

NSW Dairy Industry Consultative Committee

The primary objective of the NSW Dairy Industry Consultative Committee is to contribute to the Food Authority's goal of ensuring the production and sale of Dairy products that are safe and suitable for human consumption, by advising on policy and practices introduced into provisions of the Dairy Food Safety Scheme as it relates to Dairy and Dairy products, and developed through a consultative process. Other government agencies may seek to use the broad expertise and experience of the Committee members to obtain advice on matters beyond the scope of the provisions of the Dairy Food Safety Scheme.

Summary of meeting outcomes

NSW Dairy Industry Consultative Committee

23 October 2024

The NSW Dairy Industry Consultative Committee met via video conference on Wednesday 23 October 2024. Issues considered at the meeting are detailed below.

Attendees:

NSW Dairy Industry Consultative Committee: Ashley Cooper (NSW Farmers' Association), Stewart Davey (Dairy Australia), Iain Fee (The Riverina Dairy Pty Ltd), Malcolm Holm (NSW Farmers' Association), Ruth Kydd (eastAUSmilk), Bimi Singh (Bega Cheese Ltd), Andrew Smith (Dairy NSW), Su Zhang (Star Combo Pharma Ltd).

NSW DPIRD – Biosecurity & Food Safety: Eric Davis, (Manager, Food Policy & Partnerships), Emily Doyle (Manager, Animal Biosecurity Surveillance & Engagement), Jaime Garcia (Secretariat), Ken Garner (Manager, Dairy Livestock Systems Branch), Mark Mackie (Manager, Regulatory Operations Unit), Lachlan Porteous – Chair (Acting - Director, Food Safety & CEO NSW Food Authority).

Apologies: David Cusack, (Manager, Food Standards & Programs), Chandni Rathi (Norco Foods), Helen Schaefer (Team Leader, Animal Welfare Policy & Programs), Lisa Szabo (Acting - Executive Director Biosecurity & Food Safety).

Conflict of interest declaration

Members confirmed that they had no conflicts of interest.

Industry updates

Members provided updates on the following key and emerging issues in their respective industry sectors:

- Dairy Australia is reporting that milk production forecasts remain stable overall. While some regions, such as Tasmania, are experiencing growth, southwestern Victoria is facing a green drought. This type of drought is characterized by insufficient soil moisture levels, which are negatively impacting plant growth and, consequently, milk production.
- Dairy Australia delegates have returned from the International Dairy Federation World Dairy Summit 2024, held from October 15 to 18 in Paris. During the summit, dairy organisations from around the world signed an agreement focused on

sustainability, highlighting the global dairy industry's commitment to enhancing sustainable practices.

- NSW Farmers Association supports the recommendations outlined in the report from the Legislative Assembly Committees inquiry into virtual fencing, titled “Prevention of Cruelty to Animals Amendment (Virtual Stock Fencing),” which was tabled on 22 October 2024. The organisation is eager to see these recommendations move quickly and be enacted in legislation. Additionally, the industry is awaiting the report from the Animal Welfare Task Group (AWTG) sub-group that is currently developing the draft Australian animal welfare guide for virtual fencing – this will support harmonising virtual fencing legislation across all jurisdictions.
- NSW Farmers’ Association in partnership with Dairy Australia is holding a Consultative Workshop on 6 November 2024 in Taree as a follow on from the former Minister for Agriculture’s Dairy Symposium held in March 2024. Invites have been sent to representatives from within DPIRD, dairy farmers, dairy processors and other key industry stakeholders.
- NSW Farmers Associations Executive Council implemented policy in support for the five domains of the Animal Welfare framework in NSW. NSW Farmers Association is also focused on the *Prevention of Cruelty to Animals Act 1979* (POCTAA) redraft preparations and potential consultations on the independent office of Animal Welfare.
- Dairy farmers in the southern coastal regions are still facing challenges due to adverse weather conditions. Cattle in this area have begun to recover from a bout of three-day sickness, also known as bovine ephemeral fever, which negatively impacts milk production. As a result, milk production is expected to return to normal levels soon.
- Farmers in the South Coast region affected by severe weather and flooding are struggling with reduced freight subsidies and issues with finalising financial support promised by the NSW Government for businesses and primary producers.
- Star Combo Pharma reports the demand for dry dairy powder has dropped.
- The industry is experiencing substantial investment in the intensification of dairy farming.

1) Matters raised relating to the Dairy Food Safety Scheme

Food Safety Compliance Report

DPI Compliance and Integrity Systems Unit provided an update on the dairy industry compliance activities for the FY 2023 -2024. 99% of licensed Dairy businesses recorded an acceptable audit and/or inspection result, a 5% rise compared to the same period in 2022. A total of 462 audits and inspections were conducted during this period, with a combined total of 11 regulatory interventions (improvement notices, prohibition orders, or warning letters). Biosecurity and Food Safety Compliance has moved to an audit and inspection calendar which retains the risk based operational model for all licensed food businesses.

The Regulatory Operations team may need to adjust its planned activities and frequency of compliance monitoring depending on emerging risks and strategic priorities. Complaints, inspections, and investigations relating to dairy businesses will continue to be managed on an as needs basis. Changes have been made to the Department of Agriculture, Fisheries and Forestry (DAFF) trial Dairy Export Assurance program regarding the audit requirements for export dairy facilities, shifting from six monthly audits to twelve monthly audits.

3) Other matters raised

Animal welfare update

DPI’s Animal Welfare Unit updated members on the following:

Livestock Processing Establishments Standards and Guidelines (S&G)

- A revised draft is being prepared for public consultation.
- Work has commenced to procure a consultant for Regulation Impact Analysis.
- Finalisation of the S&G was due in late 2024. This time frame has been extended to early-mid 2025.

