

Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016

**Protest Rally NSW Parliament House
noon 15th March 2016**

The Council for Civil Liberties opposes this bill.

For **all** its 53 years, Civil Liberties has vigorously defended free speech, public assembly and peaceful protest as absolutely fundamental rights in a robust democracy.

There have been some torrid and ugly times on this front since 1963- but major reforms were won protecting the right to protest and constraining police powers.

These reforms were tremendously important and led to significantly less police/protester conflict.

However, the reform tide turned around 20 years ago.

This Bill is just the latest- in a depressing and dangerous legislative trend in NSW /across Australia to erode rights and weaken proper restraints on police power.

It is not, as claimed by the Government, legislation which properly respects and balances the right of the community to peaceful protest with the protection of business and industry interests.

It is part of a systematic effort by governments to constrain effective community opposition to unwanted CSG and mining activities.

The Bill clearly privileges the mining and CSG industry over the right of the community to fight for the public good pertaining to water, agriculture and the environment – by public assembly and peaceful protest.

What is wrong with the bill.

- It is unnecessary adequate laws and police powers already exist
- It is unwarranted
- disproportionate
- inappropriate
- and dangerously extends already expansive discretionary police powers including discretionary veto over demonstrations on public lands

Conclusion

This Bill if implemented may well have the chilling effect on CSG/mining related protests that is intended.

More likely, most activists will continue their campaign of public protests regardless.

Inevitably some will end up with serious criminal convictions under the new laws.

Inevitably increased police discretion in relation to searches and in giving directions on protests will generate increased tensions and conflict with community protestors.

Community perceptions of police one-sidedness towards the CSG/mining industry will increase.

Either way, the Bill's likely impact will not be good for healthy democracy.

There is major community unease about government policy and CSG and other mining activities. There is a tremendously important debate underway.

Balanced protection of the right to protest is critical in this context.

If the government is seen to be privileging mining interests over the public good and the legitimate right to protest peacefully on such important issues is suppressed, history would suggest civil unrest is the likely outcome.

This is in no one's interests.

The Council for Civil Liberties calls on the Premier and the Minister to reconsider and withdraw this bill.

Failing that, we call on the LC to reject the Bill.

We thank the NSW Greens for organising this public protest so quickly.

Lesley Lynch

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