

CRIMINAL CODE AMENDMENT (AGRICULTURAL PROTECTION) BILL 2019

WOOLPRODUCERS
AUSTRALIA

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

31 July, 2019

To whom it may concern,

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

WoolProducers Australia (WoolProducers) welcomes the opportunity to provide this submission on the *Criminal Code Amendment (Agricultural Protection) Bill 2019*.

WoolProducers is the peak industry council for the wool industry. Our membership is comprised of the industry's commercial, superfine and stud breeding sectors. WoolProducers is nationally representative through our State Farming Organisation members and three democratically elected Independent Directors. WoolProducers' policy areas include animal health and welfare, biosecurity, pest management control, natural resource management, drought policy, emergency animal disease outbreak preparedness, and industry development including research and trade.

WoolProducers supports the *Criminal Code Amendment (Agricultural Protection) Bill 2019* ('the Bill') and its intent to strengthen the protections for Australian farmers against the conduct of those who incite trespass or other property offences on agricultural land.

The increasing incidence of vandalism and trespass conducted by animal rights activists pose significant risks to rigorous business practices that are implemented by producers, including animal welfare and biosecurity measures.

This combined with the fear and intimidation felt by livestock producers subjected to these attacks highlight the need for strengthened penalties for those who chose to wilfully break the law and incite others to do so.

Raising livestock is a legal and legitimate business and those that make a living this way conduct their business in compliance with numerous pieces of regulation and legislation, just like any other Australian business owner. Therefore, they are entitled to conduct their business without fear of trespass, intimidation and harassment.

While there is existing state and territory legislation making it a criminal offense to illegally trespass on private lands, the Bill offers two additional offences to the *Criminal Code Act 1995* (Criminal Code), which will offer additional protection to primary producers.

The first offence applies to any person using a carriage service to distribute material with the intent to incite others to trespass on agricultural land with the intent to disrupt or detrimentally effect a primary production business being carried out.

While the second offence applies to any person using a carriage service to distribute material with the intent to incite others to unlawfully damage or destroy property, or commit theft, on agricultural land.

A person found guilty of either of these offences could face up to 12 months or five years imprisonment respectively. These tougher penalties would also act as a deterrent to those seeking to disrupt farming businesses.

Given that the Bill does not preclude people legally supporting a cause and provides exemptions for whistle-blowers and journalists who are making lawful disclosure of information, WoolProducers strongly supports the intention of this amendment to the Criminal Code. Although these exemptions need to be tightly controlled so that journalists are not protected if they incite these illegal activities.

Thank you for the opportunity to comment on this issue, please do not hesitate to contact WoolProducers to discuss this submission further.

Kind regards



Jo Hall
Chief Executive Officer

