

7/10/2019

Mitchell Bright



Committee Secretary  
Legal Affairs and Community Safety Committee  
Parliament House George Street  
Brisbane Qld 4000  
Via email: [lacsc@parliament.qld.gov.au](mailto:lacsc@parliament.qld.gov.au)

**Re: Submission on the Summary Offences and Other Legislation Amendment Bill 2019**

Dear Members,

Thank you for the opportunity to provide feedback on the Summary Offences and Other Legislation Amendment Bill 2019. I am opposed to these new laws for the following reasons:

Through history people have used non-violent direct action and peaceful disruptions to win freedoms and rights which we now take for granted: votes for women; eight hour working day, protection of Franklin and the Daintree; Aboriginal land rights; de-criminalisation of homosexuality; the end of the Vietnam War to name a few. Protest continues to play a key role in our democracy, protecting people and the environment.

Instead of shutting down protest and demonstrations that are inconvenient or annoying to it, our governments should be facilitating peaceful assemblies and public discussions on issues that people care about. In fact, Australia is bound by international law to do so, including state and territory governments.

The government may disagree with protesters' views on a particular issue, but shutting down peaceful assemblies only serves to diminish a fundamental pillar of our democracy and the types of people's movements that have made Australia great.

These proposed laws will constrain speech and criminalise protest activity, even where it is peaceful. Free speech and protest rights are two of the foundational pillars of Australia's democracy. This anti-protest law may also violate the implied freedom of political communication in the Australian Constitution.

Anti-democratic laws such as this bill also violate Australia's international human rights law obligations. Under international law, Australia is bound to respect, protect and facilitate people's rights to assemble peacefully and associate freely. This creates a presumption in favour of allowing unrestricted and unregulated peaceful protests. It also imposes a positive obligation on governments across Australia to facilitate peaceful gatherings.

Under international law, protests can still be peaceful if they temporarily annoy, hinder, impede or obstruct the activities of third parties. In fact, international law will almost invariably protect peaceful civil disobedience. For restrictions on protests to be valid, they must be made for a legitimate aim and implemented in a manner that is proportionate.

Australians can be proud of the strong, healthy democracy in which we live. However, the foundations of that democracy must be fiercely protected. In the absence of a national human rights act or other legal instrument that protects our rights, Australians are vulnerable to governments removing these rights without restraint. Some constitutional protection is provided through the implied freedom of political communication; however, that protection falls far short of those provided under international human rights law.

To allow legislation that actively undermines the efficacy of protest activity is a disservice to our democracy, our freedoms and social growth. I urge the committee to reject this Bill.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M Bright', written in a cursive style.

Mitchell Bright