



# THE MARITIME UNION OF AUSTRALIA SYDNEY BRANCH

A DIVISION OF THE CONSTRUCTION, FORESTRY, MARITIME, MINING & ENERGY UNION

Paul Keating – Branch Secretary | Paul Garrett - Deputy Branch Secretary  
Nathan Donato - Assistant Branch Secretary | Brad Dunn - Assistant Branch Secretary | Shane Reside - Organiser

Friday, May 25<sup>th</sup> 2024

To whom it may concern,

Re: ***Current reviews of the operation of the Roads and Crimes Legislation Amendment Act 2022, considering s144G of the Roads Act and s214A of the Crimes Act.***

The Sydney Branch of the Maritime Union of Australia (MUA) vehemently opposed this legislation when it was introduced in 2022. It was obvious to MUA Officials that the proposed aim of the legislation – to strike a proper balance between the right to protest and the right of members of the public to move freely and not be obstructed in public places – would, in fact, criminalise freedom of speech and freedom of association protections that have historically served as the foundation upon which the MUA has shaped social change locally, nationally and internationally.

As forecasted, the current laws have been an unmitigated disaster for the right of MUA members to affect change through peaceable assembly and conscientious protest. This year alone a number of MUA members and Officials have been arrested and charged under these laws for peaceably protesting genocide, in our own port. The exemptions for 'industrial campaigns' relies on the damaging notion that the Fair Work Act defines 'legitimate' working class political activity. The Fair Work Act defines 'legal' industrial action so narrowly that it effectively criminalises working class people using the only power that we have – our collectivity – to pursue our collective interests.

To distinguish 'industrial campaigns' implies that working class people should be criminalised when we organise around climate change, war, education, public healthcare or any other issue that deeply affects our lives. The Sydney Branch of the MUA contends that, when protesters face prosecution for engaging in activities that serve as the bedrock of all democratic societies, they are denied the protections that are afforded citizens of progressive democracies worldwide.

These anti-protest laws have had a negative effect on the MUA's ability to protest against injustice. Our members – maritime workers – are highly regulated by the federal government, and convictions under these laws threaten their ability earn a living on the waterfront. Many MUA members who previously engaged in peaceful protest to effect social change are now unwilling to do so out of fear of arrests and convictions that could affect their ability to provide for their families.

The way in which the anti-protest laws are enforced have also had a chilling effect on MUA members engaging in peaceable assembly. Recent protests organised in part by the Sydney Branch of the MUA have been attended by riot police on horseback who have broken up the protests by needlessly assaulting members and branch officials alike. The Sydney Branch Secretary, in fact, is under the care of a doctor for injuries that were inflicted on him by riot police when he was arrested for allegedly violating laws that do not exist in truly democratic societies.

The Sydney Branch of the MUA submits for your consideration that these laws should be repealed, and the government should additionally consider the introduction of legislative protection for the right to protest. While public protests by their very nature are sometimes disruptive to the public at large, the International Covenant on Civil and Political Rights recognises that peaceable assembly is fundamental to functioning democracies and is deserving of protection regardless of attendant disruption.

Thank you in advance for your consideration of these submissions.

Kind Regards,

Paul Keating  
Branch Secretary  
MUA Sydney Branch