

TRANSCRIPT

LEGISLATIVE COUNCIL ECONOMY AND INFRASTRUCTURE COMMITTEE

Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture

Horsham—Wednesday, 18 September 2019

MEMBERS

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Mr Bernie Finn—Deputy Chair

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Mr David Davis

Mr David Limbrick

Mr Andy Meddick

Mr Craig Ondarchie

Mr Gordon Rich-Phillips

Ms Mary Wooldridge

Dr Catherine Cumming

WITNESSES

Mr Daryl Bussell, CEO, and

Mr John Millington, Contractor, Luv-a-Duck.

The CHAIR: Good afternoon. The Committee is hearing evidence today in relation to the Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture and the evidence is being recorded. 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. Before you start, please state your name for the Hansard record and allow us some time to ask questions.

Mr BUSSELL: Daryl Bussell. I am CEO of Luv-a-Duck.

Mr MILLINGTON: John Millington. I am a contract grower with Luv-a-Duck.

The CHAIR: Now you can start.

Mr BUSSELL: Do you want me to just summarise?

The CHAIR: It is up to you. Do you want to say something, or do you want us to go directly to questions?

Mr BUSSELL: I can summarise quickly our experience from last year, because I think that was the significant event that has us here. It was late November last year. We were called to the Luv-a-Duck processing facility in Nhill as a number of protesters had gone onto the site there. There were about 50 or 60. It was difficult to count, but about 50 or 60 had gone onto the site and had released some of the birds from the marshalling area. They had set up a temporary plastic swimming pool and were trying to encourage the ducks to swim in the swimming pool.

When we arrived on site the decision had been made to shut the plant down. There is an awful lot of moving equipment in that area, including forklifts, and we deemed it to be unsafe for our people—and for the activists to be honest—so we shut the plant down.

We instructed the staff not to physically get involved and to just stand their ground, not get involved, and we made a call to the police. There was no-one in Nhill that morning so they had to come from Horsham, so we had about an hour and a half or so where we stood around and just made sure that no-one got hurt.

We were aware at that stage that a number—I believe it was around two or three—had climbed up onto the roof of the building. Now, that roof was undergoing some engineering modifications and we had deemed it unsafe, but these people had climbed up there to put up a banner, I believe so that they could film it. That is an assumption.

We tried to encourage them to come down. Again we have very strict occupational health and safety rules that govern that processing site. All people that come on site there undergo an induction program so that they understand where the areas are that are safe and unsafe, and clearly we did not induct any of these people and they were wandering around. That was the reason we shut it down. We did encourage them to come down, and they eventually did come down.

We then spent a period of about an hour and a half until the police turned up. I was on site. I did try and engage with a number of these people to find out what they wanted, what were they trying to achieve and did they want to talk about any aspect of it. But there were clearly two or three leaders who I got to—and they were the only ones that would speak—and they told us that they would not be speaking to us today. So after a while we gave up on that. We waited for the police to arrive.

I believe when the police arrived they also tried to conduct a conversation with a number of these activists and again they were met with no communication at all. At that stage the police, I believe, called for additional resources to come from Horsham, which again was still some period of time away, and there appeared to be a

clear series of communications among the activists that they were not going to wait for the reinforcements to arrive. So they sort of huddled and then they broke and ran in different directions, grabbing somewhere between 15 and 20 ducks and carrying them offsite as they went.

I believe at the time that two of the activists were apprehended by the two police officers that were on site that day. I believe that they took their names, addresses et cetera. We said that we were willing to press charges on the basis of trespass and of theft, and as far as I know that process is still going, but we have not heard where that is up to. None of the ducks were recovered. We sent livestock people out to try and recover those ducks; they are quite vulnerable obviously out in open fields et cetera from predators. We did not recover them, so we do not know where those ducks ended up. We believe they then left the area. We made no attempt to try and chase them et cetera.

The CHAIR: Would you like to add anything, John?

Mr MILLINGTON: I will not add any more to that. I would like to just take another tack. But just to add a little bit to it, that morning those ducks that were going to processing actually came from our farm. As I mentioned earlier, I am a contract grower and those birds were coming from our farm to processing. We had a call at around 6–6.30 to say, ‘Stop catching the ducks. There’s an incident at processing’, and all of those birds that we had in the crates we had to let out. The stress and strain on those birds in having to wait for another day impacted on us as growers and certainly on the company. That is all I would like to say on that. Mine is more of a personal thing, sir.

