

# TRANSCRIPT

## LEGISLATIVE COUNCIL ECONOMY AND INFRASTRUCTURE COMMITTEE

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

Melbourne—Monday, 23 September 2019

#### **MEMBERS**

Mr Nazih Elasmari—Chair

Mr Bernie Finn—Deputy Chair

Mr Rodney Barton

Mr Mark Gepp

Mrs Bev McArthur

Mr Tim Quilty

Ms Sonja Terpstra

#### **PARTICIPATING MEMBERS**

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Mr David Davis

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Mr Andy Meddick

Mr Craig Ondarchie

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Ms Mary Wooldridge

Dr Catherine Cumming

**WITNESS**

Ms Melinda Walker, Co-Chair, Criminal Law Executive Committee, Law Institute of Victoria.

**The CHAIR:** Welcome to the public hearings of the Economy and Infrastructure Committee. All evidence taken at these hearings is protected by parliamentary privilege. Therefore you are protected against any actions 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 just state your name for the Hansard record, and allow us some time to ask you questions.

**Ms WALKER:** Of course. Melinda Walker is my name, and I am here representing the Law Institute of Victoria today. If I could first acknowledge and pay my respects to the traditional and ongoing custodians of the land upon which we meet, the Wurundjeri people of the Kulin nation, and pay my respects to their elders past, present and emerging.

Again, thank you very much for allowing us to address the Inquiry. I gather that the Committee have been provided with our submission, which was provided by our President, Stuart Webb, of the Law Institute of Victoria. I am here to represent him today.

What I see the scope of the Inquiry to be is to provide recommendations on how the Victorian Government and industry could improve protections for farmers, privacy, businesses and the integrity of our biosecurity system and animal welfare outcomes, whether that can be done by way of law reform or other measures. I also see the scope of the Inquiry to address civil or criminal liability of individuals and organisations who promote and organise participation in unauthorised animal rights activism activities. The third part of the Inquiry I see is the effectiveness of legislation and other measures to prevent and deter activities by unauthorised persons or agricultural and associated industries.

Can I start by saying that the institute acknowledges the concerns of potential breaches of food, safety and biosecurity protocols, and how the activities of activists, trespassing and undertaking certain practices to further campaigns, can cause distress to members of the community, as do the exposed practices of industry producers.

Without undertaking a detailed analysis of the increasing global approach to animal rights advocacy since mid-2018, there appears to be a link to the release of the documentary *Dominion*, the sequel to *Lucent* four years ago, and the prominence of activism in Australia, its frequency and publicity. The greater concern, I suspect, for the Inquiry is not a mere trespass but the biosecurity concerns, the interference with production and potential damage to property.

Part 4 of our submission confirms, as stated by the Agriculture Minister, Jaclyn Symes, that in the past 12 months there were two instances of trespass in Victoria's west, three in the east and six in the south. In each there were no reported incidents involving violence or damage to property. The actions at Luv-a-Duck, in Nhill, involved deliberate trespass and theft. The protest ended peacefully without incident and without the need for any arrests. This action was as a result of several complaints of cruelty. They were found to be operating within the law albeit that the practice, following an inspection, was deemed to be cruel.

Subsequently in 2018 the ACCC increased the penalties to operators under the *Competition and Consumer Act* for unconscionable conduct, false or misleading representation or supplying consumer goods that do not comply with standards expected. These increases represent a direct response by the regulators to investigations by Animal Liberation and the RSPCA after complaints were made by activists.

The Committee are also looking at the type and prevalence of unauthorised activity on Victorian farms and related industries and the application of existing legislation. Our legislation currently provides offences of trespass, wilful damage, refusing to leave and breach of the peace under the *Summary Offences Act*. Indictable offences of criminal damage and, it could be argued, an extension of an aggravated burglary would also cover certain actions where the intention was to cause damage or injury. We have the offence of incitement and we also have statutory standards of liability as a principle—accessorial liability and conspiracy. We also have

legislation that regulates industries, and the laws to address criminal behaviour against those who interfere with those industries.

