



Summary Offences and Other Legislation Amendment Bill 2019



Queensland

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2019

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

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Summary Offences and Other
Legislation Amendment Act 2019*. 4
5

**Part 2 Amendment of Police Powers
and Responsibilities Act 2000** 6
7

Clause 2 Act amended 8

This part amends the *Police Powers and Responsibilities Act
2000*. 9
10

**Clause 3 Amendment of s 30 (Prescribed circumstances for
searching persons without warrant)** 11
12

(1) Section 30— 13

insert— 14

(k) the person has something that may be a 15
dangerous attachment device that has been 16
used, or is to be used, to disrupt a relevant 17
lawful activity. 18

(2) Section 30— 19

insert— 20

(2) For subsection (1)(k), a relevant lawful activity is 21
disrupted by using a dangerous attachment device 22
if the use— 23

	(a) unreasonably interferes with the ordinary operation of transport infrastructure within the meaning of the <i>Transport Infrastructure Act 1994</i> , schedule 6; or	1 2 3 4
	<i>Example—</i>	5
	placing an obstacle, on a railway, that stops the passage of rolling stock	6 7
	(b) stops a person from entering or leaving a place of business; or	8 9
	(c) causes a halt to the ordinary operation of plant or equipment because of concerns about the safety of any person.	10 11 12
Clause 4	Amendment of s 32 (Prescribed circumstances for searching vehicle without warrant)	13 14
	(1) Section 32(1)—	15
	<i>insert—</i>	16
	(p) may be a dangerous attachment device that has been used, or is to be used, to disrupt a relevant lawful activity.	17 18 19
	(2) Section 32—	20
	<i>insert—</i>	21
	(3) For subsection (1)(p), a relevant lawful activity is disrupted by using a dangerous attachment device if the use—	22 23 24
	(a) unreasonably interferes with the ordinary operation of transport infrastructure within the meaning of the <i>Transport Infrastructure Act 1994</i> , schedule 6; or	25 26 27 28
	<i>Example—</i>	29
	placing an obstacle, on a railway, that stops the passage of rolling stock	30 31
	(b) stops a person from entering or leaving a place of business; or	32 33

[s 5]

	(c) causes a halt to the ordinary operation of plant or equipment because of concerns about the safety of any person.	1 2 3
Clause 5	Insertion of new s 53AA	4
	After section 53A—	5
	<i>insert—</i>	6
	53AA Seizure and disposal of dangerous attachment devices	7 8
	(1) This section applies if a police officer—	9
	(a) finds a dangerous attachment device; and	10
	(b) reasonably suspects the dangerous attachment device has been used, or is to be used, to disrupt a relevant lawful activity.	11 12 13
	(2) For subsection (1)(b), a relevant lawful activity is disrupted by using a dangerous attachment device if the use—	14 15 16
	(a) unreasonably interferes with the ordinary operation of transport infrastructure; or	17 18
	<i>Example—</i>	19
	placing an obstacle, on a railway, that stops the passage of rolling stock	20 21
	(b) stops a person from entering or leaving a place of business; or	22 23
	(c) causes a halt to the ordinary operation of plant or equipment because of concerns about the safety of any person.	24 25 26
	(3) The police officer may do 1 or both of the following—	27 28
	(a) deactivate or disassemble the dangerous attachment device to the extent the police officer considers reasonably necessary;	29 30 31

	(b) seize all or parts of the dangerous attachment device.	1 2
	(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.	3 4 5 6 7
	(5) To remove any doubt, it is declared that a police office may disassemble a dangerous attachment device and choose to seize only some of the disassembled parts.	8 9 10 11
	(6) In this section— <i>deactivate</i> , a dangerous attachment device, includes to make the device safe or unusable. <i>transport infrastructure</i> see the <i>Transport Infrastructure Act 1994</i> , schedule 6.	12 13 14 15 16
Clause 6	Amendment of s 720 (Application of div 7)	17
	Section 720(2)—	18
	<i>omit, insert</i> —	19
	(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.	20 21 22 23
	(3) However, the delay of the application of this division under subsection (2) does not apply to the following things—	24 25 26
	(a) a dangerous attachment device forfeited under section 53AA;	27 28
	(b) a thing forfeited under division 6.	29
Clause 7	Amendment of sch 6 (Dictionary)	30
	Schedule 6—	31

[s 8]

insert—

1

dangerous attachment device see the *Summary Offences Act 2005*, section 14B.