Ms BATH: Thank you. Could you describe what they were wearing? What were the activists wearing? Or did somebody tell you what they were wearing?

Mr BUSSELL: No, I was on site that day. They were not in any form of uniform that I could see. There was a fair range of clothing, but they were predominantly in dark colours—beanies, jackets et cetera. I did not think there was any form of coordination with what they were wearing.

Ms BATH: The reason I ask is that we have heard—or there have been other comments—that often activists will come in in biosecurity haz clothes and covered boots. Did that occur?

Mr BUSSELL: No, not to my—

Ms BATH: Thank you. It is very disturbing for me to hear that you said you wanted to press charges, that it was unlawful trespass.

Mr BUSSELL: And theft.

Ms BATH: And there was theft, as we have seen in other incidents—for example, on the Gippy Goat farm. Yet to date have you heard any communication? What has transpired there?

Mr BUSSELL: I have contacted the Nhill police a couple of times and they have reassured me that it is ongoing. I guess we can draw our own conclusions from that. My own personal view is it is an awful lot of work for them to do to get it before the courts, with very little likelihood—

Ms BATH: Resources.

Mr BUSSELL: of an outcome above a \$2 fine or whatever.

Ms BATH: I guess the question I ask is in terms of resources at the Nhill police, that they may well be snowed under.

Mr BUSSELL: They may well be snowed under. I mean, the last time I went to the Nhill police station just to get an update I was directed to Horsham, so there was not anyone on duty that day. So there are limited resources at the Nhill police station.

Ms BATH: And what would you like as an outcome? What do you think is a fair outcome? What would be the loss in quantum of your stock?

Mr BUSSELL: The stock itself is probably only a few hundred dollars. The actual disruption to the business would run into the tens of thousands of dollars, for having shut down. As we said, we had to send ducks to different places, there was a loss of wages et cetera. A lot of companies can probably withstand a one-off event like that. I think the most disturbing thing is the mental state of the people that witnessed it and that have this ongoing fear that it is going to come back again. As CEO I have been asked, ‘What are you doing to stop it happening again?’. We have got a number of things that we can do. We have improved our defensive fences, we have done a number of things, but I have no ability to guarantee that these people will not use wire-cutters to get through the fence, that they will not still come in the middle of the night et cetera.

Ms BATH: But the loss to your enterprise was tens of thousands of dollars—is that what you said?

Mr BUSSELL: Yes, correct.

Ms BATH: It is unacceptable.

Mr BUSSELL: Unacceptable, correct.

Mr BARTON: We are coming up to nearly 12 months since the event happened.

Mr BUSSELL: Correct.

Mr BARTON: And you are still not being told when it is going to end up in court?

Mr BUSSELL: That is correct. I have no idea.

Mr BARTON: For an event that has cost you tens of thousands of dollars?

Mr BUSSELL: Correct. I do not know whether or not it has even been finalised and they have given up. I have not been informed.

Mr BARTON: Or whether it will go to court. Yes, okay.

Mr MEDDICK: There is some footage in the public domain, and I think it has been put out by the Aussie Farms group, about animal cruelty—alleged animal cruelty—in your facility. Were you aware of that before that footage was released?

Mr BUSSELL: I have not seen that footage, no.

Mr MEDDICK: Okay. Therefore you would not know whether your facility was investigated, I suppose, then by PrimeSafe after that footage has been released?

Mr BUSSELL: We have a number of audits by PrimeSafe on a regular basis. None of those has specifically mentioned that they were on the basis of that.

Mr MEDDICK: Okay. Would you consider that there are practices within your industry that, if footage gets out in the public domain for instance, the general public might not necessarily think that those are humane practices?

Mr BUSSELL: No, I do not believe that.

Mr MEDDICK: Okay. Thank you.

Ms BATH: Did you fail any of those PrimeSafe audits?

Mr BUSSELL: No.

Ms BATH: You passed every one of them?

Mr BUSSELL: We have another one, I think, next week.

Ms BATH: And do you get a report on that?

Mr BUSSELL: Yes, we do get reports, and we get areas where we can do minor things to adjust, but none of them are significant.