The *Livestock Disease Control Act* regulates to protect public health by the prevention and monitoring and control of transmissible diseases from livestock to humans. The *Livestock Management Act* regulates livestock management, one of the management requirements involving the assessment of likely risks to animal welfare and biosecurity. These requirements fuel the sensitivity of operators of the risks of biosecurity, such as bringing contaminants into areas as a consequence of trespass. We also have the *Prevention of Cruelty to Animals Act*, which grants powers to inspectors to apply for warrants into premises and to seize distressed animals. On numerous occasions the inspectors have invoked their powers as a result of information or footage supplied to them directly by activists. The danger is that overriding concerns regarding safety and biosecurity are being used to justify the tightening or implementation of laws to fetter the actions of organisations whose sole purpose is to ensure humane farming practices and to expose those who undertake practices which are unconscionable acts of cruelty.

The LIV makes certain recommendations in our submission: uniform national farm animal welfare standards overseen and implemented by a statutory agency, and an increase in transparency. Improving transparency would be the single most effective means of reducing the need or the motivation for trespass. Much of the anger from the industry is the damage to the reputation of the industry rather than the unconscionable practices that are exposed as a consequence of footage taken during an action of trespass.

The question for the Committee is: does this Government increase and strengthen the rights as enounced by industry members at the risk of weakening the rights of individuals and interest groups engaging in political communication that draws attention to the rights of livestock animals, cruel practices and unconscionable conduct by operators? To create specific criminal laws such as suggested in the Bill introduced a couple of weeks ago by the Shooters, Fishers and Farmers Party has the potential to act as a disincentive to any person, whether affiliated or not, from acting in the public interest and could result in significant restrictions on the freedom of expression and assembly. As the Law Council of Australia submitted to the Legal and Constitutional Affairs Legislation Committee inquiry into the Commonwealth Bill that was passed a couple of weeks ago, the introduced laws:

... may impinge upon the implied freedom of political communication because conduct captured by the proposed offences 'may overreach what is necessary for the effective operation of a system of representative and responsible government'.

They confirmed that:

... the constitution protects the 'freedom to disseminate information respecting government and political matters', and that this includes issues relating to primary production and animal welfare, as affirmed in the case of *ABC v Lenah Game Meats*.

In our supplementary questions on notice we give a brief statement by Justice Kirby from that case, which I seek to read into the transcript. His Honour Justice Kirby said in *ABC v. Lenah Game Meats*, a case concerning footage taken covertly in a Tasmanian possum slaughterhouse:

Parliamentary democracies, such as Australia, operate effectively when they are stimulated by debate promoted by community groups. To be successful, such debate often requires media attention. Improvements in the condition of circus animals ... in the transport of live sheep for export ... and in the condition of battery hens ... followed such community debate.

The form of government created by the Constitution is not confined to debates about popular or congenial topics, reflecting majority or party wisdom. Experience teaches that such topics change over time. In part, they do so because of general discussion in the mass media.

This case demonstrated that:

... because 'broadcasting is a primary means of bringing issues... to the attention of the public', courts have sought to ensure 'legislative and regulatory protections and safeguards' for broadcasting of issues of political interest.

According to the Law Council:

Any legislation that is likely to reduce the public's access to information about legitimate political issues must ... be necessary, with 'no obvious and compelling alternative, reasonably practical, means of achieving the same purpose which has a less burdensome effect on the implied freedom'.

That being the freedom to disseminate. We have existing laws which already criminalise the conduct of those who commit offences of trespass, damage property or incitement, extending criminal responsibility for aiding and abetting, assisting, accessory liability or conspiracy. A conspiracy charge requires the authority of the Director of the Office of Public Prosecutions.

