

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

Ms Nicola Fanning.

The CHAIR: Good afternoon. I would like to remind the public to please make sure your phone is on silent and no photos are allowed in this hearing. The Committee is continuing to hear evidence today in relation to the Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture and the evidence is being recorded.

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 please state your name for the Hansard record, and allow us some time so that we can ask questions. Thank you.

Ms FANNING: Nicola Fanning. Thank you for inviting me to speak here today. I think I am going to be a little bit different to the previous speakers. I am a beef cattle producer with a strong interest in animal welfare, but I am probably also an animal activist. I am not vegetarian, but the more I see, the more I am influenced in that direction. To explain why I felt that I wanted to put a submission to this Committee, I will just go through a few points.

Firstly, I have the unfortunate ability to notice sick, injured or malnourished animals in paddocks, then my conscience will not leave me alone until I try to do something to help them. If possible, I will contact owners; if not, and if the issue does not seem to be resolved over a few days, I will contact either the RSPCA or AgVic. Unfortunately, over the years I have learned that I cannot have any great confidence that something positive will quickly happen for the animals. This is not in all instances, but it does happen all too often. This generally leads me to continually go back to properties to document and pass evidence on to the authorities. This is not an experience that I do lightly, that I enjoy, but I feel once I start something I must try and see it through. And it is always so frustrating when animals continue to die while an investigation is already active.

I have had many frustrations during active cases. One example is that the inspectors apparently have to notify owners before they can go on to properties. I have provided many graphic photos, some involving hundreds of animals, with piles of dead animals in the paddocks—usually at the backs of paddocks of course—and then to learn that an inspector has been around the paddock, but with the owner, and of course has not seen any of the dead ones and has not seen any of the really skinny ones that I have mentioned. I am hoping that that sort of thing can change, and I would love to see it happen—that one day if I see an animal injured in a paddock or sick in a paddock I can just ring the authorities and have every confidence that it will be attended to quickly and effectively.

I would like to also explain or to demonstrate that not all animal activists are the same. I used to shy away very much from being associated with that word, but now I probably realise that I have probably gone further than animal welfare advocacy into becoming an activist. But I would also like to comment that without activists society as a whole does not improve or change for the better.

I would like also for producers, government and farming lobby groups to realise that there are many more cases of animal neglect out there than they would perhaps like to admit. I would like to see everyone come together and recognise the importance of this as a valued social issue and that we should all be promoting best practice in animal welfare. And I believe there is a difference between animal welfare and animal health, although they are clearly both linked.

Interestingly, as a producer, we were audited under the LPA, the Livestock Production Assurance program. Although the LPA has quite a unit on welfare in there to get your accreditation, our animals were not looked at at all when we were audited. I spoke to a dairy farmer recently who said the same. The calves were not looked at, but they were rearing. The milking herd was not looked at. Nobody looked to see what feed might have been on hand. So I would really like to see all groups such as that be much more proactive in educating farmers that all this is very important and that they value it—and they must value it.

I think farmers have become fearful of activists, largely because of media and lobby groups what I have almost called scaremongering. I was really disappointed to see recently in the *Weekly Times* the VFF suggest that it is not a matter of if but when your farm will be targeted. I think that that is very unnecessarily alarmist and sensationalist, particularly for the extensive industries. I would like to know how many of Victoria's 28 000 producers have been terrorised or have even had an activist on their farm. I do not personally have any fear of a so-called invasion.

So what am I hoping will happen at the end of all this? I am hoping that we can improve the reporting system. Perhaps that means that we need to establish an independent body to report animal cruelty to, not one influenced by politics and interest or stakeholder groups. Perhaps we need to make codes enforceable. We need to more fully protect production animals under our *Prevention of Cruelty to Animals Act*.

This is a time of important social change in the animal welfare arena. The general community are very aware, and with social media terrible graphic images can be put out very quickly. In fact I considered doing it myself. In the case that I have been involved with recently, it was going to be the last-ditch effort to do something for these particular animals if nothing positive had happened.

At the moment, as well as this review that is going on, POCTA is under review—the *Prevention of Cruelty to Animals Act*; Victoria's animal welfare action plan has been developed and will hopefully continue to evolve and, in its core, be implemented and not just be wish words; and then this Inquiry is happening. So I am hoping that somehow we can bring all this together and recognise the importance of animal welfare to everybody—to the general public, hopefully to farmers. I believe that if we do not recognise that, there will be a greater negative impact to agriculture than what will happen through animal activists and their activities. Thank you.

