



Robyn Preston MP

Member for Hawkesbury

MEDIA RELEASE

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NEW 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 by the NSW Liberals & Nationals Government.

Member for Hawkesbury, Robyn Preston MP today welcomed the news the NSW Government would be implementing additional measures to support farmers across Hawkesbury

The proposed legislation 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 trespass.
- New offences and aggravating factors for activities such as trespassing as a group, damaging property and releasing livestock.
- Legal recognition of a farmer's right to farm, shielding them from nuisance claims.

"Our community has had enough of attacks against hard working farming families," Ms Preston said.

"This ground-breaking piece of legislation, introduced by the NSW Liberal & Nationals Government will create a clear deterrent to any would-be vigilantes considering unlawfully trespassing on farming properties in Hawkesbury

"Importantly, it will also for the first time recognise a farmer's inherent right to farm and provide safeguards against nonsense nuisance claims."

Deputy Premier and Leader of the NSW Nationals John Barilaro said the Bill would help address the recent rise in farm invasions.

"The people of NSW have had a gutful of vile attacks against our farming families. This legislation is all about sending the clearest possible message: enough is enough," Mr Barilaro said.

"If you invade a farm in NSW you'll face the toughest penalties in the nation and three years potential jail time."

Minister for Agriculture and Western NSW Adam Marshall said the changes would ensure NSW has the toughest penalties in Australia for farm trespass, including new offences that exist in no other State or Territory.



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“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.

“This legislation will also go further by for the first time recognising 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 done 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 dairy cows.”

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.

The Right to Farm Bill was an election commitment by the NSW Liberals & Nationals.

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 Liberal & Nationals 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.

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¹ This includes \$1000 on-the-spot fines and up to \$220,000 in fines through Court.