

Submission  
No 224

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

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Submission to the NSW Parliamentary Inquiry into the *NSW Right to Farm Bill*  
from Inez Hamilton-Smith

I oppose this bill for the following reasons:

1. The bill completely ignores the reasons that cause many people to trespass on farm land, and this bill does nothing to address those concerns. Those concerns are predominantly concern for animal welfare.
2. Trespass and nuisance are already criminal and civil offences and there are adequate laws to deal with these.
3. This bill is a response to the animal farming industry panicking to the increase of the awareness of the poor treatment of animals on farms in Australia. Instead of dealing with the cruelty to animals they want to hide this activity even more.
4. There are not enough procedures in place to deal with the level of cruelty occurring on farms in Australia. Animal welfare laws need to improve for farm. Codes of practice do not protect farm animals. Laws need to be introduced to protect animals. Many farm animals have no protection at all. If one animal was treated the way farm animals do, they could be prosecuted under POCTA, but because they are farm animals, their treatment and the cruelty they suffer is ignored. There needs to be CCTV footage on farms so that the cruelty cannot be hidden so readily, and this means that the level of trespass and nuisance will decrease.
5. A study by Futureye in 2018 found this:  
“ The Australian public’s view on how farm animals should be treated has advanced to the point where they expect to see more effective regulation. In Australia today, 95% of people view farm animal welfare to be a concern and 91% want at least some reform to address this. This perceived gap between expectations and regulation spells increasing risk for the Australian federal government, and more specifically the Department of Agriculture and Water Resources (the Department) which currently has very limited powers over farm animal welfare”.<sup>1</sup>
6. Animal welfare needs to be a separate department, not overseen by the Department of Agriculture. Farmers and the Dept have a conflict of interest. Their concerns are dominated by economic concerns, which are often directly oppose animal welfare concerns. If there was a department which solely focused on animal welfare, this would help deal with some of the concerns of animal lovers who trespass on the land of farmers.

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<sup>1</sup> *Australia’s Shifting Mindset on Farm Animal Welfare*, 2018, Futureye,  
<http://www.agriculture.gov.au/SiteCollectionDocuments/animal/farm-animal-welfare.pdf>

7. In 2015, live-bating in the greyhound racing industry was exposed in Queensland, New South Wales and Victoria. This only occurred because animal lovers trespassed on private property and got live footage of greyhound industry participants using possums, piglets and chickens to train greyhounds. The footage showed severe cruelty which had been illegal for over 40 decades. It was a practice that many industry participants admitted had been going on for decades but no one in the industry or the regulator did anything about it. It had become the norm. I personally had knowledge that it was going on and reported it to authorities including a former Qld Minister for Racing, Steve Dickson, in 2013. He denied it was going on. The RSPCA had heard that it was going on, but they couldn't do anything because they didn't have evidence. Animal agriculture is no different; cruel methods of treating animals have become the norm to both farmers and workers, and they are largely not interested in this issue. They aren't going to report themselves, so how do we catch cruel treatment of animals? If you don't want people trespassing, then deal with the reason they are trespassing. Improve laws to protect farm animals, increase penalties, increase enforcement and make CCTV footage mandatory.
8. Cruelty to animals is never ok and the criminals are those farmers and workers engaging in cruel activities. The spotlight should be on those people, not the people trying to expose it.
9. The interest in the treatment of farm animals is not going to diminish. With social media, drones and people going undercover in workplaces with small cameras, the knowledge about the treatment of animals, will only rise. You can bury your head in the sand and ignore the real reason why this trespass is occurring, or you can have some vision and implement the recommendations already suggested. This issue will not go away simply because farmers and politicians do not care about animals, because the general public do care. Animal lovers will find further ways to expose the cruelty to farm animals.
10. Compassion towards animals are good qualities to have in humans. In fact, the opposite is true is also true. People who hurt and torture animals are far more likely to engage in criminal behaviour and engage in domestic violence. There are numerous studies showing these strong links. An indifference towards animals and their suffering are qualities we should not be indulging in any capacity. These are not good qualities for any society and members of Parliament should acknowledge this. Animal lovers who want to expose the cruelty to farm animals are not criminals, they are not vigilantes, they are not terrorists and this type of language is misleading and unhelpful, they are people who are able to imagine life in another's shoes. They are empaths. These are good people who want animal cruelty to stop and do what they can to expose it.
11. An important law in Australia is the *Australian Consumer Law*. The basis of this law is that for our economy to run efficiently is that consumers must have accurate and clear information about the products they buy. This also includes food and clothing. But consumers have never been more misled about where animal sourced food comes from and how that animal was treated. Farmers don't want consumers to know and politicians are protecting the farmers.

But who are protecting the consumers? Who is letting the consumers know just how their pig was kept confined in the dark for most of its life and how it was gassed to death? Who is going to let the consumer know that fish and ducks and other birds are not protected by any animal welfare laws in Australia? And how will the consumer believe this information if they don't have footage of the treatment of animals? Why are the farmers more important than consumers and animals? If consumers want better treatment of animals or want products which don't involve any animals, why are you denying consumers that knowledge and that choice?

### **Conclusion**

This bill should be opposed on animal welfare grounds and on consumer grounds. The bill is pretty much trying to avoid the exposure of poor animal treatment and hide information that consumers should have about the food and products they purchase. If farmers and politicians are concerned about the increased occurrence of trespass, nuisance and filming on their properties, instead of covering it up, they should deal with the issue of why it is happening in the first place. An Independent Office of Animal Welfare needs to be established in NSW to deal with all aspects of animal cruelty and CCTV footage needs to be compulsory in all businesses where animals are used for economic activity, for the benefit of animals and consumers.