2

3

Part 3

Amendment of State Penalties Enforcement Regulation 2014

4

5

Clause 8

Regulation amended

6

This part amends the *State Penalties Enforcement Regulation 2014*.

7

8

Clause 9

Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

9

10

Schedule 1, entry for *Summary Offences Act 2005—*

11

insert—

12

s 14C(1)

5

s 14C(2)

2

Part 4

Amendment of Summary Offences Act 2005

13

14

Clause 10

Act amended

15

This part amends the *Summary Offences Act 2005*.

16

Clause 11

Insertion of new pt 2, div 2A

17

Part 2—

18

insert—

19

Division 2A	Offence involving use of dangerous attachment devices	1 2 3
14A	What is an <i>attachment device</i>	4
(1)	An <i>attachment device</i> 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.	5 6 7 8 9
(2)	To remove any doubt, it is declared that none of the following things is, by itself, an attachment device—	10 11 12
(a)	glue;	13
(b)	a bike lock;	14
(c)	a padlock;	15
(d)	a rope;	16
(e)	a chain.	17
(3)	In this section—	18
	<i>bike lock</i> means a device manufactured and sold as a device for securing a bicycle while the device is locked.	19 20 21
14B	What is a <i>dangerous attachment device</i>	22
(1)	An attachment device is a <i>dangerous attachment device</i> if it—	23 24
(a)	reasonably appears to be constructed or modified to cause injury to a person who attempts to interfere with the device; or	25 26 27
(b)	reasonably appears to be constructed or modified to cause injury to a person if another person interferes with the device; or	28 29 30

[s 11]

- (c) incorporates a dangerous substance or thing. 1
- (2) Also, a sleeping dragon, dragon's den, monopole 2
and tripod are each a ***dangerous attachment*** 3
device. 4
- (3) An attachment device is a ***sleeping dragon*** if it 5
incorporates— 6
- (a) an anchor point for a person to hold or to 7
which a person's hand can be bound or 8
locked; and 9
- (b) a casing that shields the person's hand, or 10
the binding or lock, from being released by 11
another person. 12
- Example of a sleeping dragon—* 13
- two large steel pipes welded together at an angle with a 14
thick pin fixed in the centre 15
- (4) An attachment device is a ***dragon's den*** if it— 16
- (a) incorporates 1 or more sleeping dragons or 17
tubes large enough to pass a person's hand 18
through; and 19
- (b) reinforces the casing of the sleeping dragon 20
or tube by adding bulk and weight. 21
- Example of a dragon's den—* 22
- a 44-gallon drum incorporating a sleeping dragon and 23
otherwise filled with concrete 24
- (5) An attachment device is a ***monopole*** if— 25
- (a) it relies on a long pole and support riggings 26
to suspend a person off the ground; and 27
- (b) it reasonably appears to be set up to fall if 28
another person interferes with the support 29
riggings; and 30
- (c) a fall of the device would cause injury to the 31
person suspended from it. 32
- (6) An attachment device is a ***tripod*** if— 33

-
- (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

[s 11]

infection or injury caused by chemicals, 1
electricity or heat. 2

support riggings, for a thing, means the cables, 3
chains, ropes or other materials used to stabilise 4
the thing in a particular position. 5

**14C Use of dangerous attachment device to 6
disrupt lawful activities 7**

- (1) A person must not use a dangerous attachment 8
device to unreasonably interfere with the ordinary 9
operation of transport infrastructure, unless the 10
person has a reasonable excuse. 11

*Example of unreasonably interfering with transport 12
infrastructure— 13*

placing an obstacle, on a railway, that stops the passage 14
of rolling stock 15

Maximum penalty—50 penalty units or 2 years 16
imprisonment. 17

- (2) A person must not use a dangerous attachment 18
device to do either of the following, unless the 19
person has a reasonable excuse— 20

(a) stop a person from entering or leaving a 21
place of business; 22

(b) cause a halt to the ordinary operation of 23
plant or equipment because of concerns 24
about the safety of any person. 25

Maximum penalty—20 penalty units or 1 year’s 26
imprisonment. 27

- (3) However, subsection (2) does not apply to a 28
monopole or tripod unless it incorporates a 29
dangerous substance or thing. 30

- (4) In this section— 31

dangerous attachment device see section 14B. 32

dangerous substance or thing see section 33

14B(8).	1
<i>monopole</i> see section 14B(5).	2
<i>transport infrastructure</i> see the <i>Transport Infrastructure Act 1994</i> , schedule 6.	3 4
<i>tripod</i> see section 14B(6).	5

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