

Submission
No 128

INQUIRY INTO PROVISIONS OF THE RIGHT TO FARM BILL 2019

Organisation: National Parks Association of NSW

Date Received: 1 October 2019

The Hon Mark Banasiak MLC
New South Wales Parliament

Chair

Upper House Inquiry into the Right to Farm Bill

Via email: <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/lodge-a-submission.aspx?pk=2553>

30 September 2019

National Parks Association of NSW submission into the Provisions of the Right to Farm Bill 2019

The National Parks Association of NSW (NPA) was formed in 1957 and six decades later has 15 branches and over 20,000 members and supporters. Our shared goal is to protect nature through community action. NPA believes that caring springs from personal connections with nature, and we deliver than a thousand bushwalks, community events, bio-blitz surveys and bush regeneration projects each year. We are vigorous advocates for nature, contributing to park management planning, the assessment of development proposals and conducting conservation campaigns across NSW. NPA's strengths include our regional reach, deep local knowledge, evidence-based approach and relentless pursuit of a world-class reserve system for NSW.

NPA has serious concerns about the Right to Farm Bill (RTFB). We are particularly concerned about the potential infringement of the legitimate rights to protest and free speech that are cornerstones of the liberal democratic tradition. We note that Minister Marshall's second reading expressed support for freedom of expression and peaceful demonstration. We therefore trust that the RTFB will be amended, or indeed abandoned, to avoid undermining these core democratic principles.

Purpose of the RTFB

Minister Marshall stated in his second reading that "recent protests involving on-farm trespass have involved criminal activity". NPA supports dealing with illegal matter through the existing legislation.

The RTFB is framed as a response to animal rights protestors trespassing on farms. NPA contends that it would be better to support farmers to improve animal welfare outcomes than to restrict the right to free speech and protest. Focussing on the symptoms rather than root causes risks customers simply choosing alternative options to the detriment of NSW farmers.

Definitions

We are concerned at the broad definition of 'enclosed lands' in the RFTB. This includes "*any land, either public or private, inclosed or surrounded by any fence, wall or other erection, or partly by a fence, wall or other erection and partly by a canal or by some natural feature such as a river or cliff by which its boundaries may be known or recognised, including the whole or part of any building or structure and any land occupied or used in connection with the whole or part of any building or structure*". This broad definition appears designed to capture any location that can be given a geographic descriptor.

NPA is particularly concerned at the inclusion of 'forestry' under agricultural activities. Although the case for defining plantation forestry in this manner is clear, the same does not apply to forestry in native vegetation. Forests are natural ecosystems that typically regenerate themselves following logging and therefore the term agricultural is simply inappropriate.

NPA recommends that native forest logging be excluded from the RTFB.

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Threats to farming

The RTFB does not address the main threats to farming activities in NSW: the activities of other farmers or agribusinesses (including upstream water extraction), mining and urban development. The Lock The Gate movement is a response to the concerns of farmers and environmentalists on the impact of mining on farming land and communities. Will the RTFB preclude farmers from protesting against the incursion of mining on agricultural land? It is interesting to consider whether a public demonstration against the Shenhua Watermark coal mine on the Liverpool Plains would fall foul of the RTFB.

Urban development is another key threat to agricultural land. It is entirely reasonable to seek to protect fertile urban land close to urban areas for high value horticulture for example. This is beneficial both to farmers (large markets in close proximity) and to the broader community (lower energy use and pollution in transporting goods). However, the RTFB does not seek to address these pressing concerns and instead focusses entirely on the side issue of protestors.

Historic context

The short-term profit-seeking activities of business do not always intersect with the best long-term interests of citizens. Peaceful protest and civil disobedience have often been the means by which citizens have asserted their rights to protect natural heritage, and these rights are coming under increasing threat—including through the RTFB. For example, the fact that the remnants of the magnificent rainforests of northern NSW are protected (and recognised as World Heritage) can be traced back to the blockades in Terania Creek. Protests in southern NSW are the reason that areas like South East Forests and Murramarang National Parks are protected from the woodchip industry. That these irreplaceable areas are protected now seems entirely just, but at the time they were hotly contested. Were the RTFB in existence in those times it is questionable whether the protests would have been successful, and as a result a huge proportion of our shared natural heritage would have been lost forever.

We thank the Committee for the opportunity to make a submission. If you have any questions about these issues I can be contacted at

Yours sincerely,

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National Parks Association of NSW
protecting nature through community action