

From: [Tom Cotter](#)
To: [Legal Affairs and Community Safety Committee](#)
Subject: Submission on the Summary Offences and Other Legislation Amendment Bill 2019
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30/09/2019

Tom Cotter



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.

I am an Ecologist and have witnessed first hand the environmental degradation our societies are having throughout Queensland over the last 7.5 years including exacerbating severe droughts, heatwaves, bushfires, floods and cyclones through human-induced climate change and land clearing, loss of threatened fauna and flora species habitat and invasive animal and plants. The proposed legislation impedes on the ability for environmental campaigners to express their concerns to the public, government and industry. Noting that these concerns are accelerating on a daily basis, particularly with climate change and biodiversity loss (globally 150-200 species of plant, insect, bird and mammal are become extinct every 24 hours. This is nearly 1,000 times the "natural" or "background" rate and, say many biologists, is greater than anything the world has experienced since the vanishing of the dinosaurs nearly 65m years ago - UN Environment Programme).

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. This could have the effect of limiting the freedom of movement, political communication, and speech of individuals involved in the environment movement. Furthermore, it is likely that these new powers could be applied in arbitrary and possibly discriminatory ways, impacting members of already marginalised groups further.

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.

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. These devices have been used safely for

decades, with the only harm occurring to protesters as a result of incorrect removal techniques employed by police. 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.

Common to these anti-protest laws are the prioritisation of business interests over the rights of Australians, under the facade of public safety. It is very troubling to the government continue to prioritise the interests of fossil fuel corporations, over those of everyday citizens.

I am also very concerned that these proposed laws aim to silence dissent, and are not consistent with community expectations or the democratic pillars on which Australia is built. Like the 97%+ scientists, who are backed by thousands of peer reviewed papers, the wider Queensland community understands the realities and urgency of the climate crisis, and they want their governments to act on this.

Targeting members of the public who participate in protest action by banning an effective method of peaceful protest through legislation is unjustifiably inconsistent with our right to freedom of expression. This right is protected by section 7 of the Human Rights Act (Qld) and articles 19 and 20 of the International Covenant on Civil and Political Rights (ICCPR).

Protesting is a necessary mechanism for civic engagement and pressuring change when governments are no longer listening to their constituents. Civil disobedience, including the actions this Bill targets, is an important form of protest. Most activists undertake such actions not to cause harm, but to raise necessary alarm, and signal that they do not consent to the status quo. The suggestion that the government should decide when people protest and what they should get to protest about is inconsistent with strong democratic protections.

Activists break laws because living in a democracy comes not only with rights but with obligations. Our democracy isn't something that "happens" to us once every couple of years at the polling booth. Its enduring success rests on vital foundations like press freedom, freedom of assembly, the rule of law and the right to dissent. Protest outside of the law is part of our democracy, and has a long and important history. When governments chip away at our protest rights, they erode our democracy. To protect our democracy and help ensure a better future for all Australians, we must protect our protest rights.

History is filled with examples of the efficacy of such non-violent direct action, especially peaceful disruptions. This form of protest helped to win the eight hour working day, to protect the Franklin and the Daintree and advance Aboriginal land rights. Protest helped to secure women's right to vote, to stop our involvement in the Vietnam War and end the criminalisation of homosexuality. Protest continues to play a key role in highlighting the cruelty of our refugee policies, in protecting workers' rights, in stopping coal seam gas exploration and so much more.

Some further items worthwhile raising are:

- Federally, and in States all over Australia, governments have recently introduced harsh anti-protest laws with severe penalties, excessive police powers and broad, vague offences. These laws have targeted environmental protest in particular, prioritising vested corporate and government interests over people's democratic rights.
- Non-violence is a pillar of direct action and protest. To suggest that activists are trying to hurt others is entirely inconsistent with centuries of theory and practice within these movements.
- These laws conflict with civil liberties and prioritise police powers over the rights and freedoms of communities.
- The allegation that protestors have altered or used lock-on devices to harm themselves or others remains unsubstantiated. This is not a sufficient basis upon which to impose a measure that restricts freedom of expression for all protestors, who choose to use lock-on devices safely and peacefully as a means of expression.
- These proposed laws are terrible in their own right, but when considered alongside the recent Agriculture and Other Legislation Amendment Bill 2019, the cumulative effect of this legislation is serious overreach.
- As Aiden Ricketts noted, these tactics actually make protest safer. Activists are immobilised, and at the mercy of police - they are utterly nonviolent... they work because we have faith that police won't hurt us - activists are rendering themselves completely vulnerable by use of these devices. It should be considered a credit to police that they trust them enough to do this.

To allow legislation that actively undermines the efficacy of protest activity is a disservice to our social growth.

I urge the committee to reject this Bill.

Kind Regards,
Tom Cotter