

**ANIMAL ACTIVISM AND TRESPASS — RURAL WESTERN AUSTRALIA**

*Motion*

**MS M.J. DAVIES (Central Wheatbelt — Leader of the Nationals WA)** [4.01 pm]: I move —

- (1) That a select committee be established to inquire into and report on —
  - (a) risks posed by, and the impact on, communities, residents and businesses in rural Western Australia of —
    - (i) the activities of animal activists;
    - (ii) people trespassing onto private land to undertake illegal fishing and hunting; and
    - (iii) the use of drones to conduct surveillance or to harass and intimidate;
  - (b) the effectiveness of current legislation to deter and combat illegal activity of animal activists and trespassers in rural Western Australia;
  - (c) current resourcing and the ability of state government agencies, including WA police, to deter and combat illegal activity of animal activists and trespassers in rural Western Australia; and
  - (d) any recommendations that are considered appropriate in relation to the above, including —
    - (i) recommendations for necessary changes to current policies and practices; and
    - (ii) any legislative amendments.
- (2) That the select committee report on its inquiry to the Legislative Assembly by 21 November 2019.

I will go through the motion so we have some clarity over exactly what we are asking for. The Nationals WA are moving this motion today in light of the fact that there has been escalating interest in, and serious concern for, animal activism and rural crime and theft. A raft of issues are impacting on the agricultural sector, not only on our farmers, but also on those businesses and individuals who are involved in the entire supply chain. The motion tries to bring to a head some of the conversations and the threads that we have been pursuing in this house on behalf of the sector and that the sector has been pursuing in the public with the Minister for Agriculture and Food and various government ministers. We are hoping that it provides a forum for this Parliament to send a very strong message to the sector that we support what they are trying to achieve, they are important and the behaviours and things that they are experiencing at the moment are not acceptable. I know that is the view that has been expressed and espoused by many members, including ministers, in this place and also in the Legislative Council. We hope that today's debate and the motion gives Parliament the opportunity to send that very strong message to the agricultural sector that we are taking these matters very seriously.

We propose that a select committee be established to inquire into and report on the following things —

- (a) risks posed by, and the impact on, communities, residents and businesses in rural Western Australia of —
    - (i) the activities of animal activists;
    - (ii) people trespassing onto private land to undertake illegal fishing and hunting; and
    - (iii) the use of drones to conduct surveillance or to harass and intimidate;
  - (b) the effectiveness of current legislation to deter and combat illegal activity of animal activists and trespassers in rural Western Australia;
  - (c) current resourcing and the ability of state government agencies, including WA police, to deter and combat illegal activity of animal activists and trespassers in rural Western Australia; and
  - (d) any recommendations that are considered appropriate in relation to the above, including —
    - (i) recommendations for necessary changes to current policies and practices; and
    - (ii) any legislative amendments.
- (2) That the select committee report on its inquiry to the Legislative Assembly by 21 November 2019.

We would be happy if that date could be brought forward. If work is being done that could bring that date forward, we would certainly be open to having that discussion as well. We would like to see it conducted in a bipartisan manner because we believe that everybody in this chamber, and in the Parliament, has the best interests of our agricultural sector at heart. We could send that very strong message to that sector by setting up this committee to focus the attention of government and the Parliament and to make sure that they understand exactly what is being

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undertaken in each ministerial or departmental office. That would certainly go some way to allaying the fears of the sector, which are represented to us on a fairly regular basis.

We have seen the increase in these concerns over a long period. No-one is pretending that this has just happened overnight. For some time, the agricultural sector has felt like it is under siege. We get to a tinderbox situation and it is like the straw that broke the camel's back with animal activists stepping up the intensity of their activities. If we pile that on top of the other issues that are occurring in the live export industry—the glyphosate debate, rural theft, issues relating to surveillance with the use of drones and other devices, and repeated reports from truck drivers that their daily business of transporting animals is being interrupted—this all starts to build and compound. This sector is very close; its members spend a lot of time talking to one another and making sure that they are working as efficiently as possible. When those issues start to happen and a strong signal is not sent by those who have the power to allay those fears, the problem builds and that anxiety is directed into activities that are probably not helpful in resolving the issue. We see the outcome of that with meetings like “calm the farm” led by WAFarmers, which was trying to empower farmers to better understand their rights so that they do not end up behind bars when responding to activists and others who are seeking to disrupt their daily business.

Everybody should always be aware of their rights. They should absolutely inform themselves of how to appropriately respond, but I do not think we should be doing it when there is nothing on the other side of the ledger to try to deal with what is clearly unpalatable to the broader public. The activities of these activists and theft in general are not things that the community will ever, and does not, condone. We need to be very strong on that front. We have seen some very strong action from the federal Minister for Agriculture and Water Resources, David Littleproud, in trying to pursue, in particular, Aussie Farms' charitable status and bring it under the Privacy Act. Other states have pursued this and carried out reviews. As early as last year, some states tried to address some of these issues within their own jurisdictions and with the powers that they have. Despite the fact that we have been raising this issue since we returned to Parliament at the beginning of this year, I feel that the government is sending inconsistent messages. Although activity may be happening behind the scenes, it is certainly not being conveyed in a way that gives comfort to those in the sector.

If we go back through *Hansard*, we see that the Nationals have asked a number of questions; in fact, we have probably asked six or more of various ministers in this house. Four questions have been asked in the Legislative Council, a petition with a significant number of signatures was presented to the Legislative Council reflecting concerns around rural crime and theft, and a debate has been held in the other place on this matter directly, with the Minister for Agriculture and Food responding. I will stand corrected on this—I will have to double-check my notes before I sit down—but I am sure that we have written to both the Minister for Police and the Minister for Agriculture and Food. We have also attended numerous community and industry meetings. We have invested a lot into this issue because, as members understand, a significant number of our members represent the communities that feel like they are under siege. As I said before, this is an opportunity for Parliament to demonstrate its commitment to address the increasingly intimidatory behaviour exhibited by some of these extreme activist groups. It is important for us to demonstrate that we take seriously that escalation of rural crime—the theft of stock and equipment, trespass and surveillance—and that our legislative framework is appropriate and that we are resourcing our police and our first responders appropriately.

Are we really getting across the technologies that can and are facilitating some of these crimes? When we have posed a review or discussion around drones, in particular, and the Surveillance Devices Act 1998, which comes under the purview of the state Parliament and the government, there was initial interest from the Minister for Agriculture and Food for a parliamentary committee to look at this. However, it seems that that has fallen by the wayside and we have not seen any further action on that matter. It is certainly something people raise with us not only in a regional sense but also in a metropolitan sense to assist in fighting crime. I would have thought that was something the minister would want to deal with most urgently. We see all the time that technology is outstripping our ability to keep pace. I think we acknowledge that we do not necessarily always practise the most nimble of functions in this Parliament. However, we should be sending a very clear message to the people who are using those technologies—that this Parliament is across this issue and taking it seriously and that there will be protections for people who are going about their lawful business in the privacy of their own home or businesses. I do not think the people against whom these crimes and behaviours are being perpetrated have been given an opportunity to express their concerns. Although there have been meetings—I am sure there have been various opportunities for them to have discussion off the record—with a committee, it would be a good opportunity to invite some of the people who have been impacted to share their stories about how these behaviours and actions are impacting them, their business, their family, their community and their home. For them, it can be quite frightening.

I was asked in an interview with a journalist about some of the trespass activities, having grown up on a farm myself. It could be quite confronting if a person or a car approached the front of our house and mum was home with us kids by herself and dad was somewhere else on the farm—this was pre-mobile phone days and, to a degree,

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pre-citizen band radio or anything to connect us to the rest of the family on the property elsewhere. Quite often they were Jehovah's Witnesses, who were very committed, given they had come a long way from the nearest town. That was not a normal occurrence for us. When people came to the farm, it generated some sort of angst. We knew every car that drove past our main driveway; we knew most of our neighbours and the people around us, so unfamiliar activity evokes, I guess, a bit of fear. In the context of what is happening on a broader scale in the current climate, we can understand why people are somewhat on tenterhooks in their own home. I do not think that is appropriate, nor is it something we should leave unaddressed.

Our concern is that a number of mixed messages have been sent from the government in answer to our questions on this front. I am the first to acknowledge that the issue has evolved over time, but I also think there was an opportunity to be very clear about what was going to be done. That has certainly changed from, "There's nothing to see here and our laws are appropriate", to, "No; we are looking at this. Now we have added restraining orders, now we are looking at surveillance, now we are taking that off the table, now we are looking at this." That confusion is noted in a sector that is trying to get some clarity.

The purpose of asking to establish a committee is to send a very clear message to that sector. Our first question to the Premier on this was on 19 February when we returned to Parliament and asked simply what the government was doing about this matter and does the government consider these laws are strong enough? The Premier's response was that if there is a deficiency, he was sure it would be drawn to the government's attention and he believed that appropriate attention was being paid to this matter at that time. On 20 February we asked a question of the Minister for Police to determine what the police minister was doing and the priority being placed by her office on these matters. The response was along the lines that she had had a couple of conversations and she thought her office had spoken to the Western Australia Police Force. We spoke about Commissioner Murray Smalpage.

**Mrs M.H. Roberts:** I did not think. I said that Murray Smalpage had been speaking to primary producers.

**Ms M.J. DAVIES:** I have the minister's direct quote, which is, "I think my office has spoken to the commissioner." She went on as I was —

**Mrs M.H. Roberts:** I personally spoke to the commissioner before that. You can try to quote random things and create a picture that is not quite true.

**The ACTING SPEAKER:** Minister!

**Ms M.J. DAVIES:** I have not finished my sentence, minister, so perhaps I can finish my sentence and then you can criticise me. I was going on to say that we spoke about the commissioner and that we had faith on both sides that the commissioner was having discussions with the farming sector. Before you jump down my throat and criticise me, I am trying to conduct this debate in a way that says that we acknowledge that things are happening.

**Mrs M.H. Roberts:** You could have fooled me. I don't think you fairly represented my argument.

**Ms M.J. DAVIES:** How would you know minister, if you do not allow me to complete my sentence?

**The ACTING SPEAKER (Mr S.J. Price):** Minister! Member, through the Chair please.

**Mrs M.H. Roberts:** I made it clear, yet you still misrepresented me.

**The ACTING SPEAKER:** Minister, let the member continue.

**Ms M.J. DAVIES:** Thank you, Acting Speaker. On 19 February a question was also asked of the Minister for Agriculture and Food. Her response was that at this point in time the current penalties provide a real deterrent. That was followed up with another question in the Legislative Council. On 12 March, a question was also asked of the Premier because at that point we were starting to see that not necessarily the same messaging was being provided. The message was that trespass laws were appropriate. There was language around the fact that changing the trespass penalties would not provide the deterrent people were looking for. I tend to agree with that because it does not deal with the fact that we are dealing with the here and now on the doorstep of the incidents, so there needs to be some sort of preventive signal sent to those who are intending to perpetrate those crimes. We started to see a shift in the language from a number of other ministers.

The question then was put on 13 March to the Attorney General and that was when we learnt about the contemplation to change the Restraining Orders Act, and given that that indicated some work was being done on this, that was also welcomed by our side. I think this is something that the government is contemplating but it is not providing a clear direction to the sector about what it is doing. I think our agricultural sector needs more than this to make sure it will not end up left high and dry behind bars because we are at a tinderbox situation. I do not think I am overstating the case because it is raised with us wherever we go that there is real concern. Social media is a very particular medium and we get a particular kind of response when watching the commentary that comes through on the forums. However, there are some very strongly held views about what should happen to people

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who participate in these types of activities. We need to take into consideration all the aspects of this debate and not just take the approach that we should lock them up and throw away the key because we have to be sensible about our options. That is what we are all here to do. I think the committee process in this Parliament works very well because we get a chance to look at these issues in detail and send a very strong message from the Parliament.

The federal response from Minister Littleproud has been to urge the states to individually review their trespass laws and any other relevant legislation. Minister Littleproud has acted; he has moved to bring the Aussie Farms charitable organisation, however it has constructed itself, and the map that is associated with that organisation under the commonwealth Privacy Act. Members will recall that it is the map that showed the individual contact details and addresses of farming businesses and processes on the website for everyone to find. It was very confronting for those who found themselves named on that map with their details. We have explained in this house before that many of the places are people's private properties as well as their place of business, so they had real concerns for their families. The federal government has moved to bring that organisation under the commonwealth Privacy Act, so any misuse of personal information by that organisation will result in significant fines. Today the federal government announced that it will introduce a new criminal offence specifically designed to protect Australian farmers from that vigilante action that we have reported. I think everyone anticipates that a federal election will be called shortly, so a new Parliament will need to proceed with that. Certainly, the federal government has outlined its intentions on that matter.