Consumer demand, broader public concerns for animal welfare as a direct result of exposure, community engagement in this debate, climate change and environmental awareness are what drives improving practices regarding animal welfare. It is the overall position of the LIV that it is more worthwhile removing and directly addressing the motives that drive this type of action, namely, trespassing, being a lack of transparency and the capacity under the cover of opacity to undertake and commit significant acts of cruelty and unconscionable conduct. They are our submissions. Thank you.

There was a question that was on notice in relation to our reference to the approach in the United States. I am not sure if anyone has had an opportunity to read that supplementary submission, but did you want me to address that any further? Because the question was that the US topic really covered whether or not persons were trespassing under false pretences rather than addressing or really looking at the issue of trespass itself.

**The CHAIR:** Just quickly, if you do not mind, please. Can you tell us about it quickly?

**Ms WALKER:** Sure, yes. Over the years in the United States there has been an emergence of what are colloquially known as ‘ag gag laws’, which is agricultural gag laws, to restrict the recordings of practices after getting access to a premises by way of lying or misrepresenting themselves, such as applying for a job or gaining employment with an organisation under fraud. The questions for the court were whether or not lying and recording criminalised by the Act are protectable speech under the first amendment, and obtaining access to an agricultural production facility under false pretences and lying on a job application with the intent to commit an unauthorised act. The lying provision criminalises obtaining access to agricultural operations under false pretences. Three recording provisions were covered under these laws; of bugging, filming after applying under false pretences, and filming while trespassing. The Animal Legal Defence Fund filed a suit against the Governor of Utah to challenge the Act as a restriction on speech in violation of the first and 14th amendments, the first amendment being the freedom of speech and the 14th the equal protection clause. The state’s contention was that the harm caused as a consequence of lying was that danger to animals and employees. The court remained unconvinced that there was any evidence of harm in the form of a danger to animals or employees caused by lying to gain access.

The second contention was that the access to private property in and of itself, when procured through misrepresentation, constituted a trespass. The question was whether the authority procured through the lies was negated and therefore the person remained as a trespasser. The court found that where the liar does not interfere with the ownership or the possession of the land the consent to access remained intact. So lying to gain entry without more does not, of itself, constitute a trespass. They held that without harm caused there was no trespass.

They concluded that the state undoubtedly had an interest in addressing perceived threats to the state agricultural industry, and as history shows, it has a variety of constitutionally permissible tools at its disposal to do so. Depressing swathes of protected speech without justification is not one of them. The laws were introduced in response to undercover investigations filming abhorrent practices by some agricultural production operators. The statute targeted those undercover operatives who were gaining access under false pretences.

Essentially—if that did not complicate it any more—the court was satisfied that the common-law trespass laws were adequate but that the extension of lying to gain access did not, in and of itself, constitute a trespass.

**The CHAIR:** Thank you very much. We have heard from different witnesses about penalties—minimum penalties, the fines on the spot and the minimum sentence. What is your view on this?

**Ms WALKER:** The maximum under our legislation under the *Summary Offences Act* is six months imprisonment or 25 penalty units for a trespass, wilful destruction of property and breach of the peace. Destroying or damaging property—criminal damage—under the *Crimes Act*, being an indictable offence, is up to 10 years imprisonment. For incitement, under the *Crimes Act* the person who is found to have incited is guilty of the principal offence, so the penalty would then reflect whichever offence was incited to be

undertaken. So if the person was found guilty of incitement to damage property, then they would be liable for a 10-year penalty. Aggravated burglary, as I indicated to the Committee, which has higher penalties depending on the level of aggravation, can be from 15 to 20 years imprisonment under the *Crimes Act*.