Mrs McARTHUR: I have recently seen some footage, but I have no evidence that it is actually from your premises so I do question this footage that seems to emerge, whether in a select area or in the public arena, as to actually its provenance in this sort of area. I question what you would suggest we do from this Committee's recommendation point of view in ensuring that action is taken when this sort of material is perpetrated but is not on the basis of fact. If you are audited by the proper authorities and found to be compliant with all the animal welfare requirements that you are subjected to, then what action is going to be taken about this sort of material that is being propagated?

Mr BUSSELL: Let me just start with the number of different bodies that do audit us. The department of agriculture does come out and see us and does a number of audits. PrimeSafe themselves do that as well. In two weeks time we will be hosting a delegation from Coles. They have a responsible sourcing team, and they are also responsible for making sure that everything is done properly. They will be auditing us coming up. At the moment within the duck industry the RSPCA do not have a duck standard. They are not as familiar with ducks as they are with chickens, and so there is a current process that is running by Animal Health Australia, which is a consultative process involving a large number of vets, government people, third-party people from the public, and that process is to validate what are the current practices of the Australian Duck Meat Association. At this stage there have been no real challenges to that that have not been addressed in some way, so we continue to work on that. There are many levels that we are audited and checked on to make sure that what we are doing is proper, which is why I make the comment that I believe everything we are doing is acceptable.

Mrs McARTHUR: Also, you had the invasion of between 50 and whatever number of people. Was it in the middle of the night or in the daytime?

Mr BUSSELL: No, they turned up on site very early in the morning. I think they decided that they would come in under the cover of darkness of the early morning, so we are talking sort of 5.30, 6 o'clock in the morning.

Mrs McARTHUR: Did they have to in some way break and enter to get in? How did they get there?

Mr BUSSELL: They did not break and enter to get in. They would have to do that now; we have since put up some protective fencing. But they did park at a remote location and then they trekked across private land—other people's private land—to get onto our land. Once they were on our land they were instructed that they were on private property and they were asked to leave. I am well aware that they did not encounter a sign that said, 'Private property. You are trespassing', so when they initially got there they could claim that they did not know based on that. But they were instructed they were on private property and asked to leave, in which case they decided not to.

Mrs McARTHUR: There is also a further issue, given your isolation and given the state of the constabulary in rural Victoria, that you have to wait an hour and a half or whatever for the one policeman, if he is available, to turn up—

Mr BUSSELL: That is right.

Mrs McARTHUR: and his ability to deal with 50 or more demonstrators. What would you want to say to us about that?

Mr BUSSELL: Well, I tell you that I was incredibly proud and relieved at the staff that were on that site that day, because they were visibly upset. A number of them were angry about what was happening. But none of them took any action; they simply stood their ground and waited. So we are proud that that happened. I would be concerned that in a similar situation at some stage that may not prevail. That would be of real concern.

Mrs McARTHUR: In relation to the consequences of such activity, do you think there should be a mandatory penalty for this sort of invasion, and do you think there ought to be the ability for you to recoup the losses that are incurred by this illegal activity?

Mr BUSSELL: Certainly on the first hand, yes, I do believe there needs to be mandatory sentencing or penalties because at the moment it seems discretion is not working, and I think there is clear evidence of that. As far as our ability to recoup financially, I do not think the biggest issue is financial. I think it is the stress that is placed on individuals, and that cannot be recovered financially. So because it cannot be recovered financially, that is why it has to be prevented from happening in the first place, because compensation is not going to make up for the mental stress of what these people are going through.

Mrs McARTHUR: Yes. And we have also learned that the mental health issues are more prevalent in rural Victoria than elsewhere.

Mr BUSSELL: Yes, they are.

Ms BATH: So you would not want that added to.

Mr BUSSELL: No. So from my point of view it has got to be strength among the prevention, because the remediation and cure of it is not going to work in those cases. The stress is too big.

Mr GEPP: I do not have a question. I am interested in what Mr Millington wanted to say from a contract grower's perspective.

Mr MILLINGTON: Sure. Thanks, Mark. If there are no further questions on that one, what I might do is just tell you a little bit about my background and also to talk about the processes—the sorts of things that we do on our farm to keep our birds free from disease and other maladies—and then also draw some conclusions about the effect that it had on staff. Firstly, I am a farmer who has been involved in the keeping of poultry species all my life, following the example given to me by my parents and my grandparents. I am a third-generation poultry farmer, and I am proud of it. My wife and I are growing ducks under contract to Luv-a Duck and have been involved with the company one way or another since 1983. That is over 36 years. We are responsible farmers who rely on poultry for our livelihood.

