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MG/MA/GG052

15 July 2019

The Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

By Post & By Email: lacsc@parliament.qld.gov.au

Dear Committee Secretary,

Re: Committee Enquiry into the *Criminal Code (Trespass Offences) Amendment Bill 2019*

AgForce Queensland Farmers (AgForce) is the peak rural group representing beef, sheep & wool and grain producers in Queensland. The broadacre beef, sheep and grains industries in Queensland generated around $6.2 billion in gross farm-gate value of production in 2017-18. AgForce's purpose is to advance sustainable agribusiness and exists to facilitate the long-term growth, viability, competitiveness and profitability of these industries. The producers who support AgForce provide high-quality food and fibre to Australian and overseas consumers, manage around 40% of the Queensland agricultural landscape and contribute significantly to the social fabric of rural and remote communities.

AgForce thanks the Committee for the opportunity to provide a submission on the proposed Criminal Code (Trespass Offences) Amendment Bill 2019 (the Bill) as tabled in the Queensland Parliament by the Member for Burdekin, Shadow Minister for Natural Resources & Mines and Northern Queensland, Mr Dale Last MP on 1 May 2019.

AgForce provides in-principle support for the Bill; particularly noting that the proposed amendments apply to all Queensland businesses. This is an amendment to an Act that provides a greater public good in that it protects all legitimate and legal businesses in Queensland from unlawful trespass activities intended to cause economic harm to an individual or business.

Whilst AgForce respects the rights of all Australian citizens to express their views through peaceful protest, it must be civil and in the interests of public safety, must be approved by appropriate stakeholders, including the Queensland Police Service (QPS). As an organisation, AgForce coordinated such a protest with a well-planned march through George Street Brisbane in May 2016, where appropriate consultation and approvals were held from Brisbane City Council and QPS.

Queensland's primary producers, in fact the Nation's primary producers, are greatly concerned about the increased 'protest' activity of individuals and organised groups of individuals who feel it their right to intrude on private, primary production business premises; as well as those commercial businesses included within the primary production supply chain namely, livestock transport operators, livestock saleyards and abattoirs.

To enable primary producers to freely undertake their legitimate and vital activities, Queensland Legislation must include regulatory measures that provide a greater deterrent to planned activities and events by extreme activists; sending a strong message to those people intent on causing disruption and delay, that their actions will not be tolerated.

Two (2) of the three (3) proposed offences within the Bill, as noted below, send that strong message, together with the maximum penalties that the Bill seeks.

- **Aggravated Trespass**

Unlawful access by a person to business premises with intent to cause economic loss.
Maximum penalty – 100 penalty units or 3 years imprisonment

- **Serious Criminal Trespass**

Access by a person to business premises with the intent to commit a crime.
Maximum penalty – 3,000 penalty units or 10 years imprisonment

- **Organised Trespass**

A crime is committed by a person that is part of an organisation, or a person arranges for another person to commit a crime.
Maximum penalty – 3,000 penalty units or 10 years imprisonment

Concern exists with the proposed offence being, Serious Criminal Trespass.

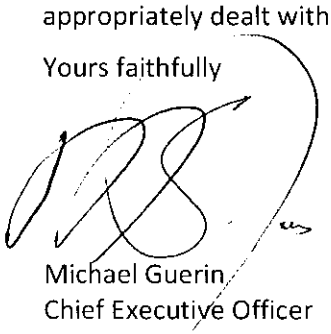
AgForce is of the opinion that the wording in the Bill concerning this offence is vague, potentially open to misinterpretation and widens the intended application because it does not specifically relate to unlawful access to business premises. Concern exists that those that the proposed offence intends to protect may be negatively affected, potentially finding themselves charged under the proposed offence.

AgForce recommends that the Committee approve the Bill, with clarifying amendments to include a better understanding of economic loss and to ensure QPS can effectively apply the appropriate offence.

Should the Committee see fit to reject the Bill, AgForce requests that the Committee recommend the state government complete a review of all other legislative alternatives to ensure adequate deterrent measures are in place within other pieces of Queensland Legislation. For example, amendments to increase the maximum penalty that is documented within *section 13 of the Summary Offences Act 2005 (Qld)* that relates to unlawfully entering farming land (currently a maximum of 10 penalty units or 6 months imprisonment).

The Committee should thoroughly consult with the Queensland Police Service (QPS) and industry stakeholders and government, to ensure the act of Trespass on Queensland businesses is appropriately dealt with by Queensland Law.

Yours faithfully



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