In light of a strong and very coordinated effort being publicly executed, we see anger, frustration and concern festering and growing. It is alarming in the broader community. I think we will have seen, particularly in the rural media, maybe not in the mainstream media, growing reports of rural crime—I have touched previously on stock theft and equipment theft—which is coordinated and on a significant scale. We see more than just the odd rifling through the back shed and pinching a few tools. We are talking about whole mobs of sheep. We are talking about cattle being removed from pastoral stations. We are talking about equipment the size of tractors and things like that that they can get out under the cover of darkness in a very coordinated fashion. On 21 March, the *Countryman* reported that Southern Cross police, in particular, had launched an investigation into the theft of up to 120 sheep from a Marvel Loch property, and Pinnacles station owner Craig Harvey flagged widespread cattle theft at northern goldfields pastoral leases. They are not isolated incidents, and every MP representing regional areas in this state will be able to furnish the house with examples of stock and equipment theft. Again, this is a business theft but it is from their private property. The thieves have been in and around their homes and sheds. People would like to see some additional resources for the police, who respond as best they can. Our argument has been whether the police are resourced appropriately. Certainly, we have floated the idea of a return of the stock squad, and I would be very interested in the thoughts or views of the Minister for Police on that. When we raised it with the Minister for Agriculture and Food, it was something that she was open to. However, we have not had any further response on that matter. People recall the existence of the stock squad, much like the gold squad. For the amount of activity that they see at the moment, they believe some sort of concerted effort is needed. If there is another way of achieving that outcome by giving some comfort to these people, in that the police are resourced appropriately and are being proactive in their ability to manage some of this, that would also go some way to alleviating some of the concerns.

I have spoken about the Minister for Agriculture and Food being open to a parliamentary committee reviewing the legislation for drone use. I think that is another thing, as I said previously, that has not been canvassed any further than when it was first raised by the Nationals in the other place by our member for the Agricultural Region, Hon Colin de Grussa. That is something that we would like to see canvassed and would fit very well into a committee that could be created to have a look at all of these related incidents. I think we need to go beyond what we are seeing, certainly from the ministers that have been asked to respond to these questions, and do more than the condemnation that we hearing. That is the first signal that needs to be sent to the community and the people who are perpetrating these crimes. It then needs to be followed up with real action—action that sends a very, very strong signal that the community does not tolerate this. That has been expressed by everyone in this place. I think that the rigour of a committee process would allow us to flesh out some of those responses to ensure that the community has the opportunity to express and communicate its real concerns and to make sure that we are not missing anything that could potentially alleviate some of these concerns.

The Acting Speaker would understand that there is some scepticism in the agricultural sector when it comes to the credentials of various members of the government when we talk about animal activists, including the Minister for Agriculture and Food. It is very hard for some members of the community to separate the fact that they have burnt into their minds the image of the Minister for Agriculture and Food standing on the Fremantle Traffic Bridge with animal activists at the time that the live cattle export debate was occurring, and standing with those activists in relation to that matter.

**Mr V.A. Catania:** And with the candidate for Curtin now.

**Ms M.J. DAVIES:** Indeed! The candidate for Curtin, who is seeking to be elected to the federal Parliament. I can tell the house where our members were; our members were standing shoulder to shoulder with the agricultural sector. We absolutely understood what had happened with that snap decision. The ramifications are still being felt in the community in relation to that decision by a federal Labor government. Members would understand that there is some degree of scepticism, and that is why we have been trying to continually raise that in this place, in both houses, to give the government the opportunity to continue to send that strong message to the agricultural sector—to the truck drivers, the farmers, the people who produce the feed and everyone involved along the supply chain—that this is something that we are taking seriously. That particular image of the Minister for Agriculture and Food, and then subsequent performances where we have been in Katanning and other areas, has meant that there is a level of disbelief that it is a top priority for the government of the day. If we could go some way to dissuading them of that fact and creating and sending a strong message to the community that this is something that is very important to our constituency and to the Parliament, then I think that would go a long way to making sure that we have a safe community in which people are allowed to go about their business without fear of interference by people who are running an agenda that I do not think a majority of Western Australians support by any stretch of the imagination.

There is a deep sense of anger and frustration: Aussie Farms, the intrusion into property, the increasing risk of biosecurity breakouts, disease exposure, fear for family and staff, the theft of equipment and trespass, the antagonism of truck drivers and others trying to go about their business. This is an opportunity to send them a message that this Parliament takes them seriously. The responses of various ministers to the questions that we have asked over the course of three months to try to ascertain what this government is doing could be neatly rolled into a committee, with representatives from all sides of the Parliament to contribute, to make sure that there is no chink in the armour for these people who are disrupting the businesses and lives of many people who are simply just trying to get on and do their best.

**MR D.T. REDMAN (Warren–Blackwood)** [4.25 pm]: I want to support the motion led by the Leader of the National Party to have a select committee set up. I think it is smart. It is way of bringing all the complexity of the issue that we are debating today into a forum that can then work up a response that gives government some options, rather than it just waiting for the government of the day to add its political mark and lay out something that may or may not meet the needs of the individuals and groups that have been affected by the protests we have seen.

I will highlight right from the outset that I, and nor does the National Party, want to challenge, the right to due process. A great quote by the English writer Evelyn Hall said, “I disapprove of what you say, but I will defend to the death your right to say it.” I absolutely agree with that. We also have in our state and our nation the rule of law. When people’s individual and/or group rights flow over into invading the privacy and legal rights of others, then we do have to respond. That is the tenet of what the National Party is putting forward here; not just responding to a little issue or something that is fairly easy to lay out an answer to. There is a bit of complexity to this. The complexity flows right over to the diversity that sits in regional and rural communities, particularly the isolation levels, and the level of complexity in and around farming businesses, which add to the impact of what these activists potentially have and could do and achieve, which would be terrible for our sector and terrible for Western Australia.

We are seeing animal activism move to a whole new level. I remember, as the agriculture minister, a number of years ago now, when wool, lamb and sheep prices went up and some of those agricultural commodities that could be taken off a property went up, we saw the level of theft increase. We put in place, after it had been taken away, the stock squad—I think it was in 2009 from memory—in response to that. I guess that was the level of it. Although they were serious issues, and theft is a serious issue, there were strategies that were fairly easy to put in place to actually address that and hold those people who were caught to account and hopefully have a level of surveillance that was able to reduce the impact of it. What we are seeing now, however, is a significant step up from that. The level of animal activism that is occurring at a national level, such as using modern online platforms as strategies to rally the troops—if you like—and groups targeting individuals in a very effective way, is massively threatening. Our laws, rules and the rule of law is underdone, in our view, in response to this. That is why we are supporting having a select committee to take a closer look at it.

With the impact of trespassing—when I go through these issues, I am not talking about trespassing over a fence in an urban area or in a metropolitan suburb whereby we have a number of people close by or we have some services that we can call upon that are close by; we are talking about relatively isolated rural areas, in some cases very isolated, whereby there are a handful of family members living in those locations that could well be targeted and impacted by a series of people who have a very, very serious agenda. When I talk about the issues that are impacted here and to which we need to respond, I am talking about a very unique environment. I am talking about trespassing, as simple as that. That is a significant issue in relatively isolated rural areas.

Another issue is interference with livestock. Farmers go to great lengths to look after their animals, because they know that if they present animals that are healthy and have good nutritional standing, they will sell well and obviously return a good profit to them in whatever market they chose to sell those animals. If anyone interferes

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with that, whether that be grazing methods or some level of intensive feeding, that may have implications for the welfare of that livestock. The Leader of the National Party mentioned biosecurity risks. We are very lucky in Australia, and particularly in Western Australia, because we are in effect a biological island. This state does not have many of the livestock and plant diseases that are present internationally, therefore, maintaining vigilance at our borders at both the national and state level is critical to preventing biosecurity risks to our agricultural sector. It is also critical to maintaining area freedom, because many markets cannot be accessed unless farmers can demonstrate area freedom. These issues are very significant to this \$8 billion to \$9 billion sector in Western Australia.

The game that is being played by these animal activist groups poses massive risks. However, we fall short of dealing with those risks. We need to layer that sort of complexity into a very sound discussion about the right strategies to respond to that. That level of complexity will not happen in a little government agency that says this is what we need to do in terms of penalties or some other response. The level of response needs to go to another tier, because that is the level of threat that is being put on these sectors.

I now move to the privacy of individuals who are living in their house on their rural property, which is their business, and who are, as the Leader of the National Party mentioned, feeling threatened. The National Party will acknowledge every day that there are some challenges in the agricultural sector. Some people do not do the right thing in animal welfare or in the processes they use on their property. Those people absolutely need to be dealt with. I am sure there is also a bunch of vegan activists out there who will go to prison. Everyone has to do the right thing and follow the law of the land. No-one can escape that. We recognise that. However, the behaviour of these animal activists is taking that to another level. The Aussie Farms website and map that identifies farming properties is, at best, irresponsible. At another level, it is putting onto an international internet platform the location of properties to be targeted by groups that have a specific agenda that is massively threatening. We only need to look at the level of social media response on the football field, and in schools, to violence. In a whole range of areas, online platforms are giving huge exposure to people and groups who want to make commentary. That same issue is now being played out in the agricultural sector. We need to respond to that, and we need to respond appropriately. It will not take a five-minute conversation around a cabinet table to resolve it. It will take something more complex than that. That is why the Leader of the National Party has put up a strategy, with bipartisan support, to establish a select committee of this Parliament to look at all the issues of concern, get advice from the respective groups that are impacted, and ensure we benefit from strategies that have been taken in other jurisdictions to address these issues and respond appropriately.

I now want to raise a couple of specific issues. One issue is drones. Last night, I was watching ABC News on the telly, as I am sure a lot of members were doing, and I saw a drone drop food into someone's backyard—it was probably the Uber Eats drone, if there is such a thing—and the kids raced out and grabbed the food and went back inside.

**Ms A. Sanderson:** It was in Canberra, in the ACT.

**Mr D.T. REDMAN:** The Australian Capital Territory, was it? It is absolutely amazing that we now have the technology to enable food, packages and all sorts of stuff to be delivered into someone's backyard by a drone. I guess the meal drone is coming. I am not sure that I fully appreciated that it is going to be rolled out in a particular suburb of Canberra. We can see that technology is moving and getting ahead of where our laws and regulations sit and our ability to manage what people in our community are able to do. That is now extending to the clandestine surveillance of properties. That raises the issue of trespassing onto private property, and theft and other unlawful activities that might flow from that. Can I say, without putting too much on the table, that I have a unit in Perth. It is off the ground—it is on the eighth floor of a complex of units. I have had a drone outside my window, buzzing around with the camera spinning, and more than once I have been in a state of undress, so that is the last thing I want. That is right in the middle of Perth, not in a fairly isolated area. This sophisticated technology is often used in ways in which we do not want it to be used. It is very unsettling. Drones may also disturb animals and cause potential stress and injury. Lambing ewes or calving cows do not want to be upset; they are put in particular paddocks for good reason. If someone does the wrong thing, that is a potential risk. It is often difficult to identify the perpetrators. If someone drives onto our property and we see their numberplate, we have some idea of who they are. If a drone buzzes in and buzzes out, we do not know who the hell has been there. Drones also have the potential to aid theft.

We know what happens when we get an image and whip it onto the World Wide Web. We can mess with that image, photoshop it, and present it in whatever way we like to support the case we are making. I do not want that sort of stuff on the web, first, because it is private, and, second, because it may be used in an inappropriate way. This is quite unrelated, but I want to make this point. I have three grandchildren in Esperance. My daughter had a very quick word with me when I decided to put a picture of me and my granddaughter on Twitter. She did not like it. I absolutely respect her view on that. I did not even think about it. My daughter and her husband want to be in charge of what images of their kids go on the internet. In a very different scenario, we do not want to see images of our family and our backyard, people in our workplace, or our animals, put on the World Wide Web. That is our private space. We do not want it to be used by people with ulterior motives and a particular agenda.

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The problem is that we do not have contemporary laws and regulations to address this technology and platform for targeting particular groups. That is why we have brought this motion forward.