Our position is that those penalties are sufficient. Our position is that certainly with respect to any conspiracy, if that were to be taken on by the director, that would be a matter that would be dealt with in the higher courts, in the County Court, for any such offence. This suggestion by the Bill from the Shooters, Fishers and Farmers Party was to specifically legislate that the offences could not be dealt with summarily. That is not something that we would agree with, to take it outside of the summary jurisdiction where the penalties are commensurate to other offences which are able to be heard summarily. So any increase in the penalty, our position would be that that necessarily would not deter the actions that are being undertaken by activists at the moment but more importantly does not assist in any further regulation or transparency of the industry itself which gives rise to the activism in the first place.

**Mr BARTON:** Correct me if I am wrong: New South Wales and Queensland have toughened up?

**Ms WALKER:** Yes.

**Mr BARTON:** So they are obviously taking a different view to you and it is probably a bit early to see if it is going to be effective, but what we have found and what we have heard is there is a genuine concern from farming families after they have been put on the Aussie Farms map that they are scared they are going to be targeted by these groups. How do we alleviate that if we leave things as they are?

**Ms WALKER:** Part of our suggestions is also to implement CCTV on every farm as a mandatory requirement, which would satisfy not only overseeing practices of that particular organisation but would also provide further investigative practices for the investigators. Similar to when body-worn cameras were introduced for police primarily in family violence matters, but certainly in my experience in such a short time they are being used for other offences and are a very effective investigative and evidentiary tool.

**Mr BARTON:** We have had activists here at one of the hearings who have been doing this for many years and they have a philosophical position that we should not be farming animals. No matter what we do, whether we have CCTV cameras or no matter what you do, they are not going to comply. What do we do? How do we protect innocent small businesses and families who are genuinely frightened out there?

**Ms WALKER:** I still do not believe that increasing penalties necessarily is going to change those ideals at all. They are extreme ideals, and we have to respect them as part of our democratic community. They do so at their own risk and there are penalties that they are exposed to and, I am sure, are quite happy to be exposed to for a political purpose.

**Ms TERPSTRA:** Thanks, Mel, for your submission and for coming along and giving evidence today. It has been really interesting to hear the legal analysis around some of our laws. It has been great. Notwithstanding your comments around—

**The CHAIR:** Can you hear her properly?

**Ms WALKER:** I can hear, yes.

**Ms TERPSTRA:** increasing the penalties under some laws, there has been some suggestion around minimum sentences or on-the-spot fines. What is your view, or the LIV's view, about that as a solution, or is it, as you have been saying, more about transparency in the industry that is more appropriate?

**Ms WALKER:** Well, that is our primary position—that if there was more transparency within the industry, the requirement for not so much the extreme activism such as what you were talking about but of people who feel very strongly about exposing animal cruelty. I am definitely sure that the general public would not have an issue with an exposure of animal cruelty. Nobody wants to see that. When you say minimum sentences, do you mean mandatory?

**Ms TERPSTRA:** It just talks about minimum sentences. I know there is a distinction between mandatory and what might be—you could have a mandatory minimum sentence, for example, and then it talks about on-the-spot fines. But it is just I would think minimum sentences might say that for whatever offence that could be whatever amount of time it is as mandatory I would think.

**Ms WALKER:** Ordinarily minimum sentences really just denote the level of seriousness of the offence itself. Simply because there is a minimum does not necessarily mean that that minimum is imposed. When we are talking about mandatory minimums, that is a different conversation. We have mandatory minimums and we have very few exceptions to that now, and that is a very current debate at the moment. I think this new Bill that was introduced also suggests the same thing.

The LIV do not support minimum mandatory sentencing. We support instinctive synthesis of sentencing and also the requirement for exclusions within that. It is a way for Parliament to indicate to the public and to the judiciary as to what is an expected penalty for such an offence and to reflect the seriousness. When you have to sentence somebody, you do have to take into account a number of different things, not simply the damage that has been caused. We would certainly support that minimum sentences remain as they are, and they are working fine.

