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SUBMISSION to The Right to Farm Bill

Introduction

The Clarence Environment Centre has maintained a shop-front in Grafton for over 30 years, and has a proud history of environmental advocacy. The conservation of Australia's natural environment, both terrestrial and and marine, has always been a priority for our members, and we believe the maintenance of healthy ecosystems and biodiversity is of paramount importance.

We are also a not-for-profit registered charity, run 100% by dedicated volunteers, run a professional permanent bush regeneration team, and coordinate the national Land for Wildlife program in the Clarence Valley.

Councils or governments do not always make the right decisions when approving developments. This is often because their decisions are based on erroneous or misleading information provided by the proponents, and we believe it is the responsibility of organisations such as ours, to ensure a rigorous assessment and sustainable outcome is achieved. To that end we strongly oppose any legislative changes that impinge on our rights to undertake peaceful protest action.

Discussion

We would like to stress at the outset, that if regulatory bodies across the entire spectrum did their job by rigorously monitoring and enforcing compliance with existing regulations, there would be little need for protest action. As it is, time and again we see breaches of environmental laws by unscrupulous operators that feel secure in the knowledge that nobody is checking on them, and should someone dare to report them, the only consequence will be a 'slap on the wrist' penalty infringement notice.

As an example, here in our own local government area, we have government agencies reporting that landowners engaged in intensive horticulture (blueberry growing) consider fines for illegal land-clearing are just a cost of doing business.

Water theft across the state has been a scandal of epic proportions. 2 years ago our organisation reported suspicious extractions showing up at Orara River flow gauges on Water NSW's 'real-time' web site. We queried Water NSW about this water extraction, and the agency claimed it was unaware it was happening. Clearly, they don't even monitor their own web site.

The most concerning aspect of that case was that we were advised that if we were aware of illegal pumping, we would need to report it, at which stage they would investigate. However, if we were to get caught trespassing trying to obtain evidence for example, we would be declared the guilty party.

When asking our local MP for more compliance monitoring of mining exploration companies in our region, we were told it would be too expensive, and unnecessary, because the general public was very vigilant, and would report any wrong-doing. Again it was almost as though he was prepared to condone trespassing in these instances in order to save money by not adequately resourcing the regulatory body.

As it happened we were supplied with evidence last year against one company in the Clarence Valley, which we passed on to the Regulator. From there the Regulator did an excellent job confirming what we had told them, and suspending the culprits' licences while the site was cleaned up and imposing a hefty financial penalty as well. However, none of these breaches would have occurred had the Regulator been adequately resourced to effectively monitor compliance in the first instance.

The coal seam gas issue in the Northern Rivers is a good example of a bad government decision, something that most politicians now admit. However, if the good citizens had not come out in their thousands and peacefully blockaded the drill sites at Glenugie, Doubtful Creek and finally Bentley, our region would now be a toxic gas field.

The Clarence Environment Centre proudly supported the the Glenugie protest action at that time, and that led to our being publicly accused by a federal government minister of using tax payer funded grants to undertake the protest action. This accusation from Senator Matt Canavan was made on the basis that the Centre had received a government grant. The fact is, not only did all that money have to be spent on bush regeneration work, but that our members had to provide in-kind contributions at our own cost, to obtain that grant, something Canavan never considered. As it was, not a single dollar of grant money, or even the organisations own funds were ever spent on the campaign, yet we still became a target of unscrupulous vested interests.

We could give dozens of more examples where peaceful protest action, and even trespass has been proven to be justified. Therefore, we maintain that our right to resort to peaceful protest action must never be removed, or we will become no better than 3rd world dictatorships.

We support the concept of businesses being protected to allow them to pursue their business ventures. However, we strongly believe that the moment they engage in illegal or unethical behaviour, they abrogate their rights to protection. Laws and codes of practice are in place to protect the broader community from abuses by unscrupulous operators, and it is Governments' responsibility to ensure compliance, not penalise those that feel the need to protest because those governments are failing to do their job.

The Bill

Despite assurances from government sources that this Bill is only designed to support a right to farm, we have been provided with legal opinion that, in its current form, this Bill could be used to quash dissent in many forms of peaceful protest on what it describes as "Inclosed Lands", including public land such as state forests.

We consider these protests to be acts in defence of nature, and as nature has no voice of its own, we see peaceful protest as absolutely crucial to prevent the exploitation that would almost certainly occur without it. Over the years, this has been acknowledged by the awarding of OAMs, Order of Australia medals, to a number of campaigners for their services to the environment.

The extreme criminalisation of protest action, as proposed in this Bill:

- Criminalises people who have, in effect, only committed a minor misdemeanour.

- Imposes penalties that are disproportionate to the nature of the offence.
- Makes criminals out of those that are often only trying to prevent illegal activities. If a farmer is inflicting cruelty on his/her animals, and the authorities fail to act, what options do concerned citizens have other than to protest?
- Will likely lead to frustration and the committing of less peaceful acts.
- Has the potential to polarise and divide society even further than it already is by the rise of extremism.

The minister has claimed that protesters are resorting to online bullying and harassment. It is important to recognise that conservation groups and individuals have been on the receiving end of this type of cowardly abuse for years.

There are already stiff penalties for trespass offences, but they have failed prevent people from doing what they believe is the right thing. Peaceful protest must remain a right, or we will simply turn caring citizens into criminals for doing what is right.

The reality is, as the extinction and climate crises deepen, more and more people will be prepared to take action to defend their future, and the future of their children and grandchildren.

We thank the government for this opportunity to comment, and hope our comments will instil some reason into the argument.

Yours sincerely

John Edwards
Honorary Secretary