Another issue is stock theft. In 2009, the Nationals brought in the livestock compliance unit. One of the initiatives was to hook up with members of the WA Police Force with detective skills and key people in the Department of Agriculture and Food with livestock skills in a dedicated unit that would be able to resolve these issues. That was a smart model. The Leader of the National Party is asking the government for its thoughts on that, because it certainly makes sense to have some sort of compliance unit or stock squad. Of course we believe that the community, and the rural community in particular, is ready to move to support this initiative. People will engage in whatever forums they need to engage in to be the eyes and ears to support whatever unit or organisation the government chooses to have at the pointy end of addressing the key issues we have seen occur.

To reinforce what I have said, I want members to look at this issue through the filter of a family living in a very isolated part of Western Australia. They might be 40 or 50 kilometres from the nearest town—that is a close town in some places—and further from key support services and police. That is the environment and members must view this discussion through that filter to see the level of threat, concern, and fear in those communities. We do not want to see that. We want to see the government support the legislative and regulatory changes needed to address that. A layer of complexity is coming into this discussion that was not there before, and that is why we need to have “more than just your average” debate. We want a select committee to come together to put necessary recommendations to government, with input from all the respective interest groups with thoughts on this issue from here and other jurisdictions, both nationally and internationally, in order to get a good outcome.

**MR R.S. LOVE (Moore)** [4.41 pm]: I rise to contribute to the debate on the Leader of the Nationals’ very important motion. The motion proposes we create a select committee to investigate the circumstances surrounding the rise of the intrusion, if you like, into farming operations in the state by people, such as animal activists, who we have seen operating throughout the country, and others who are doing more, shall we say, traditional crimes, such as stock and machinery theft et cetera. A modern twist to this debate is the rise of social media, the use of drones and all those new circumstances that government cannot readily cope with.

On Monday, we saw all the traffic in the Melbourne CBD shut down by protests. This affects not just farmers, but everyone involved in the supply chain, such as stock agents, livestock sale centres, abattoirs et cetera. All those areas are coming to the attention of these particular groups that are out to protest not animal cruelty, but the use of animals. They may see it as animal cruelty but they are opposed to the use of animals in any way. Putting that in context for Western Australia, figures from the Department of Agriculture and Food show that in 2016–17 the total output from agricultural industries was just under \$9 billion—\$8 991 million. Of that total output, meat and livestock products contributed \$1.8 billion; dairy farming, \$192 million; and wool, \$826 million. People probably do not think about the wool industry in relation to this debate but wool is another product that is in the sights of these particular activists. These groups oppose not only meat and dairy products, but also the use of animals, harvesting their hair or wool.

Today I spoke about the poor old owners and staff of the Giddy Goat Cafe, who have come under terrible attack because they have a goat as a symbol of their cafe. How dare they use an animal to make a profit! It was fine by those activists to ring up and make the most frightful threats to staff. That upset the owners so much that they finally gave up; they could not put their staff through the daily trauma of being subjected to the invective and targeted hatred that was levelled at them. We need to find innovative solutions in government to deal with this issue. We have been asking questions in this house and the other place over the last few months, since this has become a big issue, and the government’s responses have been a shifting of the sands. We do not have certainty on how the government will react to the issue. That is not a surprise, thinking back to what happened with the livestock export industry. It has been highlighted before that we have a minister who showed very little support for the livestock industry when the live export issue was at the fore last year. An article published in the *Albany Advertiser* of 7 March states —

Ms MacTiernan said it was not in the interest of farmers to ramp up the cultural war.

As if, the farmers are ramping up the cultural war —

“To create a vegan versus farmers war suits the interests of some people, but certainly does not suit the purpose of farmers ...

That is true, but she cannot blame farmers for that. People are coming and attacking the industry and she needs to be out defending farmers, not activists.

**Mr V.A. Catania:** Wasn’t she the one attacking the industry by standing on Fremantle bridge with that sign?

**Mr R.S. LOVE:** Exactly—she was. That is a very famous photograph in rural Western Australia of their Minister for Agriculture and Food in a previous life standing on the bridge attacking a legitimate industry in Western Australia.

**Extract from Hansard**

[ASSEMBLY — Wednesday, 10 April 2019]

p2432b-2455a

Ms Mia Davies; Mr Terry Redman; Mr Shane Love; Mrs Michelle Roberts; Dr Tony Buti; Mr Ian Blayney; Mr Stephen Price; Mr John Quigley; Ms Margaret Quirk

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Several members interjected.

**The ACTING SPEAKER:** Members!

**Mr R.S. LOVE:** We are now in a situation in which we have a government that does not believe in the value of agriculture.

Several members interjected.

**The ACTING SPEAKER:** Members! Thank you, that is much better. Carry on, member.

**Mr R.S. LOVE:** We have a government that does not believe in the value of agriculture and we have a Minister for Agriculture and Food who does not believe in the value of agriculture.

**Mr V.A. Catania** interjected.

**The ACTING SPEAKER:** Member for North West Central.

**Mr R.S. LOVE:** The article concludes with a final line on the minister —

She did not believe that trespass laws needed to be strengthened.

She must be the only person in Western Australia who does not believe that. Plenty of people in regional Western Australia are concerned about the current state of the legal framework in which we operate and activists' ability to go onto properties, as we saw last Monday, with their targeted campaign in which they entered an abattoir in Queensland and liberated, if you like, sheep—they took them home. What are they going to do with them now? Where will they live: in someone's apartment? What happened to those sheep? But do not worry about that, what about the biosecurity risk of moving animals? People cannot take animals from one property to another without permits and traceability of those animals. We have people running around purporting to be interested in animal welfare who are actively doing things to undo protocols that are there for the protection of those animals, the prevention of disease and the traceability of any disease outbreaks. It is simply unacceptable. People cannot go into an abattoir, which is an intensive livestock centre, and expect that there is no risk to biosecurity from that intrusion. They added to that by going down the road to some dairy farms and harassing the animals in the paddock. If people love animals, why would they chase them and cause them distress? Certainly, causing distress to farmers and to stock seems to have been their aim—all in the name of protecting them. I guess that they believe that the ends justify the means. We have heard that view before.

The Nationals believe that there needs to be a targeted and considered approach from government. We need to get to the bottom of some of these matters by perhaps looking more at the organisations setting up some of this criminal activity—that is what it is: they wish to carry out criminal activity—and activity enabled by social media. How can we disrupt their disruptive activities? How can the community fight back to protect itself against what is basically a form of internal industrial terrorism? We have groups like Vegan Rising and Aussie Farms, who I believe are some sort of offshoot of a group called the Dominion Movement, inciting this type of activity. Thankfully, Minister for Agriculture and Water Resources David Littleproud is committed to stamping out this type of behaviour. He has acted very quickly to have Aussie Farms defined as a group that falls under the Privacy Act. Apparently there is a threshold of turnover under which groups are not normally brought under that act. Any group with less than \$3 million in turnover is not normally subject to the act, but he has made an exception in its case and changed that situation so that it falls under the Privacy Act 1988. He also ramped up the maximum fine from \$420 000 to \$2.1 million. If the Australian Privacy Commissioner can show that the activity of Aussie Farms has caused harm to innocent parties, it could be subject to that type of sanction. As we have heard there are now promises of new offences being created in the new Parliament to further protect farmers and those involved in legitimate livestock activities from these unwanted intrusions on their properties.

As I said, the Minister for Agriculture and Food as recently as 7 March said that she did not believe that trespass laws needed to be strengthened. I believe that trespass laws need to be strengthened, but they need to be examined properly. I would be much happier and more confident that we would have a good outcome if we had the time and a diligent investigation and inquiry into what are the best approaches to curb this activity and to ensure that farmers can go about their business, which is worth in the vicinity of \$2.8 billion a year to Western Australia. It is not chickenfeed, pardon the pun, but it is certainly a very important industry to the state, and it is an important industry in my electorate. There are many examples in the Moore electorate of intensive livestock enterprises and many feedlots and farmers who grow sheep, wool or meat and also cattle farmers et cetera. We have the Muehea Livestock Centre, which was invaded earlier by a group of activists. We saw some examples of what I might call belligerency by those activists, who stopped people from going about their activities in the centre. I think it was 21 January when about 30 activists spent quite a while on one of the sale days taking photos of people going about their business, using it as an intimidatory device to try to prevent people from going about their lawful business of trading in livestock. That centre is an essential part of the livestock supply chain in Western Australia. If we cannot protect a centre on basically the outskirts of Perth, what hope do we have of protecting isolated farms, as the

member for Warren–Blackwood spoke about, where they may be one, two, three or five hours from substantial police resources? What priority will the police put on those types of activities? That will come from direction from this place, through a committee reporting back, the considerations looked at by government and some real strategies being put in place instead of what we have seen. Every time we ask a question, we get a slightly different answer. There are nuances as we go along. I am not saying that people are not considering the situation and that they are not trying to address it, but we need to take a deep and very insightful look at this new situation and try to come up with a strategy that addresses it. It is not a situation we have faced before; it is a new situation that requires some innovation and new responses. What was the situation we had when we were going to increase the ambit of restraining orders so that people who had already been convicted of an offence could be prevented from reoffending? I would suggest that if they were prepared to be convicted of an offence of trespass in the first place, they are probably quite prepared to break a restraining order. That is not necessarily going to do the job. These are people who are not going to be easily put off by threats of punishments and would see being dragged off by the police in the pursuit of their aims to save the animals as a bit of a badge of honour. They are not saving the animals. We have seen in some circumstances that they might expose animals to a great deal of risk, especially when they break biosecurity protocols in those facilities that would normally protect the livestock.

I get back to the sparsely populated areas of the state where people must now be living in fear. Their farms, centres and facilities have been put on a map and shown to the world that this is where to go if a person wants to make a point. They take their phones and cameras, shoot some footage and take over and invade someone else's property, where families live and there might only be some children home. There might not even be adults there at that stage. Can members imagine how it would be for a young family in a very remote part of the state to have a large group of people walk onto their property and virtually take it over? We have consistently been arguing the case for improved police resources in regional Western Australia. I know that Hon Colin de Grussa has been seeking improvements for some time now to get things such as the old stock squad back up and running. We have not seen much support come from the government for that. I hope that we will see some support from the government for this motion, which is of itself simply a request for a select committee of people who are already here in Parliament—we are not asking for extra people to be involved—to be established to inquire into all the circumstances that are leading to this highly threatening situation for one of the most vital industries that we have in regional WA. Could members imagine what it would be like if in regional WA we did not have wool, dairy or beef industries? The risk to our state and our economy is extreme and dire, yet we quibble about setting up an inquiry and a committee to look into the best way to protect one of the most vital industries we have. This industry will continue to provide food for not only Western Australia, but also many parts of the world for years to come, long after there is no iron ore left in the ground. There will still be room for sheep and cattle to graze in Western Australia and to produce vital products for not only Western Australians, but also the rest of the world, but that will not happen if we shut down the meat and livestock industry and the wool and dairy industry. These industries are under a real threat. I implore members of the government on that side with its numbers to look very closely at this motion and to support us in establishing this committee so that we can get on with the job that people in Western Australia expect of us, and that job is considered development of laws and strategies that will protect legitimate industries in Western Australia into the future.

**MRS M.H. ROBERTS (Midland — Minister for Police)** [4.59 pm]: I rise to respond to the motion put forward by the Leader of the Nationals WA today. Perhaps I can start off on a positive. Our government absolutely supports the agricultural industry in this state. We support the meat and livestock industry, the dairy industry, indeed all forms of agriculture. They are very important primary industries for our state for the wellbeing of Western Australians. They are also really important in terms of exports from our state. There is just no question of having the government's very strong support and engagement with those industries. I question whether the motion before us would achieve anything. It seems that there are a lot of contradictions in in what members of the Nationals WA have put forward today. We have heard everything from them. They want this committee so they can have innovation and new responses to emerging issues and so forth. They also want to go back to some specifics. They want to go back to what they used to have—such as the old stock squad. They asked why we do not put that in place straightaway? They cannot have it both ways. They cannot say “We want the old stock squad and we want this and we want that” and that they want to have a committee to have a bit of navel gazing. Nothing happens fast with a committee. Who knows how long the select committee would take! A reporting date would have to be put on it. Under the procedures of this Parliament, once a select committee reports it goes to the government and a minister is determined to be the lead minister for it and a response is given a couple of months later. Things move on in that time. I do not think the Nationals can have it both ways.

