



11 October 2019

Protest laws have not been justified

The Queensland Human Rights Commission has informed the Legal Affairs and Community Safety Committee that restrictions on fundamental democratic rights proposed under the Summary Offences and Other Legislation Amendment Bill 2019 have not been shown to be demonstrably justified.

Commissioner Scott McDougall said “Rights to peaceful assembly and to freedom of political expression go to the very heart of the democratic process, and as such, Governments have an obligation to accommodate and protect them.”

“It is important to note that these rights only protect peaceful protest activity. ‘Protest rights’ are not absolute, however they can only be limited where it can be demonstrably justified, such as in the interests of public safety or to maintain public order.”

In introducing the Bill, the Minister for Police referred to “reports” that “some people have claimed that they have placed glass or aerosol [canisters] inside devices” and also stated “a person could use material in constructing these devices that represent a danger to a person if that material is disturbed, such as asbestos”. However there has not yet been any opportunity to publicly scrutinise evidence about the use of ‘dangerous attachment devices’ to assess the necessity and proportionality of proposed laws, and in particular to consider why existing criminal laws are inadequate.

Commissioner McDougall said “It would appear that the proposed laws targeting devices that are not inherently dangerous, are actually directed at avoiding the disruption caused by peaceful acts of civil disobedience rather than addressing public safety. Fulfilment of the right to assembly requires that disruptions caused by peaceful protest activity must be “serious and sustained” in order to justify any limitations” he said.

Commissioner McDougall said “the Queensland Police Service has established a reputation for professionally handling protest activity and has managed recent protests within existing laws without curtailing fundamental democratic rights. I am confident they can continue to do so”.

A copy of the Commission’s submission can be [accessed on our website](#).

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