

Trevor Hold
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11 May 2025

Director of Public Prosecutions, Office of
GPO Box 2403
Brisbane Queensland 4001

**Re: Charges Relating to Notices to Appear 4376257 and 4376258
Request for Withdrawal of Charges – Alleged Obstruction of Police Officers**

Dear Sir/Madam,

I write in relation to the above-mentioned matters in which I have been charged with one count each of obstructing a police officer. I respectfully request that the charges be reviewed and considered for withdrawal, for the reasons outlined below.

1. Lawfulness of Police Entry and Withdrawal of Consent

I obtained a copy of police officers' statements, upon review noted that police officers' statements did not match my recollection of events that took place that day. According to the police officers' statements, the police officers departed my property immediately following my request. From the outset, I withdrew consent for the officers to remain on my private property, and at no stage was a warrant or any statutory authority produced, nor was a criminal offence being committed. The police vehicle and officers remained on my private property for approximately 15 minutes stating they had rights to remain on the property. In the absence of such authority, their continued presence after I withdrew consent raises concerns under common law principles, as reaffirmed in *Kuru v State of New South Wales [2008] HCA 26* and *Plenty v Dillon [1991] HCA 5*.

These cases make clear that police officers may only enter private land with consent or lawful authority.

2. Unclear Delegation of Police Authority Under the Biosecurity Act 2014 (Qld)

Section 16 of the *Police Powers and Responsibilities Act 2000 (Qld)* allows police to assist with duties under other legislation, this does not extend police powers beyond the legal limits defined by that legislation (*Biosecurity Act 2014 (Qld)*).

At least two of the attending police and biosecurity officers were acting under a Prevention and Control Program pursuant to the *Biosecurity Act 2014 (Qld)*. Under Section 495(2)(e), the Chief Executive (Biosecurity) cannot delegate powers to police to authorise such programs. It remains unclear whether the officers had the necessary

lawful authority to enter and allow full treatment of my property. I respectfully suggest that any delegation relied upon may not meet the strict requirements of the Act.

3. Support by Police to Endorse a Failure to Comply with Permit Conditions and Biosecurity Measures

The biosecurity officer in charge, Mr. Roger Morris, did not provide a Safety Data Sheet (SDS) upon request, as required under Permit PER90213 issued by the Australian Pesticides and Veterinary Medicines Authority (APVMA). The absence of this information calls into question the lawfulness of the pesticide application and the support given by police officers to facilitate treatment on my property following non-compliance with the permit. I was genuinely concerned that the conditions of the permit were not being met, potentially rendering the treatment unlawful.

4. Existence of a Reasonable Excuse - Ignored by Biosecurity and Police Officers

Pursuant to Section 336 of the *Biosecurity Act 2014 (Qld)* a person may not obstruct an officer without a reasonable excuse. I had previously submitted written correspondence to the program outlining my concerns for animal welfare, past livestock losses, and the specifics of my Biosecurity Management Plan. These matters were not responded to and were also disregarded on the day my property was treated. As of 16 April 2025, I had not received a response from the department regarding my reasonable excuse (s) and was not given the opportunity to discuss on the day. My attempt to articulate a reasonable excuse—both in writing prior to the event and in person on the day of the event, considering current factors—was ignored.

Section 18 of the *Police Powers and Responsibilities Act 2000* provides steps a police officer may take for obstruction of a public official – in this case Biosecurity Officers. This section allows police officers to ask the person if they have a reasonable excuse for their conduct. Further, Section 633 of the *Police Powers and Responsibilities Act 2000* applies to when a person fails to comply with an oral direction by a police officer. The police officer must warn the person that is an offence not to comply unless the person has a reasonable excuse. I was not given the opportunity by the police officers in attendance to provide my reasonable excuse.

The actions by both the police officers and biosecurity officers in attendance on 16 April 2025 to not listen to my reasonable excuse may not be in accordance with the aforementioned legislation.

Relevant case law such as *Taikato v R (1996) 186 CLR 454* and *Ostrowski v Palmer (2004) 218 CLR 493* affirms that whether an excuse is "reasonable" is a question for the courts.

5. Human Rights Considerations

Under the *Human Rights Act 2019 (Qld)*, particularly Sections 25 and 58, public entities must consider a person's rights to privacy, property, and fair treatment before making decisions. There is no indication that these rights were appropriately considered prior to forcibly entering and treating my property on 16 April 2025. I respectfully question whether the actions taken by the officers and the NFAEP were in accordance with the relevant human rights obligations.

Relevant case law such as *Johnston v Carroll [2024]* affirms that it is unlawful to apply mandatory directions in the absence of taking S58 of the *Human Rights Act 2019* into account.

6. Conduct of Officers and Use of Force

Despite my peaceful behaviour, I was forcibly arrested and sustained injury to my hand when a police officer used excessive force to open my second gate. At that time, I was merely trying to express my concerns and reasonable excuse (pursuant to Section 336 of the *Biosecurity Act 2014 (Qld)* and Sections 633 and 791 of the *Police Powers and Responsibilities Act 2000 (Qld)*) and prevent what I believed to be an unlawful and potentially harmful treatment. I was not acting aggressively or threateningly, and my actions were directed at preventing harm to animals under my care.

7. Request for Discretionary Withdrawal of Charges

In summary, I respectfully submit that:

- The entry and subsequent actions of the officers raise unresolved legal questions regarding authority and procedure.
- There is compelling evidence of a reasonable excuse which I was denied the opportunity to have fairly considered.
- My actions were peaceful and directed at protecting the welfare of my animals and complying with my own biosecurity plan.
- My arrest and the charges laid could likely have been avoided had procedural fairness and my human rights been given appropriate consideration.

Accordingly, I ask that the prosecution exercise its discretion to withdraw the charges of obstruction considering these substantial legal and factual concerns.

Kind regards,



Trevor Hold