The CHAIR: Thank you very much, Nicola.

Mr GEPP: Thank you for your presentation and thanks for coming along today. We have heard over this Inquiry a couple of different extremes in this whole debate around the production of livestock animals and the prevention of cruelty to animals et cetera. You just said in your opening statement that it would be good if we could get the stakeholders together. So putting aside those extremes, because we know that there are some activists, for example, who say, 'Well, we don't want any farming of livestock'—

Ms FANNING: Yes.

Mr GEPP: That is not going to happen, or I cannot imagine it is going to happen—

Ms FANNING: It is not going to happen.

Mr GEPP: and I cannot imagine that it is going to be a recommendation of this Committee. So if you put some of those extremes to the side, can you just elaborate a little bit further on how you would get all of the stakeholders in a room? What would be the purpose? What would be the objectives of trying to achieve that, from both a production perspective but also animal welfare?

Ms FANNING: I would like to see the lobby groups become much less defensive. They seem to be on the attack, and I do not think that that helps anything. I admit that what some of the animal welfare activists have done also does not help the welfare cause and does not help anything, but I think many of the lobby groups—I should not say many—are not taking it seriously, are too much on the defensive, farmers blindly defending farmers when they may not even have seen the animals involved. I would like to change that mindset, I think, and I think if we do not, and we do not start to take it seriously, it could negatively impact in a different way. My nieces are both vegetarians. A lot of young people are vegetarian. I think our domestic markets probably could be affected for meat products particularly rather than export markets at this stage.

So I would like those groups to really take it on board seriously and to educate. In this particular case that I have been involved with I did badger everybody in the end, because this is a case with a 25-year history of starving animals where the local community have given up, because 'Oh, yes, we reported it 10 years ago. We reported it 15 years ago. Nothing ever gets done'. I did badger everybody—the MLA, the minister—so I was disappointed. I got some words of support from groups but not any actual meaningful support. Why can't this be looked at as part of their auditing program, for instance? And, all right, before they do that they really need

to educate producers and put them on notice that this is going to be an expectation and that ‘We will look at you and think about taking away your accreditation’.

That was why I was very disappointed when we were audited. I said, ‘Do you want to see the cattle?’. ‘No’. I thought, ‘That’s how they value welfare’, and I found it very disappointing.

Mr FINN: I was fascinated to hear—and certainly I take on board what you say about the starving cattle; it seems to be quite extraordinary—what you said earlier about the injured and the sick cattle that you had seen. How often does that occur?

Ms FANNING: It is a difficult question. I do not know about injured and sick. With most of the sick cattle I see it is directly related to poor management, lack of feed; maybe it is a worm problem. I do regularly see animals that are needing assistance. There were some sheep down the road on the highway at Benalla recently or in late summer, and every time I would go past there would be another dead one. I am pretty sure it was because they were flyblown, they probably had two years wool on them, in a paddock of maybe 40. I did not report them, and I felt really guilty for not reporting them, and every time I drove up the highway there would be another one dead. So the whole management thing was not good there. And I do relatively regularly see that sort of thing happening unfortunately. I think it is more widespread than people like to admit to.

Mr FINN: We have heard for some time now on this Inquiry that farmers get the most productivity from animals that are healthy and that are happy. What possible purpose would it serve to keep injured or sick animals in the way that you describe?

Ms FANNING: Well, injured animals I think usually, if they are badly injured, you approach an owner or the department does—that would be dealt with fairly well. It is usually the large starvation cases on large properties that are the difficult ones. My partner is also involved in the livestock industry fairly heavily and has worked as an agent for a long time, and he has had—and relayed to me—owners say to him that it is cheaper for them to have up to 10 per cent of their animals die than it is to feed them and to keep them in, say, above condition score 2. That sort of a mindset is another mindset to me that needs to go.

Mr FINN: So you are suggesting that some farmers actually deliberately starve their stock to save money.

Ms FANNING: I am not saying that they deliberately starve them, but they deliberately do not feed them not to spend money.

Mr FINN: Right. Okay.

Mr QUILTY: I was just wondering: how big is your farming operation?

Ms FANNING: We have now scaled back. We have just recently moved to the area. We are running 50 cows and calves. Up until three years ago we were running up to 300 cows and calves on a property in East Gippsland.