**Ms TERPSTRA:** Great. Thank you.

**Ms BATH:** Thank you, Mel, for your information today. The first question I would like to ask you is: we have heard from a variety of witnesses about how they have experienced on-farm invasion, on-farm trespass. Only last week we were in Horsham when we heard from Luv-a-Duck, and we heard how the workers on site stood in front of an area and just crossed their arms and stood passively so that no-one could enter that space. I know that the CEO said how he was very proud of his staff and that there was no negative occurrence or interaction, we will say. We have also heard from LT's Eggs about how the young lady who is part of the business is scared now to sleep on site on that farm because of invasion. That is a real statement from her.

My concern is, and we have heard in this forum, to date the farmers, the people who are being invaded, have not pushed back in a forceful way. They have not been violent.

*Interjections from gallery.*

**The CHAIR:** Please. Thank you.

**Ms BATH:** That is the testimony that we have heard. My question is, or my concern is, that there might become a time, if activism still continues to prevail and continues, that a farmer or a worker will take matters into their own hands—somebody has come onto their property and they have taken matters into their own hands. What protection will they have, or not? What are the implications for them when that morning they were going about their daily business and an issue arose? What legal protections do they have, and what would the consequences be if I said there was an action of force backwards?

**Ms WALKER:** Any person, a general member of the community, has the general protections under the law where a response is proportionate to the threat that they are faced with.

**Ms BATH:** Forgive me, not being a lawyer, how is that read? Isn't that somewhat subjective? How is that defined?

**Ms WALKER:** Well, I will give you an example in that particular context. If there was a peaceful intervention by a group of activists and a farmer came out with a baseball bat or a shovel and began assaulting the activists, that would be a disproportionate response under the law.

**Ms BATH:** If the activists were taking an animal and putting it into the back of their car, what would that be seen as?

**Ms WALKER:** It is a theft.

**Ms BATH:** Correct. But in response to the farmers—I am just trying to get to the point that we have had these communications, a real sincerity concern around that issue and (a) protecting the activists from harm but (b) also protecting the farmer from that heightened state of anxiety and concern.

**Ms WALKER:** That the animal was to be harmed or that the animal was being taken?

**Ms BATH:** That their property was being stolen, and they had this heightened sense of anxiety, which caused them in their mind to retaliate, we will say, or stop—

**Mr MEDDICK:** Excuse me, Chair, I am just asking: is Ms Bath suggesting or asking our witness whether she would consider if the theft of an animal is occurring, that physical assault from a farmer is an acceptable response?

*Members interjecting.*

**The CHAIR:** Order! Can you answer Ms Bath's question?

**Ms BATH:** Chair, that is entirely not what I am seeking to understand, so Mr Meddick is out of line in saying that. In a non-law capacity I am trying to understand the law in relation to those sorts of actions.

**Ms WALKER:** What I would say that the response of the law would be would be similar—that where a person was using an assault as a reaction or a response to a theft in the circumstances may be disproportionate.

**Mr GEPP:** Thanks, Mel. I have just one question around your CCTV proposition that you advanced. We heard earlier from Ag Vic that we have got about 21 000 farms here in Victoria, and of course we have got a lot of other places where there is livestock in terms of transport, saleyards et cetera . So in relation to your proposition about CCTV, where on farms would we locate that CCTV, given they are very big places? And once we have got CCTV in position who is then going to look at this footage on 21 000 properties? I am just trying to work through the practicalities of what you are proposing and how it might work from a logistic and legislative perspective.

**Ms WALKER:** I think that if we restrict it to the concerns that are voiced by activists, they are the practices of holding, keeping, housing and slaughtering animals in these particular industries. And so our proposition would be that the CCTV footage covers those particular areas, such as the housing of and where animals are dealt with on that property, and also with transport. I accept that farms are very expansive, but I believe that it could properly be restricted to those particular areas.

