

**Submission
No 391**

**INQUIRY INTO PROVISIONS OF THE RIGHT TO FARM
BILL 2019**

Organisation: Australian Duck Meat Association Incorporated

Date Received: 11 October 2019

RECEIVED
11 OCT 2019

BY:



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1 October 2019

The Director
Portfolio Committee No. 4 – Industry
Parliament House
Macquarie Street
SYDNEY NSW 2000
AUSTRALIA

To Whom It May Concern,

SUBJECT: NSW Right to Farm Bill 2019

The ADMA welcomes the opportunity to lodge a submission in support of this important bill, on behalf of its member organization.

The Australian Duck Meat Association (ADMA) is the peak coordinating body for participants in the duck meat industry in Australia, representing all elements of the industry, including duck growers and processors, at the national level.

Proposed Amendments to Enclosed Lands Protection Act 1901

We welcome the measures proposed in the Right to Farm Bill 2019 which will strengthen the NSW laws in respect to trespass.

Australian duck farms, including in NSW, have been subject to break-ins (on occasion through the use of bolt-cutters to break locks and chains on gates or shed doors) and trespass by activists for the purpose of gaining access to conduct protest action or for the purpose of unauthorized, covert surveillance with the intention of disseminating material obtained through such means as publication on the internet. The images and other material often being used in such a way that they misrepresent what would be considered acceptable, if not good, practice.

A 2018 a duck processing plant in Australia has also been subject to unauthorized entry for the same purpose.

Consequences of trespass

Trespass on duck farms and duck processing plants can result in a range of serious consequences, which are described below.

Breach of biosecurity

Australia has a unique biosecurity status, and It is free of a number of the world's most severe pests and diseases of poultry because of the commitment by government, industry and the community to a range of protocols. These protocols are enforced offshore, at our national borders, at a state level and on individual farms. The protection of our unique status comes at a significant cost, with industry and governments collectively spending millions of dollars each year maintaining biosecurity barriers with traceability systems.

The activities of animal rights groups who illegally enter a farm with no regard for the biosecurity rules in place on that property, pose a serious threat to these protocols and potentially the integrity of the whole biosecurity regime.

The threat to the integrity of our biosecurity regime is the duck industry's greatest concern with respect to unauthorized entry by activists, or other parties.

Biosecurity measures in place across the mainstream duck industry include:

- requirements on staff to have no poultry at home,
- stand-down periods for staff or visitors who have visited other poultry facilities or are returning from overseas or have experienced recent gastrointestinal or flu-like disease,
- requirements for protective and/or clean clothing and footwear for visitors entering duck facilities,
- use of disinfectant footbaths and hand sanitizing prior to entry into poultry sheds,
- a raft of other measures aimed at minimizing the risk of poultry diseases or food safety pathogens being introduced to farms and spreading between farms.

Activist groups sometimes claim that they take appropriate biosecurity mitigation measures prior to making an unauthorized entry onto a farm, but we challenge this claim; indeed, we challenge their understanding of what measures are appropriate to take for each type of enterprise.

For example:

- do they have no birds at home?
- do they have no contact with birds or other farms for days prior to the trespass?
- do they 'stay away' from the trespass event if they have experienced recent gastrointestinal or flu-like disease?

- do they use the facilities provided on farms for disinfecting footwear and hands prior to breaking into barns or shed's?

These biosecurity principles described are amongst the raft of measures required under the duck industry's biosecurity protocols, aimed at minimizing the risk of poultry diseases or food safety pathogens being introduced to farms and spreading between farms

In this context we note the statement in the report of the NSW Select Committee *Inquiry on Landowner Protection from Unauthorised Filming or Surveillance* (25 October) that "Australian Pork Limited noted that 48 piggeries were allegedly 'raided' across New South Wales, Queensland, Victoria and Western Australia between August 2012 and March 2015, with intrusions in certain areas often occurring on consecutive nights" – hardly suggestive of required stand-down periods being observed

Food Safety compromised

By illegally trespassing and not following the strict protocols required to enter meat duck farms or facilities such as duck processing plants, activists (and other unauthorized trespassers) also threaten the security and safety of our food supply, by risking the introduction and spread of zoonotic diseases and food safety pathogens.

