




Speech By
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SUMMARY OFFENCES AND OTHER LEGISLATION AMENDMENT BILL

 **Mr WATTS** (Toowoomba North—LNP) (2.08 pm): I rise to speak on the Summary Offences and Other Legislation Amendment Bill 2019. I too share concern for the safety of our emergency services officers in going about their job and dealing with those devices. Recently there has been an increase in the number of protests that have been held across the state. Many of these protests have gone beyond the means of lawful protest and many protesters have wilfully broken the law while causing mass commuter delays and disruption to business and wasting valuable emergency services resources. I would like to first make it very clear that the LNP supports the right to peaceful protest and freedom of peaceful assembly provided it is lawful.

Protest is an integral component of democracy. In a democratic country such as Australia, anybody can meet together in small or large groups to voice their opinion on any matter. The right to protest is supported by the Universal Declaration of Human Rights 1948, as well as international human rights conventions and covenants. Australia is a party to the international human rights treaties and supports the rights of freedom of assembly and association contained in articles 21 and 22 of the International Covenant on Civil and Political Rights and article 8(1)(a) of the International Covenant on Economic, Social and Cultural Rights.

An integral component of the right to peaceful assembly is to ensure that there are necessary and reasonable restrictions imposed on this right. Specifically, the right to peaceful assembly provides the right is subject only to such restrictions that are necessary and reasonable in a democratic society in the interests of public safety, public order or the protection of the rights and freedoms of other persons. The LNP believes that civil disobedience for any cause is not a justification for mass public disorder. Restrictions are necessary to ensure a balance is struck between those who wish to voice their views on any cause they feel passionate about and the right to public safety, public order and personal rights and freedoms.

The exercise of a person's ability to protest may be subject to restrictions in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others. However, too often we have witnessed protesters abandoning the laws that provide them with the freedom to protest by unnecessarily and unreasonably causing as much disruption as they can. For example, on 6 August more than 70 people were arrested. Offences included breach of the peace, obstructing police, obstructing traffic and contravening a direction. One protester received 90 hours of community service and a conviction was recorded. Another protester who was arrested for obstructing a roadway was fined \$450. Another protester who pled guilty to public nuisance and obstructing police was fined \$550. While a permit for peaceful assembly and procession was arranged and organised as per the act, protesters engaged in a sit-down protest in the intersection of William Street and Margaret Street for more than 30 minutes at peak time, which caused gridlock.

There is an abundance of examples in which protesters have acted well beyond the confines of the Peaceful Assembly Act and various other pieces of legislation. The latest of these protests were between 6 and 11 October, during the orchestrated International Extinction Rebellion Week. In that one

week, police arrested 125 offenders on a range of offences including assault of a police officer, dangerous operation of a vehicle, obstructing police, wilful damage and contravening a direction or requirement.

Too often we have seen serial protesters receive a slap on the wrist and no consequence for their action. Take the example of well-known Extinction Rebellion activist Eric Serge Herbert. Recently, the serial protester walked away with a \$220 fine for blocking the Victoria Street bridge and causing mass delays, despite the fact that he has accumulated a lengthy charge sheet, including four public nuisance offences and a number of other antisocial charges. These protesters are making a mockery of the Labor government and they continue to do so because they continue to escape with no punishment.

In a bid to crack down on these protesters, the Labor government announced a special task force, Operation Romeo Arrowhead, that received 150 specialist officers to deal with the protesters. While we saw mass arrests, the offenders were back on the streets within hours, committing more offences. To deploy such a significant number of police officers to deal with unlawful protesters only to have the offenders reoffend within hours is wasteful, costly and embarrassing for the state. Our hardworking police officers have gone from babysitting in watch houses to babysitting protesters. It is simply offensive to the police and mind-boggling to the community. The point I would like to make is that if there is going to be a specialist task force there needs to be at least some form of guarantee that their efforts in arresting offenders are without waste and that the offenders will be held to account.

An example of the waste of emergency services resources happened in the most recent protest held during International Extinction Rebellion Week from 6 to 11 October, when 11 police officers and four firefighters were required to deal with just three protesters on one CBD corner. That was a shameful waste of emergency services resources. No-one could have said it better than the Queensland Ambulance Service Medical Director, Dr Stephen Rashford, who attend the Extinction Rebellion protest at the Story Bridge and labelled the protesters 'morons', when he tweeted—

Honestly, enjoying our rights in Australia to safely protest does not give you the right to act like a moron and tie up valuable emergency services ...

In the tweet he tagged @QldPolice and @QldAmbulance.

Businesses are also hard hit at times when there are protests. Queensland's Chamber of Commerce & Industry spokesman, Dan Petrie, revealed that the loss of productivity in the city rises significantly when protests occur. It was revealed that on any given day data from TomTom shows that at least \$2.4 million is lost in productivity due to traffic congestion, but this increased to a staggering \$3.5 million when protest occurred. Many of the protesters who interrupt trade do not realise the gravity of their behaviour and the irreversible impact it can have on a person's livelihood and their family budget.

The LNP appreciates the intent of the bill, which is to protect officers and individuals when protesters use dangerous attachment devices that endanger themselves, emergency services workers and members of the public. However, it is clear that this bill is riddled with flaws. For example, the bill will not apply to single items such as glue, bike locks, padlocks and ropes. On their own, chains are not considered attachment devices. Time and time again we have seen extremist protesters use a range of tactics, such as hanging themselves from bridges, gluing themselves to roads or chaining themselves to train tracks. While I understand the intent of the bill is to apply specifically to dangerous attachment devices, I would argue that the bill needs to apply more broadly to all types of unlawful tactics that the protesters use or else there seems little point to it. The wide range of tactics used by Extinction Rebellion and other extremist protesters is highlighted in a recent QPS statement, in which Acting Chief Superintendent Fleming commented—

Protesters used a number of different tactics this week to try and prolong the impact of their protests upon commuters.

