

TRANSCRIPT

LEGISLATIVE COUNCIL ECONOMY AND INFRASTRUCTURE COMMITTEE

Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture

Warrnambool—Tuesday, 17 September 2019

MEMBERS

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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

Mr Chris O'Keefe, Secretary,

Mr Bernie Free, Member, and

Ms Oonagh Kilpatrick, Policy Councillor, Wannon Branch, United Dairyfarmers of Victoria.

The CHAIR: Good afternoon, and welcome back. Just a reminder for everyone in the gallery, please make sure your phone is on silent and no photos are allowed unless you are present as media. The Committee is hearing evidence today in relation to the Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture. Welcome to the public hearings 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. So please, before we start, can you state your names for the Hansard record and allow us some time to ask you questions. Good afternoon.

Mr O 'KEEFE: Chris O'Keefe.

Mr FREE: Bernie Free.

Ms KILPATRICK: Oonagh Kilpatrick.

Mr FREE: I am a dairy farmer 15 minutes out of Warrnambool. I have got a 26-year-old daughter that has come home on the farm to hopefully take over at some stage in the near or distant future. I grew up on a dairy farm down at Simpson, on the Heytesbury settlement down there. So, yes, I have had a reasonable experience on a dairy farm; it is all I ever wanted to do. So I will read the three pages that we have got and then we will get into it.

Farmers have a right to farm animals for food and fibre when it is linked to caring for them. There is 'historical licence' born out of 10 000 years of domesticating, herding and caring for animals for food and fibre and to the present day of the same, and holding 'social licence' by virtue of people buying these products. There is responsibility to care and minimise pain and suffering. This responsibility does not mean that suffering can be eliminated, just as it cannot be eliminated in the human condition. No-one has the right to trespass, not even activists, no matter what their cause, and especially no right to invade in numbers or in secret, the reasons being, firstly, that farms are dangerous places, and secondly, for reasons of biosecurity. Farms are also the place of residence of owners as well as employees. This puts mental strain on owners and employees through the threat of home invasion.

Right or social licence to farm: historically, ever since the dawn of history, man has domesticated and kept animals for food and fibre. Herding developed about 10 000 years ago as prehistoric hunters domesticated sheep, goats, cattle, pigs and dogs. The animals gained protection from the wild animals and secured a better surety of food because of the herding from one fertile grassland to the next. So both humans and animals coexist to the benefit of both.

Contemporary social licence: as long as people buy meat to eat; buy wool garments; buy leather upholstered products; buy milk, milk products, eggs, beef, bacon, chicken, pork, ham and countless other items from animals, then farmers have a social licence to operate, provided they care for these animals, which of course they do so as to avoid detriment to their business.

Suffering does not equal cruelty to either human or animal. It is obvious that animals feel pain just as humans feel pain. Also obvious is that animals have a much higher threshold for pain than people, therefore equipping them to live outside. The point I wish to make here is that pain is a fact of life for both animals as well as humans. Where humans keep or farm animals it is their duty to treat sick animals. To the untrained person seeing, for example, a cow cast with milk fever or grass tetany or a twisted gut, or limping with foot bruising or footrot, or a sheep with similar foot problems and dozens more, this would be cruelty. However, these are

normal ailments in an animal's life which are treated by the farmer or veterinarian, who returns the animal to a normal healthy status.

Similarly, people suffer ailments which cause sometimes considerable pain, but with treatment most are curable. If they are not curable, then pain is alleviated. Examples are sporting injuries, a dislocated knee or collarbone, flu and colds, back ailments, hip and knee replacements and a dozen more that are treatable. Cancer may not be curable but pain can be alleviated. So again, suffering does not equate to cruelty.

Trespass is unlawful. Unlawful practices on farms are unacceptable and should be dealt with by appropriate authorities, not by groups or individuals with a political and ideological agenda hoping to capture isolated incidences of apparent abuse and publicise it as the norm. Pollution should be dealt with by the EPA. Safety should be dealt with by WorkSafe. Animal abuse should be dealt with by a well-resourced arm of the Department of Agriculture, who are experienced in the difference between short-term temporary suffering and cruelty, and who do not have an agenda.

