

From: [REDACTED]
To: [Legal Affairs and Community Safety Committee](#)
Subject: Feedback on the Summary Offences and Other Legislation Amendment Bill 2019
Date: Tuesday, 8 October 2019 11:49:24 AM

Dear Members

Thank you for the opportunity to provide feedback on the Summary Offences and Other Legislation Amendment Bill 2019.

I have been a Justice of the Peace in Queensland since 1990 and a Justice of the Peace (Qualified) since 2010.

I accept the scientific basis of the need for environmental sustainability and that people's needs always must come before corporate profit, particularly if the corporate is acting against environmental sustainability.

I also choose to participate in our democracy at a time and in a manner that goes beyond just voting for "representatives".

I am writing to you to express my strong concern and opposition to these new laws, which are disproportionate, overreaching, and appear to have no basis of evidence. Published "justifications" for granting police more powers to treat protesters like criminals are very similar to those behaviours of notoriously authoritarian Queensland governments of the 1970s and 1980s.

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 (PPRA) 2000 which they already use liberally to conduct 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. It is likely that these new powers could also be applied in arbitrary and possibly discriminatory ways.

I have participated in a police interview of a juvenile where the officer exceeded the PPRA and I have seen police officers act beyond the PPRA at the pre-poll at the recent federal election.

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. This is a dangerous position from which to be creating new laws.

Common to these anti-protest laws are the prioritisation of business interests over the rights of Australians, under the facade of public safety.

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 with what federal, state and local governments are proposing. 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.

I am also very concerned at the manner in which the Queensland government extinguished Native Title from the Wangan and Jagalingou people in favour of a foreign-owned company intent on ruining many components of our environment.

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.

I urge the committee to reject this Bill.

Yours sincerely,
David Lowe

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