




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

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SUMMARY OFFENCES AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Minister for Corrective Services) (12.30 pm), in reply: I thank all members who made a contribution to the debate on the Summary Offences and Other Legislation Amendment Bill 2019 and I also thank those who took the time to provide submissions to the Legal Affairs and Community Safety Committee. As I mentioned at the outset, peaceful protest brings about change, and here in Queensland peaceful protest is treated with respect and tolerance because peaceful protest has shaped our collective history for the better. This bill upholds the right to peaceful and lawful protest.

I foreshadow that I intend to propose three amendments during consideration in detail of the bill. The amendments relate to the Police Powers and Responsibilities Act 2000 and the Summary Offences Act 2005. The amendment to the Police Powers and Responsibilities Act will insert a new provision requiring the Police Commissioner to provide me with a report at the end of each financial year outlining information about the exercise of the search, seizure and forfeiture powers contained in this bill. It is important that there are safeguards in place in relation to any searches. Police will be required to record prescribed information in an enforcement register after the search is conducted.

I appreciate concerns about police search and seize capabilities. For this reason, this government has made specific amendments to this bill to allay concerns. As mentioned, I consulted with the Police Commissioner, who supports this government's view that the use of search and seizure powers must be transparent. Therefore, it stands to reason that information about their use be provided annually to the Legislative Assembly. The Police Commissioner will provide a report to me 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 after its receipt. This amendment shows a continued commitment by the Police Commissioner and this government to remain accountable and transparent to the people of Queensland.

The second amendment I intend to move will clarify the things that are not an attachment device for the new proposed section 14A of the bill. This amendment provides that a thing such as glue, a bike lock, a padlock, a rope and a chain will not be an attachment device unless the thing is a component of a dangerous attachment device. Finally, I will also move a very minor amendment to the Summary Offences Act which will clarify that the application of the definition of 'dangerous substance or thing' in the new proposed section 14B will apply only in circumstances where a person is being released from a dangerous attachment device. This amendment will provide that the definition of 'dangerous substance or thing' includes anything likely to cut a person's skin whilst a person is being extricated from a dangerous attachment device and a substance or thing that requires a person to wear protective clothing to safely handle, cut or break up whilst a person is being extricated from a dangerous attachment device.

As I mentioned earlier, it was a Labor government that enacted the Peaceful Assembly Act and a Labor government that enacted the Human Rights Act here in Queensland. These acts enshrine a person's right to peaceful assembly. There is nothing in this bill which will prevent any person from taking part in a lawful peaceful protest. This bill is focused on mitigating the risk of injury that eventuates when dangerous attachment devices are used. We should not allow other considerations to become a distraction to that objective.

I will now address some of the specific issues raised by members during the debate. A number of comments have been made in this House about the effectiveness of these amendments. I take this opportunity to dispel those misconceptions. For instance, the member for Broadwater contended that this bill will not address circumstances where a tripod is used on a roadway. This is not the case. Proposed section 14C of the bill will provide an offence of 50 penalty units or two years imprisonment for any person who uses a dangerous attachment device to unreasonably interfere with the ordinary operation of transport infrastructure unless the person has a reasonable excuse. This bill will prohibit a person using a tripod on a roadway. Our message about this bill is clear and worth repeating to ensure that it cannot be misconstrued. This bill will protect our emergency services workers, it will allow police to act to seize dangerous attachment devices and it will prohibit their inappropriate use.

I will now address the amendments proposed by the member for Toowoomba North. These amendments would appear to be extraordinary in their reach. Further, they would appear to capture community members engaged in lawful protest. The new unlawful assembly offence proposed by those opposite would apply where three or more persons are present together for a common purpose and one or more of those persons is using or is fastened to or otherwise indirectly connected to a vehicle, device or object that obstructs or is likely to obstruct the use of transport infrastructure by an emergency vehicle. In this case, every one of those persons commits an offence. This means that, if 100 people are together for a common purpose of protesting—for example, the Morrison government's lack of support for farmers experiencing drought or seven people are together protesting the removal of a right-hand turn on a road—and just one person in that group attaches themselves to the road, every single one of them would be liable for an offence.

