




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 19 September 2019

SUMMARY OFFENCES AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Minister for Corrective Services) (11.36 am): I present a bill for an act to amend the Police Powers and Responsibilities Act 2000, the State Penalties Enforcement Regulation 2014 and the Summary Offences Act 2005 to address the use of dangerous attachment devices. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Summary Offences and Other Legislation Amendment Bill 2019 [1563](#).

Tabled paper: Summary Offences and Other Legislation Amendment Bill 2019, explanatory notes [1564](#).

On 20 August this year I addressed the House, as did the Premier and the member for Ferny Grove, about the increasing frequency of dangerous activities occurring in our state. At that time I indicated that it was the government's intention to put measures in place to address this issue. This bill achieves that objective without compromising the freedom and rights that our community expects.

This government recognises that the foundation of our society rests upon the rights of every individual and that one of the defining characteristics of a democratic society is the right to peacefully protest. This is especially so as this right encompasses a number of other fundamental rights such as freedom of expression, the right to peacefully assemble and freedom of association.

The right to peacefully assemble has been recognised in Queensland to be of such significant importance that it was enshrined in legislation through the Peaceful Assembly Act and the Human Rights Act, which Queensland Labor governments enacted. I can reassure the community that this bill will not take away this right. This bill makes no amendment to the Peaceful Assembly Act. The passing of this bill will not prevent any person from participating in a lawful protest. However, overarching all of our individual rights is a requirement for a respect of the law and the rights of others. Recently we have witnessed the emergence of a small cohort who flagrantly abuse the law and show a complete disregard for others in the community. The right to peacefully assemble is fundamental in our society and the government supports this right. What this government does not support, and will not support, is the kind of dangerous activity that is currently happening on our roads and railways, and in our cities and rural communities.

In recent times, a small cohort of people have decided to engage in deliberately unlawful behaviour with potentially dangerous outcomes. We have seen bespoke devices designed to fix people to a place, a thing or each other. These devices are purposely built to resist attempts to remove them. In response to this activity, police need to employ a range of tools to free a person from these devices so that the person may be removed from an area. One such device used by this small cohort is a sleeping dragon. This device is usually a tubular length of steel that has an anchor point towards its centre. People can secure themselves to things or each other by reaching into the tube and connecting to the anchor point. This device prevents emergency services workers from simply using bolt cutters to break through the tethering device as these parts are sleeved by the steel tube.

A more complex variation of the sleeping dragon is the dragon's den. A dragon's den incorporates a sleeping dragon or a number of tubes within a metal barrel filled with concrete. These devices can be quickly deployed from the rear of a vehicle on to, for example, a railway line and a number of people can tether themselves within the device in only a few seconds. In the past, other items have been added and set into the concrete inside the barrel. These items are usually designed to increase the amount of time required to cut through the device. These items have included chicken wire and steel posts, which make it very dangerous, as well as difficult, for emergency workers to cut through the concrete. These devices have been used frequently over the last 12 months not only in the Brisbane CBD but also in various locations around Queensland, including to block a railway line in Jondaryan and also to block a roadway at Gatton.

The use of the sleeping dragon and other lock-on devices have been well documented during recent activity in the Brisbane CBD and surrounds. In North Queensland some people have been even more creative with these devices that they have used but, in doing so, they have been placing themselves in danger in a variety of ways. One technique involves sitting on a platform high above the ground suspended from a rope or cable placed over a high tree branch and attached to a railway line at the other end. Trains cannot pass through this location without severing the rope or cable, which would cause serious injury, or worse, to any person on or around the falling platform.

A similar practice involves a person suspending themselves from the apex of a tripod constructed from metal poles held in position with ropes and cables. The tripod is then attached to a train line by a rope or cable. A train is unable to pass without severing the cable which, again, would cause the person to fall. These tripods typically suspend persons from such a height that a fall from the device would cause serious injury or worse. Removing people from these devices may require the assistance of specialist police from Brisbane or Cairns. Protesters have also employed monopoles, which work similarly to a tripod but use only one pole that is held upright by ropes and cables. As a result, specialist police are once again required to safely disassemble the device.

