

Question on Notice

No. 193

Asked on 19 February 2020

MR J MADDEN ASKED MINISTER FOR AGRICULTURAL INDUSTRY DEVELOPMENT AND FISHERIES (HON M FURNER)—

QUESTION:

Will the Minister provide an update on new laws and fines introduced to deter animal activists trespassing on farmers?

ANSWER:

I thank the Member for the question.

The Agriculture and Other Legislation Amendments Bill 2019 received Assent on 13 February 2020 and the provisions relating to animal activists entering farming properties without authority commenced on 1 March 2020.

There are amendments to three Acts relating to animal activists: the *Summary Offences Act 2005*, the *Biosecurity Act 2014* and the *Exhibited Animals Act 2015*.

Under the *Summary Offences Act 2005*, the penalty for unlawfully entering farming land has been doubled to \$2 669 or one year's imprisonment. In addition, the unlawful entry provisions have been extended to cover properties associated with tree farming and felling; animal exhibitions; and animal holding facilities, such as an abattoir, agricultural showground and live export holding services. It is now also unlawful for three or more persons to gather and put the safety of a person or food at risk; or risk animal welfare or biosecurity.

Under the *Biosecurity Act 2014*, it is now clarified that a person entering a property has a general biosecurity obligation in relation to his or her activities. The amendment implements a maximum penalty of \$66 725 or, for an aggravated offence, a maximum penalty of \$400 350 or 3 years' imprisonment.

Under the *Biosecurity Regulation 2016*, any person who enters a place where farm animals are kept must comply with the provisions of a biosecurity management plan for the place unless he or she is entering under another Act. Those who do not comply with this provision could be issued with an "on the spot" fine of \$667.25 or, if it is a serious breach of the general biosecurity obligation, they can be prosecuted to appear in court with a maximum fine of \$66 725 if found guilty.

Under the *Exhibited Animals Act 2015*, a person must not cause or increase a relevant risk and must comply with reasonable instructions from someone responsible for an exhibited animal to enable him or her to manage a relevant risk. An inspector can now also direct a non-compliant person to move from the place.

These measures demonstrate the high value that the Government places on our agricultural and related industries. Not all businesses are provided this level of protection. In many cases, a business would have to deal with things like nuisance and trespass as civil matters. This Government recognises that farmers have a unique and special community value, because they

produce our food; protect its quality to ensure that it is safe; and make a significant contribution to regional and the state economy.