

8 October 2019

Att: Committee Secretary
The Legal Affairs and Community Safety Committee
Emailed only to: lacsc@parliament.qld.gov.au

To whom it may concern

Submission: Inquiry into the Summary Offences and Other Legislation Amendment Bill 2019 (the “Dangerous Devices” Bill)

Thank you for the opportunity to comment on the Summary Offences and Other Legislation Amendment Bill 2019 (the “Dangerous Devices” Bill). This submission is made on behalf of the Queensland Conservation Council (QCC). We are writing to express our concern regarding these new laws.

QCC is the Queensland’s peak non-government environment organisation, with some 50 member groups as well as thousands of supporters. Our mission is to protect, conserve and sustain the state’s unique natural environment, making sure that our wildlife and the places we love continue to thrive for future generations. A key aspect of this involves ensuring that environment groups and supporters have the freedom to take a stand against threats to wildlife and the places they love.

QCC is concerned that the proposed laws aim to suppress opposition to decisions made by elected officials. This goes against the public interest and Australian democracy. Like the 97%+ scientists, who are backed by thousands of peer reviewed papers, Queensland’s community understands the realities and urgency of the climate crisis, and they want their governments to act on this.

As a long standing peak body and voice for Queensland’s environment groups and their thousands of supporters, we know that civil disobedience is a necessary mechanism for civic engagement and pressuring change when governments are no longer listening to their constituents. History is filled with examples of the efficacy of such non-violent direct action, especially peaceful disruptions. This form of protest helped to protect the Franklin and the Daintree and advance Aboriginal land rights. Protest continues to play a key role in protecting Queensland’s unique landscapes, seascapes and pristine rivers that are being lost to tree clearing, unsustainable development, mining, and pollution.

To allow legislation that actively undermines the efficacy of protest activity is a disservice to our social growth. The actions targeted by the Dangerous Devices Bill are important forms 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.

Banning an effective method of peaceful protest via 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). Democracy’s 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.

QCC is 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 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 the new powers proposed under the Dangerous Devices Bill will 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. In the past, the *Traffic Act 1949* and its regulations had the effect of making the police the final arbiters of whether a public demonstration would be permitted. From September 1977, there was bitter confrontation as a politicised police force used all in its power to crush peaceful Queenslanders. From plumber to politician, from carpenter to clergy, they were all there and they were all arrested for standing up for freedom of assembly.¹

In 1992, the Goss Labor Government prided itself on restoring democracy to Queensland with the Peaceful Assembly Bill, stating it:

“will restore the right of Queensland citizens to participate in peaceful assembly thereby increasing their participation in the democratic process. Society is an amalgam of ideas. No one has a mortgage on the truth. Democracy as a whole benefits from the freedom of expression the Goss Government believes will be enhanced by the introduction of this Bill”.²

Today, the justification for the new Bill and the proposed new criminal offences and police search powers originated in unfounded serious allegations that protesters were “booby-trapping” devices³. 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 and backsliding on our democratic progress. When governments chip away at our protest rights, they erode our democracy.

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.

We urge the committee to reject this Bill and ask that QCC be informed of any developments and further consultation on the Summary Offences and Other Legislation Amendment Bill 2019. Should you wish to discuss any aspect of this submission or contact us, please phone 07 3846 7833 or email admin@qldconservation.org.au.

Yours Sincerely



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Queensland Conservation Council

¹ Peaceful Assembly Act, Second Reading Speech by Dean Wells (Attorney-General), 21 MAY 1992, Queensland House of Representatives.

² Ibid.

³ Queensland government accused of 'fabricating' claims about climate activists, Ben Smee, 21 Aug 2019. <www.theguardian.com/australia-news/2019/aug/21/queensland-government-accused-of-fabricating-claims-about-climate-activists>.