

Dr Lisa Fitzgerald

6 October 2019

Dear Members,

I express my deep concern to the Summary Offences and Other Legislation Amendment Bill 2019. The proposed new laws, have no evidence base, and erode our human rights and democratic principles. I am 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. Greater police discretion could be applied in arbitrary and possibly discriminatory ways, impacting members of already marginalised groups further.

The 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 great concern is that there is no factual, evidence basis for this Bill.

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. In the case of Queensland's proposed laws, this seems to be specifically targeting people who are trying to protect our climate and our future, something that the Queensland government is failing to do. As a public health academic I reiterate the scientific facts that the Climate crisis is the greatest health crisis of this century. I stand with the wider Queensland community who understand the realities and urgency of the climate crisis, and urge our governments to act on this.

These proposed laws aim to silence dissent, and are not consistent with community expectations or the democratic pillars on which Australia is built. 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.

We live in a democracy where we all have the right to protest. Protest outside of the law is part of our democracy, and has a long and important history. When governments take away 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.

To allow legislation that actively undermines our democracy, our human rights and the health and wellbeing of people and the planet.

I urge the committee to reject this Bill.

Kind Regards,
Lisa Fitzgerald, BA(hons) MA (dis) PhD