job I have ever done is doing foot rotting in sheep. I have no sheep now, but that is the worst. Of course the animal production that I have with cattle—the two things that I am likely to have problems with is calving problems, and I have management procedures in place to reduce those. It generally happens with first calving heifers. I use a low birth weight bull, for example, so that there is less possibility, and I regularly supervise them. Of course if there is a calving difficulty, then I have to get them into a cattle yard, into a crush, so that I can deal with them, and I deal with them. I am a pretty good amateur vet. I very rarely have to call on a vet, but I do have to deliver calves every so often, and I have done so very successfully.

Again, I say that if illegal, cruel or any inappropriate actions are taking place in any part of society, including farms, it is not the right of an unconnected individual to unilaterally take corrective or punitive action. It is not right for somebody to come into your home in suburban Melbourne or anywhere else to make sure that there is no domestic violence taking place or that the children are being maltreated, nor is it correct to have somebody in the office of a legal solicitor take recordings of what is going on. Had they done so, perhaps Nicola Gobbo would not be in trouble at the present time, but that is not the way things should be happening. Use of our legal processes is the only correct way for an independent person to take action if they believe that a breach of the law is occurring, and that is what I am saying.

From time to time necessary animal management practices will cause pain and/or discomfort. A competent farmer will use the best methods to reduce this. Dealing with flystrike, which I have referred to, is a very distressing thing. If you have ever seen a badly fly-struck sheep, you will grab a set of mulesing shears and head for the nearest merino. The worst job I have had, as I have indicated earlier, is doing footrotting. With cattle now the castration of young males does cause some pain. That can be done surgically, which takes about 10 to 15 seconds for a competent person, by using an elastrator ring. That is one there. You put it over the scrotum, let it off, and that cuts off the blood supply. It very, very quickly becomes numb, and eventually the whole thing drops off. That is the way in which I castrate young animals, and you have to do that.

Fifty years ago I had the job of providing meat for my family. I used to do the killing. I have killed several hundred sheep and skinned and dressed them. When I had to kill them, within about 3 seconds the sheep was dead with its spinal cord severed. That is how I was taught to do it, because it is done as quickly as I can. Currently in abattoirs there are various methods of making sure that animals are killed humanely. In cattle, I am not sure what it is now but years ago it was what was known as a captive bulk pistol, where a projectile was projected by gun force into the back of the animal's head, immediately rendering it unconscious, and it was then killed. With sheep—I understand and I assume it still is—an electric charge is put into the back of the sheep's head, and again it becomes unconscious. So you treat animals fairly and properly. That is as far as my submission goes, and I am happy to answer any questions to it.

By the way, the Law Institute of Victoria—and I have seen the submission that they put to your Committee—suggested that all farms should have cameras on them to make sure no cruel practices take place. Well, on my farm I would need at least three or four in my cattle yards. I use them about 10 or 12 times a year, for a couple of hours at a time. I would need that many to look through it properly. A dairy farm would be similar. And out in the paddocks I have got 35 cows and calves on 50 acres at the moment. You would need about half a dozen cameras in that paddock, let alone the rest of the cameras in the place. That is a totally silly situation. The person who wrote that obviously has no knowledge of farming and no knowledge of the practicalities.

That is the best I can do in my submission. I am here because, with the experience I have had, I regard myself as a tribal elder of my community, and I think it is necessary for me and other people like me to come in and give that side of the story—because it is totally inappropriate for people calling themselves activists to believe that they have the right to go onto a property and take unilateral action to deal with it. The law should deal with it. If you see there is a problem, you report it. If the law is not dealing with it properly, that is for the police or the Government departments. Their job should be beefed up to make sure that it is. That is the way to deal with it—not by people going onto your land without permission and interfering with your business. Thank you.

**The CHAIR:** Thank you, and welcome. I know you touched on biosecurity and health and safety. Do you believe, beyond talking about the penalties for trespass on farms, there is anything the Government could respond to with issues of animal activism?

