

**Submission on the Summary Offences and Other Legislation Amendment Bill 2019**

03/10/2019

John Richard Brinnand



Dear Members,

Thank you for the opportunity to provide feedback on the Summary Offences and Other Legislation Amendment Bill 2019. I write to express my deep concern and opposition to these new laws, which are disproportionate, overreaching, and have no evidential basis.

I am 66 years of age, a retired psychotherapist and a born and bred Queenslander who well remembers the Bjelke-Petersen era when civil liberties were eroded and flagrantly abused and the Queensland Police Service severely corrupted. It is horrifying to realise that this proposed legislation attempts to undermine the legitimate rights and freedoms of Queenslanders and return our state to the dark ages. I consider the failure of politicians to genuinely address the climate emergency and stop the development of all new coal mines, a serious, almost criminal, violation of their public service obligation. Instead of acting for the welfare of all, they have submitted to vested interests and now seek to stifle public dissent. I am a member of Stop Adani Sunshine Coast and, in recent years, have exercised my right to peaceful protest many times including, on one occasion, employing a lock-on device. The purpose of the device was to cause delay and disruption, not harm. While I commend the conduct of the police who cut me out of this device, 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 search people suspected of being involved in activism. Greater police discretion means more power and more ability to use force when it is expedient. It is easy to imagine these new powers 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 paramount 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 which appear 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.

Common to these anti-protest laws are the prioritisation of business interests over the rights of Australians, under the facade of public safety.

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% of scientists backed by thousands of peer reviewed papers, the wider Queensland community understands the realities and urgency of the climate crisis, and demands government action. 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. 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 proposition that governments should decide when and about what people can protest is inconsistent with strong democratic protections.

Activists break laws because living in a democracy comes not only with rights but with obligations. Public participation in any democratic society must not be confined to the polling booth. The enduring success of democracy 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 a vital part of democracy, and has a long and important history. When governments chip away at the right to protest, they erode our democracy.

History is filled with examples of the efficacy of non-violent direct action, especially peaceful disruption. 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 secure women’s right to vote, 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.

I urge the committee to reject this Bill.

Sincerely,