The ambit of the bill is too specific and will have minimal impact on serial protesters who have been causing anarchy on the streets of Brisbane and across the nation. On 9 October, the Extinction Rebellion protesters targeted the Bowen Hills train line and an offender chained himself to the tracks. That Extinction Rebellion protester would not be caught under this bill. On 11 October, police commenced negotiations with a protester who was occupying the road on the William Jolly Bridge and a direction was given for all protesters to clear the road. Thirty-four protesters did not obey the direction, including a number who glued themselves to the road. Those Extinction Rebellion protesters will not be caught under this bill.

The second major issue with this bill relates to the punishment, or lack thereof, that offenders will receive under the bill. I note the front page of the *Courier-Mail* on 9 October, which reads 'Straight to jail'. The article states that the Palaszczuk government will fast-track laws aimed at sending Extinction Rebellion protesters to jail. I question the reliability of that statement. There is nothing in the bill that

promotes offenders being sent to jail. Like all current offences that protesters are being charged with, the court has the discretion to impose a fine or imprisonment. At this time, not one Extinction Rebellion person has been sentenced to prison for their unlawful activity.

I cannot help but think that this is another one of Labor's tactics to offer false hope to Queenslanders. In fact, I know that is another one of Labor's attempts to mislead the community by making out they are tough on unlawful protesters when the opposite could not be more true.

The offence in proposed section 14C gives the courts the discretion to order either a fine or imprisonment which means there is absolutely no guarantee of these protesters being sent to prison. The article is simply misleading. We will see, once this legislation comes into force, serial protesters walking out with a fine or community service. Put simply, I have grave concerns the Premier has significantly overplayed the impact of these laws and how they will be applied.

The LNP is of the view that the bill is very limited and will only capture a small percentage of these unlawful protesters. It is likely, upon commencement of these laws, that the protesters will change their strategy and revert to their general tactics such as gluing themselves to the road. To put it another way, the bill simply reinforces to the protesters the type of unlawful protest activities that are not caught under the bill and that do not attract a severe punishment.

That is why the LNP will be introducing two amendments to the bill. The LNP's amendments will provide for stronger penalties for repeat offenders to ensure sentencing is in line with community expectations and will emphasise the need to protect public safety, public order and the rights and freedoms of other persons which are necessary and reasonable.

The amendments provide for a new unlawful assembly offence in section 10A(1a) of the Summary Offences Act 2005. The offence will apply where three or more persons are present together for a common purpose and one or more of the persons is (a) using, or is fastened or otherwise directly or indirectly connected to, a vehicle, device or object that obstructs, or is likely to obstruct, the use of transport infrastructure by an emergency vehicle; (b) fastened or otherwise directly or indirectly connected to transport infrastructure in a way that obstructs, or is likely to obstruct, the use of transport infrastructure by an emergency vehicle; or (c) behaving 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.

This means that under the LNP a person who is fastened to a boat trailer that has been stopped or parked in the middle of an intersection will be caught by this new offence. This means that a person who has glued a part of their body to the surface of a road in a way that obstructs the use of the road by a vehicle or a person or who is fastened to a bridge in a way that obstructs the use of the bridge by a vehicle will be caught under this new offence. Any person convicted of this new unlawful assembly offence may face a maximum penalty of 25 penalty units, or one year's imprisonment.

Anyone who breaks the law, particularly on more than one occasion, deserves to have some consequence for their actions. That is why the amendment provides that any person who is twice convicted of the offence must be sentenced to a period of imprisonment of a minimum of seven days. The LNP's amendments send a clear message to repeat offenders who continually break the law. Any protester who commits a protest related offence on more than one occasion will be sent to jail. I emphasise the point that repeat offenders will go to jail. Unlike Labor, this does not mean 'may' or 'could' or 'should'. It means that a repeat offender will go to jail. Unlike Labor, the LNP can guarantee that repeat offenders will go to jail if they are caught breaking the law twice.

The LNP is sick and tired of seeing serial protesters arrested and let back on the street to commit more offences on the same day. This is why the LNP will make it harder for protesters to be granted bail. The LNP will move amendments to section 16 of the Bail Act to provide that a police officer must refuse to grant bail in relation to any person who has been charged with the new unlawful assembly offence and is subsequently charged with a subsequent protest related offence unless the defendant shows cause why that defendant's detention in custody is not justified. The subsequent offences include: serious assault, public nuisance, assault or obstruct a police officer, contravene the direction or requirement of a police officer, pedestrians not to cause a traffic hazard or obstruction, the proposed unlawful assembly offence or the proposed use of dangerous attachment device to disrupt lawful activities offence.

The final major amendment will give effect to the *Courier-Mail* article titled 'Straight to jail'. The LNP's amendments will put truth into Labor's messaging because the LNP's amendments will ensure that any person convicted twice of a dangerous attachment device offence will be sentenced to a minimum of seven days jail.

In conclusion, I cannot stress enough that the LNP supports the right to peaceful protest and freedom of peaceful assembly as it is an integral component of our democracy. However, the LNP will not accept the actions of protesters who make it their mission to break the law and cause as much disruption to the public as possible. No-one is above the law and these unlawful protesters need to show some respect for the safety of the public or face mandatory jail time. Under the LNP repeat offenders will be sent to prison and they will not be roaming the streets while on bail if they commit a second offence.