

Submission
No 299

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

Name: Name suppressed

Date Received: 1 October 2019

Partially
Confidential

SUBMISSION: provisions of the right to farm bill 2019

Summary

I acknowledge that organised protests and unlawful trespass on agricultural land can cause significant harm to agricultural pursuits through damage to property, contamination of food supplies, distress to families and animals and may impact on workplace health and safety. I don't like the idea of anyone entering private property and acting unlawfully; this should not be condoned.

The *Right to Farm Bill* follows similar trends in other countries to help preserve agricultural practices and small scale farmers under threat from suburban encroachment and urbanisation. In Australia, there are existing federal and state laws to deal with trespass offences and property damage. The *Right to Farm Bill 2019* is designed for a specific purpose - to gag debate and censor public discussion or debate about animal welfare and agricultural practices.

The problem is that existing laws don't deal with the rising level of animal cruelty in the expanding agribusiness sector and this is why animal activists have become involved. The RSPCA can't possibly deal with all animal welfare issues in Australia; they are an underfunded and overworked charity without teeth! Instead of governments implementing more a more draconian measures to gag activists, why don't state and federal governments establish animal welfare departments to monitor and actively investigate animal welfare standards on farms?

My submission covers the following points:

1. Our right to protest is the cornerstone of our democracy: When a government erodes the civil liberties of one group, it erodes them for all.
2. There are existing laws in all states and territories for offences dealing with trespass, unlawful entry and criminal damage. The new laws add draconian new penalties, increase the potential for misuse and inhibit public dialogue in public spaces.
3. Human society and the animal agribusiness industry are constantly changing.
4. Protesters are consumers and customers too and have a legitimate voice. Producers must respond to consumer criticism or else market forces will decide.
5. What support is there for animal welfare in the animal agribusiness industry in Australia?
6. The use of divisive language and methods in dealing with this debate.

1. Our right to protest is a cornerstone of our democracy: When a government erodes the civil liberties of one group, it erodes them for all.

I am concerned that proposed laws will impinge on the community's legitimate rights and freedoms to protest and expose animal cruelty in the food production industry. Such draconian laws and disproportionate penalties will prevent many people from participating in peaceful protest, a basic right in international law, risking fines, imprisonment and a criminal record.

There must be a balance between the protection of lawful rights and people's right to protest about legitimate concerns and make comment. While the bill provides protections for journalists and maybe even whistle blowers, it is clearly intended to suppress the reporting of matters in the public interest, specifically in relation to animal welfare. This is not in the spirit of *Article 19 of the Universal Declaration of Human Rights* (1948), which states that the fundamental right of freedom of expression encompasses the freedom to "to seek, receive and impart information and ideas through any media and regardless of frontiers".

It should not be an offence to use carriage services to engage in public discussion or debate about agricultural practices, or advocate for reform related to agricultural practices. However, if their stories direct, incite, procure or induce the commission of an aggravated offence, then they will be liable for prosecution. This is an aggressive means of gagging public comment and prevent members of the public from exposing or commenting on animal cruelty cases through modern media. This is an outrageous situation and an assault on our freedom of speech. Many of us are in breach of this law right now over the live export trade.

I would think that any cases brought before the courts would be very difficult to prove, given the international social media movement. Animal welfare is matter of public interest worldwide, as shown by the rise of the Animal Justice Party in NSW, the work of Animals Australia, the RSPCA, PETA, the recent ACT legislation acknowledging the rights of sentient animals, petitions raised by change.org, Care2 Action Alerts, the massive anti-live export social media network, as well as the multitude of animal welfare organisations worldwide such as Compassion in World Farming (CIWF), IFAW (International Fund for Animal Welfare) and Four Paws. So how can anyone claim that this is not in the public interest to publish? And it would be difficult for a court to prove a direct connection between information freely available electronically on the internet, and the commission of an aggravated offence.

2. There are existing laws in all states and territories for offences dealing with trespass, unlawful entry and criminal damage. The new laws add draconian new penalties, increase the potential for misuse and inhibit public dialogue in public spaces.

The Australian government recently passed the Criminal Code Amendment (Agricultural Protection) Bill 2019. In NSW there are existing laws to deal with trespass offences (*Inclosed Lands Protection Act 1901 (NSW)*), with property damage (*Crimes Act 1900 (NSW)*), as well as other amendments to these acts. The new *Right to Farm Bill 2019* adds yet another layer to an existing array of related legislation and increases the penalties for wrongdoing. It is intended to stop animal rights protests on farms, but it also applies to "inclosed lands", which includes enclosed spaces, such as schools, hospitals, mine sites or banks ...any place enclosed by a wall or fence; even a public library!. Perhaps this is designed to cause confusion and a deliberate tactic to scare citizens into silence.

Perhaps the legislation may work against the concerns of farmers when their interests are under threat from big business and mining interests, i.e. coal, gas and the supermarket chains. Farmers have been prominent in the hottest environmental battles of the past

decade, including actions in the Hunter Valley, Bylong Valley, Gloucester Valley and the Liverpool Plains from coal mining. Given the broad meaning of “inclosed lands”, there is the potential for misuse and unintended consequences.