If the LNP's concern for emergency services is real and genuine, then perhaps the arrest of those 100 people—99 of them who are lawfully protesting—is not the way to go. Even more extraordinary is that under the LNP's amendment if a person is convicted of a subsequent offence against the proposed new section they are subject to a minimum seven days imprisonment. This means that, if the same 100 people went out and lawfully protested, because of a common connection with just one person who does the wrong thing, we would then have 100 people subject to a mandatory term of imprisonment—mandatory time behind bars for all of them. That means that farmers, professionals, politicians who are in rallies out the front of parliament, children and the elderly could be imprisoned under these laws.

As if that was not enough, the new offence applies where one or more persons behave in a way that would cause a person in the vicinity to reasonably suspect the behaviour is intended to cause traffic congestion or otherwise interfere with the use of a public place by a member of the public place. This proposal is nothing short of gobsmacking. Members of the opposition one after the other have said that they support the right to lawful protest. However, the LNP's proposed amendment suggests otherwise and potentially punishes people who are lawfully protesting. Just by interfering with the use of a public place, which could include people in a park who are protesting, a person could be subject to 25 penalty units or one year imprisonment or, for a subsequent offence, mandatory imprisonment. This amendment is so broad that a public place includes a road. I table a picture from a public Google search which shows the member for Everton—one of seven people—standing in the middle of the road protesting against the removal of a right-hand turn.

Tabled paper. Photograph depicting the member for Everton, Mr Tim Mander MP, and other persons [1949](#).

Under the LNP's amendment, this could reasonably be said to be interfering with the use of a public place. In the photo, it looks like they have blocked a roadway. The member for Everton would be potentially liable for an offence and he could go to jail and take six people with him. It just goes to show that the LNP's amendments are gobsmacking. These proposals could only be categorised as a breach of human rights and are totally disconnected from the various remarks of the members of the opposition who claim to support lawful protest.

The proposed changes to the Bail Act are equally puzzling. Under the proposed LNP unlawful assembly offence, or our dangerous attachment device offence, if someone is granted bail and is then subsequently charged with something like public nuisance or contravening a direction of a police officer, that person could be placed in a position where they are refused bail and must show cause as to why their detention in custody is not justified. This could occur even though the public nuisance, or contravened direction offence, may have nothing to do with the unlawful or dangerous protest activity.

The main argument of the member for Maiwar against this bill is simple. He asserts that there is no evidence that a protester is trying to harm anyone, so there is no need to legislate against the use of a dangerous attachment device. This contention fails to account for the potential risk that is inherent every time a police officer is called upon to release a person from these devices—every time—or the risk to other people, for example train drivers who may come across a dragon's den on a railway line. Trains need a significant length of track in which to stop. What about the people who may be on the train? Should they be placed at risk? Quite clearly, the answer is no.

We have been very fortunate not to have had a tragedy through the use of these devices. So far, no protester has reported an injury, but that is largely due to the professionalism of our emergency services workers, their diligence, their vigilance and luck. Unfortunately, as the member for Maiwar noted in his speech, a police officer has received an injury as a result of removing one of these dangerous attachment devices.

The committee heard from representatives of the Queensland Resources Council that protesters who unlawfully entered Abbot Point chained themselves to a live conveyor belt and concealed themselves out of sight and that those people could have been seriously injured. In their submission, they said—

They were just lucky that the guy who was on duty that night went out to walk the conveyor belt, happened to see their boots sticking out and shut the whole site down. That is a risk. Was anyone injured? No, but do you really want to promote a situation where people are putting themselves in that situation?

This government recognises that our emergency services workers should not needlessly be placed in danger just for doing their job. The government has always supported a person's right to protest. However, the position of the member for Maiwar goes much further. He contends that the use of dangerous attachment devices would be appropriate in the protest of a cause. On this point, we disagree. This bill does not prevent any person from protesting, associating, or moving freely in public. It prevents actions that place emergency services personnel and community members at risk. It prevents the use of dangerous attachment devices.

This bill is about protecting emergency services personnel, members of the community and the protesters themselves from the risk of injury or death. Our emergency services workers are frequently called upon to undertake tasks that others would not want to do, or simply could not do. They perform a difficult and often dangerous job. They deserve to have the measures contained in this bill in place to keep them safe. I am confident that this bill will achieve that purpose. I commend the bill to the House.