

Email: lacsc@parliament.qld.gov.au

To: Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

Dear Committee Secretary,

I firmly believe that the new punishments for activities proposed by the Criminal Code (Trespass Offences) Amendment Bill 2019 and the new categories of criminal would be detrimental to our democracy.

This is my submission to oppose the passing of this Bill.

Any person or group should have the freedom to enact civil disobedience in a non-violent manner where they have *good reason to believe* a travesty of justice is being committed. I therefore thoroughly oppose the Bill . Ordinary citizens need to be able to oppose an injustice without being treated by our own society in a manner worse than someone who's intention is to cause harm, like a person wilfully damaging the environment, causing pain or injury to a person or an animal, or being violent towards others.

A business has no right to profit from something known to be destroying the earth or a river, and citizens must not have to risk 10 years imprisonment to draw attention to that injustice in a non-violent manner.

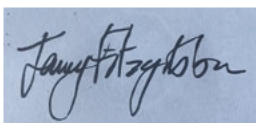
That citizens bringing the environmental harm to the attention of the public by non-violent means risk getting MORE jail time than the person causing the harm is simply ludicrous and dangerous to the public's rights to know that companies act transparently and honestly in their business dealings.

I have read the attached briefing by the EDO about the Bill and believe Queenslanders' freedom to be threatened by the Bill.

As environmental regulations are whittled away and made less effective, a citizen already risks high penalties to expose wrongdoing - it should not be increased.

I hope that this Bill is not passed but rejected as the scare-mongering tactic it truly is.

Yours sincerely



Jenny Fitzgibbon

Mob: [REDACTED]

LNP propose new criminal offences for trespass in Queensland – submissions open now

The LNP have introduced a private members bill proposing new offences in the *Criminal Code Act 1899* (Qld) (**Criminal Code**) which provide serious penalties for newly defined forms of trespass, with penalties reaching up to 10 years imprisonment.

Submissions are currently open on this Bill until this Monday 15 July 2019, 12 noon. You can find the proposed Criminal Code (Trespass Offences) Amendment Bill 2019 and Parliamentary Inquiry page [here](#).

Federal Criminal Code Amendment (Agricultural Protection) Bill 2019 also open for comment

There is a similar Bill also before Federal Parliament currently, which is also [open for submissions](#) until 31 July 2019. This Bill is only directed to agricultural premises, rather than the LNP Private Members Bill in Queensland which is much more broadly addressed to any premises, private land or transport infrastructure.

Outline of proposed new criminal offences for trespass

The new proposed Queensland offences are for aggravated trespass, serious criminal trespass and organised trespass, to be defined as follows:

- ***Aggravated trespass:*** a person who unlawfully enters or is in premises, private land or transport infrastructure with intent to cause economic loss to another person or the State commits an offence.
Maximum penalty—100 penalty units (\$13,345 [currently](#)) or 3 years imprisonment.
- ***Serious criminal trespass:*** a person who enters or is in premises, private land or transport infrastructure used for business purposes and commits an offence punishable by 3 years imprisonment or more commits a crime.
Maximum penalty—3,000 penalty units (\$400,350 [currently](#)) or 10 years imprisonment.
- ***Organised trespass:*** a person commits a crime if— (a) the person— (i) is a participant (meaning a director, member or volunteer) in an organisation (including a business or charity); and (ii) counsels or procures, or arranges for, another person to commit an offence of aggravated trespass or serious criminal trespass; and (b) the other person— (i) is a participant in the same organisation; and (ii) commits an offence against aggravated trespass or serious criminal trespass.
Maximum penalty—3,000 penalty units (\$400,350 [currently](#)) or 10 years imprisonment.

‘Premises’ includes, but is not limited to (Criminal Code, s1):

- (a) a building or structure, or part of a building or structure, of any type; and
- (b) a group of, or part of a group of, buildings or structures, of any type; and
- (c) the land or water where a building or structure or a group of buildings or structures is situated; and
- (d) a vehicle, or a caravan; and
- (e) a tent, or a cave; and
- (f) premises in which more than 1 person has ownership.