Politicians and powerful lobbyists are dividing the debate to suit their political and economic agendas. The government claims that these changes are needed to protect farmers from trespassers who are negligent or cause a nuisance. Laws are in place for this but the majority of trespass cases on rural properties in NSW are from illegal hunting and the theft of livestock, not animal activism. And with 422 recorded incidents or \$3.2 million in stock losses up to December 2018, I would have thought this was a more significant issue to pursue. I would rather meet up with a handful of “vegan vigilantes” than a group of hunters with guns and bows and arrows any day!! At least they use words to communicate, not guns and violence. But then again, this is about politics, not rational community concerns.

3. Human society and the animal agribusiness industry are constantly changing.

Human society is constantly changing. We no longer accept slavery and forced labour as acceptable means of food production in western countries. Again, most of us have lived in a society where the abuse of children, the elderly and the institutionalised was once believed to be “none of our business”. I am old enough to remember being made aware of the sexual and physical abuse of my school friends, as well as associated domestic violence, but of course, I could do nothing. The Police could not respond to domestic matters. Today we all agree that abuse, such as slavery, forced labour and prostitution, domestic violence, the neglect and abuse of children and the elderly **is everyone’s business**.

I believe this is a good analogy with animal welfare issues – **it’s everyone’s business!** The so-called “protections” proposed under the law, while legitimate in a society that considers property ownership to be the dominating community value, cannot be argued in a society that is open, progressive and transformational. The ownership, management and treatment of sentient creatures is a matter of public interest and dialogue when advocating for agricultural reform. Locking gates or believing that “ownership” of land gives you the right to inflict harm on another living creature or conducting behaviour that is damaging to the environment, is not acceptable. Nuisance lawsuits, annoying as they may be, are reminders that property owners are not cognizant of the rights of others to co-exist.

I grew up in Armidale and have lived in rural NSW and Victoria for most of my life.

Later I became a member of the Country Party and like every other country kid, I worked on the farms of friends, had several horses and shot rabbits. Yet I was fortunate to have an education and a career at the University of New England, the University of Sydney and the Australian National University. I grew past my primaeval roots to value the rights of other creatures on our planet and to question the industrialisation of food production. I respect animals as sentient, companion animal and believe that slaughtering sentient creatures is degrading to the human spirit. At nearly 70 years old, I have a worldly view that cannot accept the factory (or intensive) farming of animals for food production is a justifiable form of agriculture, especially as it involves animal cruelty.

4. Protesters are consumers and customers too and have a legitimate voice. Producers must respond to consumer criticism or else market forces will decide.

I am a consumer of farm produce and a customer. I will only buy food that I know has been loved and killed with kindness. I would rather eat dirt. I am not the only person who feels this way; it affects many members of the community. I witness this when I shop in the supermarket as more and see more people are choosing free-range, organic produce or

buying from farmer's markets. Many producers are responding sensibly by opening their gates to public scrutiny.

The problem is that federal and state regulatory authorities are just not up to the task of monitoring acceptable (and changing) animal welfare standards. They are not doing their job by informing those involved in farming to adopt proactive responses to change; instead they are reactive and leading them back to the past where they all feel comfortable. We are up against business interests that have enormous political clout and access to power through lobbying. This is why we have a problem and why people at the grass roots level are protesting.

5. What support is there for animal welfare in the animal agribusiness industry in Australia?

I was unable, due to time constraints, to gather information about the level of funding from governments to the animal welfare sector. Support for animal welfare appears to come from community and volunteer organisations, with most of the investigative and rescue work carried out by the RSPCA. I suspect that governments give more money to the greyhound and horse racing industry and to gambling pursuits than in improving animal welfare standards.

It's interesting to me that all levels of government are happy to develop the animal agribusiness industry, but what are they doing for animal welfare in the pursuit of big profits, especially amidst climate change? How prepared is the industry to deal with more frequent droughts, floods and extreme climatic conditions? Government need to be more proactive in responding to these challenges instead of sitting back and leaving it to the overworked and totally underfunded RSPCA do all the work. They don't have the teeth to investigate, prosecute and educate those involved in the industry.

For this reason, I believe that a joint parliamentary enquiry should look into the animal welfare issue right across Australia – as animal welfare involves the full spectrum of human enterprises, including the pet industry, hunting, greyhound and horse racing, agribusiness, livestock transportation, the live-export trade, scientific research, the protection of our wildlife, road kill and animal-based entertainment industries such as rodeos. The list of stakeholders is HUGE but there should be steps made to develop common laws and policies across Australia. The ACT is leading the way as the first jurisdiction in the country to recognise animal sentience in law – that people have a responsibility for the *mental* and the *physical* welfare of the animals in their care. Animal welfare concerns will only increase with climate change.

6. The use of divisive language and methods in dealing with this debate.

Please consider at least one of my arguments – that animal welfare lobbyists are not bad people; they have no financial interests in the outcome whereas the people who oppose them have significant financial interests or want to preserve a way of life that is inconsistent with changing community values and anachronistic customs (i.e. hunters and shooters) . I am not yet a vegan but I am well on the way; nor have I ever engaged in any illegal activity (to date), but I think the language used by the proposer of the bill, Mr Adam Marshall (Member for Northern Tablelands) is divisive and disrespectful of people who have genuine opposing views. In his speech, the Minister blames “vegan vigilantes” and extreme “animal radicals” for inciting activists and for bullying, harassment and intimidation through social media, but this happens to people on all sides of the debate.