




Speech By
James Lister

MEMBER FOR SOUTHERN DOWNS

Record of Proceedings, 23 October 2019

SUMMARY OFFENCES AND OTHER LEGISLATION AMENDMENT BILL

 **Mr LISTER** (Southern Downs—LNP) (2.36 pm): I, too, rise to make a contribution to the Summary Offences and Other Legislation Amendment Bill 2019. I was listening to the minister in his second reading speech when he, in my view, correctly said that this bill will not stop lawful protests, but I would add to that: it will not stop many unlawful ones either. We have already heard the shadow police minister talk about the limitations that this particular law has in terms of its practical effect and the many loopholes there are for those who wish to cause mass inconvenience and disruption for their political cause against law-abiding citizens who want to get on with their daily activities.

When we heard the Premier talk about this in response to yet more disruption in Brisbane and elsewhere, the *Courier-Mail* article did, as I remember, say 'Straight to jail'. I do not know whether 'straight to jail' is an accurate characterisation of the impact that this law will have, because we are relying on the same system which my constituents say to me so often appears to fail them. When protesters interrupt the lawful business of others, they are arrested, they are summonsed, they go to court, they get a slap on the wrist, and they go back and do it again. In fact, there have been cases where protesters have publicly rejoiced in the slightness of the penalty given to them and vow to go back and do more.

We heard about peaceful assembly. This is something I asked the representative from the Bar Association of Queensland about during the hearing, as I am on the Legal Affairs and Community Safety Committee. I asked him what the judicial definition of 'peaceful assembly' was. He took the question on notice and said that there does not appear to be much in the way of judicial precedent on this. He did provide the definition from the Peaceful Assembly Act, an act which was the product of an exhaustive and thorough process by EARC in the post-Fitzgerald environment.

He said that the Peaceful Assembly Act 1992, which simply provides for a right of peaceful assembly, is subject only to three things, and they are in the interests of public safety, public order and—significantly, I think, in this debate—the protection of the rights and freedoms of other persons. If we could focus on the protection of the rights and freedoms of other persons, I think we need to remember that there is a large, perhaps overwhelming, majority of Queenslanders out there who, whatever their views on the protest activity occurring, would much rather get to work, get to their job, make that delivery or get to hospital rather than be held up. We are talking about small businesses and workers who are occasioned cost without having any say in the matter because of the actions of others.

Nobody has the right to break the law, but the suggestion seemed to be implicit in the contributions of some. I note that the Queensland Law Society appeared to equivocate when I put to them their view is that punishments need to be slight in order that those who wish to protest have the option of breaking the law without it having too much of an effect on them. Mr Potts may disagree with me on that matter, but there seemed to be a perception amongst those who contributed to the bill and provided submissions—and we know there were many—that it is okay to break the law if you really believe in the cause and that we have rights and benefits which have stemmed from protests in the past.

We have mechanisms by which people can assemble and register their disapproval or their approval in order to influence governments and elections, and that is quite as it ought to be. Protest and dissent is an essential part of our democracy; I do not disagree with that. I believe in it, and I know that my colleagues on this side of the House do as well. To say it is an axiom that you should be able to break the law in order to promote your cause at the expense of others is folly. It is a fallacy; it is not true. This particular law really does not capture many of the activities we have seen in recent times concerning protests.

We heard from my honourable friend, the member for Toowoomba North, about how certain devices and methodologies of protest and obstruction would not be captured. I say there is no certainty that those who have been found chaining themselves to bridges and so forth would even get to a Magistrates Court and suffer an appropriate penalty. This bill smacks of something that the government has introduced to have a bet both ways: on the one hand, they want the headlines to say they are doing something about these protesters; on the other hand, the bill is full of holes. It is like a colander: everything will fall through. I believe that the protesters will be clever enough to make sure that their activities do not leave them subject to the provisions of this particular bill.

At the hearing I asked the Bar Association of Queensland's representative, Mr Steven Jones, whether he believes this bill is the egregious affront to people's right to free speech so many said in their submissions. As stated in the committee transcript—

MR LISTER: In the course of the hearing today and in a great deal of the written material that has been submitted to the committee this bill has been portrayed as an attack on free speech and a criminalisation of legitimate dissent tactics in a democracy. Would the Bar Association concur with that characterisation?

Mr Jones: No.

I think Mr Jones is spot-on. The foaming at the mouth we have seen from some sections of the community, slamming this as being an attack on their freedom, an attack on the ability of people to legitimately dissent and protest, is not correct. In fact, it misses the point. This bill really is just a wet lettuce, in my view. It needs to be stronger. That is why the LNP is proposing amendments that will impose mandatory jail time for those who are caught obstructing, chaining themselves to things and getting in the way of lawful business on multiple occasions. It is to protect law-abiding citizens—the hundreds of thousands of people whose voices were not heard who have been caught up in disruptions in the city and elsewhere.

The committee heard from Michael Riches, who represented Aurizon at the public hearing a few weeks ago. I asked him his view on the comparative penalties applicable to him as the person conducting an enterprise—in this case Aurizon—and those who wish to protest. If he was found not to have taken enough steps to protect people who come onto the railway line or involve themselves in the rail system, there are very serious penalties, including criminal sanctions, that can be applied to him. Yet those who deliberately go out and chain themselves to railway lines and endanger themselves and the staff of the business he is operating face very little penalty at all. I asked him if that made sense to him, and he said no. Of course he said no; it does not make sense to anyone.

It also occurred to me that the many people who were febrile in their opposition and characterised this as an attack on freedom of speech and the right of people to protest were utterly silent when this government, in the Termination of Pregnancy Bill, made it unlawful to protest in any way whatsoever near an abortion clinic. Whatever your position is on abortion, it smacks of hypocrisy. It really says to me that the progressive left think they should have it to themselves. They are able to do whatever they want, provided they believe in the cause.

I think that the criticism of this bill is misdirected. We support it because any step in the right direction, which this is, ought to be supported. But it is not strong enough. I am quite certain that I speak for the overwhelming majority of the people in my electorate of Southern Downs who have little time for those who wish to impose their views on others unlawfully at the expense of law-abiding citizens going about their business, our emergency services personnel who are drawn into this, those who need to get somewhere in a hurry, and of course the classic example is the ambulance trying to get to hospital. We will support this bill. It is a step in the right direction, but it is not strong enough. As I say, to me it smacks of the government wanting to have a bet both ways. It wants to appear ostensibly to be tough on protesters, but really it is saying 'mate, it's going to be all right. We'll let you off.'