The presence on farms of certain people and purposes is legitimate. Examples are carriers of livestock, fodder and grain; veterinarians; farm advisers; contractors; or even a passer-by advising, for example, stock on the road or a broken fence. People and protesters coming onto a farm and going among animals—cows, sheep, lambs or pigs—for the purpose of protesting or gaining film footage is invasion of private property, is trespass, is illegal and is unwelcome. Trespass on a farm is serious because of the danger to life and biosecurity. Heavy machinery and large animals can be life-threatening to the uninitiated.

Biosecurity is the prevention of the spread of pests and diseases. Protesters trespassing on farm property can spread pests and diseases from one property to another. An example is one of the dozens of varieties of salmonella. A virulent form of salmonella can come from a neighbouring calf shed where immunity has built up to another calf shed with no immunity and spread right through every calf pen, killing many if not all of the cows with fever, scour and stomach cramps. The same is the case with cows, where if not treated they can die within 24 hours.

Johnes disease is another that can be spread from farm to farm and also from paddock to paddock where a farmer has strict protocols. Protesters can cause the very thing that they say they want to prevent. This is not to mention the possible introduction by an overseas traveller of mad cow disease or foot-and-mouth disease, which would wipe out a \$14 billion agricultural industry from Victoria. Other decimating diseases are the highly contagious African swine flu and also the avian influenza in birds. So biosecurity is not just a word but a protective measure to safeguard animals from the spread of diseases and therefore suffering—a fact that animal activists should be aware of.

Penalties: where the costs to individual farmers, not to mention cumulative industry costs, can be in the hundreds of thousands of dollars, there must be meaningful deterrent. Maximum fines of \$220 000 for individuals and \$400 000 for groups should be strongly considered. I would also suggest that there should be minimum penalties. A fine of \$1 for breaches of trespass and endangerment to biosecurity and life is not acceptable. As an absolute minimum, we would suggest \$5000 for individuals and \$100 000 for a group and that this be mandatory, with the magistrate having no recourse but to impose a minimum or greater penalty.

The national livestock identification scheme was put in place to trace movements of livestock across Australia to identify traceability of animals in a livestock operation, especially in the case of disease outbreak. Any person or group breaking this protocol needs to be prosecuted to the fullest extent of the law with the same minimum mandatory penalties as for trespass—namely, \$5000 for individuals and \$100 000 for groups.

In summary, farmers have the right to farm animals, suffering does not equate to cruelty, trespass is unlawful, protesters have no right to invade farm properties, trespass jeopardises biosecurity and safety, and protesters who trespass need severe penalties applied.

The CHAIR: Thank you very much.

Mr GEPP: Thank you for coming today, and thank you for that presentation. I am just having a look at your recommendations. Number 4 was that the Government should fast-track the implementation of the Australian animal welfare standards and guidelines for cattle as a matter of priority. I wonder if you could just talk me

through that little bit—what your thoughts were in putting that recommendation forward and what you are hoping to achieve by it.

Mr FREE: The recommendation of?

Mrs McARTHUR: Number 4.

The CHAIR: In your submission.

Ms KILPATRICK: From the submission that was submitted.

Mr FREE: Do you have a copy of that?

The CHAIR: It is a typographical error? Okay. No worries.

Mr GEPP: You have got the wrong one in there, have you?

The CHAIR: Yes. It is from our side. Okay.

Mrs McARTHUR: A Parliament of Victoria mistake—that is what we are definitely trying to say.

Mr GEPP: Sorry. Let me rephrase, and let me be brief. If you could get the Inquiry to make one recommendation to the Parliament in terms of this matter, what would it be? You have got a number of things that you have talked about in terms of trespass laws, fines and the like. What is the key from your perspective? There might not be one. If there is not, then it is fine for you to say so.

Mr FREE: They are all intertwined. Because I am registered with the NLIS scheme I have obligations and requirements and penalties, whereas the people that took that goat from Gippy Goat farm and the people that took those couple of sheep, or tried to take the sheep, from the abattoir in New South Wales—they could get away with it because they are not registered. That is just absolutely ridiculous in this day and age with the amount of diseases that are about in the world, and if we were unfortunate in Australia to get the pig—

Ms KILPATRICK: Swine.