To be successful in poultry farming it is imperative that we look after the welfare of our birds and adhere to the Government's code of practice for poultry. This is our number one priority. We have strict quarantine rules to protect our birds from diseases and maladies which may be brought in by wild birds or inadvertently by people. We do not allow visitors into the production areas. Nobody enters our farm unless they have appropriate clothing and footwear and use the footbaths at each entrance to minimise the possibility of foot-borne diseases entering our production area. Similarly, all vehicles must be washed and disinfected before entering. We have strict occupational health and safety protocols in place to protect myself, my family and my workers from the myriad of hazards that are on most, and certainly our, farming enterprises. These are practices which we must adhere to in order to comply with the Government law. They are not onerous laws. They are justifiable laws which have been put in place by the Government to protect the various livestock industries.

My family are deeply concerned by the activities of Aussie Farms, the animal activists—their unauthorised access to premises housing animals and poultry. If they were to invade our farm, they would be breaking all our strict quarantine and biosecurity rules. The animal activists have a democratic right to express their concerns, but should do so in a peaceful, measured, responsible and respectful way. Their concerns should be referred to the appropriate government authorities by peaceful and well thought out means and through the correct avenues which are in place. As responsible and law-abiding farmers, we do not object to the Aussie Farms members' right to express their concerns, but we do object strongly to the manner in which they impact on our livelihood and our mental wellbeing. Their illegal activities are constantly on our minds, and we are ever-vigilant for their intrusion and their subsequent consequences.

In conclusion, regarding that, can I say that we are highly offended by the farm being noted on the Aussie Farms website. We are not criminals. We are law-abiding farmers trying to make a living under already difficult economic and climatic conditions. Our farm was invaded unbeknown to us sometime in 2018. The first we knew of it was some months—it could have even been years later—when we were advised that our farm

was on YouTube on the animal farm website. On viewing that footage, we saw that it was certainly our farm and we were being videoed in the process that we use to catch up the ducks out of the open barn sheds into crates to go to processing.

The ducks are not manhandled one on one; they are herded like sheep. Those activists stood at the end of our shed. They broke into the farm. They came over the fence. As Daryl said before, it was not breaking and entering. However, there is a netting fence on the other side and they climbed over that to get in. They set their cameras up at the back of the shed, looking down a shed which is 100 metres long, and they were filming the whole process of us catching the ducks. The people involved in that catch up were my staff and also four people from Luv-a-Duck. There are also contractors to Luv-a-Duck who help catch up the birds.

This is an important point I would like to make with you now. My staff are Korean refugees. The four people that were involved with the contract catch up crew are Korean refugees. We had the onerous task to sit down with them and show the video footage taken by these activists about their work practices, and they were deeply affected by that—deeply and mentally affected. Their life has been terrible—where they have come from in Burma—and I know that in four out of the five cases the military went into their villages, burnt their houses down, and relatives of theirs were shot. The staff member that I had on that night, his father was killed by the Burmese military when he was just a young man, maybe eight or nine years old. He works for me now. He has got a happy family. He has got four kids. He bought a house and he settled. But I cannot impress on you enough the impact that that had on those five men that night—the fact that these people had come in and taken video footage of them. And they kept asking, ‘Will this happen again? What will happen to us? Will the police be involved? Will we have to go to court?’—all these sorts of questions, which we know are not relevant, but nevertheless it was preying on their minds, and it continues to do so.

Mrs McARTHUR: Were they doing anything wrong, John?

Mr MILLINGTON: In the catch up? No. And subsequent to that—a long terminology—the animal health officer came from biosecurity and agriculture services. They were from the Department of Economic Development, Jobs, Transport and Resources. I had never heard of that.

Ms BATH: It has changed again now.

Mr MILLINGTON: That is a deep dive, I will say.

Mr GEPP: It has gone.

Mr MEDDICK: It is changing again.

Mr MILLINGTON: The department of many names, is it?

Ms BATH: A state government department.

Mr MILLINGTON: They came along and—yes, they did—they wanted to play the video footage again with the contract crew and also with my staff. We all sat and viewed it separately and then they were asked about the process and what they were doing and so on. Those two officers from that department were there to go through the process of what had happened and to draw our attention to anything that we were doing wrong. I think from memory the only thing we may have done is physically pick up some birds and throw them forward, holding them by the neck and throwing them forward into the crates. There was no kicking or hitting or belting or any of those sorts of things that we have been told that we do. There was none of that on the footage. I think it went for about 40, 50 minutes. There was a lot of footage, and there were no serious breaches of the animal welfare code.

