

Submission on the Summary Offences and Other Legislation Amendment Bill 2019

08/10/2019

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Dear Members,

As a Public Advocate for forty-four years, I wish to thank you for the opportunity to provide feedback on the Summary Offences and Other Legislation Amendment Bill 2019. I am writing to you to express my deep concern and opposition to these new laws, which are disproportionate, overreaching, and appear to have no evidential basis.

Public Advocacy is a role I have committed to - for my entire life, from the age of around 16 years. My grandmother [Eleanor (nee Jacob) Reay] was an emancipist of the early 20th Century and feared nothing from some authoritarian state, to diminish women or the democratic responsibilities of the elected representatives. It requires something more than, to be an activist, for the rights of others. For non-violent civil disobedience gained my grandmother, and most of all your grandmothers, a greater democratic freedom than previously known. That is something to not forget or diminish, in any way. For if the State or its agencies, namely Police, are not there for all the citizens, then for whom do you represent. That is much a question as indeed your oath of office requiring you to serve all citizens. I am a Horticulturalist, Conservationist, Human Rights Activist, and presently near completing; Anthropology Degree at the near age of 60 years. Climate issues as well as Species protection, the rights of the Child and the intergenerational negligence of agency for Indigenous rights, have been my specific concerns since 1976. Successive failure by Governments and Corporations to be effective in reducing global impacts have been monumental. And you all still prove this today. So please, may we work collaboratively in a functional democracy and not develop dysfunctional democracies anymore.

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 movement. Furthermore, it is likely that these new powers could be applied in arbitrary and possibly discriminatory ways, impacting members of already marginalised groups 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.

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. These devices have been used safely for decades, with the only harm occurring to protesters as a result of incorrect removal techniques employed by police. 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. It is very troubling to the government continue to prioritise the interests of fossil fuel corporations, 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. 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.

My grandmother broke the law, to reach a better understanding of democratic rights and responsibilities, to further all citizens, in creating a functional democracy. By the pursuit of this amendment, you diminish the democracy, the Westminster democracy, for an unknown agenda that is no longer representational of the people, but for other means to diminish every citizen. Consider

this carefully, for what you advocate for, as a result. As Malcom Fraser former Prime Minister said to me and in front of a large group of Liberal Party gathering,

“Youth are the conscience of our Governments”.

I urge the committee to reject this Bill.

Kind Regards,

Peter Robert Reay

Grandson to Eleanor (nee Jacob) Reay and Grandson to former MLA. Qld. Robert Staines.