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Legal Affairs and Community Safety Committee  
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7 October 2019

## Submission regarding the Summary Offences and Other Legislation Amendment Bill 2019

### INTRODUCTION

This submission has been prepared by a dedicated working group within the Animal Justice Party Queensland ('the AJP') on behalf of our members in response to the proposed Summary Offences and Other Legislation Amendment Bill 2019 ('the Bill'). The working group makes this submission on behalf of the AJP under the name of Ric Allport with the approval of the State Committee and endorsement of the National Committee. The AJP was established to advocate for all animals and the natural environment through our political and democratic institutions of government.

The AJP makes the submission due to our members' and supporters' concerns relating to anti-democratic laws that target those who speak up for animals and the planet while issues like the climate and ecological catastrophe are conveniently ignored. **We argue that the bill should be rejected.**

On 20 August 2019, The Honourable Mark Ryan MP released a media statement regarding the Bill, advising that "The Palaszczuk Government has given the green light to new powers that target the tactics of extremists who pose a risk to the public and themselves."<sup>1</sup> This submission challenges the narrative that protestors are extremists and that protestors pose a risk to the public and themselves. The AJP argues that the Bill is not justified by any facts

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<sup>1</sup> "Palaszczuk Government cracks down on dangerous devices used by extremists", Minister for Police and Minister for Corrective Services The Honourable Mark Ryan, 20 August 2019 <<http://statements.qld.gov.au/Statement/2019/8/20/palaszczuk-government-cracks-down-on-dangerous-devices-used-by-extremists>>.

and is 'extreme' in its overreach, inhibiting the genuine democratic expression of Queenslanders concerned about the fate of our planet and those who inhabit it.

### NO JUSTIFICATION FOR 'EXTREME' LAWS

The AJP believes that the Bill is not justified by anything happening in the real world, and therefore there is no reason for this 'extreme' expansion of police powers. On 20 August 2019, the Honourable Anastacia Palaszczuk MP, Premier of Queensland, took to social media to announce that "sinister tactics some protestors are using are dangerous and designed to harm", e.g. "locking devices laced with booby traps" including "glass fragments - even butane gas canisters".<sup>2</sup>



<sup>2</sup> "New laws to combat extremist protestors", The Honourable Anastacia Palaszczuk MP Premier of Queensland, 20 August 2019 <[www.facebook.com/APalaszczukMP](https://www.facebook.com/APalaszczukMP)>.

To this date, the AJP is not aware of any “booby traps” used by Queenslanders protesting environmental or animal concerns. In fact, the media reports on the Premier’s refusal to substantiate the claims above.<sup>3</sup> The Guardian reports

“Police have never charged a climate protester in Queensland with an offence alleging they had set a trap or intended to cause injury to others. Police told Guardian Australia in a statement that the placing of items into a locking-on device had the capacity to cause harm but was ‘designed to delay the attempts of police to extricate protesters in a timely manner.’”<sup>4</sup>

The ‘extreme’ expansion of police powers and obstructions to Queenslanders’ freedom of speech and assembly require decisions made in the public interest based on evidence, not unsubstantiated claims. The explanatory notes further reveal that there is no real public interest in passing these laws. The concerns in the explanatory notes are no longer regarding booby traps but “annoyance or inconvenience to the public.”<sup>5</sup> The only evidence of booby traps is the following:

*“It has been reported some people have claimed* that they have placed glass or aerosol cannisters inside devices such as ‘sleeping dragons’ and metal fragments have been used to lace the concrete found in ‘dragon’s dens’.”<sup>6</sup>  
(Emphasis added)

The AJP is of the view that ‘extreme’ police powers and restrictions on democratic expression cannot be justified by such hearsay. We would be prepared to also condemn violent tactics ... if they were shown to be actually occurring. The dialogue about booby traps and sinister tactics is disappointing; the better question is whether nonviolent democratic expressions, like those made by animal and environmental activists, should attract further criminal sanctions or whether government energy should be redirected to actually fixing the climate and ecological catastrophe we are now experiencing.

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<sup>3</sup> “Queensland premier refuses to offer evidence to back claims of ‘sinister’ climate activists”, Ben Smee (The Guardian), 23 September 2019, <<https://www.theguardian.com/australia-news/2019/sep/23/queensland-premier-refuses-to-offer-evidence-to-back-claims-of-sinister-climate-activists>>.

<sup>4</sup> “Queensland government accused of ‘fabricating’ claims about climate activists”, Ben Smee (The Guardian), 21 August 2019 <<https://www.theguardian.com/australia-news/2019/aug/21/queensland-government-accused-of-fabricating-claims-about-climate-activists>>.

<sup>5</sup> Summary Offences and Other Legislation Amendment Bill 2019 Explanatory Notes, Queensland Parliament, pg 1. <<https://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2019/5619T1564.pdf>>.

<sup>6</sup> Ibid, pg 2.

## WHY LOCK ON? - THE CLIMATE CATASTROPHE

Scientists and policymakers have known about climate change's anthropogenic causes for decades, but this has yet to result in appropriate serious governmental action to cease and reverse the harm caused. As more and more citizens learn the truth about climate change, its causes and risks, they are taking it upon themselves to call for governments to act. Just last month, 300,000 Australians rallied in a lawful protest calling on all levels of government to commit to significant climate action<sup>7</sup>. And yet despite the public outcry, and despite continued scientific evidence regarding the urgent need for action<sup>8</sup>, serious commitments to address and mitigate the climate risks remain absent.

When governments fail to lead and industries fail to change, who can blame the public for expressing dissent? When that dissent continues to not only be willfully ignored, but also repressed, as this current Bill demonstrates, who can blame activists for bold, public expressions of popular sentiment?

