




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 23 October 2019

SUMMARY OFFENCES AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Minister for Corrective Services) (12.54 pm): I move—

That the bill be now read a second time.

Peaceful protest brings about change—change for the better. Peaceful protest is a cornerstone of democracy. In Queensland, peaceful protest has a long and proud history. In Queensland, peaceful protest is treated with respect and tolerance. Peaceful protest has shaped our collective history for the better. This bill upholds the right to peaceful and lawful protest.

Successive Labor governments have consistently acknowledged the importance of this right. A Labor government enacted the Peaceful Assembly Act and the Palaszczuk Labor government enacted the Human Rights Act. These acts enshrine a person's right to peaceful assembly. These acts set the gold standard for what all peaceful protests should be.

People power has produced a positive force for change. It has protected the Daintree rainforest, the Wet Tropics and the Gordon-below-Franklin, stopped this country's involvement in the Vietnam War, supported Indigenous land rights and protected the rights of workers. People power has led to change for the better.

It is evident when reading through the more than 200 submissions provided to the Legal Affairs and Community Safety Committee in its examination of this bill that there is a common theme—that is, the right to peaceful protest is sacrosanct. This government acknowledges the importance of that right. There is nothing in this bill that will prevent any person from taking part in a lawful peaceful protest. I cannot be any clearer when I state that this bill does not prohibit a lawful protest. This is one of the things that this bill will not do.

This bill, were it law, would have had no application to the vast majority of protests in Queensland over many decades. That is something that this bill will not do. This bill is aimed specifically at the use of dangerous attachment devices and this legislation is needed because dangerous attachment devices represent a real risk of injury or death to protesters, emergency services workers and members of our community.

The Queensland Police Service has a number of officers who are called cutters. A cutter is specifically trained to safely extricate people and get them out of harm's way. Their job is not easy. It can be dangerous. One slip could cause permanent eye damage. One slip could sever an artery. One slip could cause serious injury. One slip could lead to a death. It is dangerous work—dangerous for the cutter, dangerous for the protester, and dangerous for anyone in the vicinity.

Emergency services workers may need to use an assortment of tools, including chisels, hammers and power tools, such as angle grinders and cold-cut saws, to free protesters using these devices. These tools have to be used in very close proximity to the protester. For example, grinding discs rotating

at thousands of revolutions per minute may be used to cut through steel millimetres away from the flesh of a protester. Cold-cut saws may need to be operated right next to a protester's body. Great care needs to be taken. Any unexpected movement by a protester, one missed step, one moment of inadvertence, could lead to injury or death.

In some instances, the risk in removing a protester from these devices may be magnified. A very small cohort have intentionally put items in these devices—items that heighten the danger when the cutter tries to remove them. Items such as glass and metal in these devices could cause tools used by emergency services workers to fail. Grinding discs could shatter, saw blades could kick back and that is dangerous for emergency services workers, the protester and anyone in the vicinity. I table a number of photos provided by the Queensland Police Service as examples of some of these devices and their use.

Tabled paper: Bundle of photographs depicting dangerous devices [1925](#).

The use of these dangerous attachment devices also places a psychological toll on our emergency services workers—a toll they can do without. Then there are the road closures that are required because of the time it takes to carefully, safely and expertly extricate the protesters from the dangerous attachment devices—road closures that can prevent emergency services from quickly responding to calls for service. I hold the same concerns as raised by the Premier—that our ambulance officers need free movement to attend to the sick.



Mr RYAN: Prior to the lunch break I tabled some photos. I would like to table a few more photos demonstrating some of the features of the dangerous attachment devices which are the subject of this bill. I note for the interest of members—and members will be able to look at these photos later—that one of the devices, which is known as a sleeping dragon, has a glass sleeve in it, deliberately creating an additional risk. There are also images of tripods being put on train lines, quite clearly at night-time, which again creates an additional risk. There are a number of other images here which I am sure members will be interested in. Of particular concern around the big 44-gallon drums, which are known as dragon's dens, is the unknown when it comes to what is actually inside those devices: pieces of metal, pieces of steel, pieces of glass. All of those objects present a significant risk to our officers when they are removing those devices but of course also to the protesters and people in the vicinity.