The other contradiction that we heard today is that they want a bipartisan response. But every one of their comments was very partisan, such as “David Littleproud good. Minister for Agriculture bad.” They said that David Littleproud is acting and achieving and he is fantastic and whatever.

Several members interjected.

Ms Mia Davies; Mr Terry Redman; Mr Shane Love; Mrs Michelle Roberts; Dr Tony Buti; Mr Ian Blayney; Mr Stephen Price; Mr John Quigley; Ms Margaret Quirk

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**The ACTING SPEAKER (Mr S.J. Price):** Members!

**Mrs M.H. ROBERTS:** Yet the Minister for Agriculture and Food, who is one of the most outstanding and capable ministers that have served in the state is just bad and is not doing anything for them. That is patently not true. I do not think this can be dressed up as a bipartisan effort on which we can all work together when the speeches that we heard today were all very partisan. They said that Bridget McKenzie is probably good too. Do members remember that she said she would fix the issue of transporting guns in Western Australia for the National Party and the Liberal Party. She said the problem was fixed. It is a matter for Australia Post, which is a federal institution. The federal government could have done it. A coalition government is in place. They are working —

**Mr V.A. Catania:** It's your department stopping it!

**Mrs M.H. ROBERTS:** No, it is not my department. It is Australia Post!

Several members interjected.

**The SPEAKER:** Members!

**Mrs M.H. ROBERTS:** Many much smaller private agencies have managed to get themselves registered as licensed transporters of guns in this state. The federal government has said that it would sort it out with Australia Post. Bridget McKenzie boldly said, "Problem sorted!" We were then told that it would be sorted by January, then February, then March. It is April and I am still waiting. The Nationals have said that what Bridget McKenzie is doing for gun transportation has been good for some time, but what I am doing is, of course, bad. The fact of the matter is that members of the Nationals are incredibly partisan in these matters. It is interesting that every time the National Party goes into opposition, they are very strong on things such as the stock squad. When they are in government they are like the government's lapdog poodle and say, "It's okay. You're doing a great job. We'll work with you. We'll take three ministries."

**Mr V.A. Catania** interjected.

**The SPEAKER:** Member for North West Central!

**Mrs M.H. ROBERTS:** They do not deliver when they are in government. They are big on talk and now they are suggesting another talk-fest. Let us look at the grab bag ramble of stuff that they have put together. There is not even a clear focus for what the select committee would look at. This motion starts with saying that the select committee will be established to inquire into and report on—there is no date by which it will report.

**Mr R.S. Love:** The date is 21 November!

**Mrs M.H. ROBERTS:** Sorry. It is 21 November. That would take the best part of this year! It would produce a report date in Parliament next year.

**Mr R.S. Love** interjected.

**The SPEAKER:** Member for Moore!

**Mrs M.H. ROBERTS:** I started to interject on one of the National Party members and they would not take my interjection. I am usually happy to take interjections, but if they are not going to take mine, and they would not, I am not taking theirs.

**The SPEAKER:** No interjections!

**Mrs M.H. ROBERTS:** I am not remotely interested in having any of them interject on me. They have had their say for the best part of an hour. They were not interested in engaging in debate. Interestingly, they want to engage with me when I am on my feet, but they will not engage if I want to interject on them. I make it quite clear that I am not interested in hearing interjections from any of them.

I will look back at this motion's ragbag terms of reference. One is "the activities of animal activists", which is an odd choice of words. Activists can sometimes be positive advocates for change. There are many contradictions. On the one hand they stated that they were not against protest. They could say it is protesters versus activists. Are activists intrinsically bad people? Probably not. Some very decent people might consider themselves to be activists for the protection of animals. No-one wants to see animals mistreated. Being an animal activist is not a crime. The member for Warren-Blackwood got things back on track a little when he said that he wanted to deal with criminal behaviour. He has my full support in that.

The motion goes on to talk about "people trespassing onto private land to undertake illegal fishing and hunting" and "the use of drones to conduct surveillance or to harass and intimidate". I will come to drones a little later, but the regulation of drones is within the purview of the federal government. We have had a federal coalition government for a couple of terms that should have done much more about drones. It has finally set up an inquiry and I will

Ms Mia Davies; Mr Terry Redman; Mr Shane Love; Mrs Michelle Roberts; Dr Tony Buti; Mr Ian Blayney; Mr Stephen Price; Mr John Quigley; Ms Margaret Quirk

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detail some information about that shortly. There we go—they have added drones into the select committee. Part (b) of the motion is —

the effectiveness of current legislation to deter and combat illegal activity of animal activists and trespassers in rural Western Australia;

That seems a little repetitive. Part (c) is —

current resourcing and the ability of state government agencies, including WA police, to deter and combat illegal activity of animal activists and trespassers ...

Part (d) is any recommendations that are considered appropriate in relation to the above, including recommendations for current policies and practice. It is an all-encompassing grab bag, which would take all year to put in place.

The need to have a committee to have a forum to work up options to have a closer look at these myriad issues was referenced. I would like to see some real and proper action. That is what our government has been getting on with. We will see whether the National Party is true to its word, because I will outline some of what the government is doing and will do on a much faster time frame than proposed by the National Party through this motion to establish a select committee.

The first thing I will highlight is that the Western Australia Police Force has already been very proactive in meeting with industry. As I think I have outlined either to this house or in answer to questions, on 1 March this year a meeting was held between the Western Australia Police Force and primary production industry leaders, which was chaired by Assistant Commissioner Murray Smalpage. It was attended by representatives from organisations such as the Western Australian Farmers Federation, the Pastoralists and Graziers Association of Western Australia, the West Australian Pork Producers Association, the Department of Primary Industries and Regional Development, and the Western Australian Meat Industry Association. I understand that apologies for that meeting were forwarded by the Dairy Council. Some resolutions came from that meeting about key media and community messages to guide their respective members into the future. As a result of decisions made at that meeting, there was an agreement to meet again on 17 April this year, when some of those actions will be further explored. Some of those key actions included signage to better protect property from trespass by activists; protocols to better protect primary-producer events—for example, cattle sales—from activist activity; better industry understanding around the lawful use of drones encroaching on private property; and expansion of the representation of those attending to include the poultry industry and so forth. The Western Australia Police Force has received some very positive feedback as a result of that first meeting. As I have outlined, next week it will hold a further meeting with those industry representatives. In addition, we have not waited for a recommendation from a select committee, but WA police has put in place four rural crime investigators. Two of those investigators are based in the south west and two are based in the wheatbelt. They are now both educating and investigating throughout the south west and the wheatbelt. In conjunction with other government agencies such as Main Roads WA and the Department of Primary Industries and Regional Development, the livestock compliance unit has also been working in partnership to monitor stock movements to prevent and detect incidents of stock theft by establishing checkpoints across the regions and so forth. WA police are not sitting back. They are allocating resources to this area and working with people on the ground. According to senior police, those measures are already having an impact. Police have been educating farmers about the simple steps they can take to effectively target-harden their properties and their stock. Farmers have certainly been encouraged to undertake better record keeping and compliance with stock movement requirements and so forth. The police are being quite proactive in that area. WA police has absolutely assured me that it takes these issues very seriously. It understands that these are important industries for the state. It understands that people on their properties going about their business need their protection and support and it is working with those industries and their representatives to ensure that they get the support they need. WA police has also opened up communication lines so that what it is doing is communicated directly with the organisations that I have mentioned.

I want to take some time to outline the events that have occurred in Western Australia that have given rise to concern. People like to refer to some of the instances that have happened in the eastern states and in other states of Australia and raise these as issues that might occur here. Let us have a look at the chronology of what has occurred within Western Australia. I put on record for the house the time line of events as I see it.

**Mr J.E. McGrath** interjected.

**The SPEAKER:** Member for South Perth, are you on your feet to speak?

**Mrs M.H. ROBERTS:** The first event in WA was on 20 October 2018 when 15 activists invaded the Outback Jacks Bar and Grill steakhouse in Northbridge. This was not something that occurred in regional WA. It occurred in Northbridge at the Outback steakhouse, which was invaded by 15 activists. On 8 December, 15 members of Direct Action Everywhere protested at Woolworths in Subiaco. On 21 January this year, 30 members of DxE

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protested at Muchea Livestock Centre and there was a confrontation between DxE and attendees at the cattle sale. On 6 February, confirmed activists James Warden and Katrina Sobianina trespassed at the Peel feedlot and paddocks at Mundijong. On 12 February, James Warden and Katrina Sobianina trespassed on the property of Harvey farmer Mr Jason Parravicini. That confrontation was recorded on the evening news. On 25 February, Warden and Sobianina trespassed upon GD Pork Pty Ltd's piggery at West Pinjarra. Footage was live streamed onto the internet and featured in the evening television news. On 28 February, the National Dairy Council organised a public meeting in Harvey that was attended by police who provided advice on lawful and unlawful protest activity. As I have already advised the house, on 1 March, in a meeting chaired by Murray Smalpage, senior police met with people from the Western Australian Farmers Federation, the Pastoralists and Graziers Association of WA, the West Australian Pork Producers Association, the Department of Primary Industries and Regional Development and the Western Australian Meat Industry Authority. As I have already outlined, a further meeting will occur on 17 April. On 22 March, senior police presented at Landmark's annual general meeting and communicated with people there. On 8 April—just this week—we had the animal activists' national day of action. Police collaborated with primary industry to communicate key messages to those primary producers. On 12 April, senior police committed to presenting at the WA pork producers' AGM to reiterate their key messages about farmgate safety. Aussie Farms has a national website that has published confidential information and details about businesses and business locations. It is supposedly intended to provide information for individuals to conduct orchestrated and well-organised criminal trespass—they were the words used by Christian Porter today. As I have already alluded to, the commonwealth has today announced that it will bring in laws, albeit after the election, to make it an offence to disclose personal information about farmers online. That is really a bit of election posturing because although the government has been in office for a couple of terms, it has never taken any action to put this in place. I understand that DxE is based in the United States. It was founded in 2013 in the San Francisco Bay area. It says its purpose is to change culture through direct and non-violent action. Of course, that is not what has occurred in many of the circumstances that I have outlined. Warden and Sobianina were prosecuted under existing trespass laws. It is still open to those trespassed upon to seek civil remedy or a misconduct restraining order. The government is in the process of developing a reform package that will go before this Parliament well before any select committee—as suggested by the National Party—would have the opportunity to report back. From my discussions with both the Commissioner of Police and the Attorney General, I am confident that the package that we will put in place will be an effective one. I expect that what our Attorney General is proposing, judging by his other efforts, will likely be emulated by other states of Australia. That will not be a first for us. A lot of legislation has been introduced in the community safety area that has ultimately been emulated by other states. I note our anti-hoon laws, for example, which I believe have now been taken up in every state of Australia. I expect that we will have a very good package to put before this house—one that will not just be discussed in a select committee, but that members here can see the value of and can either support or reject. I think that the place to discuss these matters is in this house.

I see little being achieved by a select committee that has a very, very broad ambit, a grab bag of concerns, that has a reporting date set for November and holds talkfests and forums and discusses ideas and whatever. I was a bit surprised that the member for Warren–Blackwood said that this is not going to be sorted out by a “little government agency”. I do not regard WA Police or the Department of Primary Industries and Regional Development as little government agencies. We have some very able people in those agencies. We also have some very able people at the State Solicitor's Office and a very able Attorney General. We do not want to put laws in place that are not effective; we want to put laws in place that are not only effective, but also hopefully preventive, or at least propose very strong penalties for people who trespass and stop other people—particularly our primary producers—from going about their livelihood.

I said a moment ago that I would refer to drones, which is one of many issues that have been included in this motion. I alluded to the fact that the drones issue is really a matter for the Civil Aviation Safety Authority and the federal government. Drones are covered by commonwealth legislation, not state legislation, and certainly it has been identified—I think quite correctly—that that commonwealth legislation needs review. If we want our police to have the appropriate legal powers to respond to drone incidents, that will require changes to that commonwealth government legislation.

I am told that that commonwealth government review has commenced, but it is a long way from being concluded. Part of that commonwealth review will involve consultation with all Australian policing jurisdictions. At the end of the day, it is state police forces that will need to enforce laws pertaining to drones, so it is essential that the review consults WA Police together with the other state police jurisdictions.