Mr QUILTY: It is a decent size. It is odd: in my experience I have seen individual animals, I have never seen large-scale starvation. It is foreign to my experience.

Ms FANNING: Okay. I can show you lots of photos if you like. It can be quite amazing. It is the large-scale ones, and the owners are often difficult, and they are the cases that are difficult to bring resolutions to.

Mr QUILTY: I just wonder how such a farmer makes money.

Ms FANNING: Numbers.

Ms BATH: Thank you, Nicola. To my mind—and I have looked through your case study—your concern and commitment for animal welfare is to be applauded. I would not call you an activist; I would think that you are an animal welfare supporter. That is my interpretation, and I appreciate that you are there for the animals. My comment is in relation to your submission. You talk about ‘I have always felt that POCTA’—the Prevention of Cruelty to Animals Act—‘is a reasonably OK document. It is the implementation and enforcement that is failing’. And I go to some of your case studies in your submissions, and you talk about

contacting various bodies and the like. To my mind there are laws. They are there to be enforced, but there seems to me to be a gap between the laws and enforcement and the process and the actual outcomes. If I can just hold you to task on one of those, on one issue, and then please answer: we have heard that audits are informed and the farm is rung up. Well, we have heard here, for example, that at the Gippy Goat farm, because of their heightened sense of publicity, they are regularly audited unannounced—on a regular basis. Someone will ring up and say whatever. So I think there are examples where farms are audited unannounced, but you have clearly demonstrated some frustrations in the system where you comment, you ring, you ask for help and the processes are not delivered.

Ms FANNING: Can I ask, is that an audit by—

Ms BATH: An authority such as the local council or Ag Victoria—particularly Ag Victoria, is my understanding.

Ms FANNING: Because unless they have had a report, a group such as Ag Victoria or the RSPCA would not go and do an audit—

Ms BATH: No, there has been a report, a farm report, and then they come in. To my mind, just looking at your submission, it looks like you have reported and reported and provided evidence but the accountability or the implementation is not occurring, and therefore why?

Ms FANNING: Why is it not occurring? I think there are a number of reasons. Sometimes I query commitment. I think there is probably a lack of funding and resources there. I think there is still too much leniency given to owners. I think some of the processes that sit behind the legislation are probably unsuitable. I do not know all of the processes that sit behind the legislation, but for instance the fact that I have been told repeatedly that we must make an appointment before we go to look at the report—if the people have days of knowledge that this is going to happen, well, animals disappear very quickly, so that is one of the frustrations. I get told things like, ‘We need to see one that is down. We need to be able to destroy animals. We need to be able to see dead animals before we can actually do anything positive in terms of starting to put a case together or issue the notices to comply’, which you may like to ask about too. So it just seems to be very difficult. And again, in many cases if it is somebody’s pet horse or somebody’s pet cow or it is a genuine owner who is a bit ignorant and an inspector goes and speaks to them and says, ‘This, this and this. We’ve had calls about this. We’re concerned about this’, well, that person fixes that very quickly. So the hobby farmer-type person will generally fix that really quickly. They are often guilty of fairly horrible things, but they will fix things. It is often farmers that seem to just become belligerent about it and for whatever reason do not take on board what they are being asked to do.

Ms BATH: Thank you, Nicola. The other question I had was about—and this sort of scares me or frustrates me in a sense—when somebody says we need another independent body. If we unpack that—so I want you to unpack that or respond—what is an independent body? Because ultimately the RSPCA has subscription and volunteer money and it is also paid by the State Government. AgVic is an oversight body; it is also paid by the State Government. If we have an independent body, who is paying it?

Ms FANNING: Who is going to fund it? Yes.

Ms BATH: So is it paid by Animal Welfare Victoria or the extremist groups? And then that is not an independent body, so how do you create an independent body?

Ms FANNING: I must say I am not sure of that. I have often wondered too whether perhaps it would be better if it could be placed with the police, if you could train the police in animal welfare matters, obviously with funding and whatever, and then they are good with the law—

Ms BATH: But they are at the coalface too, aren’t they?

Ms FANNING: They are there at the coalface, yes, although I could not get them to help me recently, but anyway. Yes, that would be another avenue, and yes, I see where you are coming from. With the call for an independent body, how do you fund it adequately? And as soon as somebody is funding it, there is a vested interest and a conflict of interest. So it is pretty hard.

