

COMMUNITY SAFETY IN REGIONAL AND RURAL COMMUNITIES

Organisation: NSW Farmers' Association

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NSW Farmers' submission to the inquiry into Community safety in regional and rural communities

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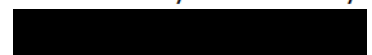


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About NSW Farmers

NSW Farmers is Australia’s largest state farming organisation, representing the interests of its farmer members in the state and across all agricultural commodities. We speak up on issues that matter to farmers - environment, biosecurity, water, animal welfare, economics, trade, workforce, and rural affairs.

Agriculture is an economic ‘engine’ industry in New South Wales. Farmers contributed more than \$23 billion in 2021-22, or around 25 per cent of total national production, and positively contributed to the state’s total exports. Agriculture is the heartbeat of regional communities, directly employing almost two per cent of the state’s workers and supporting roles in processing, manufacturing, retail, and hospitality. The sector is focused on delivering \$30 billion in economic output by 2030.

As well as advocating for farmers on issues that shape agriculture, we provide direct business support and advice to our members through partnerships and alliances with like-minded organisations, universities, and government agencies. We are a founding member of the National Farmers’ Federation.

Overview and Recommendations

NSW Farmers welcomes the opportunity to respond to the Legislative Assembly Committee on Law and Safety inquiry into Community safety in regional and rural communities. Rural and regional areas in New South Wales face unique challenges regarding crime and policing compared to metropolitan areas.

The experiences of farmers and residents of rural and remote communities highlight significant concerns that can be linked to resourcing gaps and the critical importance of building community trust and confidence in policing.

This submission, informed by the experience of farmers in rural and regional communities, advocates for increased police resourcing and systemic reforms to address these issues effectively. The recommendations aim to inform the Committee on Law and Safety on enhancing the safety and well-being of rural communities.

NSW Farmers recommends:

- NSW Government commit to increasing 7 day a week/24-hour on-site police resourcing in rural areas, especially for smaller communities.
- NSW Government Increase promotion of the importance of, and ways to, report rural crime, including through greater awareness of Crime Stoppers and especially in rural and remote communities.
- NSW Police ensure that following lodgement of a landholder report of criminal activity on their property, acknowledgement is received within 24 hours, with a tracking number to support engagement with the NSW Rural Crime Prevention Team; and that landholders are regularly updated on the status of investigations into the reported crime.
- NSW Government review existing regulation and legislation on illegal farm incursions to identify and address current barriers to successful prosecutions and enforcement.
- NSW Government commit to temporary replacements for rural police officers who are on leave in excess of 3-months.
- NSW Government take action to alert the NSW Judiciary about significant community concerns regarding the current application of penalties to ensure the full application of penalties for rural crime, particularly related to theft, trespass, and malicious damage to improve deterrents for repeat offenders.

Experience of Rural Crime

NSW Farmers recognises the impact of increasing criminal activity across the states' regional, rural and remote communities, resulting in increased safety concerns for community residents and landholders. Addressing this is of critical importance to the farming communities across NSW, and NSW Farmers seeks, through this submission, to highlight the significant impact of on-farm opportunistic and coordinated activities that cause economic and personal distress to the farming community – stock, fuel, and machinery theft; farm trespass; animal activist incursions; and illegal hunting.

The 2020 Farm Crime Survey conducted by the University of New England's Centre for Rural Criminology showed that farmers in NSW experience very high levels of crime victimisation, with 81 per cent of respondents reported being a victim of farm crime, often experiencing this victimisation repeatedly and across multiple occasions¹ The most common forms of victimisation included trespass (56 per cent), illegal shooting and hunting (46 per cent), livestock theft (44 per cent), break and enter (36 per cent), and theft of equipment and tools (32 per cent).

As farmers are often the key economic drivers and employers in rural communities, any community criminal activity, such as property and personal crimes have an impact on the safety, liveability, and trust of residents in rural and remote areas. It is of significant concern that both agricultural and community crimes appear to be increasing. The 2020 Centre for Rural Criminology survey also noted that 64 per cent of farmers were concerned about crime in general, identifying that local crime, impacting the well-being and cohesion of communities, was at a serious level.

Lack of confidence in response to rural crime reporting

The immediate awareness of criminal activity against farmers is often less visible than criminal activity in populated centres. Due to the size of farm properties and the nature of farming activity, it may be days before livestock theft or trespass is noticed. Consequently, farmers appear to be reluctant to report these incidents. This is in part due to a perception that little or no action may be taken, based on a concern that evidence may not be available, or that the criminal activity may not be prioritised. This is borne out in the aforementioned survey where it was reported that victimisation, trespass and illegal shooting/hunting were reported less than a third of the time.

More concerning is that 55 per cent of respondents indicated a lack of confidence in police to solve the crime if reported. Only 58 per cent were aware that they could report non-urgent crime to Crime Stoppers.

NSW Farmers acknowledges that over the last two years there has been an effort to increase awareness of the role of Crime Stoppers, however this work needs to be increased to better support reporting of crime in rural and remote communities.

