Speech By

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MEMBER FOR MIRANI

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JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

Mr ANDREW (Mirani—PHON) (3.15 pm): I rise to speak on the Justice and Other Legislation Amendment Bill 2019. The use of omnibus bills is becoming alarmingly routine in the Queensland parliament. Such bills do nothing for the cause of oversight, scrutiny or debate—principles that all parliamentary democracies are supposed to value and protect. The bill seeks to amend 33 different acts and four regulations and, despite looking hard for one, I could find absolutely no unifying principle whatsoever to any of the myriad legislative changes contained in this bill. I did, however, find a number of proposed changes that were somewhat troubling and which I would like to bring to the House's attention.

Firstly, I note that the amendment of 'prescribed value' for a property offence has been raised from $30,000 to $80,000 in section 552BB of the Criminal Code. This will see a significant number of offences relating to property theft now handled by the Magistrates Court, denying an even greater number of Queenslanders their constitutional right to a jury trial. This continues a trend in Queensland whereby more and more offences are being dealt with by judge-only trials. The right to a jury trial goes to the heart of the criminal justice system in our democracy. Many eminent jurists, both past and present, have identified jury trials as a fundamental common law right which cannot be abrogated by parliamentary statute.

The proposed changes to the Peace and Good Behaviour Act will also diminish the rule of law in Queensland. The changes broaden the definition of 'disorderly activity' and 'restricted premises orders' to include a wide range of activity never intended by the original legislation. The Peace and Good Behaviour Act 1982 states that a commissioned officer may make a public safety order against a person or group of persons if the officer is satisfied that 'the presence of the respondent at premises or an event … poses a serious risk to public safety or security'. It goes on to state that 'a person who, without reasonable excuse, knowingly contravenes a public safety order made for the person, or a group of persons … commits a misdemeanour'. This is punishable by up to three years imprisonment.

The new definition of 'disorderly' conduct under the act will be 'criminal activity at the premises that is likely to pose a risk to the safety of a member of the public'. The new definition given for criminal activity, meanwhile, is 'conduct that involves the commission of an offence'. This will greatly expand the criteria against which a public safety order may be made against an individual and a restricted premises order against a venue. All that will be needed is for a person who is guilty of committing an offence to be present somewhere for the conditions to be met under the new provisions.

There are in fact any number of nefarious and anti-democratic scenarios that become possible under the updated public safety definitions this new bill proposes. One example of the potential for unforeseen consequences would be that if laws were brought in making the download of a COVID-19 tracking app mandatory then any person who failed to comply could be issued with a public safety order under the new laws. In the same way, any place they occupied or visited could be issued with a restricted premises order.

The changes that have me most concerned, however, are those proposed under section 218 in relation to the 1999 Criminal Practice Rules. The bill proposes a simple change to one word in relation to a designated arson offence—that of 'setting fire to a crop'. The bill recommends that the word 'crop' be substituted for the word 'vegetation'. The criminal offence is one set out within the context of other farming related offences and on the face of it is nothing more than a minor change of wording. I cannot help wondering, however, why such a change was needed. There is no specific reference to the change, or declared need for it, in the bill's explanatory notes, associated documentation or submissions.

As every Queenslander knows, the word 'vegetation' is a very loaded word in this state, especially for anyone from rural or regional areas. The word 'vegetation' is a word strongly connected to the untold misery and stress experienced by Queensland farmers under the current state Labor and federal coalition regime. 'Vegetation' is a word strongly associated with the theft of farmers' property rights through the taking away of their right to manage their land. The very sight of the word on paper calls up images in all rural and regional Queenslanders of a punitive regulatory system of oversight, surveillance and heavy enforcement costs and burdensome green tape.

The decision in the Queensland District Court earlier this year to impose nearly $1 million in fines on a farmer in a case involving firebreaks is just the latest in a long and sorry saga of prosecution and demonisation that farmers have been forced to withstand from our ruling elites in Queensland. As the law firm Creevey Russell stated at the time, farmers can expect an increasing focus on larger fines and greater deterrence going forward. What better way to ensure that others stop engaging in similar conduct than to prosecute farmers for unlawfully setting fire to vegetation?

The vegetation management laws were just the beginning. The real campaign to get rid of the small, independent farmers begins with the passing of this bill. With the simple change of a single word, the government has opened the door not just to $1 million fines but potentially to criminal prosecution and imprisonment for 14 years. As Bill Potts, the former president of the Queensland Law Society, told the legal affairs committee last year in relation to another Labor bill containing draconian and antidemocratic new powers, there is no use saying that the new powers will not be used in the way we are suggesting because the fact is if authorities are given the power to do something, they will use it.