Mrs McARTHUR: Thank you very much for your presentation. I have a few questions; rather than give them all to you, I will go one at a time. You mentioned ‘animal health is different to animal welfare’. Would you like to unpack that?

Ms FANNING: I was trying to think before how to explain that, and I came up with this rather horrible analogy actually. I thought, ‘How do I quantify that?’. If you put 30 children in a room and fed them really well and they were really healthy, but that is all you did, how would you view their welfare? Now, I have not had a lot of time to think it through, but I think it again and again: ‘How can I separate animal health from welfare?’. Animals can be healthy, and I think of animals as sentient beings. So clearly apart from the pain aspect, I do think they can feel joy, happiness, sadness—all of those things—so that is probably where the welfare side of it comes in.

Mrs McARTHUR: So how do you measure that welfare, their happiness?

Ms FANNING: I can see it, but I do not know how I measure it. If we have had cattle locked in the yard for a few days and they all joyously go springing about as you let them out, to me that is joy. The chooks, when they hear the gate open to let them out for the day, they run to the gate; that is joy. The gentleman earlier was saying about taking the lamb away from the ewe and that for two days she screams and frets about it. Surely that is sadness.

Mrs McARTHUR: You are a beef farmer?

Ms FANNING: Yes.

Mrs McARTHUR: How many beef cattle do you have?

Ms FANNING: At the moment we are running about 50 cows and calves.

Mrs McARTHUR: So you probably would be familiar with occasions when the cow has a difficult birth and they will discard the calf and will not look after it at all and will just leave it?

Ms FANNING: Yes.

Mrs McARTHUR: But in a farming situation the farmer will save that calf as best they can and feed it and rear it. As a calf left to nature, that calf would have died, so in nature there is cruelty, you could attest. That is how it works. So the farmer actually does a lot more than what would happen in the natural environment in many situations in the animal industry.

Ms FANNING: In many situations, yes. But then I have also seen that there are a lot of animals that calve and lamb without anybody overseeing what happens at all.

Mrs McARTHUR: And they can naturally do that very well.

Ms FANNING: Most of them.

Mrs McARTHUR: Can.

Ms FANNING: But you do see animals dead in paddocks with calves hanging out of them as well and heifers that have been joined too young and they are not overseen. So there is a lot of husbandry that goes on that is I think substandard.

Mrs McARTHUR: But would you be saying that most farmers would not want to have healthy stock on their property? Because if they do not have healthy stock they will not be productive and they will not make enough income to even survive.

Ms FANNING: I would say yes, most farmers want healthy stock on their property.

Mrs McARTHUR: Exactly. You have made some sweeping statements about how you often see large-scale farmers being very uncaring towards their stock. How often is this?

Ms FANNING: I once counted. I used to drive down to Bairnsdale regularly, a 2-hour trip, and I remember one day deciding to quantify that and I counted individual farms as I drove down the mountain. I asked myself, ‘Would I want to be an animal on that farm?’, and for more than 50 per cent I came up with a no.

Mrs McARTHUR: Can I just ask also, you said you think the lobbyists for the farmers have been unnecessarily creating fear in the community, but we have heard from people presenting on farms of various sorts that that fear is very real. They have had to move off their farm because they do not feel their children are safe. Do you not accept that there is real fear on farmers with the threat of activists coming onto their farm and where they have come onto their farm in fact with black balaclavas?

Ms FANNING: Yes, I think there is real fear, but I think a big part of that fear is being generated by some of the things that we are seeing in the media—if you look in the *Weekly Times*, how to make your farm activist safe. As I said, especially from the extensive industry—if farmers in the extensive industry are looking after their stock. It is very unlikely that they are going to get invaded by activists. That is my opinion anyway. And again there are activists and there are activists. I mean, I would never be disrespectful to anybody, I would never break into anybody’s house and I would never intimidate anybody. And so I just want the Committee to be aware of both sides of that.

The CHAIR: Thank you. If there are no further questions, on behalf of the Committee I would like to thank you for your time and contribution. You will receive a copy of the transcript for your proofreading. Unfortunately the last witness has cancelled. Before I close the meeting I would like to thank everyone in the gallery for their time, I would like to thank the local Member as well for being here and I would like to thank the Hansard staff and my colleagues for attending today’s hearing. Thank you very much. The hearing is closed.

Ms FANNING: Thank you.

Committee adjourned.