Who would regulate it? The regulators would regulate it—the RSPCA and Animal Liberation could be given the powers. There are already powers for the regulators to oversee and seize or execute warrants or come onto properties without any notice, and that CCTV footage can be overseen by them. What we say is that there is your transparency, where farms and operators are then overseen and know that they are being overseen, such as, like I said, with the body-worn cameras where the actions are being recorded in real time. That then will assist to regulate proper practices to reduce any further cruel and unconscionable conduct upon animals as we have seen by the filming and recording of some of these practices covertly.

**Mrs McARTHUR:** Thank you, Mel. There are many issues arising from your presentation, obviously. You say this entry onto farms is for the sole purpose of exposing acts of animal cruelty, but we have heard here that the animal activist agenda is to actually, as Mr Barton said, end all animal meat production in this state, perhaps this country or perhaps across the world, who knows? So no amount of animal welfare changes or regulations or CCTV cameras will suffice.

Just going to Mr Gepp's question, I do not know how often you have been on farms, but every farm has a situation where there would be animals held for some time or another. It might be in a shearing shed, it might be in some yards waiting for vets to come or for transport to collect them. The practical application of insisting that CCTV cameras be located on every single farm and therefore all over a farm, you would have to say, is beyond normal comprehension, I would have thought. Who would pay for it? As Mr Gepp asked, who would access it and monitor it? Who ensures that it keeps working? It does seem to be quite incredible.

I am also interested that the Law Institute would seem to be condoning illegal acts of trespass in the name of free speech. Is that your position?

**Ms WALKER:** No, absolutely not. We certainly do not condone what we say—

*Interjections from gallery.*

**The CHAIR:** Excuse me, sorry to interrupt, but I am having problem hearing the members and the witness. Please everyone in the gallery. Thank you very much. Sorry about that.

**Ms WALKER:** We do not condone any offences against our laws. What our position is is that the offences that we have are sufficient to deal with those issues and those offences that are committed at the time and can be properly dealt with by the courts and by the law.

**Mrs McARTHUR:** So do you think the application of the law was sufficient with a \$1 fine? There is no mandatory penalty in these situations. And so would the law institute believe that was appropriate?

**Ms WALKER:** The law institute is not in the practice of indicating whether or not we believe that a penalty imposed is appropriate. We have an appeals system in this state, and certainly if the director or Victoria Police or the regulator are not satisfied with such a penalty, then the appropriate appeal process can be undertaken. As I was saying to Ms Terpstra, minimum sentences are a guide to a court where myriad other factors are taken into account, where a court has to place the offence within a certain category and then look at the offender themselves when coming up with an appropriate sentence.

Can I just go back to the first part of your question though, because that kind of went a few different ways. We were having this conversation in the 70s and the 80s about uranium mining. There was significant activism against mining practices for the sole purpose of ending mining. It has not happened, but there is certainly significant regulation overseeing those mining industries now. And if that is a success of a campaign, if I can put it that way, then that is a successful campaign—that we are talking about it, that we are having a committee inquiry about it now, in order to ensure the regulation.

I think the interest needs to be defined in order for you to come to an appropriate recommendation for the Government. Does the interest lie in the producers and their economic viability, or does the interest lie with the protection of animals and ensuring that if those producers are to continue, those animals are properly protected under our laws? In my submission the Committee can do both.

**Mr QUILTY:** You mentioned the number of incidents where the police found no need for arrests. We have heard that the police are not willing to arrest and charge people where they believe the courts are going to give them a slap on the wrist and turn them out. Could you comment on that perhaps?

**Ms WALKER:** I think that is a matter for Victoria Police to answer. If an offence has been committed, they have the power of arrest. If they choose not to arrest and not to prosecute somebody, it is a matter for Victoria Police.

**Mr QUILTY:** You would not accept that there is a gap between perhaps what the courts and the legal profession feel and the community as a whole over matters like this?

**Ms WALKER:** No, I do not accept that. As I said, we have a system of appellate courts in this state for very good reasons. Where there is a perceived insufficiency of penalty, that decision can be appealed and the higher courts can dictate.

