

Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture Report

Victorian Government Response

May 2020

Foreword

In the year leading up to this Inquiry, a number of illegal activities in the name of animal activism occurred in Victoria and other parts of Australia. These animal activist activities put hard working farming families, biosecurity and frankly the animals that they purport to want to protect at significant risk.

The Victorian Government condemns illegal animal activist activity.

The Victorian Government supported the Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture (the Inquiry) and on 5 February 2020, the Victorian Parliament's Legislative Council Economy and Infrastructure Committee (the Committee) tabled the Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture Report (the Report).

The Inquiry was informed by 506 submissions, seven days of hearings held across country Victoria and metropolitan Melbourne, and three site visits by Committee members.

The Report includes 12 findings and 15 recommendations. The Victorian Government response addresses the 15 recommendations, and supports or supports in principle all recommendations except one (namely, recommendation 1).

The Victorian Government thanks the Committee Chair Nazih Elasmir MP, Committee members and staff of the Committee for the Report.

The Victorian Government acknowledges the contributions made from those across the Victorian community that participated in the Inquiry. Regardless of your view on these issues, your stories were personal and heartfelt – speaking to your passion for animals and agriculture.

Agriculture is the backbone of our country communities.

The Victorian Government is committed to supporting our farmers and agricultural businesses to undertake their work free from unlawful interference and condemns the illegal behaviour by animal activist groups who disrupt their businesses. The roles of farmers and agricultural businesses in ensuring food security for our state and our nation is as important now as ever before as we deal with the COVID-19 pandemic.

The Victorian Government recognises the unnecessary and unacceptable hardship, fear and concern illegal animal activist activities have caused farms and agricultural businesses.

The Victorian Government has worked every day to support country Victoria – including our farmers and agricultural businesses. The 2019/20 State Budget alone committed \$470.9 million to the agricultural portfolio.

The \$142 million Strengthening Victoria's Biosecurity System Program in the 2019-20 State Budget provided the biggest ever boost to biosecurity funding. This program is expanding critical capabilities in Victoria's biosecurity services, and ensuring Victoria is better prepared to manage and respond to escalating biosecurity risks and support trade and market access.

This report demonstrates the critical importance biosecurity plays in the Victorian agricultural industry and why the existing biosecurity legislation in Victoria needs to be reviewed and strengthened.

This report also illustrated that the animal activists disrupting and intimidating farmers and businesses across the state are causing immense distress for our farming community - in my view their motives are misguided and undermining their stated objective of animal welfare.

Animal welfare is a high priority for the Victorian Government, and we will work with the Commonwealth and other states and territories to ensure a national approach to animal welfare standards for industry in Australia.

A number of the recommendations in this Report will require further work to be implemented and more consultation with industry, unions and the community will be required.

This Report has shown that acts of trespass, and threats of trespass, have had a huge emotional impact on our farmers, their families and country communities.

Farmers consider their entire property to be their home and no one should have their home endangered with threats and intimidation – that’s why when an animal activist trespasses on a farm it is against the law.

The Report has also highlighted that more can be done to ensure a transparency in the animal agriculture industry. Everyone working in the industry must better understand some legitimate concerns of animal activists and ensure the best possible animal welfare outcomes.

The Victorian Government will work to improve the information and accessibility of information the community receive about animal welfare practices and standards in order to build and maintain public confidence in agriculture.

The findings and recommendations in this Report have highlighted both the important role animal agriculture in Victoria and that more must be done to reconnect Victorians with our food and fibre industries.

Jaclyn Symes MP
Minister for Agriculture

Victorian Government Response

Recommendation 1:

That in the context of the review of the *Prevention of Cruelty to Animals Act 1986*, the Victorian Government consider the need to codify public interest exemptions in the *Surveillance Devices Act 1999*.

Do not support

The Victorian Government does not support this recommendation.

As noted in the Report, the *Surveillance Devices Act 1999* provides a public interest exemption that may apply to parties that knowingly communicate or publish a record of a private conversation or activity that has been made from the use of a listening device, an optical surveillance device or a tracking device.

Deciding whether the public interest exemption applies is a matter for the courts to determine on the merits of an individual case.

Any consideration of amending public interest exemptions should be considered holistically across Victoria's statutes. Codifying specific public interest exemptions narrowly (as recommended in the Report through the current review of the *Prevention of Cruelty to Animal Act 1986*), would be contrary to the rationale for the operation of exemptions generally – i.e. that courts should have full authority to make decisions about the applicability of public interest exemptions. It could also create incentives for animal activists to increase activities against farm and agricultural businesses.

Recommendation 2:

That the Victorian Government instruct relevant regulatory bodies to collect data that distinguishes between livestock theft committed by animal rights activists and livestock theft committed by non-activists. This data should then inform policy development in this area.

Support in principle

The Victorian Government supports this recommendation in principle.

The Victorian Government agrees data and evidence is a critical to inform policy development and regulatory responses. This could include information about the motivations of perpetrators.

However, the Victorian Government notes that policy development and regulatory responses that is detrimental to particular classes of people, or leads to the unfair treatment of people in particular circumstances, could be inconsistent with the *Charter of Human Rights and Responsibilities Act 2006*. It could also risk setting the precedent of linking a citizen's belief system with criminality.

