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## RECOMMENDATIONS FOR FARMERS AND STAFF TO MANAGE UNAUTHORISED PEOPLE AND ACTIVITY ON YOUR PREMISES

Here are some suggestions to manage the issue of people coming onto farms without permission. Suggestions as to how to respond are based on The Trespass Act 1980. (Note that we cannot stop people protesting on public property).

- First and foremost, review your farm's security. Put "Biosecurity" and "Health & Safety" notices in prominent places.
- Check regularly for any cameras and recording devices.
- You / your staff should be alert to any unknown persons, vehicles and unusual activities around the farm and record details. Ask your neighbours to do the same, and let you know of any concerns.
- Brief all your staff fully on what to do if unauthorized persons arrive on-farm
- If you /your staff become aware of unauthorised people on your site:
  - Inform other staff and other personnel
  - Stop any work in the immediate area especially with machinery
  - Ask the people why they are there
  - Observe and record descriptions, numbers of people and vehicle registration numbers.

First and foremost, you should politely ask the person to leave the farm.

In the event this is unsuccessful, the Trespass Act 1980 requires that the landowner, occupier or someone with their delegated authority must ask intruders to leave before they are considered to be trespassing.

You or your staff can warn intruders that they are trespassing as follows:

**1.** Manager (or staff member) says:

*"I am an employee of XYZ farm, and I am authorised to act on its behalf. This is a formal warning from XYZ Farm for you to immediately leave these premises. If you do not leave these premises, then you are committing a crime and we will call the police to have you forcibly removed. You are further warned to stay off these premises at (Describe Physical address). Should you enter these premises again within two years you will be committing a criminal offence and will be liable to arrest under the Trespass Act 1980 and upon conviction to a fine of \$1,000 or a term of imprisonment of up to three months."*

Make sure that the intruder(s) can hear you and note any response. If practicable, try and record your statement (e.g. using the record function on a mobile phone or a video camera).

**2.** If they do not leave, then immediately call the Police to have them removed.

**3.** Record details of the description of the intruders that you have "trespassed", including names if possible. Take their photograph on your cell phone. There is no law to prevent you from taking their photograph.

**4.** Tell the Police when they arrive that you have "trespassed" the intruders and that they have refused to leave.

**5.** Make a file note as soon as possible after you have "trespassed" the intruders recording date, time, place, description/names of intruders (photos if any) and what was said to them and by whom, and the name of the Police Officer attending if the intruders have been arrested. "Trespassing" a person is only effective if you can prove you have properly given them the above warning and you can prove the identity of the person to whom you gave the warning (a photo of the person for example). A written warning is ideal if at all possible - including after the event, by the Police,

**6.** An occupier of land is legally entitled to use reasonable force to remove someone from their property once they have been asked to leave AND they refused to do so - **provided they do not strike or punch the person.**

- Using reasonable force should be a last resort and will reflect poorly on the sector
- Your goal should be to de-escalate the situation, if possible
- Reasonable force should only be used if the Police do not attend, and it is necessary to prevent the protesters from going further into the property.
- Protesters have in the past tried to goad farmers into using physical force. Do not be tempted by such jibes.

## **Drones**

Drone operators must have the consent of the property owner or person in charge of the area they are wanting to fly above.

When someone is operating a drone, it is best practice for safety reasons not to speak to them while flying. They are by law required to have eyes (visual line of sight) on their drone at all times, and if you start talking to them, this is distracting and potentially dangerous.

Please wait for the pilot to land the drone before talking to them, so you yourself are not posing a hazard.

Where an individual is operating a drone which is collecting footage for their own personal use, generally this won't raise issues under the Privacy Act. However, if the collection is highly offensive to the average person (for instance they were using their drone to film into peoples' bedrooms and bathrooms), then this may breach the Privacy Act (or potentially raise criminal issues).

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