'*Transport infrastructure*' is intended to be defined as a port or railway by this Bill.

The Bill further seeks to define '*private land*' as land other than '*public land*' which is intended to mean (a) land that the public is entitled to use, is open to members of the public or is used by the public, whether or not on payment of money; or (b) land, the occupier of which allows, whether or not on payment of money, members of the public to enter.

Comparison with current Queensland criminal trespass and similar relevant laws

Currently, criminal trespass is a summary offence under the [Summary Offences Act 2005](#) (Qld), which makes it illegal to enter into, or remain in someone's house or yard, or business premises (s11) without their permission, unless they have a lawful reason to be there. The current maximum penalty for this offence of trespass is 20 penalty units (a maximum of \$2,669.00) or 1 year imprisonment.

Summary offences are less serious offences that are usually heard by a single judge, compared to indictable offences which are more serious, with more onerous penalties and which are usually heard by a judge and jury trial process. You can find more information about the different categories of criminal offences [here](#).

Mr Dale Last MP, who introduced the Bill, states that "If the provisions in this bill go through unchanged, they will no doubt be the toughest trespass laws in Australia."

There are also existing provisions under the [Transport Infrastructure Act 1994](#) (Qld) that make it an offence to interfere with certain roads or railway infrastructure with substantial penalties.

Further, the Queensland Government introduced a new offence in the *Biosecurity Regulation 2016*, which commenced in April 2019, to allow Queensland Police Service and biosecurity officers to immediately fine people who put on-farm biosecurity at risk through for example, unlawful entry. These amendments were [stated](#) to be directed to people entering agricultural premises to address perceived potential animal welfare issues. The maximum penalty introduced is the same as that for the existing criminal trespass offence.

How do the proposed offence penalties compare with other existing Queensland offences?

Comparison of existing offences in Queensland	Maximum penalty
<i>Summary Offences Act</i>	
s11 Trespass	20 penalty units or 1 year imprisonment
s12 Persons unlawfully gathering in or on a building or structure	10 penalty units or 6 months imprisonment
<i>Criminal Code</i>	
s346 Assaults in interference with freedom of trade or work	5 years
s56B Going armed to Parliament House	100 penalty units 2 years imprisonment (summary conviction)
s467 Endangering the safe use of vehicles and related transport infrastructure	Life imprisonment
s242 Serious animal cruelty	7 years
s354 Kidnapping	7 years imprisonment

s315A Choking, suffocation or strangulation in a domestic setting	7 years imprisonment
<i>Biosecurity Act framework</i>	
From Act: s24 General biosecurity obligation offence provision	3,000 penalty units 3 years imprisonment
From Regulation: s41C Requirement to comply with biosecurity management plan	20 penalty units (5 penalty units for infringement notice e.g. on the spot fine)
<i>Transport Infrastructure Act</i>	
s255 Interfering with railway	160 penalty units
s257 Trespassing on railway	40 penalty units
s282J Offence of not complying with a port notice	25 - 100 penalty units
s282S Offence of not complying with a direction (ports)	25 (minor) - 200 (where significant delay to port operations) penalty units
s33 Prohibition on road works etc. on State-controlled roads (interference with state roads)	200 penalty units
<i>Environmental Protection Act</i>	
s430 Contravention of condition of environmental authority	6,250 penalty units or 5 years imprisonment (wilful) 4,500 penalty units, no imprisonment (if not wilful)
s437 Offences of causing serious environmental harm	6,250 penalty units or 5 years imprisonment (wilful) 4,500 penalty units, no imprisonment (if not wilful)
s438 Offences of causing material environmental harm	4,500 penalty units or 2 years imprisonment (wilful) 1,665 penalty units, no imprisonment (if not wilful)

Submissions should be sent to:

Email: lacsc@parliament.qld.gov.au

Committee Secretary

Legal Affairs and Community Safety Committee

Parliament House

George Street

Brisbane Qld 4000

To ensure your submission is considered, submissions should include:

- the author's name and signature;
- if the submission is made on behalf of an organisation, the level of approval (e.g. a local branch, executive committee or national organisation);
- mailing address (and email if available); and
- daytime telephone number.