




Speech By  
**David Janetzki**

**MEMBER FOR TOOWOOMBA SOUTH**

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**SUMMARY OFFENCES AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr JANETZKI** (Toowoomba South—LNP) (3.43 pm): The opposition is supportive of the right of all Queensland citizens to participate in peaceful assembly. Peaceful assembly enhances the citizenry's participation in the democratic process. Our community consists of a plethora of opinion, a melting pot of views and ideas. No-one has a special reserve on the truth. Our democratic system is enhanced by the freedom of expression given voice by peaceful assembly or protest. At the moment in Queensland, the Fitzgerald inquiry, on its 30th anniversary, is on everyone's lips. It is topical, given the Palaszczuk government's integrity scandals, removing optional preferential voting in 18 minutes—

**Madam DEPUTY SPEAKER** (Ms McMillan): Member for Toowoomba South, can we come back to the bill, please?

**Mr JANETZKI**:—the appointments of mates and rent-seekers to important roles across the state and, of course, just yesterday the Premier being found guilty of contempt of the parliament

**Madam DEPUTY SPEAKER**: Member for Toowoomba South, this is your last warning. Could you come back to the bill.

**Mr JANETZKI**: There is no denying that the law of peaceful assembly has a controversial history in Queensland. This modern history began in February 1991, when the Electoral and Administrative Review Commission, set up post the Fitzgerald inquiry, released its report titled *Report on review of public assembly law*. Key recommendations of that report included a right to peaceful assembly in a public place being legislatively recognised; authorisation of the notice by the relevant authority, police commissioner or local authority, which would mean that participants were granted legal immunity from traffic laws; and that the court was to be used as an arbiter as to whether an assembly was authorised or unauthorised. That report led to the passing in 1992 of the Peaceful Assembly Act, which was supported by the Liberal-National opposition of the day. That legislation put a line in the sand and, to date, no significant amendments have been made to it.

There is no doubt that any right to participate in public assembly ought to be subject to only those recommendations as are necessary and reasonable in a democratic society. These will unsurprisingly relate to matters of public safety, public order and, importantly, the rights and freedoms of other persons. What are these rights and freedoms? At the very least, I would argue that it is the right of persons to carry on trade and commerce, the right to freedom of movement, the right of Queenslanders to enjoy the natural environment and the right to public safety. These are rights belonging to whom we might call the quiet Queenslanders going about their lawful business. They ought not be unduly inconvenienced by others with opinions they wish to publicise.

The government's bill seeks to address tactics and materials that are dangerous to police and other responders who bear the responsibility of moving them from public locations, including pedestrian crossings, roads and bridges to which they may have affixed themselves. The bill inserts a new division 2A into the Summary Offences Act to be known as the 'Offence involving use of dangerous

attachment devices'. An attachment device is a device that reasonably appears to be constructed or modified to enable a person using the device to resist being safely removed from a place or safely separated from a thing.

A dangerous attachment device is an attachment device if it reasonably appears to be constructed or modified to cause injury to a person who attempts to interfere with the device or it incorporates a dangerous substance or thing. The bill includes examples of devices such as a sleeping dragon, a dragon's den, a monopole and a tripod. Such devices are deliberately designed to prevent police from easily reaching either the connection pin or the rope, chains or handcuffs that are used to prevent the person from being safely removed from the device. The use of such devices, where they are unreasonably interfering with the ordinary operation of transport infrastructure, stopping a person from entering or leaving a place of business, or causing a halt to the ordinary operation of plant or equipment, may constitute an offence. Fines and periods of imprisonment are proposed as penalties. The laws are designed to deter protest behaviour that risks the safety of protesters, first responders and the community.

Although the opposition stands ready to support the government's bill, there are question marks against it. Firstly, there is deep disquiet within Labor ranks. As we know, the Palaszczuk Labor government is a deeply divided government and the protest from their array of comrades about their protest laws betrays this division. Recently, the Annerley branch unanimously passed a motion that made clear its strong opposition to the government's proposed laws. That resolution said—

It was chilling to see the mass arrests of people who had been protesting in Brisbane streets in August 2019, and to see the bail conditions imposed on them.

An unnamed MP—but I could take a punt on which MP that might have been given the location of the Annerley branch—said, 'The right to protest or strike is part of what Labor was built on', and 'I shudder to think what happens next if we are saying it is okay to make laws because we don't like someone or don't like their protest tactics.' Across the river at New Farm, the member for McConnel's branch posted on social media that motor vehicles were the type of dangerous device we should be tightening the laws for.

**Mr Brown** interjected.

**Mr JANETZKI:** Who would have thought that some anarchists from a little known group known as Extinction Rebellion would cause such consternation within the Labor Party, but Extinction Rebellion has tipped the balance between exercising their right to peaceful assembly and the rights and freedoms of others well in their favour. Hanging from bridges, being glued to roads or chained to railway tracks and locking themselves to barrels with concrete, they have wasted emergency services resources, delivered mayhem on Brisbane's streets, continually delaying people's freedom of movement and impacting on trade and commerce in the city centre. They have even lost the support of perhaps Queensland's most famous protester. In 1978 Harry Akers was frustrated with the protest laws of the day which saw the police commissioner refuse to grant his application for a protest permit. In defiance of the law and this police refusal he took to the backstreets of Bundaberg at 2.30 am with his dog. The only attendees were some police but they did not arrest him.

Recently Akers was asked about Extinction Rebellion and he expressed that he had serious reservations about the tactics of Extinction Rebellion. He said, 'You need people who are prepared to take on the establishment, but what I do think is that this recent spate of protests is possibly alienating people who are onside anyhow.' Questioned whether he would get involved he said he would not and he added, 'That comes from a guy who was arrested several times in relation to street marching.'

The shadow minister has foreshadowed amendments to seek to ensure the balance of these competing interests between minority interests and the majority freedoms. Labor's bill is a first step, but it will not put a stop to the undue disruption and it will not bring balance to these competing interests. That is why the shadow minister's amendments are necessary to properly balance competing rights and freedoms. I strongly support the right of peaceful assembly, which is analogous to the right of free speech and the platform for other liberties in our society. It is a basic common law right dating back to the ancient right of procession. It has held fast in our system of government for centuries and was enshrined in statute in Queensland in 1992. It has been hard fought for in Queensland over the decades and it ought not be changed without serious consideration.

As much as I disagree with the hysteria and alarmism associated with Extinction Rebellion, they have their right to express their opinion and to act peacefully to broadcast their arguments to the attention of the wider community. However, if there is systematic evidence that public safety is jeopardised, the public order seriously and continuously disrupted or the rights and freedoms of others are unduly interfered with then this parliament is duty-bound to act. Parliament is duty-bound to protect the balance and, moreover, remedy any imbalance of competing rights and freedoms. It should do so cautiously, but it is what this bill and, most importantly, the opposition's amendments, seek to achieve.