

Submission  
No 339

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

**Name:** Name suppressed  
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Partially  
Confidential

## **SUBMISSION: RIGHT TO FARM BILL 2019**

### **KEY ISSUE WITH THIS BILL: SCHEDULE 2, SECTION 4C. WILL RESULT IN DISCOURAGING WHISTLE-BLOWERS, WHO HAVE DONE NO HARM, FROM REPORTING ILLEGAL ACTIVITY**

The Right To Farm Bill 2019 in its current format will provide significant overkill in its attempts to protect farmers' rights while crueLLing any attempts by genuine whistle-blowers to expose significant and endemic cruelty on farms and processing plants. It is fanciful to expect the public to believe that facilities and farms raising and slaughtering animals will self-report any and all incidents of cruelty to regulatory bodies, as has been suggested.

While attempts to make these processes more transparent have been made, the number of cases of systemic and significant cruelty that have only come to light via whistle-blowers' actions suggests that the system is still deeply flawed. Farmers have every right and expectation to be able to pursue their business legally, but on the occasions when this is not happening and is exposed without harm, it is surely illogical for those revealing the unlawful activities to be punished, especially to the extent suggested in this Bill. All forms of media will be loathe to broadcast footage, such as we have seen repeatedly over recent years, taken by a whistle-blower despite it potentially showing legally relevant activities.

### **RAMIFICATIONS OF ELEMENTS OF THIS BILL**

With regard to Schedule 2, Section 4C of the Bill, "a person must not direct, incite, counsel, procure or induce the commission of an offence against section 4B", this is an unreasonable attempt to stop facts about unlawful or otherwise socially abhorrent behaviour being broadcast. Should the Bill proceed to law as is, a farmer or processor could hypothetically be shown to be committing the most heinous acts of cruelty against animals but the footage of such cannot be used and the whistle-blower can in fact be charged, while the perpetrator of the cruelty faces no penalty. This is surely not the essence of what lawmakers have intended, nor should it be what is allowed to transpire hence.

### **SUGGESTED AMENDMENT TO THE BILL**

Would a more reasonable recourse not be for the law to be able to punish anyone entering property who is responsible for the theft of or harm to livestock, property or persons, as well as leaving gates open and so forth (the law currently has provisions to punish these activities) but NOT those who produce footage that is of moral, ethical and lawful significance, during the acquisition of which no harm was done? At the very least, current trespass laws must be maintained, especially when the intent of the trespasser was to expose a crime.

The second element of fallout from this Bill is that without the media to bring illegal and unethical activities to the attention of the public (whose elected representatives craft legislation around social expectations) timely and positive change cannot be achieved. As mentioned in paragraph 2, media will be loathe to broadcast footage, such as we have seen repeatedly over recent years, taken by a whistle-blower despite it potentially showing legally relevant activities.

When the intent of trespass is to expose cruelty and illegality, the penalties suggested in this Bill are manifestly excessive. Should the trespass be found to cause damage or result in theft, the law already provides mechanisms for appropriate punishment. This Bill will do nothing more than

discourage those of genuine intent who do no harm, and whose actions only bring awareness and positive change.

Should this Bill proceed, A. distinctions MUST be made between those seeking to do harm and those seeking to expose criminal activity and B. there must be provisions for the media to be able to expose illegal activity when presented with reasonable evidence that a crime, or unethical activity of significant public interest, is being committed.