Mr FREE: Yes, the swine fever that they are talking about, from what I have read and seen, that is going to be catastrophic for the pig industry. If the rest of the industry gets foot-and-mouth or any of those sort of things, the world is not going to care whether it is on one farm or wherever it is, they will just shut Victoria down—perhaps even Australia. These are the things that really make us worry about all of this. So it needs to be a big enough penalty that people think about what they are doing before they start.

Ms KILPATRICK: Could I just add—from my accent you will gather that I am not originally from Australia.

Mr GEPP: None of us were! Except for the Indigenous.

Ms KILPATRICK: No. I am originally from the north of Ireland. What Bernie has just referred to is foot-and-mouth, and we had outbreaks there. The devastation that was created to economies in the UK as a result of that outbreak of disease and the protocols that had to be put in place—you had the financial devastation, but you also then had the emotional devastation and the mental health issues. You have asked us what we want. We do not want people trespassing on our farms because of those biosecurity risks, because of the health issues and because our farms are our homes and we are entitled to basically have that protection.

Mrs McARTHUR: Thank you all for coming along today. It is most important. Let us face it—this is not trespass; this is breaking and entering, isn't it? And really perhaps that is what we should be talking about. Are we able to just break and enter into anybody's workplace or home? Maybe you want to comment on whether this has moved on from trespass to breaking and entering. Also, can you tell us perhaps Oonagh what is the impact of this animal activist campaign on the dairy community in this most viable region of the dairy industry in Australia?

Ms KILPATRICK: If we go to breaking and entering, that is really what we are talking about. We are being polite in calling it trespass.

Mr FREE: I wonder, having heard the father and daughter with the chickens—is it breaking and entering or is it terrorism when you dress up in all black and all you have got is your eyes exposed? That is getting awfully close to terrorism, I would have thought.

Mrs McARTHUR: Right. Go on.

Ms KILPATRICK: Coming from Northern Ireland, terrorism has a different meaning! But yes, you are right. I am being a bit facetious.

Mrs McARTHUR: The impact on the—

Ms KILPATRICK: Yes, the impact on the dairy industry is colossal. In this region, I think for every \$1 million that we generate we create something like four and a half or five jobs—five positions, full-time positions. Irrespective of where it is, we are the third largest rural industry in Australia—here we are number one—and we are looking at 4.27 billion, creating for every million dollars spent throughout the whole of Australia eight and a half full-time jobs. That is what we are talking about—if we have devastation from breaking and entering and bringing in, from a biosecurity risk, diseases. And, for example, a veterinarian, if they go to a country like Nepal or wherever, cannot come straight onto our farms; they have to have spent at least a week. So effectively they go through that process. But what we have are people who think it is appropriate to break and enter into farm premises and who could have been anywhere. They could have been travelling anywhere. So the devastation from a financial devastation and from a personal devastation perspective is vast.

Mrs McARTHUR: So that is the biosecurity issue. If we were to close down the dairy industry, which is what the animal activist campaign is about, actually ending the industry altogether—

Ms KILPATRICK: Well, it is basically all about the figures—4.27 billion; eight and a half full-time jobs for every million-dollar turnover.

Mr MEDDICK: Thank you all for your presentations today. I just want to say that I do have a number of questions. First of all, I suppose, if I can speak to you. The outbreak of disease that you talked about in Northern Ireland—

Ms KILPATRICK: Well, the UK, because Northern Ireland is part of the UK.

Mr MEDDICK: What was that caused by? Was that caused by animal activists trespassing on farms?

Ms KILPATRICK: No.

Mr MEDDICK: No. Thank you.

Ms KILPATRICK: But it is an illustration of what could happen and the financial impacts.

Mr MEDDICK: Now, on another question for all of you—feel free, anyone, to answer. I do not mind. You talk about greater penalties for trespass on farms. I spoke about this before with somebody else, and I think it was agreed to. The fact is that Victoria is a democracy, and a democracy has laws that are applied equally across all members of the community. We do have very strong trespass and wilful damage laws, and I quoted those before. I will not go through the business of doing it again. Why did you feel that your industry should be held on a different level to, say, someone who goes through trespass and wilful damage on another industry, when in a democracy we have the laws and they apply equally to everybody? Why should they be different?

