



James Jackson  
President

Ref: 19320C

25 July 2019

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

To whom it may concern,

***RE: Criminal Code Amendment (Agricultural Protection) Bill 2019***

The New South Wales Farmers' Association (the Association) welcomes the opportunity to comment on the Criminal Code Amendment (Agricultural Protection) Bill 2019 ('the Bill').

The Association represents the interests of over 8,000 farmers in New South Wales (NSW). A key concern facing NSW Farmers and farmers more broadly is the inappropriate behaviour of animal activists on some agricultural properties, including trespass and property damage. This issue is being actively considered within NSW. We have provided a recent submission that details the multifaceted nature of this issue (attached).

The Association supports the Bill as a means of protecting farmers, through penalising persons who deliberately incite trespass or property damage on Australian farms using carriage services such as the internet. The Bill is an important development for the safety of Australian farms and farmers. It expands the options available for penalising actions related to trespass and property damage on agricultural properties. While trespass on to private property is already a criminal action under state and territory legislation, the Bill introduces two new offences. The first offence is the use of a carriage service, such as the internet, to incite trespass on to agricultural properties. The second offence is to recognise persons that use transit service to incite others to damage or destroy property; or to commit theft on agricultural land. The internet has been actively used on several occasions to incite the abovementioned activities. A notable example is the use of the internet by animal activist group Aussie Farms to broadcast the names and addresses of Australian farmers, facilitating the unlawful entry of activists on to these farms. It is critical to providing farmers with sufficient protections that these actions are rightly recognised as criminal and treated accordingly.

The penalties associated with these offences are appropriate and reasonable. Those guilty of the above-mentioned offences respectively having maximum penalties of 12 months and five years' imprisonment. These penalties send a clear message that the New South Wales community will not tolerate actions which deliberately threaten the safety of Australian farming enterprises or the communities connected to these farms through the supply chain.

Finally, the Association acknowledges that the offence created under the Bill has a public interest exemption. It is critical that this exemption is closely controlled to ensure that it is not misused and that a clear message is conveyed to the public that any concern about, for instance, animal welfare must be communicated to the state based enforcement agencies in the first instance. It is also critical that a

**NSW Farmers' Association**

ABN 31 000 004 651 PO Box 459 St Leonards NSW 1590 Level 4 154 Pacific Highway St Leonards NSW 2065  
Member Service Centre 1300 794 000 T 02 9478 1000 F 02 8282 4500 [www.nswfarmers.org.au](http://www.nswfarmers.org.au)

journalist is not protected under the Bill if they suggest that activists should use the information provided to carry out trespass.

Overall, we appreciate the opportunity to comment on the Criminal Code Amendment (Agricultural Protection) Bill 2019. The Bill represents a positive step forward for the agricultural sector, as it brings penalties for persons who seek to deliberately harm the safety of NSW farmers and farms into line with community expectations.

Yours sincerely

James Jackson  
**PRESIDENT**