This is a particular concern for managers of duck processing plants, who need to consider the risk of deliberate or inadvertent contamination of duck products by persons occupying the site following an illegal entry, and determine whether any action – including potentially the disposal of a significant amount of potentially contaminated product – may be required.

Injury, death and other detriment to the welfare of the livestock

Clearly, if a biosecurity breach results in the introduction of a serious poultry disease, the welfare of the affected flock(s) is likely to be adversely impacted. In addition to the important biosecurity and food safety issues, the welfare of ducks themselves can also be immediately impacted by the actions of trespassers, particularly in instances where unauthorized entries occur at night and torches or other unfamiliar light sources are used in an attempt to illuminate the barn and the birds themselves.

The ADMA is aware of an example in another state where such an intrusion was the cause of 1,400 birds smothering overnight on a chicken layer rearing farm in Queensland earlier this year. The barn was broken into overnight, and the following morning, the smothered birds were discovered in a number of corners inside the shed. The incident was notified to Police, together with the evidence for breaking and entering the sheds.

This particular event took place on 5 April 2019, within months of the Aussie Farms publishing its interactive online map of Australian livestock facilities, which identified the location of the farm.

Property damage

Unauthorised entry onto agricultural properties also brings with it the risk of property damage; for example, damage deliberately done to security measures, fences and other facilities in gaining illegal access to the facilities, or damage to water lines, drinkers, feeders, ventilation or other equipment in duck barns, often unintentional, during the occupation of housing. Unintentional damage occurring during facility occupation following trespass can arise in a range of ways, including people bumping into equipment, or birds damaging equipment (particularly drinker lines) during a panic response to an unexpected shed entry. Damage such as this can have flow-on consequence for the efficient operation of the business, as well as for animal welfare. Damage to drinker lines results in the bedding in the shed becoming wet and irreparably fouled as a consequence.

The covert installation of surveillance devices on farms can also create a safety and fire risks due to use of inappropriate electrical circuitry in the barn or sheds.

Theft

It has sometimes been the case that activists who have illegally entered duck farms and gained access to housing thereon have left with a number of birds. While this is often promoted as 'liberating' the birds, most reasonable people would consider this theft.

Disruption to lawfully operating businesses

There has been an instance of trespass onto processing plant property, requiring processing lines to be stopped until the trespassers have been removed from the premises. This not only causes significant and extremely costly disruptions to the operation of a lawfully operating business, but also has consequences in terms of bird welfare (because of the delays incurred) and food safety implications.

Physical harm to trespassers themselves, to staff and to those responding to the trespass

The Association and its members are also very aware of and concerned about the risk of physical harm to those who conduct the trespass, as they very often put themselves in positions which are inherently risky, such as amongst automated, moving machinery in processing plants, or climbing up onto elevated equipment or facilities to install surveillance equipment or onto trucks carrying modules of birds. In doing so, they often put others, including staff at risk.

Group trespass

The risk of many of the consequences associated with trespass which have been identified above, increases, often exponentially, the greater the number of persons involved in the trespass. This is particularly the case for:

- biosecurity breaches
- introduction of food safety pathogens
- probability of serious injury

Psychological impacts on farmers and business operators, their families and staff

Quite apart from the direct consequences for an agricultural business, there are significant impacts for the people who are managing or running these farming enterprises, particularly where it involves intimidation, harassment or abuse of the farmer and his family or staff of the business.

Proposed Amendments to Enclosed Lands Protection Act 1901

We welcome the measures proposed in the Right to Farm Bill 2019 which will strengthen the NSW laws in respect to trespass.

Conclusion

The ADMA strongly supports the Bill, which we believe will help to protect NSW farmers and agricultural producers from the unlawful actions of trespassers, by sending a clear message that such offences are serious, can have far-reaching consequences, and will not be tolerated. The ADMA considers the penalties associated with the offences under the proposed new laws to be appropriate, given the scale of the potential detriment to those who are the victims of the unlawful acts that are the consequence of these offences.

The ADMA also supports the NSW Government's steps to protect the rights of lawfully operating agricultural business through the creation of new 'right to farm' legislation.

The ADMA commends the NSW Government for its response to these issues.

Yours faithfully

Greg Parkinson

Secretary/CEO ADMA