Virtual Fencing

National work:

- In response to the referral from Agriculture Senior Officials, the AWTG is examining the use of virtual fencing technology – GPS enabled neckband or collar devices worn by livestock producing electric pulses to deter animals from approaching or crossing a virtual fence boundary. An AWTG Virtual Fencing (VF) subgroup is examining animal welfare issues associated with virtual fencing technology, with a view to harmonising the approach to the use of this technology across all jurisdictions.
- The AWTG virtual fencing project is focused on supporting a harmonised approach to promoting optimal animal welfare outcomes, regardless of the type of virtual fencing product or where it is used.
- In 2024, AWTG agreed to develop an Australian Animal Welfare Guide for Virtual Fencing as the preferred approach for harmonisation. Drafting is currently underway for the guide. Feedback on the draft guide will be sought from a Stakeholder Reference Group and the AWTG subgroup before AWTG endorsement. The subgroup is working towards endorsement and publication of the guide by the end of 2024.
- States and territories regulate the use of virtual fencing. However, as virtual fencing technology is rapidly evolving and jurisdictions currently have differing regulatory baselines, it was agreed that a guide is the preferred approach for harmonisation as it can be developed relatively quickly and allows flexibility.
- The guide will promote optimal animal welfare outcomes with the use of virtual fencing technology and its applications, for beef and dairy cattle, based on current science and evidence. It will not capture its use for other animal species but will acknowledge ongoing technological developments and animal welfare research in this area.
- The Commonwealth is currently updating the AWTG virtual fencing webpage on the DAFF website. This update will provide information to stakeholders about the project process and progress

NSW:

- The first public hearing of the Legislative Assembly Committee Inquiry into the Prevention of Cruelty to Animals Amendment (Virtual Stock Fencing) Bill 2024 was conducted on 5 July 2024. NSW DPIRD appeared as witnesses.
- The Committee's report on [Prevention of Cruelty to Animals Amendment \(Virtual Stock Fencing\) Bill 2024](#) was tabled in Parliament on 22 October 2024. The report can be found on the Committee's web site, together with other documents associated with the inquiry.

- The Government must respond to the Committee's recommendations within six months of the report being tabled.

More information on national animal welfare policy and regulatory matters can be found at [AWTG](#)

Update - Animal Welfare Reform

- The NSW Government has committed to the introduction of a new animal welfare framework in NSW. This includes:
 - Reviewing the *Prevention of Cruelty to Animals Act 1979*
 - Banning puppy farms in NSW
 - Creating an independent office of animal welfare
 - Reviewing the funding arrangements for Approved Charitable Organisations legislated to conduct compliance and enforcement activities under the *Prevention of Cruelty to Animals Act 1979*
 - The introduction of a 'fit and proper person' regime that prevents people convicted of an aggravated animal cruelty offence, multiple animal cruelty offences or repeat animal cruelty offences from being involved in the keeping and breeding of companion animals (*this has now been introduced and details are provided below*).
- Previous consultation feedback from the community and stakeholders is being utilised to inform the development of the proposed new animal welfare framework.
- There will be further opportunities for stakeholders and the community to have their say on the shape of our animal welfare laws.

New - Prevention of Cruelty to Animals Amendment (Transparency and Fit and Proper Persons) Act 2024

What does the Act do?

- The Act amended the *Prevention of Cruelty to Animals Act 1979 (POCTAA)* to increase transparency in Approved Charitable Organisation (ACO) enforcement activities and to strengthen animal welfare protections by expanding the fit and proper person regime currently legislated under POCTAA.

Key amendments

Increasing transparency and accountability of approved charitable organisations (ACOs)

- Clarifying that the ACOs (RSPCA NSW and Animal Welfare League NSW) are subject to the requirements of the *Government Information (Public Access) Act 2009* (which sets out how members of the public can access government information) in relation to their POCTAA enforcement functions.
- Subjects ACOs to the oversight of the NSW Ombudsman with respect to their statutory enforcement functions.
- Enhances the information required to be provided by the ACOs to the Minister in their annual reports and requiring those reports to be tabled in Parliament.

- Making changes to the appointment process for ACO officers and inspectors to include terms of appointment; require identification showing evidence of appointment; and making it an offence for failing to comply with a direction to return evidence of appointment.

Fit and proper person regime

- Extending the circumstances in which a Court must make a disqualification order to also apply where the Court has found a person guilty of either repeat or multiple section 5 animal cruelty offences. The Court will retain its discretion to decide not to make a disqualification order if it is satisfied that special circumstances exist.
- Providing that a Court may make a disposal or disqualification order where a person has been found guilty of an animal cruelty offence or where a person has been dealt with under the provisions of *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* in relation to an animal cruelty offence.

Information sharing

- Introduces information sharing provisions enabling relevant agencies to collect, use or disclose information if it is reasonably necessary for the purposes of administering or enforcing POCTAA or the regulations.

When does the Act commence?

- The legislation was passed by Parliament on 7 August 2024. The provisions of the Act are now in force.

Biosecurity update

The Animal Biosecurity Surveillance & Engagement unit gave a verbal update on the following;

- DPIRD's response to the Avian Influenza is nearing completion, with surveillance testing for proof of freedom currently underway. This work is expected to be finished by January or February 2025.
- Surveillance for the H5 strain of Avian Influenza is ongoing, and preparedness measures are in place should this strain be detected in Australia. Key government departments and private sector organizations are on high alert.
- NSW DPIRD continues its work on the introduction and legislation of individual electronic identification for sheep and goats in NSW.

*The date for the next meeting of the NSW Dairy Industry Consultative Committee is
To be advised.*