To be clear, police are currently authorised on behalf of the Civil Aviation Safety Authority—that is, CASA—to investigate incidents involving the use of drones that may be a breach of commonwealth legislation. It is commonwealth legislation, but it is enforced by WA Police. Primarily, these breaches include but are not limited

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to creating a hazard to another aircraft, person or property; unapproved operation beyond the visual line-of-sight; unauthorised operation within 30 metres of a person not directly associated with the operation; operation invisibility where the operator cannot see the remotely piloted aircraft continuously; operation at night; and operation over a populous area, unless conducted at a height that would ensure that the remotely piloted aircraft would clear the area should any of its components fail. Furthermore, police may investigate the use of drones if they are used as a tool to commit an offence under our Surveillance Devices Act 1998. The Western Australia Police Force will work in concert with the appropriate federal body to develop a counter-drone capability based on the detection, identification and isolation of the offending drone. That is a federal government working group that all police in all jurisdictions need to be intensely involved with.

I do not think that the proposed concept of developing state legislation to cover drones is a sensible one. We need to strengthen the commonwealth legislation and bring it up to date. I think the member for Warren–Blackwood is quite right: the legislation covering drones is not up to date. Technology keeps improving and moving forward, and those devices are capable of doing things that people did not anticipate five years ago, let alone 10. We need better regulation and laws surrounding the use of drones. I do not think mixing that in with this grab bag of concerns is the right way of doing that.

I have outlined all the incidents that I am aware of that have been drawn to my attention by the Western Australia Police Force. We want to be able to respond effectively to those. I was pleased to see a \$7 000 fine given to one offender. As I have explained, we are looking at circumstances of aggravated trespass, because, as the police commissioner has discussed with me, there is a big difference between a simple trespass offence and one in which someone's business is put in jeopardy in some way. The drafters of the original trespass offences could not have contemplated what has been occurring with the immediate streaming of footage, not just around Australia, but around the world, and the impact that can have. The capacity to do that was not readily available to people 10 years ago—arguably even less. However, now it is dead simple. A child can live stream and pop the footage up on Facebook or a number of other platforms. The exposure, the intent behind it and the impact it can have is a quantum leap when compared to a simple trespass offence. It is one thing for one, two, six or 10 people to go on to a property and trespass; it is another thing to then live stream those actions, which is why our first thought was to look at that. But discussions with the Attorney General indicate there are other potential answers.

It is interesting that we are being criticised for having more than one answer. We should have stuck with the circumstance of aggravation. The moment that the Attorney General said that he was also looking at the issue of restraining orders, we were criticised for that. This is a new area. Other state governments are not in any better situation than we are. I noticed that Queensland is looking at upping some fines. Neither the Attorney General nor I think that that will be as effective as what we are proposing in Western Australia. I think his suggestion of putting restraining orders in place on individuals is a good one. I expect that he will probably participate in this debate and give some further detail around what he is looking at, but I think that a very limited number of people want to engage in illegal activity with respect to farming operations, especially in a Western Australian context. By illegal activity, I mean trespass and other activities. Trespass is an illegal activity. The question I have been dealing with, and that the Commissioner of Police has been looking at, is whether the penalties for trespass are sufficient for this kind of trespass, which is different from the traditional kind of trespass that would have been prosecuted in the past. In addition to that, the Attorney General has come up with some other ideas, including the restraining order, and he is looking at penalties for that. He may have some more to say about that. That is a good thing, because only a very limited number of people are likely to want to do that criminal-style activity to impact on someone's ability to go about their business. We will potentially have an escalating series of penalties for repeat offenders. If they commit an offence once, there will be a significantly tougher penalty than what they will get now, and in addition to that, if they reoffend, effectively having had the equivalent of a restraining order put in place, there will be significantly higher penalties. In our context, that is highly likely to have the desired effect. What the Attorney General is contemplating is innovative, and if it is as effective as he and I hope it will be, it may well be a model to be taken up in other states of Australia, because it would be a new way of going about things.

In summary, I do not support the motion moved by the Leader of the National Party. I absolutely have every empathy with the primary producers of this state, as does the Premier and the Minister for Agriculture and Food. We want to support them in every way possible. The Commissioner of Police has not taken a decision to reinstitute the stock squad, but he has appointed four rural investigators—two investigating and educating in the wheatbelt and two in the south west of Western Australia. That is over and above the officers allocated to the stations in those regions, who are ready to support the primary producers of our state, should they find themselves subject to illegal activity. I have had the assurance of the Commissioner of Police and Assistant Commissioner Smalpage that they will take these issues very seriously. If people call for assistance, they will get the support required from the Western Australia Police Force. We have not been sitting on our hands; we have been very proactive in this. I am very confident of the capacity of our Commissioner of Police and our police force to respond to incidents of this nature. By and large, their responses so far have been appropriate. In the light of these incidents, they have been

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very proactive in building their relationships with primary producers and their representative organisations, and they have also been very keen to provide information to them about what they are doing, and to speak directly with them.

I do not think a talkfest is necessary. I do not think much will be gained by delay. We are a government of action. We want to move in and help people here and now. We do not want to wait for six months, get a committee report and then have the government respond to it next year, and maybe this time next year be in a position to introduce legislation. I also do not think that we should be doing the commonwealth's job with the drone legislation. That matter is being looked at by the commonwealth. I think the Civil Aviation Safety Authority legislation is appropriately dealt with by the commonwealth. Aviation matters should be subject to uniform federal law Australia-wide. It needs to be practical, up to date and able to be supported by state police forces around Australia. The Western Australia Police Force looks forward to contributing to that commonwealth review and supporting appropriate stronger legislation on drones. I do not think a small group of politicians sitting around in a select committee taking evidence for months on end is the most productive way to go. Although I understand that some individuals might be interested in that, we have professional and capable people in our public service to provide us with advice. They are there on the ground and proactive.

I have spoken mainly from a police point of view, but I am confident that people in other government agencies are undertaking a similarly proactive role. I commend the Western Australia Police Force for the diligent and positive way it has gone about supporting farmers and rural industries. We are not interested, and they are not interested, in grandstanding on the issue. They are interested in dealing with the individuals and supporting them in every way that they can. We will continue to do that, and make sure that our police force is appropriately resourced. Our Commissioner of Police will direct those resources appropriately. He has assured me that the Western Australia Police Force will continue to take this issue seriously. It will continue to monitor activity in this area. These are relatively new activities for Western Australia. I have outlined the history of them so far. Our police force will be vigilant and we will work with the primary producers of this state and support them in every way we can.

**DR A.D. BUTI (Armadale)** [5.36 pm]: I also rise to make some comments on the motion before the house, and to support the comments made by the Minister for Police. Although I support the concerns that the Nationals WA have expressed in the motion they have put before the house, I do not support the motion. The minister went through some of the reasons for that, and I will also elaborate on those reasons. Before I do that, a word on terminology. The member for Warren–Blackwood mentioned that I will always defend the right to protest. Part (1)(a) of the motion refers to the activities of animal activists. It might be more prudent to talk about the activities of illegal protesters. As the Minister for Police mentioned, activists can also have positive claims. Labelling the term “activist” in such a negative manner does a disservice to activists who have actually done some really good things in society. Martin Luther King was considered an activist, and we would not say that he did so negatively. Something more like “illegal protesters” might have been more apt for the motion put by the Leader of the Nationals WA. When the minister went through the history of this relatively new activity in Western Australia, the first two activities she referred to were at Outback Jacks Bar and Grill steakhouse in Northbridge and Woolworths in Subiaco. Paragraph (1) of the motion begins —

That a select committee be established to inquire into and report on:

- (a) risks posed by, and the impact on, communities, residents and businesses in rural Western Australia ...

Paragraph (1) continues, further on —

- (b) the effectiveness of current legislation to deter and combat illegal activity of animal activists and trespassers in rural Western Australia;
- (c) current resourcing and the ability of State Government agencies, including the WA Police, to deter and combat illegal activity of animal activists and trespassers in rural Western Australia ...

I know that the National Party is the most famous sectarian party in our state, but, as members would understand, these activities do not occur only in rural Western Australia. As I mentioned, we have seen incidents at Outback Jacks steakhouse and Woolworths in Subiaco, which will obviously have an effect on farmers, because if they cannot sell agricultural produce in the city, that will affect them; I understand that.

We have cattle in Gosnells. If we go on Albany Highway from Gosnells to Armadale or Kelmscott, we see many cattle farms. Under the Nationals WA's motion, they would not be considered. The member for Warren–Blackwood always talks about the Labor Party not being concerned about “over the hill”. Maybe he needs to be concerned about this side of the hill. Rural Western Australia would not have dealt with what happened at the Outback Jacks Bar and Grill in Northbridge or what happened in Subiaco. There is a geographical restriction that I think makes this motion ineffective.

Several members interjected.

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**The SPEAKER:** Members, please. You have had the opportunity to speak.

**Dr A.D. BUTI:** As was quite clearly stated and articulated by the Minister for Police, paragraph (2) of the motion reads —

that the select committee report on its inquiry to the Legislative Assembly by 21 November 2019.

That is the end of the year. I think that might be the last sitting week, or near enough. The report would be tabled in the last sitting week. It would not be considered by government until after the Christmas break in the new year.

**Ms M.J. Davies:** You can amend it. We would consider an amendment.

**Dr A.D. BUTI:** Maybe the Nationals should have thought about it a bit more.

**Ms M.J. Davies:** We have come to have a debate, member.

**The SPEAKER:** Leader of the National Party! Thank you.

**Dr A.D. BUTI:** I know the National Party had an imperative to move this motion to assure its constituents that it is concerned about this issue, but if it had thought about it more clearly, it would realise, as the Minister for Police has articulated, that it is better to do something now. The Minister for Police and the Attorney General are working on ways to combat the illegal protests about animals and animal products in rural and metropolitan Western Australia.

The member for Moore was basically critical of the Attorney General’s idea about restraining orders. I think he said that protesters will just break the restraining orders. The member for Moore is correct that a lot of people do break restraining orders, and one of the areas in which that happens, more than anywhere, is domestic violence. Does the member say that we should not have restraining orders for domestic violence because some people break restraining orders? Does he?

**Mr R.S. Love:** I didn’t think you were taking interjections.

**Dr A.D. BUTI:** I did not say that I would not take interjections at all.

**The SPEAKER:** No, that was the Minister for Police who did not want any—concentrate.

**Mr R.S. Love:** There you go. You’ll have to repeat the question.

**Dr A.D. BUTI:** The question is that the member for Moore criticised the proposition that has been put by the Attorney General previously to look at the issue of restraining orders in regard to illegal activities on farming properties et cetera. The member for Moore said people can break restraining orders and that is correct, but they also break restraining orders in the domestic violence area.

**Mr R.S. Love:** They do and my constituents come to me and tell me of distressing circumstances in which that happens, and I would say that the protections offered to them and the families are not adequate.

**Dr A.D. BUTI:** Does the member say that we should get rid of the restraining order regime for domestic violence?

**Mr R.S. Love:** No, it should be enforced. Families live in fear that restraining orders will not be properly enforced, so I do not see that farmers would get much assurance from them.

**Dr A.D. BUTI:** Rather than saying that we should not look at restraining orders, we should see them as part of the measures. I am sure that if this committee did sit and listen, that would be one of the recommendations it would make. I am incredibly confident that some of those recommendations that would come forward from the select committee would mirror the work that the Minister for Police and the Attorney General are doing right now. That work, hopefully, can bring in legislation quicker than what would be the effect of the select committee. Although I agree with the concerns that the National Party has expressed in the motion before us, the motion is poorly worded in the sense that the leader of the National Party restricted it to rural regions, and also I do not think she should be using the term “animal activist”. She should be using “illegal protesters”. Obviously, at the moment there are legal measures. We need to improve the criminal sanctions around —

**Mr D.T. Redman:** You were talking about the language in the motion. It also refers to “risks posed by”. I am not sure that your point is entirely right about that. Paragraph (a) says “risks posed by and the impact on ... the activities of animal activists” —

**Dr A.D. BUTI:** I am sorry; I think I am right on this one. The member for Moore —

Several members interjected.

**The SPEAKER:** Members! I am on my feet. It is not just for exercise!

**Mr D.T. Redman** interjected.

**The SPEAKER:** Member for Warren–Blackwood, did you notice that I am on my feet?

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**Mr D.T. Redman:** Sorry, I missed it, Mr Speaker.

