

**Submission  
No 286**

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

**Name:** Dr James Vicars

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Submission on proposed Right to Farm Bill 2019.

Dear Committee members

I wish to make known serious concern about this Bill which, with its draconian provisions, could lead to highly unjust outcomes. Dissent is fundamental to a healthy democracy – Australian democracy – but that right would be undermined by this Bill and its new definitions and heavy-handed penalties.

This legislation is promoted as simply about stopping animal welfare activists trespassing on farms, but Schedule 2 of the Bill is a broad and sinister threat to democracy and the right to protest – Sections 4B and 4C, in particular. Sensible amendments to this Bill to protect peaceful protest and ensure that current penalties are not increased must be made: people should be able to engage in genuine peaceful protest.

As it stands, 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 and brings in a new three-year gaol sentence for the offence. This is occurring only three years after the penalty for this offence was increased tenfold from \$550. This is punitive and heavy-handed where other laws will satisfy these needs; the issue is about fair but not destructive protest, rather than terrorism.

With the definition of 'inclosed lands' 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, this legislation could be used for other purposes. 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. There is therefore scope for inappropriate if not sinister applications of this Act, and to approve it in such a form might be duplicitous.

The provisions in this Act run counter to democratic principles and lend themselves to opaque and unjust outcomes. An example, is the new provision of 'inciting'. So, if you happen to be on inclosed lands and utter a disagreement about something that is happening to other people you're there with (and perhaps your own farm could be being affected) this could be taken as 'inciting'. You could thus be liable to punitive and unjust penalties under this part of the Act (schedule 2, 4C), and it is essential that this section be deleted.

In summary, I request that Bill be amended so that it:

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

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*Submitted by: Dr James Vicars,*