

29/09/2019

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Dear Members,

Thank you for the opportunity to provide feedback on the Summary Offences and Other Legislation Amendment Bill 2019.

I am writing to you to express my deep concern and opposition to these new laws, which are disproportionate, overreaching, and appear to have no evidential basis. As an Australian citizen, I am concerned about how this bill, if implemented, will reduce the peaceful protest methods available to citizens. Protests have been crucial to social progress in the past and hindering this right poses no benefit to the Australian public.

The bill's explanatory notes indicate that one reason to support this new legislation is because of the inconvenience caused when such devices are used. However, this begs the question of what is the goal of a protest if not to disrupt the status quo? The financial cost incurred from disruptive protests serves as an incentive for action. Using this as a reason to criminalise protesters only shows the degree to which this bill exists to protect the profit of organisations rather than to protect the democratic rights of Australian citizens. Furthermore, examples of the disruption of emergency services should protesters use lock on devices applies in a wide range of scenarios, such as when large groups participate in peaceful assembly, or when large public events that block main roads are carried out.

Of further concern is that there appears to be no factual basis for this Bill. The justification for this Bill and the new criminal offences and police search powers it proposes, originated in serious allegations that protesters were "booby-trapping" devices to harm themselves or others. To date, there has been no evidence produced in support of these claims, and it appears to be entirely fabricated. This is a dangerous position from which to be creating new laws. Similar laws attempted in Western Australia in 2015 drew extensive criticism from a number of human rights and advocacy groups, including the UN High Commissioner for Human Rights, who released a statement opposing the legislation for its attempts at 'criminalising lawful protests and silencing environmentalists and human rights defenders'. It was later abandoned.

I am especially concerned with the excessive police powers within this proposed legislation. Police have broad stop and search powers in Queensland, under the Police Powers and Responsibilities Act 2000 which they already use liberally to conduct (arguably unlawful) searches on people suspected of being involved in activism. Greater police discretion means more power for those in charge and more ability to use force when it is expedient. It is likely that these new powers could be applied in arbitrary and possibly discriminatory ways, impacting members of already

marginalised groups further. This is a particular risk in this case as it seems that no evidence that the lock-on devices are dangerous is necessary for police to seize or disassemble the device.

Additionally, this Bill will grant Police increased authority to issue fines for activities related to protesting. Vesting police with this discretion about whether certain protesting activities will constitute an offence essentially authorises police to be the arbiters of what constitutes a legitimate protest activity.

The amount of discretion provided to police under this bill and the lack of evidence regarding the use of so-called dangerous attachment devices that this bill targets makes it appear that this bill is actively trying to undermine the efficacy of protest activity. This is a major concern for our democracy given that the current state of Australian legislation has been hugely impacted through protest action in the past, resulting in the existing legal rights for women, Aboriginals, and homosexuals, among other marginalised groups.

I urge the committee to reject this bill.

Kind Regards,

Miranda Chilver