



**Australian Government**  
**Department of Agriculture**

**SECRETARY**

Ms Sophie Dunstone  
Committee Secretary  
Senate Legal and Constitutional Affairs Legislation Committee  
Department of the Senate  
Parliament House  
CANBERRA ACT 2600

Dear Ms Dunstone

Thank you for inviting the Department of Agriculture to make a submission to the Committee's inquiry into the Criminal Code Amendment (Agricultural Protection) Bill 2019.

I appreciate the opportunity to present the attached submission. If the committee wishes to seek further information from the department, please contact Mr Nick Blong, Assistant Secretary, Innovation and Consumers, on 02 6272 2460.

Yours sincerely

Daryl Quinlivan

30 July 2019

DEPARTMENT OF AGRICULTURE SUBMISSION  
ON THE  
CRIMINAL CODE AMENDMENT (AGRICULTURAL PROTECTION) BILL 2019

Background

A range of individual farmers and a number of industry representative bodies have made public statements about their concerns at the invasion of their privacy represented by online publication of addresses, contact details and details of their businesses. These statements have often included fears for the safety of farm families and farm workers due to the threat of trespass on their properties. A number of reported trespass incidents have involved property damage and theft. In addition, there have been reports that farm businesses have closed due to concerns about repeated trespass.

The Attorney-General's Second Reading speech on the Criminal Code Amendment (Agricultural Protection) Bill 2019 indicated that the Australian Government was seeking to protect farmers from the actions of those who disseminate personal information online with the intention to encourage others to unlawfully trespass, or unlawfully damage property, or commit theft of property, on agricultural land. The Attorney-General said that trespass onto agricultural land has the potential to cause food contamination and breach biosecurity protocols, and that it can also lead to farmers and their families feeling unsafe on their own land.

These new laws build on other actions taken by the Government to protect farmers and their families, including prescribing Aussie Farms Incorporated under the Privacy Act, meaning the organisation could face fines of up to \$2.1 million for breaches of the Act.

These new laws complement state and territory legislation, and do not duplicate current laws.

Impacts on biosecurity

The Department of Agriculture (the department) has a strong portfolio interest in farm trespass as it relates to the threat posed to biosecurity. This threat is likely to come from the risk of animal-to-animal, animal-to-human or human-to-animal disease transmission.

Australian farmers and agricultural businesses rely on biosecurity measures to reduce the risk of introduction and spread of infectious diseases on their farms. Keeping infectious diseases out is important to farmers because diseases can compromise livestock productivity, farm incomes, animal welfare and international export markets, as well as posing a risk to human health. Entry of unauthorised people onto properties breaches on-farm biosecurity and increases the risk of animal-to-animal, animal-to-human and human-to-animal disease transmission.

Many bacteria, viruses and parasites can survive for long periods in the environment and on contaminated people, vehicles and equipment. In piggeries, diseases such as porcine enzootic pneumonia (caused by *Mycoplasma hyopneumoniae*) and swine dysentery (caused by *Brachyspira hyodysenteriae*) could be brought onto and spread between farms on dirty boots and clothing if proper biosecurity precautions are not adhered to. Similarly, biosecurity measures on poultry farms are important to prevent the introduction and spread of diseases such as fowl cholera (caused by *Pasteurella multocida*) and salmonella. Unauthorised entry onto specific pathogen free (SPF) farms presents a particularly high-cost biosecurity threat, as these establishments rely on disease-free status to access valuable markets.

Persons trespassing on properties may also be exposed to zoonoses (diseases that can be spread between animals and humans). Q fever is a bacterial infection that can be spread to unvaccinated people through direct contact with infected animals (primarily cattle, sheep and

goats) and with contaminated environments such as abattoirs, feedlots and dairies. Conversely, people may spread human diseases, like the flu (caused by influenza A viruses), to animals through close contact. Unauthorised entry onto properties may also increase stress on animals, resulting in diseases such as porcine stress syndrome in pigs. Breached barriers and gates may allow entry of wild and pest species, including rats, cats and birds, which can also transmit diseases, including leptospirosis, toxoplasmosis and avian influenza viruses.

The department notes that the serious risks that farm trespass poses to biosecurity were reflected in the Agriculture Ministers' Forum discussion of the issue in February 2019. A number of jurisdictions have subsequently reviewed, and in some cases decided to strengthen, their legislation relating to farm trespass matters.

The department is liaising with state and territory counterparts on actions and reviews being undertaken by the other jurisdictions to strengthen laws relating to farm trespass.

#### Workplace health and safety

The department employs over 150 On-Plant Veterinarians and Food Safety Assessors who work in export abattoirs across the country. The department is concerned that trespass activity in export abattoirs could pose workplace health and safety risks for its staff if the trespassers interfere with plant or equipment or release livestock.