




Speech By
Dale Last

MEMBER FOR BURDEKIN

Record of Proceedings, 1 May 2019

CRIMINAL CODE (TRESPASS OFFENCES) AMENDMENT BILL

Introduction

 **Mr LAST** (Burdekin—LNP) (12.30 pm): I present a bill for an act to amend the Criminal Code for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Criminal Code (Trespass Offences) Amendment Bill 2019 [\[672\]](#).

Tabled paper: Criminal Code (Trespass Offences) Amendment Bill 2019, explanatory notes [\[673\]](#).

This amendment bill was born out of necessity after it became apparent that the laws designed to protect Queenslanders from unlawful and aggressive protests in the form of trespass were not meeting community standards. While this bill seeks to protect all legitimate and legal businesses and Queenslanders from unlawful trespass activities, it was brought about as a response to, firstly, the wave of invasions conducted by animal extremists directed at farmers and those within the agricultural supply chain and, secondly, the actions by activists in disrupting train services in the resource industry.

Images this year of protesters trespassing at a feedlot at Millmerran, as well as abattoirs at Yangan, and images last year from a chicken-processing facility at Mount Cotton are proof of the growing trend of activism in Queensland. To make matters worse, we continue to see Queensland's trespass laws failing to deter protesters who are willing to cop small fines for trespass and are treating current laws with disdain. A classic example of this was the woman who was charged and convicted for the trespass of a Sunshine Coast piggery and egg farm only to receive a \$400 fine and no conviction recorded after her third such action in the same year.

This rise of unlawful protesting has pulled upon the very fabric of the fair go policy that Australia, and especially Queensland, was built on. While as Queenslanders we all have the right to protest and to freedom of speech, what we are seeing is far from that. What we are seeing is the fundamental rights of farming families and lawful businesses being attacked. We are seeing the rights of Queenslanders to develop and economically prosper from our natural resources being attacked.

While our farmers and their communities are under attack, the LNP will not sit by and let this happen. That is why the LNP's amendments being moved today to the Criminal Code will deliver the most comprehensive trespass laws in the country. This bill gets the balance right in providing citizens the right to lawful and reasonable protest while providing law enforcement with the tools they need to protect legitimate and lawful activities from unlawful interruption and intimidation. In short, the amendments moved today fix the current shortfall and failings of Queensland's trespass laws by providing penalties that more appropriately reflect and respond to the actions being taken.

The LNP has been publicly calling on this government to beef up Queensland's trespass laws since last year. With this bill the Labor government will get the opportunity to support laws that do exactly that. This has gone too far. The Liberal National Party is giving the Palaszczuk Labor government the opportunity to draw a line in the sand and put an end to this disgraceful extremism.

Currently in Queensland the offence of trespass is a summary offence with a maximum penalty of 2,611 or one year's imprisonment. Contrast that with what I am proposing here today in our bill which introduces three new criminal offences to bolster Queensland's trespass laws. These include aggravated trespass, serious criminal trespass and organised trespass offences. The new offences have been developed after feedback the LNP has received from industry and concerned members of the public.

The new aggravated trespass offence will be utilised when a person unlawfully enters or is in premises, private land or transport infrastructure with intent to cause economic loss to another person or the state. It adds a new section to the Criminal Code, section 422, designed to deal with the serious nature and intended consequences of these often coordinated and wilful trespass activities. The offence will attract a maximum of three years imprisonment or a maximum fine of 100 penalty units, or \$13,055.

Aggravated trespass could be used to charge those individuals where there is a deliberate intention to cause economic and financial losses due to that trespass, just like we saw with those animal activists who entered an abattoir with the intention to block, slow down or affect business activities by chaining themselves to production machinery, or in the case last year where trespassers halted the loading of a ship at the Abbot Point coal loading facility.

