

Minister for Primary Industries and Water
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Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Committee Members

The Tasmanian Government supports the amendments proposed to the *Criminal Code Act 1995* as laid out in the *Criminal Code Amendment (Agricultural Protection) Bill 2019*. The Tasmanian Government is pleased that the Commonwealth has announced strong national action to protect farmers and primary producers, and in doing so, we also note the action taken some other jurisdictions to strengthen state laws in relation to trespass by activists. We support appropriate actions to protect farmers and their businesses from potential trespass, property damage, theft and biosecurity breaches.

Agriculture is a key plank of the Tasmanian economy and the Tasmanian Government has a strong vision and long-term Agrifood Plan to grow the Tasmanian agriculture sector to \$10 billion per year by 2050. Our robust biosecurity system underpins our capacity to produce safe, premium produce and sell it into discerning markets that value the Tasmanian provenance and quality proposition.

With rare exceptions, Tasmanian farmers do the right thing. They place a high value on maintaining high standards of animal welfare, supported by effective legislation and compliance strategies. The Tasmanian Government condemns any behaviour of extremists to unfairly target farmers right across the country. Farmers are entitled to conduct their business without the threat of trespassers invading their property and confronting their families and staff. Moreover, the Tasmanian Government will not condone protests that impinge on the lawful right of Tasmanians to earn a living free from harassment and bullying.

The Tasmanian Government has been committed from the start to protect the right to work – the *Workplaces (Protections from Protestors) Act 2014* was among the first legislation presented to Parliament following the Hodgman Government's election. The Government is currently consulting on an Amendment to this Act to address matters raised by the High Court in *Brown and Anor v State of Tasmania*. Furthermore, in light of new fine regimes for trespass for animal rights activists illegally entering farms in NSW and Qld, we are also considering options to introduce similar provisions in Tasmania.

Tasmania's new Biosecurity Bill 2019 (currently before State Parliament) aims to protect Tasmania from the risks of animal and plant pests/disease (biosecurity risks). The Bill introduces a general biosecurity duty, which requires a person managing a farming business or abattoir to take all reasonable and practicable

measures to prevent, eliminate or minimise biosecurity risks. Unauthorised access to such premises by trespassers is recognised as a significant biosecurity risk because, unlike employees and other authorized visitors, trespassers do not comply with strict hygiene protocols aimed at preventing the spread of pests and disease.

Any Commonwealth legal reform that increases primary producers legal protection against trespassers is therefore likely to help further the objectives of Tasmania's new Biosecurity Bill 2019. Particularly insofar as it assists Tasmanian producers to manage the biosecurity risks posed by unauthorised access to their premises.

During 2019 the Tasmanian Government convened a Tasmanian Meat Industry Working Group (TMIWG) to provide recommendations to Government on actions and strategies to achieve sustainable growth the red meat sector, as a key component of the Tasmanian agricultural economy. In May 2019 the TMIWG concluded its role with a report to Government. One of its recommendations states:

TMIWG recognises the growing interest in the activities of the red meat sector from stakeholders previously considered external to the sector. TMIWG recommends the Government and industry collaborate to identify appropriate mechanisms to avoid risks to personal safety and biosecurity.

The Tasmanian Government accepted this recommendation and responded as follows (in part):

The Government notes the 2019 Biosecurity Bill and the intention to introduce later this year the Workplaces (Protection from Protests) Amendment Bill 2019. The Government acknowledges the Australian Government commitment to address these issues..., and will work collaboratively to protect primary producers.

In conclusion I note that primary production businesses are often undertaken by family farmers and co-located with family homes. Farmers should be able to carry out their business without the threat of activists or other trespassers coming onto their property, disrupting their business and putting personal safety and wellbeing at risk.

Yours sincerely

Hon Guy Barnett MP
Minister for Primary Industries and Water