**Mr EVANS:** I think it is very important that when it does occur, legal process is not used to avoid the penalties. That is what happened in Gippsland a while back, where a goat was taken away and the person who did it was fined \$1. That is not a fair legal process and in fact it brings the whole legal system into disrepute in the community. It is necessary that, if things of that nature take place, they are regarded as illegal—it is no right of anyone to interfere in somebody else's business. What is happening at the moment is that there are people who believe we should not eat meat, and if somebody wants to be a vegan, that is their business, not mine. If I want to eat meat—and humans have eaten meat for thousands of years—I should be able to do it. It is not the right of a person to unilaterally come on, and it is necessary therefore that any penalties be adequate to show that it is not necessary.

**Ms BATH:** You can see how over 59 years there would have been a great level of debate at The Nationals' state conferences, and I look forward to seeing you at the 60th, David.

David, you have covered off on the activists and, as you said, the penalties that need to be put through. I am interested in some of the oversight, because sometimes what we hear is that there is a lack of transparency—not by me, but there is a lack of transparency on farm. So I would like you to go through some of the departments that have oversight of regulation or can check your welfare—your animal welfare.

**Mr EVANS:** Look, it does not matter where you go or what you do; in any part of society there will be things that occur that should not occur and which may not be detected. It will happen in the home, it will happen in business and in offices and it will happen on farm, but that is not an excuse for people without authorisation to go in and interfere. What is important is that the police and perhaps the RSPCA should have oversight of practices on farm. And if somebody has a problem with it, then it should be reported to them—not unilateral action taken—and then those authorities should deal with it. I might mention that the RSPCA—and I said I was on the Statute Law Revision Committee in 1977—was under fire for cruelty in dealing with unwanted animals. There was an inquiry with the Statute Law Revision Committee into the RSPCA at that stage. So there was some suggestion in the law institute that animal activists and the animal rights groups should have overseeing power. If they want to do that, they take it up with the authorities; they do not take unilateral action. And for the Law Institute of Victoria to make their suggestions—and I have read their submission—I reckon they must have been high on cafe latte when they made that submission. Is that the answer, Melina?

**Ms BATH:** Thank you.

**Mr EVANS:** If you are satisfied, I will try a bit more.

**Ms BATH:** I will share the opportunity at this stage, David.

**Mr QUILTY:** With all your experience, is it possible to run a farm with absolutely no instance of cruelty whatsoever? I mean animal suffering.

**Mr EVANS:** No, it is not. Nor is it possible for any person to go without pain. I have skin cancers on my face. I go into the doctor. About three weeks ago I had them dealt with. They were dealt with by an application of liquid nitrogen without anaesthetic or anything else. It was painful, and the same thing happens with animals. Every so often there will be some pain inflicted. It is totally unavoidable. It is part of life. You minimise it and

do it in the best possible manner. That is what we should do. If I care for my animals, that is what I do. I have indicated to you castration using this, which is painless. At least I think it is. I have never had it done.

**Ms BATH:** Where do you go from there?

**Mrs McARTHUR:** Where do we go from there? Mr Evans, I was just wondering where we go after castration.

Mr Evans, there is a group called Aussie Farms who have a map site where they have listed all farms, and it appears to encourage people to go onto farms for whatever purpose. Do you think that organisation should retain its charitable status?

**Mr EVANS:** I certainly do, and I do not think that anybody has the right to act in that fashion. It does not matter if it is on farms—

**Mrs McARTHUR:** You think it should retain its charitable status?

**Mr EVANS:** No.

**Mrs McARTHUR:** No.

**Mr EVANS:** No, I do not think so. It is not a charity. It is a lobby group with a particular aim and view, which is the total phasing out of animal production for any purpose. They are starting with meat at the moment. The next thing it will be milk, and it will be hen eggs and all the rest of it. And they do not deserve to be called a charity. They are interfering people who have no place in a civilised society.