**The SPEAKER:** Just like you missed what the member just said.

**Dr A.D. BUTI:** The Leader of the National Party said that I should seek to move an amendment, so she must agree with what I am saying about the use of “animal activists” and “rural Western Australia”. Let us move on.

**Ms M.J. Davies:** Hang on; let’s not verbal me, member. I said in relation to the timing.

**Dr A.D. BUTI:** I think the Leader of the National Party would agree that if she had her time again, she may have drafted that slightly differently. I think she may have realised that it was done in haste. Anyway, let us move on.

There are legal remedies in this area but more on the civil side than the criminal side. The Minister for Police and the Attorney General are trying to enhance the criminal regime around the deplorable activities that are happening mainly in rural Western Australia, but not exclusively in rural Western Australia. There are civil remedies for trespass and stealing and damaging property. I am not saying that it is easy to bring an action, but there is legal redress on the civil more than the criminal side. If an assault took place now, the Criminal Code in Western Australia would allow for the prosecution of illegal protesters who engaged in assault.

The Minister for Police mentioned that she was —

**The SPEAKER:** National Party members, you were heard in silence—nearly.

**Dr A.D. BUTI:** The Minister for Police said that the National Party has used language that it wants this committee to be bipartisan. I am not sure whether the Leader of the National Party said anything against the agriculture minister, but I know that the other two National Party speakers did. They mentioned the agriculture minister, but who is the current agricultural minister —

**Mr R.S. Love:** Which one?

**The SPEAKER:** Member for Moore, please.

**Dr A.D. BUTI:** Who is the current Minister for Agriculture and Water Resources in Australia, who imposed a suspension on live export?

**Mr V.A. Catania:** Who campaigned against live export?

**Dr A.D. BUTI:** Who is the minister —

**Ms M.J. Davies:** Inform yourself, member. There was no suspension applied by the federal minister. The industry applied —

**The SPEAKER:** Member for North West Central, do you want to speak? You are on three. I can make you go home early.

**Dr A.D. BUTI:** There was a suspension.

**Ms M.J. Davies:** No.

**Dr A.D. BUTI:** Yes, there was. There was a suspension.

**Ms M.J. Davies:** They suspended the licence of one operator, not the entire industry. Be careful.

**The SPEAKER:** Members, were you not heard in silence?

**Ms M.J. Davies:** He was asking me a question.

**Dr A.D. BUTI:** Two other members of the federal executive were co-signatories to a private member’s bill to ban live export.

**Mr R.S. Love:** They were not Nationals.

**Dr A.D. BUTI:** They were not Nationals, but they were part of the formal federal coalition. The Nationals have not criticised the federal Minister for Agriculture and Water Resources. They have not criticised those other two members of the federal executive, but they continue to criticise the state Minister for Agriculture and Food, who has not imposed any ban on live exports.

**Ms M.J. Davies:** There has been no ban imposed by the federal Minister for Agriculture and Water Resources. That is incorrect. You’re misleading the house.

**Dr A.D. BUTI:** What she said —

**The SPEAKER:** Leader of the National Party.

**Dr A.D. BUTI:** The Premier has also made it quite clear that we are not banning live exports.

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**Mr I.C. Blayney:** Because you can't. You can't do it so don't brag about it.

**Dr A.D. BUTI:** Who can do it? The federal government. It is the one that has instigated measures, but the National Party members refuse to utter any criticism of their federal colleagues. They refuse to utter any criticism of their federal colleagues—any at all. I think many members opposite, not necessarily the National Party, but the Liberal Party, would agree with the state Minister for Agriculture and Food that if there are further bad examples in the live export trade, the industry is in big trouble. That is just stating a fact. The Minister for Agriculture and Food has stated that fact and said that the industry needs to look at that possibility and where it will be in five years' time. A good agriculture minister would be alerting the industry to that possibility. The minister has not imposed any bans. However, the National Party continues to criticise the state agriculture minister. It did not utter one word of criticism against the federal agriculture minister.

**Mr W.J. Johnston:** That's because they agree with the federal minister's decision to cancel the trade.

**Dr A.D. BUTI:** Yes. The minister must be correct, because the National Party did not criticise it.

Just to summarise, because I believe the member for Geraldton would like to make a contribution, the state government, particularly the Minister for Police and the Attorney General, are acting on the concerns that the Leader of the National Party expressed in her contribution to the motion. In my view, the motion is badly worded and too restrictive. It is just absurd to say that the committee should report by 21 November.

Several members interjected.

**Dr A.D. BUTI:** I am not going to do the job of National Party members. They should be doing their own job. They brought this motion to the house. It is their motion that they should be arguing. In other words, they do not agree with their motion, if they want me to move an amendment.

**Ms M.J. Davies:** If you disagree with it, you can move an amendment.

**Dr A.D. BUTI:** Do they want me to move an amendment?

**Ms M.J. Davies:** Move an amendment.

**Dr A.D. BUTI:** Do they want me to move an amendment?

**Ms M.J. Davies:** We would be happy to consider it.

**Dr A.D. BUTI:** On that note, I will conclude my comments.

**MR I.C. BLAYNEY (Geraldton)** [5.51 pm]: I want to speak briefly on behalf of the Liberal Party to support this motion. The motion refers to the risks posed by animal activists and trespassers, and the effectiveness of current legislation, and asks whether the current resources are adequate. In my opinion, the motion makes perfect sense. I do not have a problem with it at all. I could say that maybe the member for Armadale was nitpicking, but he is a professor of law and I am not. Calling for witnesses and talking to people is always a very valuable process when we seem to be growing apart on an issue. The problems that appear to be emerging are quite serious. The seriousness of these incursions has perhaps been lost on some people. Obviously, trespass is dangerous to individuals and to livestock. Biosecurity relies on isolation. People and vehicles moving from property to property is one of the main ways in which pests and diseases are shifted. To let livestock out onto roads is plain stupid. It may cause not only the livestock to be killed, but people as well. Shutting down rural businesses is also not acceptable. We may not like what a business is doing. However, if it is perfectly legal for a business to do what it is doing, in my opinion people have no grounds to try to shut that business down.

The sheep live export trade is probably on one of its last chances. It keeps getting another last chance, but there are probably not a lot of last chances for that industry. The cattle live export trade is quite different. The trips are much shorter, and as a rule we have a lot less trouble with that trade. I am sure that trade will continue, and it should continue. If there was a change of government and it decided to ban the live export trade completely, the impact on our northern cattle industry would be devastating. Different industries will adjust to it in different ways, but it would be devastating for the northern cattle industry.

The livestock production system creates a huge number of jobs through transport, processing and retail. The food industry is the largest manufacturing industry in this country, and it takes place mostly in regional Australia. There has been a degree of complacency about the recent escalation of protest activity on the east coast. Perhaps it has caught the Minister for Agriculture and Food by surprise. The Minister for Police also seems to be somewhat complacent about it. Ultimately, the population will decide what it wants to eat. Farmers produce what people want to eat, because that is what they can sell. Farmers are self-employed, and, if they cannot sell what they produce, they will go broke, and not many people want to go broke.

We need to look at penalties and how we apply them. It is a very difficult situation for families who live in isolation. I have lived most of my life in quite isolated parts of the state. It is incredibly intimidating for farmers to have

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a large number of people who are against what they are doing drop in on them. It is not inconceivable that that may cause panic and trigger self-defence, and that could cause a very serious situation. We all know that on a lot of farms, there are firearms. I can imagine a situation in which someone panics and pulls out a firearm. It need not go that way. I think establishing a committee to look into this industry would be a good way of relieving pressure and getting people, hopefully, on the same page. I look forward to supporting the motion.

**MR S.J. PRICE (Forrestfield)** [5.55 pm]: I rise to contribute to this private members' business debate. I do not support the motion. The McGowan Labor government in Western Australia is the party for the regions, as we know. We have the most seats in the regions. We are the people who are concerned about regional areas.

**Ms M.J. Davies** interjected.

**The SPEAKER:** Leader of the National Party, I am enjoying this debate.

**Mr S.J. PRICE:** The McGowan Labor government absolutely supports our farmers, our primary producers and all our agricultural industries across Western Australia—whether it be dairy, beef, sheep, horticulture, viticulture or agriculture, you name it, we are supporting primary producers right across the state.

I come from a farming town, so I appreciate the importance of agriculture within our economy, both as a state and also to local economies, and its importance to our towns. Everybody should be allowed to undertake their work without being exposed to some of the activities that we have heard about today. No-one condones or supports the illegal activity by the protest groups that we have seen and heard about. However, the best way to deal with it is through legislation that will prevent people from engaging in that type of behaviour. A committee will not give the outcome that we are looking for in the same way that legislation can. We have key support from the Minister for Police, the Attorney General, the Premier and the Minister for Agriculture and Food to ensure that people are deterred and prevented from undertaking these activities. We have not just said that we support the agricultural industry. The Minister for Police gave a fairly detailed outline of what we have done in the consultative processes between the industry and its representatives, and the police, in getting feedback from those affected by these activities and talking about possible remedies. The Minister for Police talked about how we deal with trespass, with added input from the Attorney General about restraining orders. That could be part of any solution and is a very proactive and positive way of dealing with these issues going forward. Once again, the motion is quite lengthy. It pulls together a heap of different aspects that the National Party is trying to deal with. A number of laws have been broken through these activities, and these can be directly looked at and penalties and deterrents developed for that behaviour.

All of the contributions so far have taken aim at the current state agriculture minister, Hon Alannah MacTiernan. She is one of the most effective and proactive ministers that we have had within the agriculture region for a while. She is heavily involved in the industry; she is out there engaging. Some difficult circumstances have come up within the industry over our duration in government, and she has been front and centre. She has not shied away from any difficult conversations. She has turned out to field days, addressed conferences and had the hard conversations with the industry. She is a strong supporter and advocate for our agricultural industry. I think a lot of the criticism that we have heard today is certainly unwarranted and misdirected at the minister. It was not her who put the short ban that we had on the live exports. It was the federal minister who came out and did that.

**Ms M.J. Davies:** There was a ban.

**Mr S.J. PRICE:** No, there was not a ban.

**Ms M.J. Davies:** A self-imposed restriction —

**Mr S.J. PRICE:** It was a restriction, yes.

**The SPEAKER:** Leader of the National Party!

**Ms M.J. Davies:** There was no ban by the federal government. That was the Labor Party.

**Mr S.J. PRICE:** The restriction on export was imposed by —

**The SPEAKER:** Leader of the National Party!

**Ms M.J. Davies:** Well, misleading the house, Mr Speaker.

**Dr A.D. Buti:** Well, you're the only ones who wanted a restriction on; it wasn't us.

**Mr S.J. PRICE:** Yes, it was not us.

**Ms M.J. Davies:** The industry did it.

**Mr S.J. PRICE:** It was not the state Minister for Agriculture and Food.

**The SPEAKER:** Come on, children!

Several members interjected.

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**The SPEAKER:** Member for Armadale and Leader of the National Party, go outside and have a chat. I want to hear the member on his feet.

**Mr S.J. PRICE:** Let us not worry about who actually instigated the restriction; let us look at why the restriction was actually instigated. It came about through the exposure of some bad animal practices.

**Mr V.A. Catania:** Paid for by whom?

**The SPEAKER:** Member for North West Central!

**Mr S.J. PRICE:** It does not matter how it came about. The evidence that was exposed was terrible. The industry accepted the fact that it needed to lift its game and improve the standards that were associated with the live export of sheep. Whether it has or not remains to be seen into the future. I am not your usual animal activist. I love a good barbie and a bit of meat and stuff, but animal welfare is something that is really important to all of us. Those sorts of activities have drawn the focus of these particular protest groups to the agricultural industry. A plethora of issues need to be resolved in regard to animal welfare, which certainly needs to be front and centre of a lot of improvement in the future. However, we have to protect people and their farms. I do not disagree with that whatsoever. People living on farms are fairly isolated and remote from their neighbours. It might have been the member for Moore or the member for Geraldton who mentioned that people know their neighbours. People know the old ute that their neighbour drives around in. People know when it is not their neighbour pulling up in the driveway. It does get a little bit concerning at times, so we have to address the issue. The outline that the minister went through in regard to what is being considered is the way to do that.

