

LIVE SHEEP EXPORTS, PROTESTERS

**1054. Hon MURRAY CRIDDLE to the Minister for Agriculture, Forestry and Fisheries:**

I refer to recent incidents at the Midland saleyards and the Fremantle wharf involving live sheep trade protesters, and specifically to situations in which protesters knowingly placed themselves in a position of high risk to demonstrate their point.

- (1) Has the Government taken any action to contain the protest activity to safer areas, and what action will be taken in that regard?
- (2) What steps has the Government taken to ensure that livestock owners and transporters will not be held liable in the event that an accident results from high-risk activities undertaken by protesters?

**Hon KIM CHANCE replied:**

- (1)-(2) I thank Hon Murray Criddle for this question on a very important matter. Hon Murray Criddle's question dealt with two different sites; one, the Midland saleyards, and the other, the Fremantle Port Authority land. I regret that I cannot speak about the Fremantle Port Authority land. I assume that something similar is happening there, but I do not directly deal with the Fremantle Port Authority. I have been briefed on these matters by the Chief Executive Officer, Mr Michael Donnelly, and Chairperson, Ms Martine Pop, of the Western Australian Meat Industry Authority. They have noted a distinct change in the behaviour of animal welfare activists within the Midland saleyards precinct. As the honourable member's question suggests, those changes have been putting at risk the personal safety of the animal welfare activists and others. In the past there sometimes tended to be an exchange of views between truck drivers in particular and MIA employees and animal welfare people. Now it seems that animal welfare people are getting into races with animals and putting at risk themselves and others who seek to extricate them from dangerous areas.

This is a disturbing development. The approach that the Western Australian Meat Industry Authority has taken so far on behalf of government is to counsel people against putting themselves at risk, and to remind them that they have a right of entry to certain parts of the saleyards but not others, and they certainly have no right to put themselves and others at risk of personal damage or even death in some circumstances. As members can imagine, when big north west steers, after having been confined in a truck for a period, are anxious to get some exercise, it would be dangerous to stand in front of them in a narrow raceway, and it could certainly result in very serious injury. I understand that the discussions between the MIA and those people have been reasonably constructive. It is a responsibility, of course, of the MIA to inform people what is dangerous and acceptable on its site. Although concerned, the MIA has the feeling that it is getting the message across. I am certainly hopeful that this is not something that will occur in the future. The MIA is devoting additional resources to making sure that this activity, having been observed, is more closely monitored.

With regard to liability, I think the member referred to truck drivers.

Hon Murray Criddle: Producers and truck drivers.

Hon KIM CHANCE: I am not overly concerned with liability issues that may apply to truck drivers and property owners, because they are users of the site and the duty of care probably does not rest in the first instance with them. I can think of few instances - I am not qualified to give the member this advice anyway - in which liability may rest with them. My principal concern is that I believe liability would rest with the WAMIA because it is the owner of the site and it controls the activities on that site. Were a person to be injured as a result of his or her own actions, I believe there is still a danger that the WAMIA, and the State more generally, may face a higher degree of risk as a result of those actions, similar to the way it would if a member of the public jumped into a bear pit at the Zoo. That is a concern to me and I think that justifies the additional resources that the MIA has applied to observation in this case. However, I will ask the MIA whether it has taken legal advice on that matter.