

Submission on the Summary Offences and Other Legislation Amendment Bill 2019

5/10/2019

Dear Members,

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

I am writing to express my deep concern and opposition to these new laws, seemingly designed to prevent effective protest. A healthy democracy requires preservation of the right of everyday people to stand up to the disproportionate power of wealthy corporations; and for open and free discussion of issues by an informed community.

Disruptive protest is sometimes required to bring attention to unjust or unethical activities of corporations or organisations. People committed to a cause may have to put their body, reputation and personal freedom at risk to ensure our parliamentary representatives hear the voice of those people. Civil disobedience should not be dismissed as a tool for positive change. Australia has a proud history of successful protest movements using civil disobedience, advancing the rights of workers; gender and sexual equality; indigenous rights and environmental protection.

The proposed laws are disproportionate. It is already illegal for activists to use lock-on devices to injure police and the law has sufficient power to punish that.

An oxymoron seems to be present in the proposed law, in that it is illegal to possess a lock-on device but not illegal to use it reasonably. Even if a person has no intention of using a lock-on device unreasonably, the person in possession of the device can be arrested and have to face the court for a crime not committed.

The proposed law severely erodes rights and liberties of a certain section of the community by giving police extra powers to search without a warrant. In practice, these laws which allow police stop, search and seize powers where they suspect a person may have an attachment device will have the effect of limiting freedom of movement and political communication. It will allow police to harass peaceful protestors regardless of whether or not they are engaging in unlawful activities and target individuals in a way which is likely to be arbitrary, designed to intimidate and discriminatory.

Moreover, the addition of police powers to issue on-the-spot infringement notices for using attachment devices are an unacceptable diversion from due process and reverses the onus of proof. These laws give unacceptable discretionary powers to police in a manner which will invoke arbitrary and discriminatory penalties for activists. It will also mean that at first instance, activists will not be able to argue their case before a Magistrate and have their particular circumstances taken into account when receiving their sentences. These amendments to on-the-spot infringement laws are clearly designed to prioritise expedience disproportionately over justice and due process, in an effort to curb access to peaceful protest.

The rationale for the new laws seems to be based on false statements regarding previously used "lock-on devices" designed to injure police and safety officers, for which no evidence has been produced. These devices have been used for decades, yet the Queensland

government has not offered examples of police being injured, or anybody being charged with setting “booby-traps” inside lock-on devices.

In fact if a lock-on device was to be used in a non-violent way the damage done by the device would pale into insignificance in comparison with the inconvenience to the public; the rights of the public to enjoy the natural environment; and the rights of persons to carry on business, which would be caused by the effects of imminent climate change, fuelled by burning of fossil fuels.

Yours Faithfully

Jennifer Thorn

██

██