Mr FREE: But the laws do not apply equally to all of us.

Mr MEDDICK: How so?

Mr FREE: Because you can go and pinch a calf from my place and because you are not registered for the NLIS scheme you do not get prosecuted through the NLIS scheme; whereas if I do the same I will get prosecuted through the NLIS scheme, plus the prosecutions that you get.

Mr MEDDICK: But what we are talking about here in this Inquiry is whether the laws are sufficient for animal activists on trespass on farms. So we are talking specifically about trespass and wilful damage; and the laws should apply equally to everybody, no matter what the industry, when that occurs. Is that not correct?

Mr FREE: If they are going to apply equally, the NLIS scheme needs to apply equally to everybody as well.

Mr MEDDICK: Agreed.

Mr FREE: So it needs to be tightened up as well.

Mr MEDDICK: No problem. So your actual problem here is not with the law itself, but the application of the law?

Mr FREE: No, no, no. The problem with the law is that people can get away with stealing a goat from the Gippy Goat farm for \$1 in the court.

Mr MEDDICK: That is an application of the law. That is a determination by a magistrate. Is what you are saying that—

Mr FREE: No, that is directed from you as being a politician in Parliament.

Mr MEDDICK: No, I did not certainly direct a magistrate to impose a fine. The judiciary of Victoria is independent. It has the law in front of it, and it is up to an individual magistrate or a judge to determine what the penalty is. The judge and the magistrate have that range of penalties in front of them to apply equally across the board. If the fine or the sentence that they mete out does not meet community expectations or your expectations, that is another matter. What we are talking about here is whether these fines or penalties are correct or whether they need to be increased. That is what is at stake there. The determination of the magistrate is what you are upset with there, not with the law itself.

Mr FREE: No, I am upset with the law because the law is not sufficient.

The CHAIR: Okay, we will move on.

Ms BATH: Probably just to continue on from that, I think sometimes in this Committee there has been an agenda to encourage people to say things in a way that can be misconstrued, so I guess my question is: are you happy with a \$1 fine that is enabled by the law, enabled by the trespassing law or in that case it was biosecurity, or would you like to see something different?

Mr FREE: In what I just read before, we said we wanted a \$5000 minimum penalty for an individual and \$100 000 for a group.

Mr O 'KEEFE: Mandatory minimum.

Ms BATH: Thank you very much. My next question is: in New South Wales the Government has just introduced legislation to do with biosecurity, the *Biosecurity Act*, to have an on-the-spot fine of \$1000. There is a requirement within that new law that you must have a biosecurity management plan. Is that something that as a dairy farmer you would consider doing, that you already have, that you would be willing to look at in order to have that on-the-spot fine provision? I am happy to take it from absolutely anyone.

Ms KILPATRICK: Yes, yes certainly.

Ms BATH: Is that something that you already have—a biosecurity management plan?

Ms KILPATRICK: Yes. If we have visitors or if we have an open day on our farm, then you will have footbaths for anybody entering your premises. We cannot ask them to wash their clothes, but what we can do is

ask them to make sure that their shoes and their footwear are suitably disinfected. Now what is happening more and more I see over here is that you are actually being provided with the little plastic foot covers.

Mr BARTON: I will just go back to Mr Meddick's point before. I do not want to sound like I am leading anybody here, but the difference in trespass laws, in terms of whether I trespass into a factory or whether I trespass on a farm, would you agree that because of the biohazard risk of trespassing on a farm that would be a more serious matter than trespassing into a factory, which is a very serious matter to start with as well?

Mr FREE: Totally. Trespassing into a factory is a completely different scenario to trespassing in an agricultural livestock enterprise because of the livestock that you are dealing with. As was previously stated by a couple of other people, livestock are used to certain people and certain ways of being handled, which automatically puts the people that are trespassing in danger of death or injury—serious injury. It is a major concern. It is completely different to a factory.

