Queensland

Summary Offences and Other Legislation Amendment Bill 2019
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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
The Parliament of Queensland enacts—

Part 1 Preliminary

Clause 1 Short title

This Act may be cited as the *Summary Offences and Other Legislation Amendment Act 2019*.

Part 2 Amendment of Police Powers and Responsibilities Act 2000

Clause 2 Act amended

This part amends the *Police Powers and Responsibilities Act 2000*.

Clause 3 Amendment of s 30 (Prescribed circumstances for searching persons without warrant)

(1) Section 30—

*insert—*

(k) the person has something that may be a dangerous attachment device that has been used, or is to be used, to disrupt a relevant lawful activity.

(2) Section 30—

*insert—*

(2) For subsection (1)(k), a relevant lawful activity is disrupted by using a dangerous attachment device if the use—
(a) unreasonably interferes with the ordinary
operation of transport infrastructure within
the meaning of the Transport Infrastructure
Act 1994, schedule 6; or
Example—
placing an obstacle, on a railway, that stops the
passage of rolling stock
(b) stops a person from entering or leaving a
place of business; or
(c) causes a halt to the ordinary operation of
plant or equipment because of concerns
about the safety of any person.

4 Amendment of s 32 (Prescribed circumstances for
searching vehicle without warrant)

(1) Section 32(1)—
insert—
(p) may be a dangerous attachment device that
has been used, or is to be used, to disrupt a
relevant lawful activity.

(2) Section 32—
insert—
(3) For subsection (1)(p), a relevant lawful activity is
disrupted by using a dangerous attachment device
if the use—
(a) unreasonably interferes with the ordinary
operation of transport infrastructure within
the meaning of the Transport Infrastructure
Act 1994, schedule 6; or
Example—
placing an obstacle, on a railway, that stops the
passage of rolling stock
(b) stops a person from entering or leaving a
place of business; or
Clause 5  Insertion of new s 53AA

After section 53A—

insert—

53AA Seizure and disposal of dangerous attachment devices

(1) This section applies if a police officer—

(a) finds a dangerous attachment device; and

(b) reasonably suspects the dangerous attachment device has been used, or is to be used, to disrupt a relevant lawful activity.

(2) For subsection (1)(b), a relevant lawful activity is disrupted by using a dangerous attachment device if the use—

(a) unreasonably interferes with the ordinary operation of transport infrastructure; or

Example—

placing an obstacle, on a railway, that stops the passage of rolling stock

(b) stops a person from entering or leaving a place of business; or

(c) causes a halt to the ordinary operation of plant or equipment because of concerns about the safety of any person.

(3) The police officer may do 1 or both of the following—

(a) deactivate or disassemble the dangerous attachment device to the extent the police officer considers reasonably necessary;
(b) seize all or parts of the dangerous attachment device.

(4) If the police officer exercises the power under subsection (3) to seize a dangerous attachment device or parts of a device, the device or part is taken to have been forfeited to the State immediately after the police officer seizes it.

(5) To remove any doubt, it is declared that a police officer may disassemble a dangerous attachment device and choose to seize only some of the disassembled parts.

(6) In this section—

* deactivate, a dangerous attachment device, includes to make the device safe or unusable.*

* transport infrastructure see the *Transport Infrastructure Act 1994, schedule 6.*

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**Clause 6 Amendment of s 720 (Application of div 7)**

Section 720(2)—

* omit, insert—*

(2) This division applies to a forfeited thing only after all proceedings relating to the offence or suspected offence for which the thing was forfeited are finally decided.

(3) However, the delay of the application of this division under subsection (2) does not apply to the following things—

(a) a dangerous attachment device forfeited under section 53AA;

(b) a thing forfeited under division 6.

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**Clause 7 Amendment of sch 6 (Dictionary)**

Schedule 6—
Part 3 Amendment of State Penalties Enforcement Regulation 2014

Clause 8 Regulation amended
This part amends the State Penalties Enforcement Regulation 2014.

Clause 9 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)
Schedule 1, entry for Summary Offences Act 2005—

insert—

Part 4 Amendment of Summary Offences Act 2005

Clause 10 Act amended
This part amends the Summary Offences Act 2005.

