

**Submission  
No 338**

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

**Name:** Mr Martin Derby  
**Date Received:** 29 September 2019

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Dear Committee,

I am writing as a citizen of New South Wales having lived in Australia for over 20 years, to express my concern about the Right to Farm Bill 2019.

I love Australia because we ARE a democratic nation and because of this if something is WRONG we should have a right to protest peacefully to alert politicians that we don't always agree with your policies especially when it compromises our beautiful environment and the animals that call it home. I am fortunate enough to live in Frenchs Forest on the Northern Beaches where we try to live in harmony with nature.

The right to peacefully protest is a fundamental right of a healthy democracy, but that right is being undermined by provisions within this bill. Schedule 2 of the Bill, in particular, is a sinister and broad threat to democracy and the right to protest.

If an issue concerns us like 'climate change' we have a right to participate peacefully to let the government know our feelings on the issue. We must not be criminalised for participating in the protest. The same applies to 'live animal export'. Otherwise the atrocities and cruelty of this industry goes on. The government must be made accountable here to regulate this industry otherwise there will be cover-ups and continued abuse. Granted this issue is at a Federal government level but peaceful protests occur on this topic in NSW to enlighten people as to the cruelty of this industry.

I am asking that you table a report that calls for sensible amendments to the Right to Farm Bill 2019 to be made to protect the right to engage in and organise peaceful protests.

The proposed legislation increases the fine for anyone who 'enters inclosed lands without permission' and 'hinders' a business when they do so, from \$5,500 to \$22,000. It also brings in a new three-year sentence for the offence. This is dreadful!

Factory farming is an example where the cruel, greedy methods used by farmers would not be uncovered if this were to go ahead. We cannot rely on governments to keep factory farmers honest as the governments have been shown in the past to be corrupt themselves or simply too busy to regulate the industry properly. If the government did their job well to minimise animal suffering and cruelty there would be no need to protest.

May I say not every politician is dishonest and some politicians do have integrity and fight for what is right. I am fortunate to live in an electorate of a hard- working state MP. However, some do 'turn a blind eye' to not investigate and in so doing protect those businesses to allow wrongful practices and corruption to continue and flourish at the expense of animal suffering.

The definition of 'inclosed lands' is so broad that it captures any land with a defined boundary, such as any building, a forestry coupe with a fence, land designated for coal or gas mining, or a work site. Let's not forget the poor animals like the koala bear and other species where populations have so declined because within 'inclosed lands' the farmers have totally removed their habitat and now we have a situation of a possible extinction crisis- which is costing our government money and the taxpayer to address through the Koala Strategy. If you remove the right to protest for our beautiful land, its flora and fauna will be destroyed even further and this relates to further pillaging for gas or coal mining.

The definition of hindering a business is similarly broad and would capture many forms of peaceful protest, such as a sit-in at a company's corporate headquarters, a farmer or knitting nanna who locks on to coal or gas equipment, or even union officials' and members' activities on a work site. Additionally, the bill introduces a new offence of directing, inciting, procuring or inducing the commission of the aggravated offence.

THE BILL WOULD CRIMINALISE THE ACT OF ORGANISING A PEACEFUL PROTEST AND THIS IS WONG.  
IT UNDERMINES THE ESSENCE OF A DEMOCRACY WHICH IS EMBEDDED IN THE NOTION OF "FREE SPEECH".

The provisions of this bill are anti-democratic and impose upon our fundamental rights. I stand with numerous civil liberties groups who oppose these elements.

I am requesting that you table a report that requires the bill to be amended so that it:

- Does not apply to people engaged in genuine peaceful protest;
- Does not increase the current penalties for aggravated unlawful entry onto inclosed lands; and
- Does not criminalise people who encourage others to participate in a peaceful protest.

I request that this submission be published in full on your website, with my name included.

Complete transparency on this matter, and rushing through legislation to ultimately silence peaceful protesters so the government and others abuse their power will be a catastrophe.

We are all accountable for our actions. The government and big business is accountable to the people to make the right decisions and I fear once this accountability is diminished or eroded by removing the right for the people to peacefully protest, we will see more reckless behaviour and ultimately more damage to our environment.

Yours sincerely,  
Martin Derby