

From: [REDACTED]
To: [Legal Affairs and Community Safety Committee](#)
Subject: Dangerous Devices Bill
Date: Sunday, 6 October 2019 2:39:01 PM

Dear Members,

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

The Queensland Government has made some ludicrous statements recently such as school strikes should be held outside school hours, or that public protests are only Ok if they do not disrupt people going about their business. Disruption is the point. People protest when governments fail to act, are impotent and ineffective, or corrupt. Protest and civil disobedience is the process of social change in the absence of government leadership, and remains a legal democratic right.

Existing laws are more than adequate as evidenced by the large number of arrests of peaceful (but disruptive) protesters that police have made already. Around 170 arrests have been made in the past few months with varying fines up to \$1,500. The proposed amendments to the Bill give police too much power to use their discretion to search people, vehicles, or premises without a warrant. This is driving Queensland back to the pre-Fitzgerald era of 30 years ago. Right now, the Queensland Police Service (QPS) structure to deal with complaints about how it operates, or about individual police officers is the Ethical Standards Command which is the QPS internal investigation of complaints.

This is a case of police self determining and regulating their own behaviour.

The problems the activists are trying to draw attention to include climate change, species extinction, and cruel and inhumane treatment of animals. These are the messages that should be dealt with by the Queensland Parliament instead of attempting through this Bill to impose harsh, unreasonable and perhaps even illegal penalties on the messengers.

Police have broad stop and search powers in Queensland, under the Police Powers and Responsibilities Act 2000 which they already use liberally to conduct 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.

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. 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%+ 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.

Yours sincerely,
Christine Carlisle

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