

From: [REDACTED]
To: [Legal Affairs and Community Safety Committee](#)
Subject: Submission on the Summary Offences and Other Legislation Amendment Bill 2019
Date: Tuesday, 8 October 2019 12:01:05 PM

Dear Members,

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.

I am a 62 year old architect, working, and married to a devoted and hard-working special needs teacher. We have 3 grown-up children and a 2 year old grand-daughter. Having studied climate science and sustainability in the course of my work I am firmly of the opinion that our present political and economic systems are incapable of addressing the rapidly oncoming climate crisis.

I count it a great privilege to live in a country where free speech and protest are valued and allowed as essential for a functioning democracy.

There is overwhelming scientific evidence that we are living in a time when radical, rapid and far-reaching changes are needed to avert environmental disaster. Scientific evidence supports Extinction Rebellion's statement that "Humanity finds itself embroiled in an event unprecedented in its history. One which, unless immediately addressed, will catapult us further into the destruction of all we hold dear..."

Given such an extreme future, what constitutes extremism, and who gets to decide this?

To answer this, please consider three accusations of extremism made against Extinction Rebellion: (1) it is anti-democratic; (2) it is anticapitalist and anti-growth; (3) its potential for violence deserves extreme repression. In each case I argue that the weight of evidence supports the idea that Extinction Rebellion's program is coherent and necessary.

To manage ecological crises, there is a need to remedy anti-democratic deficiencies within our political systems. The scientific basis of climate change and ecological breakdown has been established for decades. Yet we hurtle onward towards disaster. Fossil fuel use and biodiversity loss are not only still rising: they are accelerating. Our existing governments and market institutions have not responded to the challenges of climate breakdown and ecological crises. They must be changed.

A key source of anti-democratic deficiency is the corrupting influence of the climate denial industry. The most brazen examples are outright climate denial campaigns. Funded by large companies (led by the fossil fuel industry,

but including others like Google and Amazon) through complex networks of think tanks and lobby groups, these campaigns span multiple decades and directly attempt to undermine the scientific basis of climate change. Having mostly lost on this front, they have now moved on to simply delaying action using all means possible. But there are also more pernicious mechanisms at work, such as when fossil fuel dependent sectors of the economy threaten to withdraw or relocate in response to limits on emissions.

Our current, democratic systems have not been up to the task of countering this corruption. This is hardly surprising: representative democracies were often specifically designed to tilt the scales in favour of existing economic power, rather than the needs of the majority of the population.

Extinction Rebellion's proposed reforms of existing democratic institutions are in line with the latest academic findings and practical action in this area. Among others, political theorist Dr Marit Hammond has convincingly argued that our current democratic structures are insufficient and that more direct democracy is needed to combat the ecological crisis. Specifically, Extinction Rebellion are calling for Citizen Assemblies to deliberate on the best way forward on environmental crises. Citizen Assemblies are not far-fetched or extreme structures, they exist in many countries, including most prominently Ireland, whose Citizen Assemblies' work on abortion rights and climate has won international praise.

Researchers have long studied the connection between economic growth and the environment. The 'degrowth' or 'post-growth' position is that a growing economy makes reducing environmental impacts harder at best, and impossible at worst. The core argument is that all economic activity is based on the use of energy to transform materials. This is illustrated in Kate Raworths 'embedded economy' diagram. The economy takes in energy and materials from the environment and emits wastes and pollution to the environment.

2.3-Embedded-Economy (3) (1).jpg



NoneImage: Kate Raworth, 2017. CC by 4.0

When we investigate the material and energy basis of the economy, the empirical evidence shows that we must either reduce the size of the economy, or become much more efficient - using less energy and materials to make ever more stuff. We have no evidence that we are able to become efficient enough to reduce overall environmental impact whilst still growing the economy. Tim Jackson explains that to decarbonise while growing the economy, we would need to do so at a rate 50 times faster than we managed in the last decade. In short, 'green growth' requires the invention of miracle technology. Given the immediate and urgent risks we face, waiting for a miracle seems to us to be the more extreme position.

These are the reasons that the post-growth view is far from fringe. Kate Raworth's

growth-agnostic book 'Doughnut Economics', was a Sunday Times bestseller. Tim Jackson's TED talk "Prosperity Without Growth" has nearly 1 million views. In the UK, there is a parliamentary group on the limits to growth made up of members from all major political parties. These are not the views of fringe extremists.

Some post-growthers (ourselves included!) also criticise capitalism, since the profit motive and competition at the heart of capitalism inexorably lead to expansion, social exploitation and environmental degradation. This position, just like the more general post-growth one, is far from extreme. To give a couple of examples: Ben & Jerry's ice cream company recently tweeted "Capitalism may be great for selling ice cream, but it's not great for saving the earth." Even in the USA, recent survey data found that more Democrats prefer socialism to capitalism, with most young Democrats having a negative view of capitalism.

In short, there is a large body of evidence supporting the idea that growth makes meeting environmental targets much harder than it need be. Many academics working in this area argue that profound economic reform is not extreme: it is necessary.

I have set out our reasons for believing Extinction Rebellion's demands and program for reform to be reasonable: ecological breakdown is an unprecedented threat to civilisation. Critiques of growth, capitalism and our current, limited, forms of democracy are necessary to combat this threat. I have not yet tackled the most worrying and unfounded demands of the NVDA critics: the smear that Extinction Rebellion are terrorists, and that the state must step in and crackdown on their peaceful protests.

This accusation is baseless. It rests on the pure speculation that "some on the fringes of the movement might at some point break with organisational discipline and engage in violence". It is unfair to smear an entire social movement, and hundreds of thousands of dedicated sympathizers, on the basis of something that has not happened. It is troubling that critics of NVDA would use such baseless

smears to advocate state repression of peaceful protest.

Critics of NVDA are claiming that any challenge to our current institutions of parliamentary democracy and capitalist profit-driven economies is extreme and deserves repression. The implication is that anyone who criticizes the structure of our polity and economy should be considered an extremist. Under such a view, almost all social movements are 'extreme'. Both the suffragette and the civil rights movements critiqued democratic and economic institutions. Emmeline Pankhurst openly declared "We are here, not because we are law-breakers; we are here in our efforts to become law-makers." Similarly, Martin Luther King Jr. stated, "One has a moral responsibility to disobey unjust laws." Were they unreasonable extremists? Or rather are the critics of NVDA trying to place extreme limits on democratic dissent?

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. 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. 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.

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.

I urge the committee to reject this Bill.

Yours Sincerely

Will Parker