Essentially, a farm is a very unique place. It is a home, a workplace and a business. There are a whole heap of issues associated with that complex make-up. Like any particular workplace, a person should be able to go about their job uninhibited by another person. We have to look at the groups that organise these sorts of activities. They are just like any other sort of protest group that gets an idea into their head, takes a bit of action and sends people out. However, they are also more advanced than some other groups. The Direct Action Everywhere group, as the minister outlined, is a group that is based in the USA. For it to be able to develop and publish the information that it did in regard to those maps is something that someone could take that approach and apply to any particular workplace or any particular issue anywhere. That certainly needs to be looked at and prevented if possible. With technology in this day and age, it is certainly very difficult to prevent those things, and it is certainly very easy for people who have a bit of time on their hands and the ability to develop those sorts of maps. If we can look at a way that that can then be involved and taken into consideration in regard to any breaches of legislation, then that is a good way forward. We have all of this disruptive technology coming into a whole lot of different areas of our lives. We, as the legislators, have to be proactive in ensuring that we can put protective measures in place to help deal with these emerging issues.

Trespass is a really complex issue. Most people understand that they should not go out and actively trespass on other people's properties, yet when people are in one of these particular types of groups it seems they behave like "to hell with any sort of consequence". As the police minister outlined, the way that that is being looked at and some of the additions that could be considered going into the future regarding trespass is a good, proactive and creative way of dealing with this issue. Increasing fines is one way of putting in a deterrent. Expanding the interpretation and the different types of breach of the law is another way of ensuring that people are provided with adequate deterrents to stop them from undertaking these activities. Those couple of points outlined in regard to trying to deal with the distribution of personal information and then the follow-up activities and trespassing on those properties that are identified through that distribution is a way of dealing with that issue holistically. As the police minister outlined earlier, the government is developing a reform package to support the farmers. We are being proactive on this. We are getting out there and consulting with the farmers and industry over this. We are coming up with answers to those concerns. The answer will come to this place and, with the opposition's support, go through to the other place in a timely manner—much faster than members would be able to achieve putting it through a committee process.

The other new technological advance being referred to is the use of drones. Drones, and the use of them, are a very challenging development. We are seeing them deployed in a whole heap of different circumstances these days, whether it be over a house in suburbia or flying around airports, which has shut airports down, or whether we have seen them being used to film private property and displaying that property on the internet. As we know, it is predominantly a commonwealth issue. However, the local police will have to deal with it, so it is good to hear that there is consultation between the commonwealth and local police to come up with ways of identifying offences associated with drone usage and the associated penalties.

The issue itself is something that we all do not condone. Everyone is free, and we fully support everyone's right to protest, but it has to be done in a legal manner. We cannot have uncontrolled and unrestrained illegal behaviour being undertaken on private property. I have a background within the union movement. Any time any part of the

union movement breaches the law it is certainly well publicised and the union is held accountable for that. The law acts as a deterrent, and it is successful most of the time. We need to look at increasing deterrence of this sort of activity and putting in place penalties that will hold people accountable, especially if they are serial offenders who continue to reoffend with these sorts of activities. As the Minister for Police outlined, the WA Police Force also recognises the importance of the agricultural industry to our local and national economies—everyone does. Our regional towns and industries are extremely important to the overall health of the state economy and they are lucky to have strong support from the government, because, as I started off by saying, the Labor Party is the government for the regions. The Premier, Minister for Agriculture and Food, Minister for Police, Attorney General and the whole McGowan government back primary industries in this state. People in those industries know that they are well supported and that we are there to help them deal with these issues when they crop up.

I cannot support the motion, but in saying that, we all support the sentiment that people should not behave illegally on private property. People should not go out to remote and isolated farms and undertake the kinds of activities that they have been undertaking. It was pleasing to hear about the approaches the Minister for Police and the Attorney General are considering to deal with this issue. As I said earlier, I look forward to legislation coming to this house, moving through it expeditiously, and ensuring there is opposition support for it in the other house.

**MR J.R. QUIGLEY (Butler — Attorney General)** [6.11 pm]: I rise to oppose this motion. I hope to be able to persuade even the movers of the motion to perhaps—perhaps too optimistically—vote with us in opposing the motion. The reason is this. We have a growing number of activists who sincerely believe that the slaughter of any animal for food is highly objectionable and, as such, they remain deeply motivated to take their protest to what they wrongly see as a source of the problem—that is, our farming communities, abattoirs and even restaurants where people eat meat. In taking their protest forward, they are highly disruptive to not only the comfort and safety of the lawful occupiers of those farms, industrial sites, abattoirs and restaurants, but also their economic wellbeing. We all know that despite the great crops harvested this last summer, agricultural areas and certainly restaurant areas are struggling, and the last thing they need is unlawful disruption of their lawful businesses, which provide a great service to our community by providing our foodstuffs.

I come from a family that is pretty well a vegan household. My eldest daughter, as Madam Acting Speaker (Ms S.E. Winton) knows, has a serious metabolic disorder so my wife cooks for her. Let me tell you, Madam Acting Speaker, I slip out regularly for a great big T-bone steak and chips at a local restaurant—regularly! When we are sitting, I get my meat intake, which I enjoy. This is mostly lamb cutlets, which are my favourite; I called them meat lollies on a stick! It is a real problem that we have these people who sincerely believe in opposing the slaughter of animals for food. Because they see this sincerely, although in my opinion wrong-headedly, they will determinedly go about their disruption. We have to protect the farmers, restaurateurs, abattoir workers and other people involved in the production of meat and those involved in the preparation of meat—I am talking about restaurants, smallgoods factories and the like—because we know that these people will go into these businesses to disrupt them.

The community expects a legislative response. People look to their Parliament to respond, and we will. It befalls me as Attorney General—the Criminal Code is gazetted as an area of responsibility within my portfolio—to accept that responsibility of a legislative response and to take it forward. I am proud—I do not say this boastfully—that the McGowan Labor government, through me as Attorney General, has brought in a number of really important legislative reforms that the Liberal–National coalition in government, when I was on the other side of the chamber, rubbished as being unachievable constitutionally and public policy-wise. Let me go through a couple of those reforms. Firstly, in opposition, I brought forward a bill to reverse the onus of proof and cast the onus upon dangerous sex offenders to satisfy the court that they would not break the primary conditions of their conditional release order. The then government said that it was constitutionally unsound. The representative of the then Attorney General, the member for Scarborough, came into this chamber and gutted that bill—no, that bill was opposed. Then we went to the no body, no parole legislation. We were told that that legislation was unconstitutional and beyond the legislative reach. We did it and there has been no challenge to that legislation. When in government, we brought that bill forward, and the people who opposed it when they were in government supported it in opposition. People are capable of changing their minds. What they had said was bad law became a law that they supported.

I will give members another example: the laws I promoted in opposition to make it within the power of the Attorney General to defer parole consideration for mass murderers and serial killers. The response of the former Attorney General and the former government was that this was bad public policy and probably unconstitutional. We brought it in, and those who were rubbishing it when I was promoting it in opposition actually voted for it.

I have, under my hand as Attorney General, written to the Prisoners Review Board on several occasions directing it to not consider parole for certain persons. The first of those was for Mrs Catherine Birnie who was due for parole consideration this month—April 2019. In February I issued a direction to the board not to consider her. The people who were opposing these laws in government then supported them once they had gone into opposition. I asked

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myself: how could it be that in government they all got this law so wrong? When I got into government it was a revelation that there was no communication at all between the former Attorney General and the Chief Justice of Western Australia. That gap in communication lasted for over four and a half years. I said, “Chief Justice, you’re having me on.” He said, “I haven’t heard from an Attorney General for four and a half years.” The previous government appointed a Solicitor-General. He upped stumps and walked out on it. Grant Donaldson, SC, was appointed by the former government, and he said, “Blow this, I’d rather be back in private practice; they don’t listen.” He resigned and went back to private practice.

The previous government had no wise, learned people informing it, which left it to its own vacuous resources. I did not know what it was doing. It was not well led, it did not have a knowledgeable Attorney General, and it did not have an Attorney General who was seeking counsel from the best legal minds in Western Australia. I was invited to lunch at bar chambers where all the silks—Senior Counsel and Queen’s Counsel—were present. They said, “What a lovely thing it is that you’ve come to lunch. We haven’t spoken to an Attorney General in years.” How can one be an Attorney General and divorce themselves from all this? So, after consulting widely and looking at this problem, I have come up with a structure of a solution. I let out part of that solution during question time when asked a question by the Leader of the Nationals WA. I said that part of the solution is a restraining order. Members opposite were saying, “Look, aren’t you listening to your Premier? He said up the fines.” Madam Acting Speaker (Ms S.E. Winton) might remember that. It was not a real wedge, because I had been working on this solution.

This is the problem we are dealing with, and I will take the case of Warden and Sobjanina as a classic example. First of all, Warden was charged with two counts of trespass under the Criminal Code. The first was on 6 February 2019 at a Peel feedlot, and paddocks in Mundijong. He was not arrested then, but 19 days later, on 25 February, he offended again at a piggery in West Pinjarra. I understand that Mr Warden was charged with one count of trespass. The police reported in their briefing note that after 25 February the pair had been granted continual bail. The reporting senior officer reported that given that they were on conditional bail—that is, not to go back and trespass—they were confident that with appropriate surveillance these people would not trespass and break the conditions of their bail, because if they broke the conditions of their bail they would be put in jail. They did not reoffend.

**The ACTING SPEAKER (Ms S.E. Winton):** Sorry, Attorney General, if I may just ask: have these people you have been referring to been sentenced?

**Mr J.R. QUIGLEY:** Yes, it is all over; the case is finished. Police were confident that the conditions of bail—that is, not to re-trespass and to give them surveillance—would mean they would not reoffend, and they did not. They were taken to court, I believe, on 22 March. What happened in court? The trespass penalty under the Criminal Code is quite severe—it is a \$12 000 fine or 12 months’ imprisonment. Warden was fined, I believe, \$6 500 for his two counts of trespassing. That was about \$3 250 per count, or \$3 000 for the first count and \$3 500 for the second. Sobjanina was fined \$3 000. I will come to her in a moment. These fines might not be deterrents because these people are part of a larger group. They can go out and crowdfund and raise this money, I suggest, in a day or less, and they probably have. They are part of the Direct Action Everywhere group that crowdfunds, and the penalty is paid. In the case of Ms Sobjanina, not only that, her counsel informed the court that a conviction may interfere with her employment with children because she has to get a clearance from police for working with children and is a law-breaker, so she was given a spent conviction. The case is over.

What purchase do we have on their future conduct? We know that during the period between arrests and sentencing the police felt comfortable that the conditional bail plus surveillance would ensure that they did not reoffend. But after sentence, that is it: crowdfund, pay the money and get back to disruptive activities. I came up with the idea that we have to injunct these people from future offending. There are a number of ways we can do it. We can go to the Supreme Court to seek an injunction—that would have to be for a specific farmer or restaurateur to do—and only injunct them from coming back onto the property. He would then just go to the next-door neighbours. I thought that that was too limited. It is too expensive for the farmer, restaurateur or abattoir owner, and too lengthy in its process. Another alternative could be a community-based supervision order that includes conditions they do not break laws in Western Australia.

[Member’s time extended.]

**Mr J.R. QUIGLEY:** The problem there is that if the courts impose a conditional supervision order, the court will not impose any fine or consider imprisonment. It will be just a community supervision order. I think that will offend the community. If a person disrupted a piggery or a milking shed, a lot of people would think that they walked away scot-free if they got a community service order, so I had to scratch that off my list of alternatives. But I want purchase on their future misconduct. I want to restrain them from this conduct wherever it might occur. That led me to the idea of restraining orders. The member for Moore said that restraining orders leave people worried. I can tell members that domestic violence restraining orders are mostly successful. The domestic setting is very emotional and kids are involved. Some fellas think that it is all stacked against them and they want to see the kids, so there are instances of them breaking the orders, or the marriage has broken down because of substance

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abuse and amphetamine addiction, so they do it. That is not these people. These animal activists are not going onto farms because they are off their trolleys on ice; they are going onto farms because they sincerely believe in their conscience that it is the right thing to do. We do not accept that it is the right thing to do, but they believe that. We have to get purchase on these people and restrain them from doing this. I do not want just a community-based order under which they will not get fined or face the possibility of imprisonment. If members say that restraining orders are ineffective, what happens when people repeatedly break restraining orders? I ask members to look at Mr Cousins. They will see what happens if people repeatedly break restraining orders. He has just got out of prison. Under my proposal, if these people run around doing this, I will set up a scheme so that he will be out, but they will be in. We cannot and will not tolerate this. The farmers of the land, the abattoir owners, and the restaurateurs, wherever they are, look to this institution, the Parliament of Western Australia, to protect them.