These types of devices represent a real risk of injury or death to protesters, emergency service workers and the public, as a misstep in the device's disassembly may lead to disastrous consequences. Removing protesters safely from these devices is difficult and dangerous. An assortment of tools may be used, including cold chisels and hammers through to power tools such as angle grinders, cold cut saws, hydraulic cutters, hammer drills and jackhammers. This equipment must be operated sometimes within millimetres of a protester, requiring great care on behalf of attending police to avoid any injury. One slip or moment of inadvertence could lead to terrible injuries—the sort you can imagine would be caused if an operating power tool accidentally came into contact with unprotected skin. Potential injuries include lacerations, burns, broken limbs and crushing injuries that could be so severe as to leave a casualty maimed or killed.

This concern is magnified by a small cohort who intentionally incorporate inherently dangerous items into these devices. Items such as glass, metal or aerosol or butane cartridges in these devices exacerbate both the dangers presented and the time taken to end the disruption. Police have seen this approach used in the past during other protest activities and they do not want to see this practice adopted in the current environment. Devices with these sorts of objects in them increase the likelihood that equipment used by police could fail, with catastrophic consequences.

Grinding discs rotating at thousands of revolutions per minute may shatter, turning fragments into projectiles, putting all those in the vicinity at serious risk. Alternatively, cold cut saws could potentially kick back, causing a saw blade to strike a protester or an emergency services worker. This type of dangerous activity not only represents a safety risk to emergency service workers and protesters alike but also has other direct and indirect costs on us all. As the Premier mentioned during her address to the parliament on 20 August this year, there is no way to explain to a grieving family why someone else's actions were worth preventing an ambulance from reaching a hospital.

This bill contains significant improvements to legislation that will protect our emergency service workers from the various types of dangerous devices being employed. Police will be provided with powers under the Police Powers and Responsibilities Act to search a person or vehicle where the police reasonably suspect the person has, or a vehicle contains, a dangerous attachment device that has been used or is to be used to disrupt a relevant lawful activity.

The bill outlines that a person disrupts a relevant lawful activity if the person unreasonably interferes with the ordinary operation of transport infrastructure such as our roads or railways; or if the person stops a person from entering or leaving a place of business; or causes the ordinary operation of equipment or plant to be halted due to safety concerns of a person. Police will also be authorised to deactivate or disassemble any dangerous attachment device that they find. Alternatively, a police officer

may choose to seize a dangerous attachment device and, if so, the device is automatically forfeited to the state. These amendments are preventative measures that mitigate the risk to emergency service workers by stopping dangerous devices being deployed.

The bill also introduces two new offences under the Summary Offences Act. Firstly, any person who, without reasonable excuse, uses a dangerous attachment device to unreasonably interfere with the ordinary operation of transport infrastructure will be liable to a maximum penalty of 50 penalty units or two years imprisonment. Additionally, any person who, without reasonable excuse, either stops a person from entering or leaving a place of business or halts the ordinary operation of equipment because of safety concerns for any person through the use of a dangerous attachment device will commit an offence that carries a maximum penalty of 20 penalty units or one year's imprisonment. However, this offence will exclude tripods or monopoles unless these devices incorporate a dangerous substance or thing.

Finally, the bill allows police to explore a variety of enforcement options when dealing with dangerous attachment devices by giving them the option to issue infringement notices for the proposed offences. The bill will amend the State Penalties Enforcement Regulation to allow police officers to issue penalty infringement notices that impose a fine of five penalty units and two penalty units respectively for the offences I have mentioned. I consider the health and safety of our first responders to be of paramount importance and I believe all Queenslanders do too. These workers perform a difficult job, in some instances under very dangerous circumstances. We should take every opportunity to reduce the risks that they face and to provide them with the tools they need to perform their duties. I am confident that this bill meets that objective. I commend the bill to the House.

First Reading

Hon. MT RYAN (Morayfield—ALP) (Minister for Police and Minister for Corrective Services) (11.48 am): 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

Mr DEPUTY SPEAKER (Mr Whiting): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.