The global threat of climate change contributes to economic and political instability, propels sudden-onset disasters like floods and storms and slow-onset disasters like drought and desertification. Consequently, food supplies are threatened and people are being displaced<sup>9</sup>. Many activists lock on for the future of humanity and are driven to desperate measures as they recognise the science that says time is running out. Long-term environmental consequences are also dire. Species extinction, ocean dead-zones, loss of habitats and ecosystems are already occurring and are set to continue at an alarming rate if the causes of climate change are not urgently addressed<sup>10</sup>.

Without democratic governments taking urgent action against climate change, the public will continue to express its frustration through non-violent direct measures.

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<sup>7</sup> "Global climate strike sees 'hundreds of thousands' of Australians rally across the country", (ABC News), updated 21 September 2019  
<<https://www.abc.net.au/news/2019-09-20/school-strike-for-climate-draws-thousands-to-australian-rallies/11531612>>.

<sup>8</sup> See Intergovernmental Panel on Climate Change, <<https://www.ipcc.ch/>>.

<sup>9</sup> "How a Warming Planet Drives Human Migration", Jessica Benko (New York Times), 19 April 2017, <<https://www.nytimes.com/2017/04/19/magazine/how-a-warming-planet-drives-human-migration.html>>.

<sup>10</sup> "Species and climate change", International Union for Conservation of Nature, <<https://www.iucn.org/theme/species/our-work/species-and-climate-change>>.

## OBJECTIONS TO 'EXTREME' POLICE POWERS

The AJP is concerned that the Bill seeks to criminalise the possession of everyday household items and will grant police the power to hassle and search individuals based on their political views. It is our opinion that the Bill cannot be drafted in a manner that prevents giving the police absolute discretion as to whose democratic expressions are acceptable, and whose are not.

Under the Bill, "An attachment device is a device that reasonably appears to be constructed or modified to enable a person using the device to resist being safely removed from a place or safely separated from a thing"<sup>11</sup>. The definition is so broad it seeks to clarify that the following are not "by itself" an attachment device:

- glue;
- a bike lock;
- a padlock;
- a rope; or
- a chain.<sup>12</sup>

Yet on 1 October 2019, members of the protest group *Extinction Rebellion*, were able to attach themselves to temporary fencing on the road at the intersection of Eagle St and Creek St using only bike locks.<sup>13</sup> The question then: is the definition of an attachment device so broad as to criminalise possession of a common household item, or does the Bill fail its objective to prevent this "annoyance" and "inconvenience"?

Determining whether a person is in possession of "a device that reasonably appears to be constructed or modified to enable a person using the device to resist being safely removed from a place or safely separated from a thing" (emphasis added) will also involve substantial police discretion. The AJP contends that this offence will grant the police the power to target protestors at will as almost everyone is in possession of such devices. For example, the AJP runs market stalls and, like other community groups, is equipped with rope, flag poles, metal clothes rack, nails, pins, zip ties, locks, and other items in a toolkit to maintain the stall. Given the government's recent attitude to environmental and animal rights activists, what safeguards are in place to prevent an officer from determining that a volunteer is in possession of such an attachment device? If a protestor cycles to a lawful demonstration (as they do) with bike lock and chain to secure their ride, what protections are in place to prevent them being targeted by police en route?

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<sup>11</sup> Summary Offences and Other Legislation Amendment Bill 2019, cl 11.

<sup>12</sup> Ibid.

<sup>13</sup> "Extinction Rebellion protesters chained by the neck to fencing in Brisbane's CBD", Melanie Vujkovic and Kate McKenna (ABC News), Updated 2 October 2019, <<https://www.abc.net.au/news/2019-10-02/extinction-rebellion-protesters-arrested-in-brisbane/11566488>>.

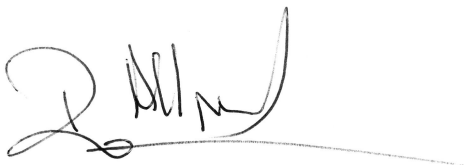
Lastly, the AJP contends (as we have in previous submissions on similar issues) that politicians' preoccupation with 'shooting the messenger' is at odds with good democratic government and ignores the underlying rationale: Queenslanders believe that the government is asleep at the wheel while we run headlong into a climate and ecological catastrophe. Instead of giving police new powers to search and hassle those who annoy or inconvenience the public, much greater good will come from actually dealing with the climate emergency which would not only remove any motive to 'lock on' but also save countless lives at the same time.

## CONCLUSION

In the AJP's last submission to this Committee regarding the Criminal Code (Trespass Offences) Amendment Bill 2019, we discussed the worrying nationwide trend of anti-democratic legislation.<sup>14</sup> We humbly request that the Committee consider this Bill within the context of that trend to decide whether these new police powers are appropriate. More specifically, the committee should be satisfied that the Bill complies with the *Human Rights Act 2019* and our obligations under the *International Covenant on Civil and Political Rights*.

The AJP is of the view that the Bill does not help the government deal with the major problem of our time: the climate and ecological catastrophe. Instead of giving police greater powers to target protestors, we urge our parliamentarians to seriously re-evaluate current efforts to prevent total planetary disaster. History will condemn us all if, instead of solving the emergency, we punished those who dared to speak up because their actions were too 'annoying' or 'inconvenient'.

Signed



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<sup>14</sup> Submission regarding the Criminal Code (Trespass Offences) Amendment Bill 2019, Animal Justice Party, <<https://www.parliament.qld.gov.au/documents/committees/LACSC/2019/Trespass2019/submissions/024.pdf>>.