The new offence of serious criminal trespass occurs if a person who enters or is in premises, private land or transport infrastructure used for business purposes and therein commits an offence punishable by three years imprisonment or more in a new section 423. A serious criminal trespass offence would only apply to a trespass action in a non-residential premises—for example, commercial premises. It is proposed that this offence carry a maximum penalty of 10 years imprisonment or a maximum fine of 3,000 penalty units, or \$391,650. This hefty penalty aligns with the toughest penalties under the Biosecurity Act 2014. This offence is designed to act as a deterrent for anyone seeking to commit a crime or serious offence—for example, arson assault or wilful damage while trespassing. The significant penalty associated with this offence targets those individuals who seek to trespass and commit further crimes. Those found guilty of this offence will face significant time behind bars as this flippant disregard for the rule of law cannot be accepted or tolerated.

The final amendment the bill proposes is an organised trespass offence designed to counter the rise of coordinated trespass actions and to penalise individuals involved in new section 424. This particular offence targets those people who participate in the organisation of trespass by counselling, procuring or arranging for another person to commit an aggravated or serious trespass offence as outlined in section 422 and section 423 and the other person is a participant in the same organisation.

If a director, member or volunteer of an organisation has been found to have organised a deliberate and premeditated campaign against a project or business that involves individuals from that organisation being found guilty of committing offences of aggravated trespass or serious criminal trespass, that organisation can be liable for a maximum penalty of 10 years imprisonment or a \$391,650 fine. We know militant extremist groups are well organised and financed, and recent actions by extreme groups across the country confirm the need to hold these organisations to account. That is why we need an offence that ropes in and holds to account those within their organisational structures involved in encouraging and organising unlawful trespass.

The Palaszczuk Labor government has failed to read the pulse of the community and industry when it comes to action against those who choose to unlawfully terrorise our farmers. The only additional laws or deterrent the Labor government was able to scrounge together was an on-the-spot, 'slap on the wrist' fine of \$652.75, or as the *Queensland Country Life* described it 'farm invasions done dirt cheap'. These proposed fines are laughable and will do nothing to deter these militant minorities. These 'slap on the wrist' fines fail the pub test and do nothing to respond to the community outrage against these extremists terrorising our hardworking family farmers. These extremists have shown time and time again that they are more than happy to pay these pathetic fines.

Make no mistake: these militant acts will continue as long as there remains no threat of any real punishment. AgForce described the Labor government's response as 'manifestly inadequate' while simultaneously calling out the agricultural minister for acting mischievously in claiming that industry including AgForce and the Queensland Farmers' Federation endorsed the government solution. QFF said that the new fines would not be a sufficient deterrent to stop future invasions. How embarrassing for Minister Furner. Did he really think he would be able to get away with misleading Queenslanders by claiming his laws did not fail and fall over at their first test?

Importantly, QFF has stated that laws changed to properly respond to these crimes should not be used to protect agriculture as some sacred cow—something that the LNP has listened to, with its bolstered trespass laws that protect all lawful businesses and persons from unlawful actions across Queensland. The state LNP opposition stands strong with farmers because we come from and represent those communities that rely on agriculture.

Trespass actions too have been spilling over into Queensland's resource sector. In particular, there has been a rise in activists deliberately impeding and obstructing rail lines transporting coal. The activities of these groups are often collectively referred to as the anti-coal movement or the anti-fossil fuel movement and are largely guided by the anti-fossil fuel strategy developed in 2011 entitled Stopping the Australian Coal Export Boom. These disruptions to coal transport are dangerous to the protesters and to the operators of trains, and they cost tens of millions of dollars to industry and to the state that could be invested into our hospitals, our schools and our local police.

We cannot allow Queensland to be held to ransom by militant extremists. This law turns the tables back towards common sense and restores the balance. It is time to throw these un-Australian, repeat-offending extremists behind bars where they belong. This bill is proof that only the LNP will do what it takes to protect our farmers and the resource sector as well as the rest of Queensland. It is time for this Labor government to get on board and support these common-sense and comprehensive trespass laws for the sake of all law-abiding Queenslanders.

First Reading

Mr LAST (Burdekin—LNP) (12.41 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Legal Affairs and Community Safety Committee

Madam DEPUTY SPEAKER (Ms Pugh): In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.