Tabled paper: Bundle of photographs depicting dangerous devices [1926](#).

As I was saying prior to the lunch break, I hold the same concerns as raised by the Premier that our ambulance officers need free movement to attend to the sick, our fire service officers need free rein to attend to fires and our police need to be able to immediately respond to calls for service and not be held back by dangerous attachment devices.

Only recently in North Queensland an officer who was involved in removing one of these devices was injured. Thankfully there have been no other reported injuries to protesters while these devices have been removed. Some commentators have attributed this to good luck, but I would like to acknowledge and attribute this outcome to the professionalism of our police and emergency services workers who are called upon to extricate these protesters from these devices. In large part it has been through the specialist training, care and patience of these officers that injuries to protesters have been avoided. While no-one has been injured when deploying dangerous attachment devices, we must not ignore the real risk of injury or death confronting emergency services workers and the protesters themselves when these devices are used. The bill is about preventing a tragedy.

This leads me to comment upon what the bill will do. This bill will lead to better protections for our emergency services workers from the types of dangerous attachment devices outlined in the bill. This will be achieved through creating offence provisions that deter persons from the inappropriate use of dangerous attachment devices. These offence provisions carry substantial penalties, including a maximum of 50 penalty units or imprisonment for two years, if a person uses a dangerous attachment device to unreasonably interfere with the ordinary operation of transport infrastructure. Police will also be authorised 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.

It is important to note that there will be safeguards in place in relation to any searches. These safeguards will apply to the provisions in this bill. Later during this debate I will circulate amendments. Police will be required to record prescribed information in an enforcement register after the search is conducted. I am mindful of community concerns about police search and seize capabilities, and for this reason the government will make those amendments to the bill to allay concerns. I have also consulted with the Police Commissioner, who supports this government's view that the use of search and seize

powers be transparent and that information about their use should be provided to the Legislative Assembly on an annual basis. Therefore, the Police Commissioner will be required to provide a report to the minister which will be tabled as soon as practicable after the end of each financial year. This report will detail the use of the search powers under the proposed sections of the Police Powers and Responsibilities Act and the seizure and disposal of a dangerous attachment device. This report will then be tabled in the Legislative Assembly within 14 sitting days of receipt by the minister. Further, after listening to stakeholders and taking into account concerns, an amendment will also be made to further clarify the definition of a dangerous substance or thing in section 14B of the bill.

Further, this bill will allow the police to deactivate or disassemble any dangerous attachment device they find. Alternatively, a police officer may choose to seize a dangerous attachment device. Upon seizure, the device is automatically forfeited to the state. These powers will be seen to be a preventive measure to allow police to interfere before a dangerous attachment device is deployed, thereby eliminating risk of harm to all involved.

Events have resulted in earlier consideration of this bill by the Legal Affairs and Community Safety Committee so that members of this House may consider this bill sooner rather than later. Unfortunately, we have seen a rise in activism that is based upon a flagrant abuse of the law and complete disregard for the safety of others in the community. This is evidenced by increasing arrest rates because a very small cohort have decided to engage in deliberately unlawful behaviour designed to cause maximum disruption to everyday Queenslanders. Of most concern is the increasing use of these dangerous attachment devices.

Assistant Commissioner Crawford from the Brisbane police region of the Queensland Police Service informed the Legal Affairs and Community Safety Committee that until recently the use of dangerous attachment devices was comparatively rare. Over the last few years about 30 of these devices have been deployed, yet in the last few weeks police have had to deal with a similar number—almost 30 dangerous attachment devices just in the last few weeks. I consider the increasing frequency of the use of these devices is justification for the urgent consideration of this bill.

People who use dangerous attachment devices place themselves at risk. They place the welfare of emergency services workers at risk, and road closures through the use of these devices can cause delays for our emergency services in responding to calls for service which places everyone at risk. Every effort should be made to mitigate the risk of harm caused by the use of dangerous attachment devices. This bill will help meet that objective. Most importantly though, this bill also upholds the right to peaceful and lawful protest, a right that we value and is sacrosanct. I commend the bill to the House.