

From: [REDACTED]  
To: [Legal Affairs and Community Safety Committee](#)  
Subject: Submission on the Summary Offences and Other Legislation Amendment Bill 2019  
Date: Tuesday, 1 October 2019 6:38:47 PM

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01/10/2019

Clancy Morrison-Van Velsen  
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To whom it may concern,

Regarding the Summary Offences and Other Legislation Amendment Bill 2019 - I'm writing to express my strong opposition to these proposed new laws, which are inappropriate, overreaching, and have no apparent grounding in evidence.

As someone who actually studied and majored in public policy at the University of Queensland, I am quite dismayed at the anti-democratic and draconian direction that these proposed laws are taking.

Furthermore, as someone who has actually been involved in running multiple trainings for activists in non-violent direct action over the course of the past 5 years, and having a long history of involvement with environmental protest in Australia, I can say with a high degree of certainty that there is a good reason that not a single shred of legitimate or substantive evidence has been produced to back up the claim that anything remotely violent has occurred or has been intended - because it isn't remotely true. I have never seen or heard in my years of broad involvement with the environmental movement in this country of any activist anywhere in Australia who has used any kind of dangerous lock-on device designed to hurt or injure anybody. If the government were to name some of the protest groups that this legislation can, in reality, be assumed to be targeting (for example, Extinction Rebellion, or Front Line Action on Coal) you will see on their web pages - or in their actual trainings, if you were to attend one - that a commitment to non-violence is an absolutely non-negotiable condition for participation in these groups and their activities. I can confirm from first-hand experience that this is not rhetoric.

Every single person I've met who has been directly involved in environmental protest movements in Australia (and I've met hundreds) has had a deep commitment to non-violence as a matter of principle - the idea of them carrying out actions like those alleged as the justification for these new laws is, to be frank, absurd.

I am also particularly concerned with the excessive police powers within this

proposed legislation. Police already 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 climate 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.

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,  
Clancy Morrison-Van Velsen