

Hon Colin de Grussa MLC

Member for the Agricultural Region

Hon. Matthew Swinbourn MLC
Chair
Standing Committee on Environmental and Public Affairs
Legislative Council Committee Office
Parliament House
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WEST PERTH WA 6005

via env@parliament.wa.gov.au

13 March 2019

Dear Chair

PETITION NO 104 - RURAL CRIME AND ASSOCIATED PENALTIES

Thank you for the opportunity to make a tabling Member submission to the Standing Committee in relation to the Petition on Rural Crimes and Associated Penalties. The consideration of this petition is certainly timely, particularly given the disturbing spate of incidents that followed in the wake of the “Aussie Farms” online map release recently.

There is clearly a need for greater protection for animal enterprise businesses against animal activists who trespass on private land or interfere with lawful activities. The adequacy of the legislative framework and penalties for trespassing, hunting or fishing on private land without permission, theft, damage or destruction of livestock or property all need to be reviewed to look at to ensure that rural enterprises and their communities have suitable protection from rural crime.

In determining the appropriate sentence for an offence, there should be consideration of a victim’s geographical isolation as an aggravating factor in the Sentencing Act 1995.

Good biosecurity is a critical aspect of any farming enterprise. Intensive farming operations in particular must follow strict biosecurity protocols aimed at ensuring positive health and welfare outcome for animals by preventing the spread of disease. Trespass and other forms of incursions put the effectiveness of these protocols at risk. The creation of a new offence for aggravated unlawful entry should be considered and could apply where there is an enhanced biosecurity risk or impact, intent to engage in vandalism, property damage or stock theft, or the presence of fishing, poaching or hunting equipment.

Our law enforcement agencies need additional resources and specific training to tackle rural crime. Within the police force there should be Rural Crime Investigators with the specialist skills needed for responding to rural crime such as activism incidents, illegal hunting and poaching or livestock and equipment theft. The formation of a Rural Crime Advisory Group of should also be considered to engage key stakeholders, identify the barriers to enforcement and successful prosecutions and to advise on reducing and responding to rural crime.

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There is, quite rightly, growing concern in the agricultural sector about the use of drones for unauthorised optical surveillance and as a tool for disruption of animal husbandry activities. As well as privacy and nuisance concerns, the use of drones poses a risk to both the wellbeing of livestock and safety of stock workers if animals are scared by the presence or noise of an overhead drone.

The Surveillance Devices Act does not adequately deal with drones scrutinising activity outside a building. There should be consideration of expanding privacy protections to inhibit intrusion into airspace above the land of another person without permission. The existing legislative framework around privacy protections and unauthorised filming and surveillance should be reviewed and amended to respond to the increasing use of drone technology.

I urge you to seriously consider these matters. Please do not hesitate to contact me via my electorate office on 9071 6555 or email colin.degrussa@mp.wa.gov.au if I can provide any further information.

Kind regards

A handwritten signature in black ink, appearing to read 'Colin de Grussa', written in a cursive style.

Hon Colin de Grussa MLC
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