

**Submission
No 127**

**INQUIRY INTO PROVISIONS OF THE RIGHT TO FARM
BILL 2019**

Organisation: North Coast Environment Council

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Submission to the Right to Farm Bill 2019 Inquiry

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North Coast Environment Council

The North Coast Environment Council (NCEC) was formed in 1976. It is an umbrella group for local conservation groups and individuals in the North East NSW bioregion. We are a volunteer organisation with no paid staff, and receive no government funding. We are funded by member contributions and supporter donations.

The NCEC objects to the provisions in the Bill relating to increased penalties for entering Inclosed Lands. While the Bill purports to be about agricultural land, it is ambiguous and potentially applicable to Inclosed Lands everywhere.

Among the member groups of NCEC are many individuals who have participated in peaceful protests. These protests have been acts in defence of nature. In several cases, the individuals in question have received awards and Order of Australia Medals for their efforts.

Forty years ago, those seeking an end to the logging of the magnificent rainforests of our region put their bodies on the line in an effort to stop the bulldozer. They educated about the issue and eventually the government of the day was persuaded to protect several of the areas in question in National Parks. Those parks now have high visitation rates and bring many millions of dollars into the regional economy.

Thirty years ago, those concerned about the unsustainable activities of the native forest logging industry, began their campaign to save the remaining forests of high conservation value, for their numerous values, all of which increase with age. Again, they had some success, and significant areas of forests were protected in national parks. Among the actions that were undertaken to bring attention to the issue and the failure of the Forestry Commission to carry out its responsibilities under the Forestry Act 1916, were a variety of protests that entered into or upon Inclosed Lands.

These protests were peaceful. No-one was harmed and no property was damaged, although on one occasion a packet of biscuits was eaten. The protests lasted only a few hours and brought attention to a problem that was being ignored by decision-makers. Some of those involved in such protests went on to extremely successful legal and political careers.

The extreme criminalisation of protest as proposed in this Bill has a number of effects. Firstly it criminalises people who have, in effect, committed only a minor misdemeanor. Secondly the penalties are disproportionate to the nature of the offence. Thirdly, the penalties are exaggerated compared to those likely to be incurred for damage to property or harm to people. Will this in turn provide a perverse incentive for people to take other forms of action that may be less peaceful and benign? It is important the the the law be proportionate, and that the power of elected office not be used to polarise and divide society.

In his second reading speech the minister claimed that trespass activities were accompanied by online bullying and harassment. It is important to recognise that no group in society has a monopoly on bullying or abuse. Conservation groups and individuals are frequently on the receiving end of vicious and intimidating online assaults. I would be prepared to wager that the level of threatened

violence against those who want to protect the environment is far greater than that dished out by those who see themselves as environmentalists.

Some of us were active in protests against fracking at Bentley near Lismore. Under this legislation, thousands of people could have been fined or imprisoned for saving their aquifers, rivers and farmlands.

Similarly, protests in the Pilliga of fracking sites that have been carried out by farmers to protect their farms, could have seen them criminalised and given jail terms for trying to protect their farms and livelihoods.

The penalties for trespass have already been increased 1000% in recent years. This latest escalation is a bit like an arms race. It fails to recognise that people will take action for our planet. It also fails to recognise the growing sense of urgency and desperation many people feel about the state of our environment.

Over the last century in Australia and even now in other parts of the world, the penalties for peaceful protest have become extreme. But that hasn't stopped those who passionately believed in a cause from taking action to achieve change.

As the extinction and climate crises deepen, more and more people will be prepared to take action to defend the future of their children and grandchildren. Rather than trying to intimidate people out of protesting, the Government would be better served taking genuine action to protect our biodiversity, our rivers, our oceans and wetlands, our forests and our woodlands. If the Government was doing its job, citizens wouldn't need to be protesting.