



DANGEROUS ATTACHMENT DEVICES (DADs)

SUMMARY OFFENCES AND OTHER LEGISLATION AMENDMENT ACT 2019

1. The definition of a DAD

An attachment device: reasonably appears to be constructed or modified to enable a person using the device to resist being safely removed/separated from a place or thing.

None of the following things is an attachment device unless it is a component of a DAD: glue, a bike lock, a padlock, a rope, a chain.

A dangerous attachment device: an attachment device that reasonably appears to be constructed or modified to cause injury to either a person who attempts to interfere with the device or to the person using the device (if someone else interferes with it), or if it incorporates a 'dangerous substance or thing'. This is defined as anything likely to explode, to cut a person's skin or that requires a person to wear protective clothing to safely handle, cut or break up the thing.

The following are all DADs whether they meet the above definition or not:

- 'Sleeping dragons' ie lock on pipes
- 'Dragon's den' ie concrete barrels
- Monopoles
- Tripods.

2. Changes to police search powers

Police are only allowed to use their search powers without a warrant in particular circumstances. The DAD laws expand those circumstances, so that police can:

- stop and detain someone/ a vehicle and its occupants, and
- search the person or vehicle

if they **reasonably suspect** that the person has something, or there is something in the vehicle that: "may be a dangerous attachment device that has been used, or is to be used, to **disrupt a relevant lawful activity.**"

This means to -

- Unreasonably interfere with the ordinary operation of transport infrastructure
- Stop a person from entering or leaving a place of business, or
- Cause a halt to the ordinary operation of plant or equipment because of concerns about the safety of any person.

You do not have to consent to a police search. It is usually best to clearly state that you do not consent to a search. However, police do not need your consent if they can justify that their suspicion was 'reasonable'. This can be difficult to challenge.

3. New offences for the use of DADs

Use of DADs to disrupt lawful activities -

- (1) A person must not use a DAD to **unreasonably interfere with the ordinary operation of transport infrastructure**, unless you have a reasonable excuse.
 - Max 2 years imprisonment

- (2) A person must not use a DAD (without a reasonable excuse) to either **stop a person from entering or leaving a place of business**, or **cause a halt to the ordinary operation of plant or equipment because of safety concerns**.

This part doesn't apply to monopoles or tripods unless they incorporate a dangerous substance/thing.

- Max 1 year imprisonment

Note that maximum penalties are the highest penalty that can be given. This means they are generally reserved for the worst example of that offence.

4. On the spot fines

The DAD laws introduce another sentencing option. Rather than prosecuting someone through the usual court process, police can choose to issue an infringement notice - an on the spot fine.

For offence (1) the fine is 5 penalty units - \$667.25

For offence (2) the fine is 2 penalty units - \$266.90

Remember

- There is no power to search premises/homes for DADs, you should refuse your consent to any such request.
- It is not an offence to construct or be in possession of a DAD but it may be seized following a search.
- The use of tripods and monopoles will not be an offence under this legislation unless interfering with transport infrastructure (eg. road and rail)
- Although the use of bike locks, glue, etc. tripods and monopoles may not be an offence under this legislation, their use may result in other charges.

Action Ready would like to acknowledge the Jagera and Turrbal people on whose land we live, learn and resist. We pay our respects to elders past, present and emerging as well as First Nations people on the frontlines of climate change across the world. The colonial legal system is a tool for oppression that has been used to silence dissent in so-called Australia for over 230 years. Laws that impinge on the right to protest find their foundations in laws that impinge on First Nations people's right to life and culture.