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New Livestock Laws Lack Accountability and Add Red Tape

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Mr MORRIS (Mornington) — The electorate of Mornington has substantial non-urban areas, although I would have to say the associated production is more closely aligned with growing crops, in particular grapes, than it is with raising livestock. Nor am I a regular contributor to debates on agricultural matters in this place because this side of the house is served very well by a number of current practitioners. It is not my intention to break that habit, but I would like to speak with what I hope is some brevity, although it might take longer, on the principles that underlie this bill and some of the concerns I have with it.

This bill seeks to regulate livestock management in Victoria. It is enabling legislation but it is not enabling legislation in the normally understood sense of the term — that is, legislation that allows things to occur in a positive way. This legislation will in fact impose further regulation on the industry, impose further sets of standards on the industry, without any reference to this Parliament, without any further public discussion and without any normal democratic process.

The minister commented in his second-reading speech that ‘there is a need to provide assurance to both domestic and international customers that Victorian livestock are well managed’. I would have said ‘is well managed’ but that aside, I think the general point he is making is, quite frankly, absolute nonsense.

That comment suggests that by imposing a set of rules, by imposing a set of standards, through this Parliament and, as has been said, through others we are going to be able to assure the world of the quality of our product. The quality of our product comes from the methods that have been developed by Victorian producers. It does not come from standards imposed by this Parliament or by others.

Our primary producers have a hard-earned reputation. They have high standards, and the simple fact is that in many countries in the world when you buy Victorian beef, when you buy Victorian lamb, when you buy Victorian pork, you are buying product branded in that way. It is branded in that way because the quality is known; the quality is recognised internationally. The quality does not come from legislation, it does not come from a set of standards; it comes from the practitioners and from the processes they have been following.

I find this process somewhat curious because we have been going down the path of deregulation in so many areas for many years now.

Even the Australian Labor Party belatedly recognised the beneficial aspects of loosening the regulatory yoke, of allowing the people who are actually doing the job, who understand what they are doing and who are damn good at it, to get on and to get it done without imposing rules and binding them up in red tape.

Where deregulation has worked best it has not been total deregulation; it has been deregulation with strong, underlying rules. The result we had in the Australian financial sector following the global financial crisis is a classic example. It had a good, strong, regulated framework with underlying rules put in place by former Prime Minister John Howard and former federal Treasurer Peter Costello in particular and that worked very well. You only have to draw a comparison between the result in the United States and the ongoing challenges it is having with its economy and the outcome in Australia.

In the management of livestock we have always had a fundamentally similar framework. We have let producers get on with it but we have set minimum, reasonable standards. Those are the standards identified in clause 4 of this bill relating to the Food Act, very importantly the Prevention of Cruelty to Animals Act, the Meat Industry Act, the Impounding of Livestock Act, the Livestock Disease Control, the Catchment and Land Protection Act, the Fisheries Act, the Dairy Act and so on. We let the producers get on with it and we set the minimum standards.

That is the appropriate way to do it: to set a broad framework and set minimum standards. It is not to incorporate the detail, not to prescribe how things need to be done on a day-to-day basis. That is what is proposed in this bill. There can only be one outcome in terms of the impact on these industries.

This bill, if it becomes law, will bind up the process, and it will stifle innovation. Despite the protestations of the member for Ballarat East, it will add another layer of bureaucracy. It will add cost, and it will make our primary producers less competitive on international markets.

This bill introduces and sets — as pointed out by the member for South-West Coast and others — new standards in the lack of accountability. The bill is inherently antidemocratic in its measures. I do not want to get into the detail; my concerns essentially revolve around a series of definitions. They are the definitions of livestock management standard, the prescribed livestock management standard, the regulated livestock management activity and livestock itself. The definition of livestock itself in the bill is particularly broad. It is described as:

(a) any animal kept for the purposes of primary production, including cattle, sheep, pigs —

et cetera, and —

(b) horses, including where used for recreation; or

(c) any animals prescribed as livestock

Once again we have regulations that give the ability to prescribe these things with no accountability to the Parliament. You could finish up with dogs being prescribed as livestock without any reference to the Parliament.

Without going into detail, it is about the principle. The government's approach on this legislation is, in my view, fundamentally wrong. The definition of livestock management standard in the bill is:

(a) a standard published under section 9;

Clause 9 of the bill is reasonably straightforward and conventional. By a notice published in the *Government Gazette* the minister can give notice of intention to prescribe a standard. The notice must contain a copy of the standard. That is quite reasonable. The sting in this definition is contained in part (b) of the definition of livestock management standard, which reads:

any other published standard relating to the management of livestock;

Are we talking about a standard published in Victoria? Are we talking about a standard published nationally? Are we perhaps talking about a standard intended to apply to raising cattle in the Kimberley or the Channel Country in Queensland, or are we talking about a standard that is appropriate for Victorian conditions?

Are we perhaps talking about a standard from the European Union or some other country that is even less relevant? It is simply a published standard without any limits set on it. We cannot even find a limitation on the term 'published'. Is it published on the internet? I could go out tomorrow and publish a standard. It would not be worth the screen it was shown on but it would be a standard and it would be a published standard.

This bill has no redeeming features at all. It imposes unnecessary legislation on industries that are already at the top end of international standards, it adds compliance costs, it reduces international competitiveness and it allows the minister or public servants acting under delegation to usurp the proper role of this Parliament and become a de facto legislature. This legislation will result in opaque rules, rules that cannot be easily understood, least of all by the practitioners.