

**Submission
No 357**

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

Name: Mr John Desmond

Date Received: 30 September 2019

SUBMISSION ON PROPOSED RIGHT TO FARM BILL

I believe that this bill is an ill-considered response to a number of different problems.

Firstly trespassing on farm land is already covered by general legal principles and I see no reason to differentiate this aspect of trespass where there is no property damage involved. I believe that NSW Police have advised that illegal hunting is the most common form of farm trespass and there may be a case for extra penalties where firearms are involved.

Secondly the issue of complaints about noise and other aspects of farming operations from new residents is more appropriately addressed through the planning system rather than specific legislation. Local Environment Plans can be made more specific in terms of the activities permitted and if those activities are carried out in standard ways which do not change over time there would be no case for new restrictions being imposed. To back up these changes the Environmental Planning and Assessment Act may require a minor change to Section 79C to ensure that existing uses are adequately protected in Land and Environment Court hearings.

Some debate regarding animal welfare advocates has taken place and if there is evidence of animal cruelty which falls under the relevant legislation then surely it is the duty of those persons to report this and for the legal system to initiate prosecutions. I am concerned that the proposed bill may penalise people for reporting crimes and this definitely sets a concerning precedent. In an extreme case could a person be prosecuted for reporting drug cultivation on farm land.

A general right to protest in a peaceful manner is fundamental in a democracy and unless there are compelling reasons this should not be abridged. The proposed bill as publicised does not make an adequate case for such action and may in fact have unforeseen consequences detrimental to a civilised society.