Mr GEPP: Can I just follow up on Ms Bath's question in relation to a biosecurity plan: is it routine for members of United Dairyfarmers of Victoria to have a documented biosecurity plan on their farm? Does everyone have one of those? I take your point about visitors, but I imagine that a biosecurity plan will go to a whole bunch of different aspects, including storage of chemicals, transport of livestock, feed, visitors et cetera. So is it usual that dairy farmers in particular would have a documented biosecurity plan for their farm?

Mr FREE: There would be some that have what you are describing, and there would be another huge amount of farmers that—well, every farmer is what we call QA-assessed for their milk quality. You have also got Dairy Food Safety Victoria, isn't it?

Ms KILPATRICK: Yes.

Mr FREE: We have to get a licence from them, which puts other constraints on us. And then our own individual farmers have different requirements on the different farms, depending on how they wish to farm, through the risks that they see as acceptable.

Mr GEPP: So what would the—

Mr FREE: So a lot of them do not actually have what you are talking about.

Mr GEPP: Right, okay.

Mr FREE: But a lot of them would have probably 80 or 90 per cent of it sitting at their in another form.

Mr GEPP: So if we were, for example, to adopt the New South Wales model, that would not be a particular regulatory impact that would be a significant burden for farmers?

Ms KILPATRICK: No.

Mr FREE: I have not seen it. Have you seen it?

Ms KILPATRICK: I have not seen it, but I do not think it would be because I think really if you look at where are we are going in the dairy industry—

Mr FREE: It is going to happen anyway.

Ms KILPATRICK: And it should happen.

Mrs McARTHUR: Can you just elaborate on, in this area, how many dairy farms could move to plant-based production if we eliminate animal production in this area and also would you comment on the issues relating to the NLIS scheme, the *Livestock Disease Control Act* and the *Prevention of Cruelty to Animals Act* in relation to animal activist activities?

Ms KILPATRICK: Can I just go back to the first part of your question? As far as how many farms could move to—

Mrs McARTHUR: To plant-based production, since we are going to close down animal-based production here.

Mr GEPP: Chair, I do not want to be—

Mr FREE: I suppose if we all want to eat grass—

Mr GEPP: If I might, Chair, I am not sure—

The CHAIR: But they can take it on notice.

Mr GEPP: I am not sure that the witnesses are actually qualified—

Mr FREE: If you want to eat grass—

Mr GEPP: It is a bit of a leading question. Ms Bath went down that path.

The CHAIR: All right. You can take it on notice or just say, ‘I have no answer’.

Mr FREE: We do not really have an answer, but if you want to eat grass, we can grow as much grass as you want.

Mrs McARTHUR: And what about those major acts that you have to—

Ms KILPATRICK: From an NLIS point of view?

Mrs McARTHUR: The NLIS, the diseases control act and the animal—

Mr FREE: Well, the NLIS: every time we sell any animals or shift any animals from our place to somebody else’s place we have to transfer them on an NLIS form which states on it that we know precisely what those animals have eaten and what treatments they have had, and we have to guarantee that the animals have not been on paddocks with withholding periods from chemicals. So how do we know with these animal activists coming on farms what they have brought with them or what they have not brought with them?

Mr O ‘KEEFE: Could I add something concerning changing over to growing grain feed instead of animal produce? I think the first thing we have got to consider is: would the consumers want it overall? Probably 80 or 90 per cent of consumers now eat meat or drink milk and so forth. Dairy foods are a nutritional food, like yoghurt and cheese, and they are essential in nutrients, including calcium, phosphorus, potassium, riboflavin, zinc, vitamins A and B12, magnesium, carbohydrate and protein—all contained within that glass of milk you drink. It is a common misconception that vegetables and nuts are a rich source of calcium. To get the same amount of calcium as one serve of dairy, you would need to eat 32 brussels sprouts, 21 cups of raw chopped spinach, 11 cups of diced sweet potato, six cups of shredded green cabbage, five cups of cooked broccoli or one cup of dry roasted almonds, so they are just not a concentrated form of nutrition.

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

Mr O ‘KEEFE: Thank you.

The CHAIR: And for everyone in the gallery, I know Mr Ramsay is here, but he is not the last witness. I am sorry about that. We have another witness, if you are interested, after Mr Ramsay. Thank you.

Witnesses withdrew.