Mr BARTON: Was there any action brought against you by the department?

Mr MILLINGTON: No, none whatsoever. It was instruction, and it was them following up on that part of the process.

Ms BATH: Thank you, gentlemen, and thank you for sharing that. It is very important. I was going to ask you about the fact that this is actually a very good news story for Nhill—that it is a town that has been contracting, I guess, over time, with farms getting bigger and populations getting smaller. You are creating a whole workforce and an industry there, but also creating a new life for people who have been incredibly traumatised by a previous life in another country. So I congratulate you on those efforts. I think it needs to be said. And I just want to pick up on, I think, Daryl, you might have said this was not trespass. My understanding is that—and the same with you, John—they invaded your property, they tampered with your property and they invaded your privacy, as you own this land, you own this place, and that so far there has been no retribution whatsoever.

Mr BUSSELL: Correct. So I will clarify what I said. My understanding of trespass is that it has to be with intent, and if you go through a series of paddocks and arrive at a spot that you do not know is privately owned, then you probably do not have the intent. So I give them the benefit of the doubt that they could have arrived at that site and said, ‘Sorry, we got here by accident’.

Mrs McARTHUR: Having gone through how many properties?

Mr BUSSELL: Okay, but I still want to give them the benefit of the doubt. But having then spoken directly to them and told them they were trespassing et cetera, at that point they chose not to leave, and then trespass was in play, in my opinion.

Ms BATH: And in terms of, John, the invasion of your privacy to put up cameras, have you had that conversation with the police about that incident?

Mr MILLINGTON: Not directly following on from the invasion of Luv-a-Duck; not directly, no, about that incident. They have been told about it, but they have not been questioned any more about it. We do not know any more than there was a camera there, there was somebody—you could hear the muffled voice in the background and noise from the camera.

Ms BATH: I guess, Chair, the only reason I ask that is that sometimes some would have us believe that the incidents of these on-farm privacy invasions are relatively few. But you are saying that this did occur but it may not be widely reported that it has occurred?

Mr MILLINGTON: Correct, yes; that is right.

Ms BATH: And so it is really to document these sorts of issues.

Mr BUSSELL: It is difficult, because as John said, we cannot put an exact timestamp on when that happened. We cannot attribute it to anybody. There is an awful lot of unknowns. When you compare that to what happened in November at the Nhill site, we had police on site visibly watch the people take off with ducks, we had a number of people film it and we have footage of them leaving the property with ducks. We have all the evidence we need, timestamped and viewed by a number of people. We still do not have a result, so I cannot imagine that John is going to have any success with what he has got.

Mr MILLINGTON: Also can I add that on their website there is also drone footage of our farm and our neighbours’ farm, some of whom are here today. I have no idea when that was taken, but I know that they have taken footage of our property.

Ms BATH: Gentlemen, are you on this terrible thing called social media? Is Luv-a-Duck? Do you have a social media site?

Mr BUSSELL: I subcontract that out to my daughters. I try and avoid social media for that reason.

Mrs McARTHUR: This issue of drones acting as surveillance operators over private property for the purposes of gaining information inappropriately, if not illegally, what do you think should be done about that?

Mr BUSSELL: I think it is incredibly hard to police. I mean, from our point of view our ducks are barn raised and so I think what you will get with a drone is a location and maybe some data about when movements

happen, but not much more than that. So I think from our point of view the drones will not be such a big issue. But it is an incredibly difficult policing area, and again if we are unable to make progress on taking action against the people we have got video footage of and that were viewed by police officers standing there and watching the theft—if that does not result in anything—then I have very little hope that we are going to make progress on this. And with the fines and the actions taken against those people that have been caught being so low, you will end up with a Toby Greene situation; they will just keep doing it.

Mr GEPP: Daryl, if I can just come back to you. This is just more to close the loop rather than anything else.

Mr BUSSELL: Yes.

Mr GEPP: You talked about the extensive range of audits that are undertaken on you and your business.

Mr BUSSELL: Yes.

Mr GEPP: Between those audits do you have QA programs and the like in place to ensure that whatever standards are required are complied with?

Mr BUSSELL: Yes, there is a daily audit done on the processing plant with respect to temperatures, conditions et cetera. There is a pre-start-up checklist that is done, and then there are QA people who spend time out on the floor watching all of that happen.

