



Adam Marshall MP
Member for Northern Tablelands
Minister for Agriculture and Western NSW

MEDIA RELEASE

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HISTORIC LEGISLATION TO PROTECT FARMERS' RIGHT TO FARM

FARM trespassers will face the toughest penalties in Australia, including up to three years jail time, while farmers will enjoy the State's first legislated 'right to farm', under a historic piece of legislation set to be introduced in the NSW Parliament today.

Minister for Agriculture and Member for Northern Tablelands Adam Marshall will today give notice of the NSW Government's intention to introduce a Right to Farm Bill into Parliament. The Bill will introduce:

- The toughest penalties in Australia for farm trespass, including three years jail time and up to \$22,000 in fines. Currently there is no jail time for farm trespass;
- New offences and aggravating factors for activities such as trespassing as a group, damaging property and releasing livestock and tampering with farm gates and ramps;
- Legal recognition of a farmer's right to farm, shielding them from nuisance complaints, claims and legal action from their neighbours and other third parties.

Mr Marshall said the Bill would help address increasing attacks on farming families.

"The people of NSW have had a gutful of vile attacks against our farming families," Mr Marshall said.

"This legislation is all about sending the clearest possible message: enough is enough.

"If you invade a farm in NSW you will face up to three years behind bars.

"If you move next door to a farm and decide you don't like the way it looks or sounds, then you won't have the grounds to take that farmer to court with nuisance claims.

"We are telling our farmers today 'we value the work you do and we will protect you and your families from these criminals."

Mr Marshall said the changes would ensure NSW had the toughest penalties in Australia for farm trespass, including new offences that do not exist in any other State or Territory.

"Here in NSW we back our farmers 100 per cent, so it makes sense we'd have the toughest penalties for those that decide to wreak havoc on our primary producers," Mr Marshall said.

"The community has had a gutful of farm invasions and have said existing penalties of up to \$5,500 in fines are just a slap on the wrist. We've listened to farmers and will now establish the toughest possible penalties in the nation for farm invasions.

“This legislation will also go further by recognising for the first time a farmer’s inherent right to farm and providing protections for those facing costly legal action for simply going about their business.

“If you’re farming legally, and have so for many years, you’re not going to cop a nuisance claim and potential legal action just because some folks from the city moved next door and decided they didn’t like the sound of your cows or sheep.”

The Bill comes on top of regulatory changes recently introduced under the Biosecurity Act 2015, which impose further offences and large financial penalties for farm trespass that breaches on-farm biosecurity plans. This includes on-the-spot fines of \$1,000 and fines of up to \$220,000 through the courts.

Glencoe grazier Mike Norton was delighted with news of the new laws being introduced today.

“This is a very welcome move for farmers, to know that the government has our back when it comes to protecting our right to be primary producers and not be subject to frivolous complaints,” Mr Norton said.

“We all worry about whether we’re next for the next farm invasion and it weighs heavily on your mind.

“It’s good to know that these new laws will be the toughest anywhere and hopefully deter people from interfering in what we do – we’re just trying to make a living.”

The Right to Farm Bill was an election commitment by the NSW Nationals in government.

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Photo caption: Northern Tablelands with Glencoe grazier Mike Norton.

Key points:

Penalties

- Penalties for farm trespass will be increased from fines of up to \$5500, to three years jail time and up to \$22,000 in fines. Trespassers may also face additional biosecurity fines introduced by the NSW Government in July.¹
- A new offence will be created for inciting or causing a trespass.
- New aggravating factors for trespassing in a group, damaging property and wilfully or negligently releasing stock. No other State or Territory has an offence for group trespass.

Right to Farm

- Recognising for the very first time a farmer’s inherent right to farm
- Establishing a new defence in law for farmers going about legal farming practices, shielding them from neighbours suing them for ‘nuisance claims’.
- This will mean a court won’t be able to order an injunction against an activity that is allegedly causing a nuisance such as trucks moving chickens, spray rigs spraying crops etc.

¹ This includes \$1,000 on-the-spot fines and up to \$220,000 in fines through Court.