

Inquiry into Landowner Protection from Unauthorised Filming or Surveillance:

Questions on Notice

- Response from EFA to

- 1. (C. Houssos) Mr Dunn, you talked about engaging with people on this issue in a very powerful way and educating them, although perhaps not changing their perspective but allowing them to see that farmers are not necessarily the baddies and that they also care about animal welfare. Are there any other ways in which we can co-opt people with those intentions?**

EFA's experience of community engagement is still in its early phases – though it has been informally carried out as part of the egg farming culture. Our experience of this recent formal approach is instructive and indicates that generally speaking; Australians trust where their food comes from and trust farmers to do a good job. Our experience has been that engagement with the general public has allowed dialogue between parties and a mutual sharing of community questions and farmer knowledge. We acknowledge it is important to show community members who farmers are, and to explain the context of a farmers' decisions. On this basis, we have found it critical to undertake engagement on-farm.

EFA hired an IPA2 Accredited Community Relations firm to facilitate community engagement during the recent public consultation. Our experience of the panels was that for the most part participants had a general, but limited understanding of the nuances of egg farming. And whilst our tours were focused on cage facilities; this trend was consistent across all production sectors.

EFA has, on a limited basis, also attempted to invite critics of the industry onto farm and to ensure we are answering their questions. We have found these engagements useful.

It is likely that more education at primary and secondary levels is necessary to ensure the increasing urban populations maintain a baseline of accurate information which is provided in a credible environment. We acknowledge that many governments have considered the development or expansion of working urban farms and egg farmers would view such initiatives as positive. Part of this process must be providing a dialogue between farmers themselves and those interested in knowing more. Farmers must do this purposefully and professionally.

Agriculture isn't an abstract profession and we acknowledge that we must be purposeful in responding to community concern and that farmers have a role in this process. We accept that obligation, to the extent it is possible.

We can't have every Australian do an egg-farm tour and our experience of technology as a wholesale replacement for this act of engagement is useful but limited.

We have however, shot a video capturing a farm tour that occurred earlier this year. We hope that this can be used as a way for people to educate themselves about our industry.

The industry is part of the Australian community and economy and we recognise we have a responsibility to earn and retain public trust.

That is an ongoing journey.

EFA also acknowledges that for some members of the community, engagement is not possible. Their values and opinions are entrenched and this demographic almost exclusively prefers to find points of fundamental contention which allow them to devote resources and time to campaigning.

We respect those people's right to campaign. We recognise that they are unlikely to be receptive to collaboration and engagement. We continue to work on resolving that seemingly intractable problem.

- 2. (M. Veitch) We took testimony earlier from some privacy law experts, I suppose you could call them. They were advocating for a privacy tort. They were saying that essentially we should not be legislating for a small section under the Surveillance Devices Act. They say that people who use a drone to take surveillance of a feedlot to post on an internet forum should not be treated any differently to someone who uses a drone to take video of people through a bedroom window of a three-storey unit block in Sydney to then post on an internet forum. They say they should be treated the same because it is a breach of someone's privacy. What are your views on the need for a privacy tort or a strengthened privacy law in this country?**

EFA notes that in recent years, there has been increased investigation into the establishment of a privacy tort. In the digital age, the heightened threat of serious technologically assisted privacy invasions has grave implications for individuals and for businesses.

For farming operations, considerations of privacy are incredibly important. Many of the illegally obtained footage you may see are doctored footage that are published without oversight from government. It is disheartening for farmers to see normal husbandry practices depicted deliberately doctored with the intent to mislead. These sorts of illegally obtained videos are depicting lies that can destroy the reputations of businesses that provide food for thousands of Australians.

EFA is familiar with the case of *Australian Broadcasting Corporation v Lenah Game Meats Pty Ltd*¹ and we note that in 2014, the Australian Law Reform Commission recommended the creation of a tort for serious invasions of privacy² in its report titled 'Serious Invasions of Privacy in the Digital Era'. It has now been four years since the release of that publication and it is appropriate that regulators look again at the relevance of that report.

Egg Farmers Australia would welcome further investigation into this policy area; particularly considering the impact of new technology.

- 3. (S. McDonald) What is the extra trespass management costing your industry? What is the probable cost to the consumer with respect to eggs and pork if we landed where the animal activists and animals liberation people want us to be?**
- a) Part A – What is the cost?

¹ *Australian Broadcasting Corporation v Lenah Game Meats Pty Ltd* (2001), HCA. Retrieved from: <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/HCA/2001/63.html?stem=0&synonyms=0&query=title%28Lenah%20Game%20Meats%20%29>

² Birbeck, M. Wroe, M. and S. Raub (2017) 'Serious invasions of privacy tort: where are we?', *HBA Legal Journal*, Retrieved from: <http://www.mondaq.com/australia/x/652580/Data+Protection+Privacy/Serious+invasions+of+privacy+tort+where+are+we>

The cost of security varies significantly according to how much security each farmer feels that their premises need. This is a personal choice and as such, there is no single formula.

Some larger farming families were spending approximately \$25,000 on security a month. A significant portion of this cost is attributable to the hiring of security staff that physically patrol the premises. In addition, many large producers also purchase security cameras. These cameras are a significant upfront cost and require ongoing maintenance.

Smaller producers also feel compelled to install security on their farms, although many do not engage on-the-ground security staff. Smaller producers are more likely to purchase security cameras. These cameras have an average initial cost of around \$10,000 and require ongoing monitoring and maintenance.

b) Part B – A shift from intensive to extensive will cost consumers what?

According to the Regulatory Impact Statement (RIS) drafted by Animal Health Australia (AHA) for the Poultry Animal Welfare Standards & Guidelines (S&G), the cost of transitioning the entire egg industry to extensive farming practices over ten years would be \$1,531.89 million.

This cost is likely to be borne by farmers and that will threaten the industry's sustainability. This additional cost will be forced on family farms at a time when the drought is doubling input costs and where farmgate prices compressed. This cost will most likely cause a large portion of the industry, mostly small and medium sized farms, to exit the industry.