The Victorian Government will continue to work with relevant regulatory bodies to gather appropriate data on the illegal activities of animal rights activists to inform policy development and regulatory responses:

- In September 2019, the establishment of a new Farm Crime Coordination Unit to focus on theft from farms, as well as animal rights activism including trespass on farms.
- In March 2020, Crime Stoppers Victoria, in partnership with Victoria Police and the Victoria Farmers Federation (VFF) launched the 'Locals Get Vocal' campaign to target farm crime in Victoria.

Recommendation 3:

That Agriculture Victoria conduct an audit of the number of biosecurity management plans in place in animal agriculture businesses in Victoria. The Victorian Government should follow up this audit with assistance to enable those businesses without one to implement a biosecurity management plan.

Support

The Victorian Government supports this recommendation though notes some of these arrangements, including an audit regime, are in place.

Under the national Emergency Animal Disease Response Agreement, livestock industries are obligated to have industry biosecurity plans. The Livestock Production Assurance (LPA) Program, administered by Integrity Systems Company (ISC) (a subsidiary of Meat and Livestock Australia), requires all cattle, sheep and goat producers registered with the LPA to implement a farm biosecurity plan. ISC conducts audits of registered producers.

The Victorian Government notes that an effective biosecurity system is a shared responsibility of everyone, including those who operate an agricultural business. The Victorian Government will facilitate discussions with ISC and Victorian farming industry representatives to identify opportunities for further biosecurity management improvements by Victorian agriculture businesses.

The Victorian Government will continue to support a strong biosecurity system, including through the \$142 million *Strengthening Victoria's Biosecurity System* Program in the 2019-20 State Budget. This program will expand critical capabilities in Victoria's biosecurity services, and ensure Victoria is better prepared to manage and respond to escalating biosecurity risks and support trade and market access.

Recommendation 4:

That the Victorian Government review the *Livestock Disease Control Act 1994* with a view to the creation of an offence for all visitors' / trespassers' non-compliance with a biosecurity management plan, including a requirement that all visitors / trespassers must comply with plans. In cases of trespass, it should be clear that there is no requirement for business owners to have explained the biosecurity management plan to those trespassing.

Recommendation 5:

That the proposed new biosecurity offence include an on-the-spot fine, similar to the New South Wales model, for non-compliance with biosecurity management plans.

Support

The Victorian Government supports these recommendations, and notes that the Strengthening Victoria's Biosecurity System program includes a review, which is ongoing, of the suite of existing biosecurity legislation, and includes the Livestock Disease Control Act 1994. The Victorian Government supports creating relevant infringeable offences ('on-the-spot fines') to respond quickly and efficiently to biosecurity breaches. The mechanism and design of this offence will be considered as part of a future review of Victoria's existing biosecurity legislation and will be informed by arrangements in other jurisdictions such as New South Wales.

The Victorian Government notes that the *Livestock Disease Control Act 1994* covers scenarios where a quarantine risk has been identified and is being managed. The *Livestock Management Act 2010* may be the more relevant act to consider in creating the proposed requirements and offence. Both acts will be examined as part of the review of the suite of existing biosecurity legislation.

Recommendation 6:

That Agriculture Victoria display online information about animal agriculture standard practices and related legislation and regulations.

Recommendation 7:

That Agriculture Victoria and PrimeSafe work with industry to collect examples of benchmark, high-quality animal welfare and biosecurity activities in animal agriculture to better inform the community of agricultural practices.

Recommendation 8:

As a continuation of Recommendation 6, that Agriculture Victoria make information about the 'compliance continuum' more accessible on its website. This would help the public better understand the approach regulators take regarding breaches of animal welfare regulations and standards.

Support

The Victorian Government supports these recommendations and will direct Agriculture Victoria to improve the information and accessibility of information provided on its website, recognising there is a need to more actively inform the community about animal welfare practices and standards to build and maintain public confidence in agriculture.

The Victorian Government will direct Agriculture Victoria to provide information about the compliance continuum on its website, ensuring it is holistic and representative of all its compliance and enforcement approaches. This includes providing information about the variety of regulatory options that are available to encourage compliance.

The Victorian Government notes that PrimeSafe is responsible for assuring the safety of meat, poultry meat and game meat produced for consumption and sale in Victoria. It monitors and enforces compliance of licensed meat processing facilities with relevant Australian standards for food safety. These standards also include some minimum outcomes-based requirements for animal welfare.

Agriculture Victoria will also partner with a range of animal welfare and agriculture organisations to progress this recommendation. This will leverage existing funding provided by the Victorian Government to the VFF:

- \$190,000 to engage staff to work with farmers to respond effectively to animal welfare and biosecurity issues to assist in building community confidence in agriculture.
- \$710,000 to deliver a consumer-focussed communications and engagement campaign to back farmers in Victoria.

Recommendation 9:

That the Victorian Government express its support to the Commonwealth Government for the creation of an Australian Commission for Animal Welfare, in order to expedite the process for the agreement of the Australian Animal Welfare Standards and Guidelines.