Mr GEPP: So you have got QA people on your payroll?

Mr BUSSELL: Absolutely—three.

Mr GEPP: And they produce reports?

Mr BUSSELL: Correct.

Mr MILLINGTON: Daryl, you might also mention about AQIS and the fact that we export.

Mr BUSSELL: True.

Mr MILLINGTON: We are very vigilant as far as that goes.

Mr BUSSELL: Because there is also a requirement to meet halal and kosher requirements et cetera, so AQIS is also involved in that, as it is with any of the products that we export.

Ms BATH: I guess I can feel the stress that you have been under—I think we all can today—and your frustration, but we are here to understand what you would like to see in place so that the people who went on to your farm are penalised and deterred from doing it again. So we are interested—I am interested—to understand what you would like to see in any sort of context. I will put one out: in terms of penalties to stop them—that is part of our review.

Mr BUSSELL: In particular I would like to see penalties stronger for repeat offenders. My observation on the day that we had the 50 activists turn up is that I could break them into two groups—10 leaders and 40 passengers, who, when we started to take our own video footage suddenly became very shy and walked away and hid et cetera. So they were clearly there for the process. They were probably aligned to the cause but not passionately, because they got very nervous when the police turned up et cetera, but there is a core that continue to marshal resources to do this, and I think they are the ones that need to be given harsh penalties to send a message that this is unacceptable. There is a respect for diversity of opinion in this country, but when you take it into your own hands to start breaking laws and intimidating people that is crossing the line, in my mind, and they need to be dealt with in somewhat more significant a way than a \$2 fine.

Mr MILLINGTON: I would like to add to that also. The small fines that they have been getting are no deterrent whatsoever. I think the fines should be significant enough and it should go down on their records so that in future when they go to apply for a job somewhere it does come up that it is something that they did in

their past. That might just make those young kids stop and think again about what they are doing but, more importantly, the implications of what they are doing not just for themselves but for our businesses also.

Mrs McARTHUR: I am interested in how we get to a solution for this. In many agricultural businesses defining the area is difficult, and as one previous presenter said there are 90 gates. There is a limit to how many CCTV cameras or locks you can have on the gates so that somebody can be apprehended for breaking and entering or whatever we want to call it. So should we suggest that the boundary of an agricultural premises is a defined area, whether it has got locks and all sorts of preventive facilities that can stop people going ahead. I mean, they have to break down a door to go into a factory or something. Would that be something we should be looking at?

Mr BUSSELL: I think there is the potential to do that, but again I think attacking the main ringleaders and holding them more accountable for their actions is probably more important, because what you are suggesting is—I understand it, but it is still very complicated. What we need to do is hold people accountable for their actions, and until we do that, then I do not think any of these other things are going to work, because if you define the barriers of a farm and put in place trespass laws and then you have people turn up and breach those and get a \$2 fine, then all that definition of boundaries is not worth it.

Mrs McARTHUR: So the only thing that is going to change the \$2 fine is having a mandatory penalty which is at the top level.

Mr MILLINGTON: Absolutely.

Mr BUSSELL: Correct, and I agree with John that it then goes on the record, because as I said, I think then there are implications for them long-term as to what they are doing, and there might be at least some consideration about the approach they are taking. I think that there is worthwhile dialogue that needs to be had about continuing to progress our livestock industry to be the best it can, but this is not dialogue at the moment. This is just intimidation, and it is not progressing either side.

Mr MILLINGTON: In terms of trespass, when they come onto our property, as I said earlier, our processes are to make sure that every vehicle that comes on is washed and disinfected and people either change their clothes or go through footbaths and so on. Now, if they just hop over a netting with barbed wire on the top of it, they hop over that and come in, they are breaking biosecurity. We do not know that the risk is not coming in via them and where they have been, but also it is the stress on the birds. So trespass begins the minute they get to our fence and hop over it. They do not need to come in the front gate, and by the way, all the sheds are locked up tight. They can get in easily. They got in and pinched the gold toilet last weekend, so what hope have we got?

Mr MEDDICK: I have very few questions, just a couple to wind up with. John, you were talking about the Aussie Farms website?

Mr MILLINGTON: Yes.

Mr MEDDICK: And your facility, your farm, is on that?

Mr MILLINGTON: Correct.

Mr MEDDICK: And you would like to see that taken down?

