



## Creating a compassionate world

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15 July 2019

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

Sent by email: [lacsc@parliament.qld.gov.au](mailto:lacsc@parliament.qld.gov.au)

### ***Criminal Code (Trespass Offences) Amendment Bill 2019*** **Submission on behalf of Animal Liberation Queensland**

Thank you for the opportunity to provide a submission in relation to the Criminal Code (Trespass Offences) Amendment Bill 2019<sup>1</sup>. We wish to take this opportunity to raise several concerns regarding the proposed amendments, as outlined below.

Animal Liberation Queensland (ALQ) is an independent animal advocacy organisation founded in 1979. ALQ is a not-for-profit organisation in the state of Queensland and a registered charity. ALQ campaigns on a broad range of animal protection issues and represents the interests of all animals. ALQ is well known for our investigation that exposed the cruel and illegal practice of live baiting in the greyhound racing industry in Queensland, as seen on 4 Corners in February 2015. More information is available at [www.alq.org.au](http://www.alq.org.au).

#### **Excessive laws aimed at stopping peaceful protest**

The proposed amendments would create offences for organised trespass for example that is far greater than the penalties for violent crimes under the Criminal Code offences such as assault, domestic violence, kidnapping, or serious animal cruelty.

These proposed laws are squarely aimed at peaceful protestors who take a stand against activities that may be illegal or unjust or contrary to the public interest. It is also important to note that these laws are not limited to animal rights or environmental protests and may have far reaching ramifications for other sectors of society. While we do not advocate for people to break the law, it is important to recognise that non-violent peaceful protest plays an important role in democracies.

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<sup>1</sup> <https://www.parliament.qld.gov.au/work-of-committees/committees/LACSC/inquiries/current-inquiries/Trespass2019>

Issues such as climate change and animal cruelty are of increasing concern to Queenslanders and people across the country. According to the Federal Government supported Futureeye report<sup>2</sup>, based on a survey of 1,521 people, 95% of respondents viewed farm animal welfare with concern, and 91% want reform to address animal welfare issues.

There is currently a concerning lack of transparency around protection of animal welfare in animal agriculture, and an extremely low rate of prosecutions. Animal Liberation Qld shares the view of the majority of Australians that animal welfare laws need to be addressed and transparency should be a key part of addressing concerns. But instead of increasing transparency, these laws seek to increase secrecy and block public discourse.

We encourage open debate around these serious issues of public interest and concern. The government, and all members of parliament, should play a key role in this debate and in addressing the public's concerns. This Bill is rather an attempt to silence members of the public who have grown frustrated by the government's perceived lack of action to address issues of public concern and therefore take part in peaceful protest. This is a threat to public dissent and the role of whistle-blowers in ensuring our regulations and governance are adequate, fair and just in protecting the public interest.

## **Risk to whistleblowers and investigators**

ALQ, alongside other animal protection organisations, have at times made use of covertly obtained footage to expose animal cruelty, illegal behaviour that is not being addressed by government, and to bring issues to public attention. An important example of covert surveillance that has led to positive change for animals is ALQ's investigation (alongside Animals Australia in NSW & Victoria) that led to the exposure of the cruel practice of live baiting in the greyhound racing industry. Covert video footage obtained by ALQ was central to law enforcement charging several participants with animal cruelty and resulting in widespread industry and legal reform across the country.

By exposing illegal practices of a greyhound trainer involved in live baiting, it could be argued that there was an intent to cause economic loss - especially when income is derived from illegal and cruel practices, by exposing and shutting down the practice of live baiting, naturally this will lead to an economic loss for those whose business model is based on these training methods. Current whistleblower and public interest protections are too weak to be relied on to counter this risk. If ALQ Directors were faced with the prospect of 10 years jail for exposing live baiting cruelty to the nation, then it is quite likely this risk may have been deemed to great, and widespread live baiting would still be taking place today.

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<sup>2</sup> <http://www.agriculture.gov.au/SiteCollectionDocuments/animal/farm-animal-welfare.pdf>

## Existing laws already cover trespass offences

Queensland already has laws in place that deal with trespass under the Summary Offences Act which includes a penalty of up to 1 year in jail. Additionally, the Queensland Government has recently introduced on the spot fines for anyone breaching biosecurity<sup>3</sup>. Other laws exist to deal with more serious offences committed while trespassing. There is no need to introduce new offence provisions, particularly ones which are so manifestly unjust in the level of penalty they seek to apply.

## Summary

It is important for any amendments to be balanced, well considered, and that proposed penalties are proportionate to the crime, and out of step with existing penalties for more serious crimes. We encourage the Committee to consider all implications for both peaceful protest over a wide variety of social issues (as this Bill is not limited to animal rights or environmental protesters and may have unforeseen impacts) as well as the impact on potential whistleblowers who may seek to expose cruel (and often illegal acts) as well as journalists.

**We therefore recommend this Bill be rejected in its entirety.**

Thank you for considering these views. If you require further information in the interim, please do not hesitate to contact the undersigned.

Yours faithfully



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<sup>3</sup> <http://statements.qld.gov.au/Statement/2019/5/10/farm-invaders-to-pay-heavy-price-for-breaching-biosecurity>