

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

19/07/2019

Subject: Criminal Code Amendment (Agricultural Protection) Bill 2019 [Provisions]

To the Committee Secretary,

Firstly, I declare that I have never participated nor been part of any group that has trespassed or incited trespass or similar activities on agricultural land. As such, the proposed amendments do not directly affect me in that respect.

I want to however register my concern and dismay about this amendment bill. Well established trespass laws already exist and satisfactorily fulfil their objectives. This bill appears to be an over-reaching, highly targeted knee jerk reaction serving to placate a group of presumably influential and disgruntled members of the agricultural industry that completely misses the point in respect to a very real issue that I believe should be the focus of public scrutiny.

Industry lobby groups such as the Farmers Federation are no different to community activist groups apart from that they are privileged with legitimised formal access to government that is often shrouded in secrecy. This is a fundamental irony in a democratic country where industry lobbyists are afforded with opportunity for greater government influence than the activist groups representing the voting public.

The agricultural industry has a long history of unsustainable and unethical practices which has been exacerbated in recent decades with the growing trends towards mega-farms, off-shore ownership, corporatisation and stream lined operations to drive cost cutting. In this context, some sectors of the agricultural industry are becoming increasingly mechanised and discordant with the nature of the plants and animals at its centre and in many respects with consumer expectations. This has potentially profound impacts to the environment, to the surrounding community and where animals are involved, their welfare.

As such, I do not believe it is an accident that farmers are implementing measures to hide their operations through increasing secrecy and security barriers. This of course becomes an issue for activists who are concerned about inhumane and environmentally damaging practices and who have very limited confidence in government regulatory bodies who have demonstrably failed to oversee and address agricultural non-compliance.

I therefore submit that the proposed amendments are in fact damaging to the community and consumers and our freedom and desire to know that the agricultural industry is open to scrutiny and remedy in the face of non-compliance and malpractice. To criminalise the means for activists to expose unethical and sometimes utterly appalling practices for public view is to lose all visibility in many cases that may well have terrible consequences to the community, the environment and farmed animals.

There is no doubt that activist trespassing is undesirable but this only occurs because of secrecy and poor regulator scrutiny of agricultural industry practices. The solution should therefore not be targeted at constraining and criminalising the people who are attempting to hold farmers to account and thus provide a service to inform the broader public and often inform the government too, but to address the gap around better visibility and independent governance of agricultural practices.

The obvious and dramatic example is the live export trade which would have remained unchanged without activist scrutiny. In the course of investigations, not only did activists risk criminal consequences but they risked their lives. Sadly, the government remains intransigent on properly resolving issues with the live export trade but at least the public is now informed and able to mobilise and lobby for change.

Other industry examples are battery hen farming and sow stalls. Activists have driven awareness and a significant groundswell of discontent has seen both changes to consumer purchasing and the poultry and pig farming industries. With awareness comes opportunity for change where benefits can be realised for farmers, communities, consumers, farmed animals and the environment. These are great examples demonstrating that better agricultural practices do not have to be detrimental to farmers.

Improving environmental and animal welfare practices may come at a financial cost to the agricultural industry however an informed and caring public will understand that this translates to higher costs for food and other products. Transparency leads to better outcomes so this is where policy and laws should be moving, not by criminalising the very people who are trying with whatever limited means they have to drive improvements.

By and large, Australians are caring. We want healthy unadulterated food, we want a clean environment and we want our animals to live a decent life. We also want farmers to make a decent living and be proud of the important contribution they make to our country and economy. Introducing the proposed amendments not only contradicts realising this premise, it is contemptuous of it. Activists play an important role in informing the public and driving positive change that has far reaching benefits and it is sinister and authoritarian for the government to seek means of stifling this. I reject the proposed Criminal Code Amendment (Agricultural Protection) Bill 2019 in full.

Kind regards

Sue Strodl

NSW