

Submission  
No 149

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

**Organisation:** Animal Protectors Alliance

**Date Received:** 1 October 2019

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## **Right to Farm Bill 2019 Submission by the Animals Protectors Alliance**

Animal Protectors Alliance position

### **1. APA opposes this Bill because:**

- the Bill would unreasonably increase penalties for acts of trespass, hindrance and interference which are consistent with the long-held democratic tradition and moral imperative of peaceful protest;
- the Bill would introduce unreasonable penalties for organising or directing such peaceful protests;
- by increasing penalties for spuriously defined offences, the Bill would discourage members of the public from entering factory farms in order to bring the inherent cruelty of such facilities to the attention of the general public; and
- the Bill would unreasonably increase penalties for the rescue ('stealing') of sick, injured, starving, abused or neglected animals from factory farms, puppy farms or other private or commercial premises, for the purpose of delivering them to veterinary attention.

APA would further seek amendments to remove offences and reduce penalties under the existing *Inclosed Lands Protection Act 1901 No 3* since this Act already imposes unreasonable penalties for the above ethically motivated offences.

### **2. APA further objects in principle to the notion that farmers have a 'right to farm'.**

Please note that APA supports the proposed increased penalties, that would result from these amendments, for trapping, poisoning, shooting, knifing, hunting with dogs or any hunting device on 'inclosed lands'.

#### **(i) Unreasonable penalties for protesting, and dangerous consequences**

The proposed amendments to the *Inclosed Lands Protection Act 1901 No 3* would unreasonably increase penalties for existing offences under section 4B1 of that Act. Section 4B1 includes several vaguely worded offences, such as "intends to interfere with the conduct of the business or undertaking" (to which the proposed amendment would add 'hinder' after 'interfere') and "introduces or increases a risk of a biosecurity impact". These clauses are so vague they could be interpreted as meaning nothing more than simply entering the premises.

For a single person entering the premises for the purpose of protesting by way of peaceful hindrance or interference, the maximum penalty would be more than doubled, and a prison sentence added, under the proposed amendments. Where two or more people enter the premises together, the penalty units would be quadrupled.



The Bill would introduce a new offence: of 'direct, incite, counsel, procure, or induce' an offence under section 4B1 of the existing *Inclosed Lands Protection Act 1901 No 3*, with a penalty of 100 penalty units and/or 12 months imprisonment. This amendment seems to be aimed at punishing protest organisers even more severely than the protesters engaging in the peaceful trespass.

The addition of the higher penalties for collective action and the introduction of penalties for directing such protest actions confirms that the purpose of the Bill is not to increase protections for private property owners, but to suppress peaceful protest on any private or fenced land (including for example, fenced public land).

By discouraging peaceful protest action with threats of such severe penalties, the Bill, if passed, will further erode Australian democracy. Furthermore, if peaceful protest action is successfully suppressed by this legislation, every aspect of Australian society will suffer because it will be much harder for protestors to draw the attention of the general public to any cruelty, injustice and environmental catastrophe that are occurring within 'inclosed land'.

APA urges that, far from increasing penalties for peaceful protest, the *Inclosed Lands Protection Act 1901 No 3* be amended to reduce the unreasonable and dangerous penalties for peaceful protest action which it already includes.

#### **(ii) Unreasonable penalties for rescuing abused or neglected animals**

The amendments to *Inclosed Lands Protection Act 1901 No 3* would also increase penalties for the compassion-motivated rescue of animals from acts of cruelty which are currently either:

- permitted under explicit exemptions, regulations or industry codes of practice - which even the Productivity Commission has ruled incapable of preventing cruelty (*Regulation of Australian Agriculture Productivity Commission, Inquiry Report No. 79, 15 November 2016 p20*); or
- prohibited under existing regulation (ie Acts of Parliament, regulation, or code of practice) but offences against these instruments are routinely ignored by state and federal police, government inspectors or other law enforcement agencies.

Under the existing *Inclosed Lands Protection Act 1901 No 3*, the penalty for '**intending to steal** an animal' (50 penalty units) is already tenfold higher than the penalty for actually stealing an animal under the Crimes Act (5 penalty units). The proposed schedule to the 'Right To Farm Bill' would quadruple that penalty.

Neither the proposed amendment, nor the 'Inclosed Lands Protection Act 1901 No 3', nor even the Crimes Act appears to provide any defence for taking a sick, injured, starving, abused or neglected animal from fenced or private land for the purpose of seeking medical



attention in cases where the owner/manager of the premises, the police and the relevant animal welfare inspectorate or authority have neglected to do so.

As noted above, in some cases, the police and the relevant animal welfare inspectorate or authority are unable, lawfully, to rescue a suffering animal suffering because cruelty and abuse of farm animals is explicitly exempted from the protections of POCTA.

Far from increasing penalties for peaceful protest, APA urges that the *Inclosed Lands Protection Act 1901 No 3* be amended to reduce the current unreasonable and penalties for rescuing suffering animals from 'inclosed land'.

### **(iii)The notion that people have a right to farm**

The above proposed amendments apply to all 'inclosed' (fenced or private land). However, it is clear, since they are proposed in the context of something called 'the Right to Farm Bill' that their primary purpose is to discourage peaceful protests and 'open rescues' on farm and inside the sheds of animal factories. Presumably the purpose of the Bill and its proposed amendments to the *Inclosed Lands Protection Act 1901 No 3* is actually to protect farmers from so-called 'farm invasions'.

The notion of offering 'protection' for farmers that is unavailable to any other member of the Australian community is inherently unjust. It seems to be based on the false premise that farmers provide a more important contribution to Australian society than any other activity or industry.

APA utterly rejects this premise. No-one has the right to farm when it harms others, any more than anyone has any right to do anything else that harms others. Furthermore, no-one has the right to farm animals when they know (as surely most farmers do by now) that animal agriculture is destroying the ecological processes upon which all living things (including humans) depend for their water food and air.

People have a right to eat. They have a right to know the ethical and ecological consequences of the production of the food they eat. They have the right to protest when their food is produced with cruelty, or is causing ecological catastrophe.

Animal production (both intensive and extensive) needs to be ended completely as soon as possible because it:

- is responsible for up to a third of Australia's greenhouse gas emissions;
- occupies land that could be restored as greenhouse gas sinks;
- occupies land that could be restored as wildlife habitat;
- occupies land that could be restored for improved water and soil conservation;



- occupies land that could be used to grow plant products which are orders of magnitude less damaging to the planet than animal products;
- occupies land that could be used to grow plant products which are orders of magnitude more efficient sources of food and fibre than animal products; and
- occupies land, which even if too degraded by generations of animal production to be used to grow anything else, could still be used for solar and wind farms.

It is clear that, globally, all animal agriculture will be forced to end in the very near future. A responsible government should be compassionately encouraging and assisting animal producers to transition to alternative forms of agriculture before the global catastrophe (to which they are such major contributors) forces it on them.

To this end, the government should not be increasing penalties and creating new offences to discourage members of the public from rescuing suffering animals and from exposing and protesting against cruelty. They should be changing the laws that allow the cruelty, so that such rescue and protest actions are no longer necessary; and they should be assisting animal farmers into less destructive ways of making a living before ecological collapse forces it on them.

Thank you for the opportunity to comment on this Bill.

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