I wish to assure the house that the cabinet submission dealing with my plan to deal with these people in the most effective way that I know under law, after discussing it with very senior counsel, is currently being drawn up and will soon be in what is called the 10-day process. I am hoping to have that into cabinet within two or three weeks—maybe two. I have an ambition to get it in as soon as possible. I do not want to go into the details of the scheme tonight. I think the members of the National Party on the front bench have both been in cabinet and would not expect me to lay bare the details of my cabinet submission prior to cabinet giving it consideration. But I will get purchase on their future conduct and there will be no slip-sliding. If we doubled the penalty to \$24 000 so that magistrates upped fines to \$8 000 or \$10 000, I believe they would use GoFundMe to pay the fines. A GoFundMe page for fine defaulters was set up by a woman in Queensland. She wanted to free Indigenous mothers who were serving time for fine defaults. On the day she set up that page, two Indigenous women were in custody. One was due for release any time after midnight the next day. The other woman had \$400 or \$500 left outstanding and had two days to go. Because it was an emotive cause, she raised \$276 000 in one day. I would like to know where the money has gone! I believe that if these people are fined \$8 000, it will take a day or less for all their vegan mates to do in 20 bucks or 50 bucks to pay the fine in no time. That is why I am opposed to this motion. If this motion got up, it would mean that I could not go forward with my cabinet submission or the legislation. I would have to wait until the committee came back and advised the chamber of its view on what should be done. I am hoping that this motion will be defeated on the voices and no-one will have to put their hand up. I want a debate in the chamber on the proposals I will bring forward well in advance of 21 November. I will be stunned if my friends from the National Party seek to vote those amendments down. They may subsequently say that we should have a further look at this, but the bottom line of this motion is a further committee of investigation. Farmers and restaurateurs will come in and have their say and people will lose faith in this Parliament. They are looking for a quick solution. These people are threatening to go back. We saw the abattoir thing the other day.

I come from the Labor Party, which is steeped in the tradition of protest. It was protest by not only the Labor Party, but also a lot of people in the western suburbs and the footballer from the West Coast Eagles who sat up a tree that protected the old-growth forests. I do not know whether members remember that. Who was the West Coast Eagle who sat up a tree for the old-growth forests?

**Ms M.M. Quirk:** Craig Turley.

**Mr J.R. QUIGLEY:** Craig Turley. I thank the member for Girrawheen. He sat up a tree until they gave in.

I am steeped in a party and a tradition of protest. I went through university in the early 1970s—I started in 1970—when the Vietnam protest movement was in full flight in Australia. I joined those protests in the streets and on campus. In a democracy we have to protect lawful protest. I will tell members of a protest that was effective against this government—that is, all the ladies who came down from Moora over the closure of Moora Residential College. They lawfully protested outside Parliament and the government changed its mind. We have to have lawful protests, but we have to put our foot down on illegal protests, trespassing and going onto people's property and disrupting their lawful enterprises. We have to do that and the community expects that we will do that.

Even members on the other side of the chamber would give me some credit for having introduced a raft of reforms, such as the lifting of the statute of limitations, which the previous government said could not be achieved in that manner. I will tell members about the lifting of the statute of limitations. I was recently flattered that the New South Wales government, led by Mr Mark Speakman, SC, introduced amendments in New South Wales to reflect the amendments we introduced in this chamber about the identification of the proper defendant and to weigh into the assets that the church holds in trusts.

I was very flattered the other day when the new Attorney General in Victoria had her staff ring my staff to say that the victims in Victoria are saying that the best victims' legislation is in Western Australia and would I receive the attorney over here to talk about our laws. Those laws were developed not by John Quigley sitting down in his office and dreaming them up, but by communicating with the Chief Justice, the WA Solicitor-General and the best legal minds in Perth and bringing forward what is seen as the best laws in Australia for the survivors of child sexual abuse.

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This Parliament can be proud of those laws; we can all collectively be proud. I saw the Queensland government's response to trespassing on farmland, and I do not think it will cut the mustard. Its response was on-the-spot fines and infringement notes. I do not think it will cut the mustard, but it may. I do not want to be too critical; we will see. That is not what we are going to do. We are going to get purchase on these people on their future behaviour. The proper time to have this debate is when I bring the bill into this chamber. To run with this motion would be to stop that bill. I could not go to cabinet and say, "Accept this cab, son. Let's take it on while there is a committee running at the same time taking evidence on the very same subject and to report back at the end of the year." That would mean that I would not get it into cabinet until maybe February or the first or second cabinet of the next year!

**Mr A. Krsticevic:** The Attorney General has pretty good priority in cabinet. His bills get a lot of support.

**Mr J.R. QUIGLEY:** That is because they have been a little bit successful. I think I have got about 32 through this house.

**Mr A. Krsticevic:** Some other ministers could take his lead.

**Mr J.R. QUIGLEY:** The other ministers are working very hard. I try to do law reform, and that is what I want to do with this one. The members of both sides of the chambers have all spoken—not all have spoken as there may be a speaker to come. My plea to the chamber is that we let this motion go on the voices on my undertaking that within the next two weeks—outside maximum, three weeks—this will be in cabinet. I will then have permission to draft. That drafting will happen over the winter break, and I hope to rise soon after the winter break and say, "Madam Acting Speaker", and second read the bill. That is my ambition—not to be the smartest Johnny in the chamber, but to deliver for the farming community.

**MS M.M. QUIRK (Girrawheen)** [6.42 pm]: I have to say that the Attorney General is in a position to make such an undertaking. Those who have been in cabinet know that the Attorney General of all parties is in charge of Parliamentary Counsel, so they always get their legislation up to the top of the list. I say to the opposition that that undertaking from the Attorney General is certainly a sincere one. We know that he will be able to follow through because of his capacity to influence the order and priority of legislation.

My objection to this motion is much the same as has already been expressed by other members. My objection is not the intent of the motion. It is laudable and everyone supports our primary producers; they are a vital part of Western Australia's economy and we can pride ourselves on marketing our foodstuffs as being by and large contamination free and produced under humane circumstances. But I object to this motion, firstly, because of the lack of specificity, the fact that it captures activity that is non-criminal, and also the sloppy use of the word "activists". I will come back to that shortly. Secondly, the motion is too wideranging. If the motion were to stay with this time frame, a committee would have a lot to do by 21 November. As the Minister for Police said, it is at least a three-month wait for a response from government, at a time when we have already heard the Attorney General say in this place that he intends to bring in legislation. Thirdly, criminal law sanctions already exist, and in the case of trespass, the penalty is a maximum of \$12 000 or 12 months. As members have heard from the Minister for Police, people have already been prosecuted. It is not as though illegal activity has gone to court and that because of a technicality in legislation, a lack of evidence or misconduct by police, there have been acquittals. It is very important to remember that laws are in existence. They are being enforced and the courts are handing out penalties.

The first issue I want to raise is a definitional one and it relates to the word "activists". The word "activists" in this context and in some debate that we have heard from the opposition is used in quite a pejorative way when the intent of the motion is just to deal with criminal behaviour. The word "activism" is defined in most dictionaries as being the policy or action of using vigorous campaigning to bring about political or social change. That does not necessarily connote criminal activity. As soon as I saw the word "activists", two very famous examples came to mind. The first of those was Martin Luther King and his legendary march between Selma and Montgomery protesting against discrimination and calling for equal rights for African Americans. The other one that I was mindful of was Mahatma Gandhi and the so-called "salt march". He led followers in order to vigorously campaign for Indian independence. At that time, the British colonisers imposed on salt, which is a fundamental substance, a tax that many poor Indians could not afford to pay. They marched for some considerable distance, and then made their own salt to give the message well and truly to the viceroy and the authorities in London that this 240-mile march was evidence that the Indians were able to govern themselves and that Britain should not act in a way that significantly disadvantages the population. They are two examples of activism that did not necessarily break the law. I am concerned that the term "activism" is somewhat loosely used. As I have said, much of the conduct—trespass; assault—is covered by existing criminal laws, but others might not be necessarily criminal at all. In this context, I want to commend the Western Australia Police Force for being very proactive with those who are the subject of this harassment and discussing with stakeholders strategies for appropriate responses. The Western Australian Farmers Federation, the Pastoralists and Graziers Association of WA, the West Australian Pork Producers Association, the Department of Primary Industries and Regional Development and the

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Western Australian Meat Industry Authority have all been in contact with police. A further consultation is scheduled for 17 April. Police have also presented information about farmgate safety at various forums of stakeholders, such as Landmark's annual general meeting and other stakeholder meetings. It is very commendable that they have actually worked out strategies with the concurrence of industry. I want to commend them for that.

I now want to mention drones and the issue of privacy. Before I do that, I have to say that the federal Minister for Agriculture and Water Resources, Hon David Littleproud, has hit Twitter to complain about some of the actions of law-breakers. I would have thought in those circumstances, if he were really dinkum about getting some changes, he would have written formal letters to the relevant state governments or ministers. On 23 January, he posted on Twitter, "I'm calling on state governments to review"—wait for it—"and beef up trespass laws following the Aussie farms personal address scandal". I think the response by the WA National Party's Canberra colleagues is more about politics than it is about making sure people can safely and securely pursue their occupations and raise animals in a humane way without raising the ire of extremists.

The 2001 case Australian Broadcasting Corporation v Lenah Game Meats Pty Ltd involved activists placing a hidden camera, without permission, inside a factory in Tasmania's Lenah Valley. When the camera was later retrieved, it contained evidence of cruelty to brush-tailed possums being processed for export. On objection from the meat processors, a lower court granted an injunction, banning the ABC's 7.30 program from airing it. The ABC appealed to the High Court and it lifted the injunction. Although the footage had been filmed without the owners' permission and involved a trespass—in both installing the camera and retrieving it—the High Court found that it was nevertheless important for evidence of animal cruelty to be screened. It was found that the public interest in witnessing greater transparency into suspect meat processing methods trumped the interests of a private business trying to shield its practices from scrutiny. That case would be relied on in any issue surrounding drones. As we have heard, they are commonwealth laws, but the Western Australia Police Force does have the power to enforce them. That begs the question whether the same considerations in ABC v Lenah Game Meats in terms of public interest would come into play in this case.

I now refer to trespass. As members heard from the Attorney General and the Minister for Police, farmers can sue for damages. That would be a civil suit. Of course that means there has to be proof from farmers of the loss suffered by virtue of the trespass. It is difficult to pursue these matters civilly in a private action.

An issue that has not really been canvassed is not the so-called activists from a number of outside groups that have been mentioned, but maybe a whistleblowing employee who has permission to be onsite and is therefore not a trespasser. That is legally fraught. Perhaps that is one issue that needs to be looked at and maybe can be raised in the course of the legislation that the Attorney General raised.

The other issue in the motion is the resourcing of the Western Australia Police Force. That is ultimately a decision for the Commissioner of Police. He will allocate resources as he believes the need arises. The former Commissioner of Police, for example, did not like political efforts to have an Asian crime squad or a stock squad. He wanted more flexibility to move police around subject to priority requirements and community safety. Paragraph (1)(d) of the motion states, in part —

- (i) recommendations for necessary changes to current policies and practices; and
- (ii) any legislative amendments.

This motion would have been much stronger if specific amendments that were seen as being useful were specified in it. In that context I also make the point that during the stakeholder discussions that police talked about, surely various stakeholders discussed where they thought there were inadequacies, and police of course could make submissions and report to the minister accordingly.

I have two final points. Firstly, even if there were no issue with the lack of detail in this motion, it seems to me that an existing committee could readily deal with the matter. There is no need to go to the expense of setting up a select committee. Moving research staff away from other inquiries in order to set up a select committee would also eat up Parliament's limited resources. It is my view that if it were generally felt that an inquiry had some merit, that could be done by an existing committee. Secondly—this goes back to the definition of activism—we live in a democratic society and there is general consensus that we should be able to speak freely on a range of issues. Throughout Australian history, within some constraints, there has always been consensus that people should be able to air their grievances, and activate and militate for legislative and policy changes, subject of course to the criminal law. It is that qualification that means the word "activists" is incredibly inaccurate when addressing issues. If it is left as broadly as has been drafted in the motion, that may well have the capacity to curb our democratic right to free speech.

Although I certainly support the tenor of the motion, more thought needs to be put into making it stronger and more specific, and not creating unintended consequences.

Question put and negatived.

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