It is of significance that this low rate of reporting is based on:

- a lack of confidence in the police capacity to solve the crime,
- perceptions of barriers to investigating the crime, and
- concerns about retaliation from offenders.

¹ Mulrooney, K; Harkness A; Nolan, H - The NSW Farm Crime Survey 2020, University of New England Centre of Rural Criminology.

This lack of reporting is significant given that The Guardian reported in 2024 that the cost of on-farm crime resulted in a financial loss of at least \$930,000². A further example of this is the increasing opportunistic crimes, such as theft of diesel fuel stored on-farm. Farmers can hold thousands of litres of fuel – especially in preparation for grain sowing or harvest. The theft of fuel not only affects farm operations but is a significant business cost as prices continue to rise for production inputs.

Recommendations:

- *NSW Government commit to increasing 7 day a week/24-hour on-site police resourcing in rural areas, especially for smaller communities.*
- *NSW Government Increase promotion of the importance of, and ways to, report rural crime, including through greater awareness of Crime Stoppers across regional, rural and remote communities.*

NSW Rural Crime Prevention Team (RCPT)

The 2016 report by Assistant Commissioner Steve Bradshaw following the ‘NSW Stock Theft and Trespass Review’ included a recommendation to establish a standalone ‘Stock Squad’, with a rank structure, reporting to an Assistant Commissioner of Police, and dedicated intelligence analysts.

Since the NSW Rural Crime Prevention Team (RCPT) was established in 2018 it has grown from an original establishment of 46 to over 53. This state-wide team is tasked to:

- investigate rural crime within New South Wales and identify interstate links and trends.
- identify inhibitors within legislation and policy impacting the ability of law enforcement agencies to prevent, disrupt and respond to rural crime.
- enhance the education and knowledge of law enforcement officers regarding rural crime.
- raise the public awareness of rural crime and increase community engagement with relevant stakeholders within rural communities and industries.
- collaborate and engage with academic research/higher education to achieve safe rural spaces.

The increased visibility of the RCPT and their outreach activity across farming activities is supported by NSW Farmers. We consider that this initiative is delivering beneficial outcomes where the RCPT activity is visible and where they are actively engaged with rural communities.

However, we are concerned that there are inefficiencies in the escalation of reporting of rural crimes through the local police, that need to be addressed to ensure the maximum benefit to the farming community. As there is an interdependence between the local police and the dedicated RCPT, it is critical that any barriers to timely internal communication within the system be identified and addressed.

Recommendation:

- *NSW Police ensure that following lodgement of a landholder report of criminal activity on their property, acknowledgement is received within 24 hours, with a tracking number to support engagement with the NSW Rural Crime Prevention Team and that landholders are regularly updated on the status of investigations into the reported crime.*

²Livestock theft has cost NSW farmers more than \$930,000 so far this year <https://www.theguardian.com/australia-news/article/2024/may/23/nsw-farms-livestock-theft-impact-losses-2024-cowra>

Protection from Trespass

Farm trespass by animal activists is well known and has a significant and negative impact on the production of food and fibre. The ultimate object of this activity is to disrupt legitimate farming activity.

The Surveillance Devices Act 2007 (NSW) ('the Act') is the key piece of legislation in New South Wales that regulates the installation, use, maintenance and retrieval of surveillance devices. A technology neutral definition is encompassed within the legislation, and this allows it to respond to technology advancements. The definition of 'surveillance device' means a data surveillance device, a listening device, an optical surveillance device, or a tracking device.

The Act makes it an offence for a person to use surveillance devices without the consent of the landowner and a criminal offence to distribute or publish information that has been obtained using unlawful surveillance devices. Section 8 of the Act prohibits the installation, use or maintenance of an optical surveillance device:

"...on or within premises or a vehicles or on any other object...if the installation, use or maintenance of the device involves: (a) entry onto or into the premises or vehicle without the express or implied consent of the owner or occupier of the premises or vehicle; or (b) interference with the vehicle of other object without the express or implied consent of the person having lawful possession or lawful control of the vehicle of object."

The deliberate antagonism and belligerent opposition to farming expressed through trespass by animal activists makes this a standout issue that requires significant attention.

Often trespass results in covert surveillance and collection of unattributed footage and images to be used as tools in an ideological campaign of public defamation. The action of illegal recordings as part of these illegal farm incursions has allowed for the Act to be a mechanism to provide farmers with legal protections.

It is vital to recognise that the illegal surveillance is not the primary issue with these incursions that needs to be addressed. The primary crime is the illegal act of trespass, with farmers' property rights being violated, and the current legislative framework is not effective in protecting farmers from these activities.

There are a range of offences both within the Inclosed Lands Protection Act 1901 (NSW), Crimes Act 1900 (NSW), Biosecurity Act 2015 (NSW), and the Right to Farm Act 2019 (NSW) which should be the primary mechanisms for dealing with perpetrators of illegal farm incursions.

NSW Farmers has significant concerns that these various laws are not well understood, not effectively enforced, and therefore not providing effective protections to farmers, their employees, and their families.