Support

The Victorian Government supports the intent of this recommendation and believes that animal welfare standards and guidelines should be coordinated nationally to provide better certainty and consistency to both industry and consumers.

The Victorian Government recognises that the existing process to develop Australian Animal Welfare Standards and Guidelines is slow, costly and has frustrated stakeholders. Despite each set of standards and guidelines taking many years to develop, the process has often failed to reach consensus on key issues and the outputs have not been produced to a standard that can be readily implemented into state and territory legislation.

Agriculture ministers from all Australian jurisdictions have agreed, through the Agriculture Ministers' Forum, that there are significant problems with the current national governance framework for farm animal welfare. It has been agreed that certainty to industry and consumers must be provided through national consistency; good animal welfare outcomes ensured through effective governance; and that a new framework for farm animal welfare governance must be trusted by the community, consumers, industry and trading partners.

The Victorian Government notes that successful national governance models that achieve a nationally consistent approach for matters that are a state and territory responsibility also have independent standard-setting bodies. These include the National Transport Commission, Food Standards Australia and New Zealand and the Australian Pesticides and Veterinary Medicines Authority.

The Victorian Government would welcome the Commonwealth Government's further consideration of an expertise-based body as part of a robust national governance framework for developing future animal welfare standards and guidelines.

In the meantime, the Victorian Government will continue to support the development of Australian Animal Welfare Standards and Guidelines through its participation in the Agriculture Ministers' Forum, the Agriculture Senior Officials Committee, and its funding contribution to Animal Health Australia.

Recommendation 10:

That the Victorian Government, in the absence of approved Australian Animal Welfare Standards and Guidelines, incorporate existing animal welfare elements of industry quality assurance schemes into new codes of practice as part of its modernisation of the *Prevention of Cruelty to Animals Act 1986*.

Recommendation 11:

That the Victorian Government consider its modernisation of the *Prevention of Cruelty to Animals Act 1986* to be a matter of priority.

Recommendation 12:

That the Victorian Government conduct an examination of alternative practices used around the world in the treatment of live male chicks in the egg industry and the use of blunt force trauma on goats, pigs, and cows with a view to adopting 'world's best' practice. These standards should be higher than the existing codes of practice in the *Prevention of Cruelty to Animals Act 1986*.

Recommendation 13:

That any new codes of practice in the *Prevention of Cruelty to Animals Act 1986* include appropriate penalties for non-compliance.

Support

The Victorian Government supports these recommendations, noting that the modernisation of Victoria's animal welfare laws is an election commitment and is part of the Victorian Government's *Animal Welfare Action Plan*.

The Victorian Government is committed to modernising Victoria's animal welfare laws to support better harm prevention; improved education; a more effective regulatory response; and effective penalties, recognising they have a role in driving improved animal welfare outcomes.

Work on this reform has already commenced and broad public consultation will be undertaken later this year.

The Government recognises that benchmarking standards used in other jurisdictions can be useful in informing policy development. Scientific reviews and research can provide valuable insights into complex issues such as animal welfare outcomes of alternative practices.

The modernisation of Victoria’s animal welfare legislation will consider codes of practice, the incorporation of national standards and guidelines, and industry-led quality assurance schemes. New legislation will seek to improve the transparency, certainty and consistency for industry and community in relation to animal welfare requirements – including making it easier to understand what requirements are mandatory. It will also include consideration of alternative practices used around the world and their applicability to Victoria.

The Victorian Government notes that a range of national standards have been endorsed by the Agricultural Ministers Forum. Victoria has adopted into legislation the Australian Animal Welfare Standards and Guidelines for the Land Transport of Livestock and will consider adoption of the other Australian Animal Welfare Standards and Guidelines through its reform of animal welfare legislation.

Recommendation 14:

That following consultation with industry, unions and other relevant stakeholders, the Victorian Government consider the implementation of closed-circuit television cameras in Victorian abattoirs with a legislative model similar to the Mandatory Use of Closed Circuit Television in Slaughterhouses (England) Regulations 2018.

Support

The Victorian Government supports this recommendation, and supports considering initiatives that improve animal welfare outcomes and provide market assurance.

The Victorian Government supports any voluntary measures by industry that improve and support high standards of animal welfare.

Consideration of mandating closed-circuit television cameras for monitoring of abattoirs requires detailed engagement with industry, and an assessment of current legislative and regulatory (including licencing) requirements. This includes examination of privacy issues, footage security (recording, use and storage), costs, and transitional arrangements.

Recommendation 15:

That Agriculture Victoria conduct an audit of its responses to substantiated animal welfare complaints in 2019 to determine if the appropriate action was taken in each case. The results of the audit should be published on Agriculture Victoria's website. The results should be deidentified to ensure no breach of privacy occurs.

Support

The Victorian Government supports this recommendation in full.

The Victorian Government supports triaging and responding to animal welfare complaints appropriately and providing transparency regarding regulatory action taken. Agriculture Victoria currently provides information on its website regarding animal welfare complaint outcomes where conviction has occurred.

The Victorian Government will direct Agriculture Victoria to undertake a statistically representative sample audit of responses to substantiated animal welfare complaints in 2019.