

Submission on the Summary Offences and Other Legislation Amendment Bill 2019

7th Oct, 2019

Mark Delaney

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Dear Members,

I am grateful to be part of a relatively well-functioning democracy in which my views as a citizen are duly considered, so thank you for the chance to critique this Bill.

I have deep concerns regarding this bill and urge you to recommend its rejection.

I am a 52 year old resident of Fairfield in Brisbane. I work as an environmental educator, particularly in the area of helping ordinary citizens to reduce their carbon footprint. I do this partly because in the currently environment of political inaction on the climate emergency, one of the only things ordinary citizens can do (apart from make submissions to parliamentary committees) is to work to reduce our own carbon footprint.

The fact that the climate emergency is the gravest threat ever known to humanity is not an idle statement. Eminent people, including the Pope, the former vice president of the US, the United Nations secretary general, and Sir David Attenborough, support this view.

In the face of political inaction, one other thing ordinary citizens can do is to protest. I believe this legislation is intended to suppress peaceful climate activists and thus entrench the status quo of a slow and inadequate transition to a renewable economy and sustainable society.

Of particular 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 have been entirely fabricated by the Premier. May I humbly suggest that as part of your review you seek a list from Queensland Health record of injuries that have actually been caused to protesters, the public, public from such ‘dangerous devices. during lock-on protests. I suspect the list will be very short. It is dangerous indeed to create legislation on the basis of factual inaccuracies and baseless propositions.

I have never used a lock on device myself, however know people who have done so. They are calm, considerate, committed individuals seeking to promote the general welfare by using their bodies to prevent the business as usual of extractive industries continuing to ruin our environment. They are not extremists. They are not dangerous. My activist friends are deeply thoughtful and do not wantonly break the law for thrills, but rather continue to speak up and take action on the global threat of climate change despite some actions being illegal.

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 climate change activism movement. Furthermore, it is likely that these new powers could be applied in arbitrary and possibly discriminatory ways, impacting members of already marginalised groups – especially young, counter-cultural activists – 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.

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. Sadly, the same level of public and international outcry has not been achieved in relation to Queensland’s proposed legislation, however the fact remains that it too infringes on the rights of legitimate, peaceful, protesters.

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 that governments continue to prioritise the interests of fossil fuel corporations in particular 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. In accordance with the overwhelming consensus among climate scientists, the wider Queensland community understands the realities and urgency of the climate crisis, and they want their governments to act appropriately. While this legislation is not explicitly about the climate crisis, it appears that the impetus for drafting this new law is to deter community-minded activists from their work to slow environmental destruction and secure a better future for us all.

Banning an effective method of peaceful protest is unjustifiably inconsistent with our right to freedom of political 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 governments to act when they are no longer listening to their constituents. Civil disobedience, including the actions this Bill targets, is an important, legitimate and peaceful form of protest. Activists undertake such actions not to cause harm or frustrate law enforcement agencies and officers, but to raise the necessary alarm and signal that they cannot stand idly by lending implicit support to the status quo while the climate crisis escalates. The suggestion that the government should decide when people protest, how they ought to protest and what they should get to protest about is inconsistent with strong democratic protections and safeguards.

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 right to peaceful, legitimate protest.

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. In all these cases we look back today and see that the protesters were morally in the right, and we are thankful that they risked arrest to create the liberal, free and equal democracy we live in today

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

I implore the committee to reject this Bill.

Kind Regards,

Mark Delaney