Clause 11 Insertion of new pt 2, div 2A
Part 2—

insert—
Division 2A  Offence involving use of dangerous attachment devices

14A What is an attachment device

(1) 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.

(2) To remove any doubt, it is declared that none of the following things is, by itself, an attachment device—

(a) glue;
(b) a bike lock;
(c) a padlock;
(d) a rope;
(e) a chain.

(3) In this section—

bike lock means a device manufactured and sold as a device for securing a bicycle while the device is locked.

14B What is a dangerous attachment device

(1) An attachment device is a dangerous attachment device if it—

(a) reasonably appears to be constructed or modified to cause injury to a person who attempts to interfere with the device; or
(b) reasonably appears to be constructed or modified to cause injury to a person if another person interferes with the device; or
(c) incorporates a dangerous substance or thing.

(2) Also, a sleeping dragon, dragon’s den, monopole and tripod are each a dangerous attachment device.

(3) An attachment device is a sleeping dragon if it incorporates—

(a) an anchor point for a person to hold or to which a person’s hand can be bound or locked; and

(b) a casing that shields the person’s hand, or the binding or lock, from being released by another person.

Example of a sleeping dragon—

two large steel pipes welded together at an angle with a thick pin fixed in the centre

(4) An attachment device is a dragon’s den if it—

(a) incorporates 1 or more sleeping dragons or tubes large enough to pass a person’s hand through; and

(b) reinforces the casing of the sleeping dragon or tube by adding bulk and weight.

Example of a dragon’s den—

a 44-gallon drum incorporating a sleeping dragon and otherwise filled with concrete

(5) An attachment device is a monopole if—

(a) it relies on a long pole and support riggings to suspend a person off the ground; and

(b) it reasonably appears to be set up to fall if another person interferes with the support riggings; and

(c) a fall of the device would cause injury to the person suspended from it.

(6) An attachment device is a tripod if—
(a) the legs of the device form a tripod large enough to be used to suspend a person off the ground; and
(b) it reasonably appears to be set up to collapse if another person interferes with the legs of the device or any support riggings for the device; and
(c) a collapse of the device would cause injury to the person suspended from it.

(7) To remove any doubt, it is declared that a device is a dangerous attachment device under this section regardless of whether—
(a) persons using the device can release themselves from it; or
(b) the device would automatically deactivate or release itself after a period of time; or
(c) protective clothing or other shielding would prevent injury to any person.

(8) In this section—

*attachment device* see section 14A.

dangerous substance or thing means—

(a) any thing likely to explode, when struck or compressed, causing injury to a person; or
(b) any thing likely to cut a person’s skin; or
(c) any substance or thing that requires a person to wear protective clothing to safely handle, cut or break up the thing.

*Example for paragraph (c)*—
a pipe or casing made of asbestos

*interfere*, with a thing, includes to cut, damage, deactivate, move or release the thing.

*protective clothing* means clothing, eyewear or masks designed to protect the wearer from
infection or injury caused by chemicals, electricity or heat.

**support riggings**, for a thing, means the cables, chains, ropes or other materials used to stabilise the thing in a particular position.

### 14C Use of dangerous attachment device to disrupt lawful activities

1. A person must not use a dangerous attachment device to unreasonably interfere with the ordinary operation of transport infrastructure, unless the person has a reasonable excuse.

   **Example of unreasonably interfering with transport infrastructure**—
   - placing an obstacle, on a railway, that stops the passage of rolling stock
   
   Maximum penalty—50 penalty units or 2 years imprisonment.

2. A person must not use a dangerous attachment device to do either of the following, unless the person has a reasonable excuse—
   - stop a person from entering or leaving a place of business;
   - cause a halt to the ordinary operation of plant or equipment because of concerns about the safety of any person.

   Maximum penalty—20 penalty units or 1 year’s imprisonment.

3. However, subsection (2) does not apply to a monopole or tripod unless it incorporates a dangerous substance or thing.

4. In this section—
   - **dangerous attachment device** see section 14B.
   - **dangerous substance or thing** see section
14B(8).

*monopole* see section 14B(5).

*transport infrastructure* see the *Transport Infrastructure Act 1994*, schedule 6.

*tripod* see section 14B(6).