

**Submission
No 283**

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

Name: Ms Elizabeth O'Hara

Date Received: 1 October 2019

Legislative Council's Portfolio Committee No. 4

Dear Committee,

I am a citizen of NSW who believes that the right to protest peacefully is fundamental to, and a hallmark of, democracy. I understand that this right will be undermined by the Right to Farm Bill currently before parliament.

Together with a vast majority of people in this State, I am opposed to Coal Seam Gas exploration and drilling and the expansion of coal mines onto farming land and into our precious forests causing irreparable damage to water, soil and air. I fear for our future in the face of Climate Change. I am committed to the democratic principle that I have the right to peacefully protest the destruction of our environment.

I ask that you support amendments to the Right to Farm Bill 2019 to protect peaceful protest and ensure that current penalties are not increased. If these amendments are not agreed to by our Parliament, I request that you oppose the Bill.

The NSW Government has portrayed the legislation as simply about stopping animal welfare activists trespassing on farms but Schedule 2 of the Bill presents a significant threat to democracy and the right to protest.

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.

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.

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. This would criminalise the act of organising a peaceful protest.

These provisions of this bill are anti-democratic and impose upon our fundamental rights. I stand with farmers, refugee supporters, unionists, students and civil liberties groups who oppose these elements of the bill.

I ask 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.

Thank you for your assistance in ensuring that all citizens have the right to peaceful protest.

Elizabeth O'Hara

Tuesday 1 October, 2019