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8 October 2019

Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

lacsc@parliament.qld.gov.au

Dear Committee,

Summary Offences and Other Legislation Amendment Bill 2019

On behalf of the Australian Conservation Foundation (“ACF”), I am writing to raise concerns about the *Summary Offences and Other Legislation Amendment Bill 2019* (“**the Bill**”).¹

The Bill’s Explanatory Note states consultation was undertaken with ACF.² This is a misrepresentation of the interactions between the ACF and the QLD Government. I write to clarify the simplistic and informal nature of that consultation and to outline ACF’s substantive concerns about the Bill.

1. CORRESPONDENCE WITH ACF ABOUT THE BILL

No written correspondence has been received from the Queensland Government, by ACF regarding the Bill, nor has there been any formal opportunity to offer feedback.

ACF campaigner Jason Lyddieth had conversations with the Queensland Government to inquire about the Government’s allegations that protesters within the environment movement were acting in a violent manner. For completeness, a record of those conversations is provided below.

¹ Summary Offences and Other Legislation Amendment Bill 2019
<<https://www.legislation.qld.gov.au/view/pdf/bill.first/bill-2019-056>>.

² Explanatory Notes, Summary Offences and Other Legislation Amendment Bill 2019,
<<https://www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2019-056>> 6-7.



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- On 23 August 2019, ACF campaigner Mr Jason Lyddieth met with the Hon Dianne Farmer MP. During that conversation the proposed laws were raised. Mr Lyddieth explained that ACF, while it does not itself engage in unlawful protest activities, supports the rights of community members to engage in peaceful protest. Ms Farmer MP stated that she understood protesters were behaving in a manner that endangered themselves and other people. Mr Lyddieth was very concerned about these allegations and expressed his desire for further information.
- On 27 August 2019, Mr Jason Lyddieth sent the following email:

Dear Di,

Thanks so much for making the time to meet with me on Friday.

I'm following up on the conversation we had about the possibility of organising a briefing for environmental groups on the protest laws and the incidents that have allegedly been taking place.

The environment movement in Australia is strongly committed to nonviolence and we are determined to keep it that way, so to get clarity on where these incidents have taken place and the details would be greatly appreciated.

There is also some concern that as far as we can tell every protest group we are aware of strongly deny setting traps or taking actions that are dangerous to other people.

If you are able to put me in contact with the appropriate person to contact or steer me in the right direction to get a briefing or clarity it would be greatly appreciated.

Kind regards,

Jason Lyddieth

The email received no response. ACF was not provided with any evidence or information to substantiate claims that individuals were acting in ways which may endanger themselves or the public.

- On 30 August 2019 Mr Lyddieth received a phone call from Eleanor Macintyre (an advisor to the Hon Mark Ryan MP, Minister for Police and Corrective Services) to discuss the proposed protest laws. During the conversation Mr Lyddieth reiterated that ACF does not engage in any unlawful protest activity or civil disobedience, and his interest in the issue was to understand and clarify allegations that people in the environment movement were acting in a dangerous or violent manner towards others. Ms Macintyre reassured Mr



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Lyddieth that protestors were not deliberately putting other lives in danger or acting violently. Mr Lyddieth thanked her for the call and reassurance.

- On 13 September 2019 Mr Lyddieth received another phone call from Ms Macintyre, to explain that the proposed protest laws would have a strong OH&S focus and explained in some detail what the laws would be. Mr. Lyddieth reiterated his concern regarding the allegations that individuals within the environment movement were acting violently and thanked Ms Macintyre for the time.

At no time was Mr. Lyddieth or anyone else at ACF presented with the text of the Bill. Mr. Lyddieth was not advised, nor did he believe, that his phone calls with Ms Macintyre constituted consultation on the legislation.

ACF submits that 'consultation' is a formal process where a draft of the proposed legislation is provided and written comment on it is sought and received. At the very least we would expect to see a written summary of proposed laws and be given the opportunity to present considered formal feedback. Ad hoc phone conversations are not, in our view, formal consultation and should not be represented as such in Explanatory Notes to the legislation.

We request that reference to ACF be removed from the Explanatory Notes.

2. ACF'S POSITION ON PEACEFUL ASSEMBLY, PROTEST AND DIRECT ACTION

ACF believes in peaceful and lawful civil action to oppose environmental harms and stand for a safe future. As a charity, ACF must and does abide by the law and we only support peaceful, lawful action. We do not participate in or fund actions that are unlawful or non-peaceful.

Throughout history people have gained and protected their civil rights through civil action. Preservation of the right to do so is critical. This is how a democratic society progresses when governments stop listening to its citizens. When governments are not listening to the people on issues that deeply concern them, individuals will take action - especially on issues such as climate change which is an existential threat to all living things. The fundamental role of law in society is to reflect and reinforce the values and expectations of that society. When governments fail to protect their citizens through the law, and people feel they have no other choice, an individual may on occasion choose to undertake public, peaceful and conscientious breach of the law to highlight this.

Martin Luther King Jnr said "One has a moral responsibility to disobey unjust laws." The decision to participate in unlawful activity is a choice for each individual to make. Those who on occasion engage in civil disobedience are willing to accept the legal consequences



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of their actions, even if the law is unjust, and this is a deeply personal choice for each individual. It is not something ACF as an organisation participates in, organises or funds.

3. ACF'S CONCERNS ABOUT THE BILL

While ACF does not participate in civil disobedience we raise several concerns about this Bill.

ACF is deeply concerned that the Bill has been introduced on unsubstantiated allegations that protestors have been using "attachment devices that have also been constructed or designed in such a way as to endanger themselves, emergency service workers and potentially members of the public".³ These allegations were repeated by the Premier Anastacia Palaszczuk in parliament and on social media.⁴

Media reports have revealed that the Queensland Police have never charged a climate protestor with an offence related to intentionally causing injury to others.⁵ In relation to the specific incidents raised by the Premier, police at the time made no public allegation that the intent of the protesters was malicious or to cause injury and the Premier has refused to provide evidence of her claims to parliament.⁶ ACF is not aware of any environmental organisations in Queensland endorsing or using such devices.

Queensland Police already possess appropriate powers to search or detain protestors within the law. Increased policing powers should be backed by a strong evidence base which details the need for additional power, especially where those powers erode important individual liberties. Otherwise, these proposed laws are unfounded, unnecessary and undemocratic.

³ Ibid 2.

⁴ Anastacia Palaszczuk (20 August 2019) *Twitter*
<<https://twitter.com/AnnastaciaMP/status/1163643782388076544?s=20>>.

⁵ Ben Smee, 'Queensland government accused of 'fabricating' claims about climate activists', *The Guardian* (online), 21 August 2019 <<https://www.theguardian.com/australia-news/2019/aug/21/queensland-government-accused-of-fabricating-claims-about-climate-activists>>.

⁶ Queensland, *Parliamentary Debates*, Legislative Assembly, 21 August 2019, Question on Notice 1180 (Anastacia Palaszczuk, Premier)
<<https://www.parliament.qld.gov.au/documents/tableOffice/questionsAnswers/2019/1180-2019.pdf>>.



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ACF is not aware of any evidence to justify the Queensland parliament imposing unnecessary and draconian policing powers and criminal penalties that will undermine democratic freedoms.

This Bill should be rejected.

Sincerely,

A handwritten signature in blue ink that reads "Paul Sinclair".

Dr Paul Sinclair
Campaigns Director