**Mr QUILTY:** You have called for CCTV cameras to be rolled out in the agricultural industry. Do you think that should be rolled out more generally across workplaces?

**Ms WALKER:** Well, we have them, thankfully, in prisons. We have them now in police stations. At the significant Coroners Court inquiry that has just occurred, had we not had that CCTV footage then, we would not know really what happened. I think it is an investigatory and evidentiary tool of the future, and I think it will be used more and more as it is being rolled out.

**Mr QUILTY:** Legal offices?

**Ms WALKER:** Legal offices?

**Mr QUILTY:** Should we put CCTV—

**Ms WALKER:** Where? In my office?

**Mr QUILTY:** Yes.

**The CHAIR:** Thank you.

**Mr MEDDICK:** A vast number of questions, but I will try to confine them a bit, because I want to run down two different avenues here that may well tie everything together.

You touched briefly on the American experience with the ag gag laws. What you did not cover, I think, was one of the main things that became of great concern to the general populace over there. Those laws, in many states, also encompassed the fact that you could not speak in the public realm in any way, shape or form that was detrimental or deemed detrimental to the animal agriculture industry, and to do so was an offence. The case in point—the most high-profile case in point—was in fact Mr Howard Lyman, who was the number one cattle rancher in the United States. He is the man who invented mass production of cattle in America. He was on *The Oprah Winfrey Show* and stated all of his concerns around animal welfare.

Ms Winfrey and Mr Lyman were consequently arrested and charged under the ag gag laws for speaking in a negative fashion about the animal agriculture industry in America. Ms Winfrey is clearly a very much loved figure in American culture, and the outcry was so enormous that we have seen the rolling back of these ag gag laws across several states. I am not saying that is entirely responsible, but we have seen that they have actually rolled back. It became an issue about dissemination and what was in the public interest versus private enterprise, and I think that is a very salient point.

That leads me into one of my first questions. The agriculture sector and animal welfare laws around it are governed here in this state by Ag Vic. They are the responsible authority. From a legal perspective, is it a conflict of interest to have a department that is promoting animal agriculture involved in the overseeing of the welfare of those animals, given the conflict between welfare and what is allowable under POCTA?

**Ms WALKER:** It may be, but one would certainly hope that the regulations that they operated under would regulate them as well. I am shooting off the top of my head here, but I am sure that they would be open to any perhaps VCAT decision or appeal or review of any decision that that they made, and if there was any conflict of interest, that process would then therefore expose it.

**Mr MEDDICK:** The reason I ask that is because you also spoke about perhaps RSPCA Victoria or Animal Liberation having control of these laws and prosecution et cetera. So do you think it needs to be a step further than that? Do you think we need to see the establishment in this state, and indeed federally if you like, of an independent office of animal protection, which would look at all of that CCTV footage you are talking about, which would also then be the cop on the beat? They would look at all these laws, they would have input from VicPol, or even an entire division perhaps? Is this something where we are headed? Do you think this is something that is needed so that we can eliminate these conflicts of interest or perceived conflicts of interest and make things much more transparent and probably even up or streamline the legal process around this issue?

**Ms WALKER:** We certainly would not be opposed to an independent body overseeing those regulations at all.

**Mr MEDDICK:** My final question speaks also to the American ag gag laws and what you have spoken about with the federal laws that have just been passed and what we are seeing in New South Wales and Queensland. Are they the beginning of that slippery slope? Are they, in your legal opinion, the heading down of that path where we are going to see that issues in the public interest are deliberately suppressed because it will become illegal to actually put information out into the public realm?

**Ms WALKER:** Yes, I do. I agree with you.

**The CHAIR:** On behalf of the Committee, I would like to thank you for your time and contribution.

**Ms WALKER:** On behalf of the law institute, thank you.

**The CHAIR:** You will receive a copy of the transcript for your proofing. Thank you very much.

**Witness withdrew.**