Mr MILLINGTON: Well, I would like to see my name come off the hit list too, along with most other farmers.

Mr MEDDICK: Are you aware that that information is lifted directly from a Federal Government website—that your farm, your name, your contact details and yours as well, Daryl, and every other farm as well, are actually listed on a Federal Government department of environment website that lists not just the address of your farm but your name, your contact details and what type of farm that is? Is that something you would like to see taken down as well? Sorry, I will let you answer the question, but the other thing is as well, because we have heard talk about mandatory sentencing, you are not a fan of the independence of the judiciary

to hand down, to take into account all sorts of circumstances and that their years and years of experience of sitting is not worth them being able to determine the decision?

Mr BUSSELL: The results to date have shown we need to lose confidence in that, yes.

Mr MEDDICK: And in regard to the other question?

Mr BUSSELL: With regard to the other question, I think it is about the intent of the website and the marshalling of all that information into a single point to make it more readily accessible, convenient and with intent is the problem. You are right; this information is available for people who want to find it for the right purpose, but marshalling it together and putting it under a banner, as they have, you have heard the effect that it has on farmers. You cannot ignore the fact that they are stressed by it. If their intent is to cause stress, they have done it. If their point was not to cause stress, then they can undo it, equally, and they choose not to.

Mr MILLINGTON: To answer your first question, the video footage that is on that website is of our farm, categorically. The second part of it was that all our details and so on are on the government websites; I understand that. But here in country Victoria we had a thing which was called the CFA fire maps, and you could open that up. It was a book, and it had every farm on it and so on. It was an ideal piece of equipment for firefighters and emergency services people to be able to find a farm quickly. They do not produce those anymore now, because of privacy issues. Figure that one? So our emergency services people have come up with other ways of finding out. In the country you know where all the places are and so on. But that has all been taken down and has gone. No doubt sometime in the future our names and so on are going to come off government websites. But what is the point? We are doing legal, honest business.

Ms BATH: Just one thing that we have not covered, and I am still not sure on, is did the activists go into your shed or sheds? If so, what happened in there and what happened to the ducks?

Mr BUSSELL: Are you referring to the November event at the processing plant?

Ms BATH: Yes.

Mr BUSSELL: No, they did not go inside. We had people stand at each door and prevent that from happening.

Ms BATH: Right. Good. Okay, so that is fine. It was just something that I was not clear about—whether they were able to get access. But it was stopped by physical means; is that right?

Mr BUSSELL: Correct.

Mrs McARTHUR: But they got the ducks from somewhere?

Mr BUSSELL: Well, the ducks are in the marshalling yard. The marshalling yard is open. It has got misting fans to control humidity and temperature and keep the birds stress free et cetera, so that area is open. There are no sort of preventative walls or barriers.

Mr GEPP: I just want to be clear. When Ms Bath said they were stopped by physical means, you said yes. I just want to be clear about what that means, because for most people that would mean that one of your staff, and your earlier testimony was that they did not engage. That would suggest that somebody physically prevented somebody going into the shed.

Mr BUSSELL: Okay, so let me describe what happened.

Mr GEPP: Please.

Mr BUSSELL: At a number of doors, of which there are about five, one of our operators stood in front of the door, and that is the physical aspect—stood in front of the door. To be fair, none of the activists tried to push past or break past them, so there was no physical interaction.

Mr GEPP: Okay, so there was no physical—

Mr BUSSELL: But the physical standing in front of the door prevented them from entering.

Ms BATH: And, John, for you in terms of any activists being on site, you do not really know because they came in without your knowledge?

Mr BUSSELL: Correct. It is difficult to say whether they were actually inside the shed or just outside. But can I say, with all the duck sheds, they are all open barns. They are not closed in, environmentally controlled—although we have one farm on contract that is. But all the others are open barns. So the curtains come down and there is fresh air and sunlight and all the rest coming into the shed. So whether they were just outside there taking photos or whether they were physically in the shed, I do not know. It was night-time—2 o'clock in the morning—so they could well have stood back in the shadows.

The CHAIR: Thank you. On behalf of the Committee I would like to thank you for your time and contribution. You will receive in a few weeks a copy of the transcript for your proofreading. I would like to take the opportunity to thank everyone in the gallery, the staff and my colleagues. Have a good afternoon. The hearing is finished. Thank you.

Mr BUSSELL: Thank you very much.

The CHAIR: And the local member.

Committee adjourned.