

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

8 October 2019

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Dear Members,

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

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.

As the daughter of Labor Party members and activists who regularly protested against the authoritarianism and excesses of the Joh Bjelke-Peterson government, I am extremely concerned about the government's attempts to introduce legislation reminiscent of the Bjelke-Petersen regime.

I am especially concerned with the excessive police powers within this proposed legislation. Police already have broad stop and search powers in Queensland, under the Police Powers and Responsibilities Act 2000 which they already use liberally to 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 and other movements. 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.

As a librarian who is passionate about the democratic access to information, of further concern to me 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.

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. 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).

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. To allow legislation that actively undermines the efficacy of protest activity is a disservice to our social growth.

I urge the committee to reject this Bill.

Kind regards,

Katya Henry