

Submission
No 325

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

Name: Ms Petra Jones
Date Received: 29 September 2019

Dear members of the Committee,

I feel compelled to write to as a resident of New South Wales to express my utmost concern about the Right to Farm Bill 2019.

The changes proposed by the NSW Government to restrict peaceful protest is at odds with Queensland, Victoria the ACT who have protected the right to protest through their own state based human rights acts. As you are no doubt aware, Australia is a party to seven core international human rights treaties, two of which feature the right to freedom of assembly and association.

The right to peacefully protest is a fundamental right of a healthy democracy, and has a long and successful record of effecting positive change within NSW ranging from the 1907 Sydney bathing costume protest, the Freedom Rides in the 60's in which Jim Spigelman, a recently retired NSW Chief Justice, was involved as a student activist and the 2011 Northern Rivers anti-coal seam gas movement to mention but a few.

Protest and demonstrations are often seen as a negative but as evidenced above they have shed light on issues of importance and have effected positive change. The right to uncover injustice and effect further positive change is being undermined by provisions within the Right to Farm Bill 2019, particularly Schedule 2 with it's broad reach is a threat to democracy and the right to protest.

I am requesting that you table a report calling 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 would result in an increase of fines 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.

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 would also urge the NSW Government to address the issue of animal cruelty in the first instance and not leave the discovery and publication of the abundance of issues of neglect and cruelty to whistle blowers and peaceful protesters. I also find it astounding that anyone who is committing an act of cruelty in NSW is penalised less than those that uncover it.

The Government should applaud those who uncover and disclose inhumane and corrupt practices, not fine and jail them.

I'm beginning to wonder what country I'm living in.

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