Recommendation:

- *NSW Government review existing regulation and legislation on illegal farm incursions to identify and address current barriers to successful prosecutions and enforcement.*

Police resources in rural NSW

Inadequate police resourcing and infrastructure are significant concerns across regional rural and remote areas. It is clear from the responses to the 2020 NSW Farm Crime Survey that an increased police presence in rural and remote areas would be beneficial, with 58 per cent indicating that they would like to engage with police more often and 55 per cent supportive of a greater physical police presence in rural areas³.

It is a significant concern, therefore, that for the Western Region Police Command – which covers a large geographic area of NSW, there are 119 police stations⁴. However, the vast majority of these are not operated 24 hours.

The impact of this is that, should a crime be reported out of hours, these calls are routed to a central location. This results in potential for significant delays in response, and if the call is routed to a metropolitan location, there is significant risk of a lack of understanding of the critical nature of the reporting.

NSW Farmers remains concerned about the numbers of police vacancies across the state. The Police Association of NSW reports increasing numbers of police that have left the police service –1,043 in 2021-22, with half of these being ‘medically unfit’⁵. This figure does not include numbers of police officers that are on extended leave, or long-term vacancies where recruitment has been ineffective.

Recommendation:

- *NSW Government commit to temporary replacements for rural police officers who are on leave for an excess of 3-months.*

The Judiciary

NSW Farmers recognise that there are a range of penalties and potential youth diversion initiatives that are available to the Judiciary. However, there is increasing concern by our members that the consequences for first time offenders, especially when these relate to malicious damage, are not effectively deterring repeat actions.

While there is a full range of penalties under the legislation, there is growing disquiet that these are not being applied by local courts. The 2020 Farm Crime Survey reported that 87 per cent of farmers felt that sentences handed down by the courts to those who steal from farms were too lenient.

Vandalism and malicious damage have a serious impact on farmers. A malicious damage attack in June 2022 on a Kiacatoo (Condobolin) 370 bales of cotton were cut open⁶. This exposure to the elements resulted in a loss of approximately \$1.3 million. With rising cost of living pressures and major natural disaster impacts there are strong indications that opportunistic rural crime incursions will escalate. There are a range of penalties that can be applied – depending on the value of the damage.

³ Mulrooney, K; Harkness A; Nolan, H - The NSW Farm Crime Survey 2020, University of New England Centre of Rural Criminology.

⁴ NSW Police website: https://www.police.nsw.gov.au/about_us/regions_commands_districts/western_region

⁵ Police Association of NSW 2023 Election Booklet https://www.pansw.org.au/assets/pdf/pansw_election_booklet_2023-online-version.pdf

⁶ <https://www.abc.net.au/news/2022-06-28/cotton-bales-deliberately-damaged-central-nsw-vandalisms/101188720>

Section 195 of the *Crimes Act 1900* (NSW) prescribe heavy penalties to anyone who intentionally or recklessly destroys or damages property belonging to another. A maximum penalty of 5 - 10 years imprisonment may be applied for property destruction or damage. However, where these are dealt with through local courts, a maximum penalty of two years imprisonment can be applied, or a fine imposed. If the value of the property does not exceed \$5,000, these offences are dealt with the local court⁷.

NSW Farmers recognises that vandalism and malicious damage is not always driven by criminal intent. In rural areas it may often be driven by boredom, immaturity, or peer pressure. Importantly, NSW Farmers are not advocating a custodial sentence for all vandalism or malicious damage activities in rural areas. However, it is concerning that motor vehicle theft in regional NSW between 2019 and 2023 rose by 20 per cent (an additional 1,239 incidents)⁸. Analysis of this showed this to be due to an increase in offending by young people. During the same period, legal actions for young people increased 188 per cent.

NSW Farmers is concerned that there is little being done by the judiciary to deter the increase in rural crime. Where charges are being successfully prosecuted, the illegal actions are not being adequately penalised due to what appears to be leniency in sentencing by the judiciary. This is sending a message that the financial, emotional, and psychological impact of rural crime to both the farming and broader rural community is insignificant.

It appears that the application of *good-behaviour bonds* is becoming the standard for rural crime offences. This is increasing concern about safety and security in rural and remote communities. For example, the theft of a farm vehicle from a NSW Farmers' member property. This was subsequently recovered in a significantly damaged condition, resulting in a cost to repair of over \$10,000. The offender was already on a 12-month good behaviour bond. The penalty for this offender was a further 24-month good behaviour bond. Since then, the individual has re-offended.

It is vital that there is confidence across the community of appropriate recognition of the individual and cumulative impact of malicious damage on rural and remote communities is being seen to be recognised by the judiciary in appropriately recognising the impact of criminal activity or deterring rural crime.

Recommendation:

- *NSW Government take action to alert the NSW Judiciary about significant community concerns regarding the current application of penalties to ensure the full application of penalties for rural crime, particularly related to theft, trespass, and malicious damage to improve deterrents for repeat offenders.*

⁷ Criminal Defence Lawyers Australia, 2022.

⁸ Cook, A and Fitzgerald, J – Crime in Regional and Rural NSW in 2023: Trends and Patterns; NSW Bureau of Crime Statistics and Research; Number 169, March 2024