**The CHAIR:** Rod, have you got a question?

**Mr BARTON:** Hi, David.

**Mrs McARTHUR:** Castration?

**Mr BARTON:** No, I am good thank you. David, you already spoke about the cameras. When you think about it, there are—what is it?—21 000 farms in Victoria. The feasibility that—

**Mr EVANS:** Totally, totally unworkable. The number of cameras on my farm to fully cover it would be 30 or 40 or 50. Imagine it—there are about 5000, 6000 or 7000 farms in Victoria.

**Mrs McARTHUR:** Twenty-one thousand.

**Mr EVANS:** How many cameras would be required? Who is going to supervise them? Will the people who are looking at them know? And who will bear the cost? The reality is if there are issues where people notice things are wrong, then there should be a competent authority to which they are reported and that authority should take action. If it is not doing so now, then, Mr Barton, it should be told that it has got to lift its game a bit. That is the correct way to do it. We work in accordance with law in Australia, in Victoria, not in accordance with people who take unilateral action as some people want to do, so that is really how it must work.

**Mr BARTON:** Clearly, like you said, there is always a very small minority that does the wrong thing, but the vast majority of people are doing the right thing in terms of animal welfare standards. When people make a complaint, do you think there is a weakness in the regulator to follow these complaints up?

**Mr EVANS:** Look, I think what has to happen is there has to be better regulation. In every activity we use there will be some people who do not live up to the correct standards. That happens in the home. It happens in law. It happens in business, in the community, and it will happen on farms. The vast majority of people behave in a responsible manner. For the very small number who do not, the authorities are the ones to deal with it, not people who take their own cue. That is not the way to do it. Now, if there is a problem and you see it, then it should be reported to a responsible authority who has the power to take action, and I would agree with that actually. I think if it is not happening now, then those authorities need to be beefed up. I hope I have answered the question for you.

**Mr BARTON:** You have. Thank you, David.

**Mr GEPP:** Mr Evans, thank you for coming along today. Just one question: I am particularly interested in biosecurity and was wondering, given your history and your experience on farm, what practices have changed over the time as the focus on biosecurity has increased here in Australia.

**Mr EVANS:** I think there is a greater awareness of the fact that biosecurity is important. About 60 years ago, when I first left, we had an outbreak of pleuropneumonia, which was next door to us, and our property was quarantined. At that stage that was about all that was done. We did not know how to deal with it. I think the awareness of it is much greater now, and certainly overseas markets are depending on us—our clean, green energy, if you like, to paraphrase a little bit—so it is important to know that we need to have that proper security. I see it as just a greater awareness and therefore a greater requirement for compliance and for supervision.

**Mr GEPP:** And just one quick follow-up: do you have a plan on your farm for visitors, whether it is somebody that you have invited onto the farm obviously, in terms of whether it is livestock transport—whoever it might be. Do you have a particular plan about regulation for those people coming on farm?

**Mr EVANS:** Not particularly, no. I do not have a written plan, but I expect anyone who comes onto my farm either to contact me before coming on or else come and see me before they go wandering around, and then they are told what can be reasonably done. I said earlier on that if the members of this Committee came to my place when I was vaccinating cattle the other day, I would supervise them while they were there. That is the correct process. But mine is a fairly small farm. If I had a bigger farm, yes, I would need something like that, but I have only got about 600 acres. I was running 140 cattle. So personal supervision is the way I deal with it rather than a particular written plan.

**The CHAIR:** Thank you. If there are no further questions, Mr Evans, on behalf of the Committee I would like to thank you for your time and your contribution. You will receive a copy of the transcript for your proofreading. Thank you very much.

**Mr EVANS:** Thank you very much for the opportunity, and I hope it has been of value, because I care about my cows and I want to see everybody look after their animals properly.

**The CHAIR:** Thank you very much.

**Witness withdrew.**