

Friday 31 May 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.

I write as a representative of the community-operated Marrickville Peace Group. We appreciate that members of the public have been given an opportunity to make submissions to the review.

We understand that when this legislation was passed in 2022, its stated aim was 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.

At that time, communities were also dealing with impacts from Covid on health, and uncertainties in our economic outlook following the pandemic which helped frame the environment in which these laws were passed by the NSW parliament within 48 hours, and with little if any community input.

The pandemic was declared to have ended on 20 October 2023 by the Australian Health Protection Principal Committee, and we submit that these anti-protest laws are no longer fit for purpose because they restrict the right to protest too much, having an unacceptable freezing effect on the ability of the NSW community to participate in democratic expression.

NSW has a proud history of protest and our fundamental right to peaceful assembly. These laws do not line up with community expectations for a fair democracy. They give police incentive to intimidate protesters and expand the network of surveillance and control imposed on protest groups.

In particular, these laws have a disproportionate negative effect on teenagers and marginalised groups within the community who not only see bleak futures, but can't protest for fear of arrest or further disadvantage resulting from interaction with the justice system.

During the intervening period of time between these laws being legislated and our present time, there have been profound events occurring at the international, national, State, and community level, which are a test for all democratic and peace-loving nations and citizens around the world. It is imperative to preserve the principles of democracy, and remove unnecessary restrictions on citizen rights to protest.

The increased penalties and the threat of jail time are having a chilling effect on citizen participation in our democratic process. Citizens who may have legitimate grievances about a particular matter, may well be discouraged from voicing their concerns or from joining any protest activity. The legislative changes will therefore have the effect of actively reducing participation in the democratic process. A true democracy should encourage people to engage with political actions. The amended legislation threatens to do the reverse.

We call for a repeal of the 2022 anti-protest laws and the introduction of legislative protection for the right to peaceful protest. A stronger democracy must encourage citizen participation, and eliminate confusion which might make people more hesitant to participate due to increased penalties, and confusion about their legal right to protest.

Yours faithfully, Kosmas Stergiou, on behalf of the Marrickville Peace Group.