

Growing numbers of protesters arrested and jailed in Australia

Mike Head
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Labor governments in Australia are presiding over rising instances of arrests and harsh sentences, including substantial prison terms, of protesters, activating a battery of anti-protest laws imposed in recent years.

So far, those punished have mostly been involved in demonstrations against the refusal of governments to address the worsening climate change disaster, but chilling precedents are being set for use against all forms of protest, including those against the genocide in Gaza.

In Victoria, Brad Homewood and Deanna “Violet” Coco were jailed for two months, including periods in maximum security prisons, after using a truck with a banner that said “climate breakdown has begun” to partially block Melbourne’s West Gate Bridge in March. They had pleaded guilty to nuisance and obstructing police.

This month, Laura Davy and another protester, both aged 21, were sentenced to imprisonment under New South Wales (NSW) anti-protest laws after being convicted of disrupting a coal loading facility at the Port of Newcastle. Davy was handed a three-month sentence. The pair have appealed the sentences and are currently on bail.

In recent years, federal and state Labor and Liberal-National Coalition governments alike have outlawed many forms of anti-corporate political protest and introduced draconian punishments, including massive fines and lengthy imprisonments.

This marks an acceleration of such measures under conditions of growing political discontent, particularly over worsening social inequality, deteriorating living conditions, ecological disasters like floods and fires, and the rising danger of US-led wars.

A *Protest in Peril* report published this month by the Human Rights Law Centre said 49 laws affecting protest had been introduced in federal, state and territory parliaments over the past two decades. NSW had

introduced the most anti-protest laws, while South Australia had the harshest financial penalties, with fines of up to \$50,000 and/or three months in prison for obstructing a public place.

The report stated: “Common elements of these laws are vague and ill-defined offences, excessive police powers, disproportionately harsh penalties, and the prioritisation of corporate interests, like forestry and mining, over the rights of people to access public land to voice dissent.”

The laws also expanded police powers to break up protest movements and enabled the use of onerous bail conditions to restrict movement and ban further involvement in demonstrations. The report found that these laws disproportionately targeted environmental defenders and people advocating for action on climate change but were affecting other movements.

The legislation included the Northern Territory’s introduction of an offence of loitering in a public place after being given a notice to leave by a police officer, which can result in a six-month sentence. In Queensland, the Labor government had enacted prison terms of up to one year for protesters who disrupt mining or other industrial equipment using devices such as tripods.

In NSW, the Labor government is implementing laws passed in 2022 by the previous Liberal-National government, with Labor’s bipartisan support, that can see protesters face two years’ imprisonment and/or \$22,000 in fines for causing “damage or disruption to [a] major facility.”

While directed against environmental activists in the first instance, this law potentially criminalises a wide range of protests and other political activities. Disruption is vaguely defined, meaning it could be applied to many actions that could affect corporate operations and profits.

In March, 19 anti-genocide demonstrators were arrested and charged under these laws after they blocked a road at Port Botany in protest over shipments to Israel. This

followed the precedent set last November when 109 people were arrested and 23 people were charged over a maritime demonstration of kayaks, surfboards and pontoons at the port of Newcastle, aimed at temporarily halting coal shipments.

Most people sentenced so far have received steep fines of between \$750 and \$1,500, but the recent cases indicate that jail terms are increasingly likely.

Far-reaching bail conditions are now common also, violating basic democratic rights. According to a study by the Australian Democracy Network, among the requirements are: reporting to a police station three times a week; giving communication devices to police; not associating with specific organisations and people, and not attending “unlawful protests.”

How far the laws can potentially outlaw all forms of protest was demonstrated in 2023. The South Australian Labor government, backed by the Liberal opposition, enacted its Summary Offences (Obstruction of Public Places) Amendment Act, which imposes up to three months’ jail for anyone whose activity causes an “obstruction” in a public place, even “indirectly.”

The amendments ban any activity that allegedly disrupts “free passage of a public place,” even if the disruption was the result of police action against the protest. That could include handing out leaflets on a footpath or in a public mall, demonstrating outside parliament house, participating in a workers’ march against low pay and intolerable conditions, or joining a picket during a strike.

These measures have been imposed despite frequent objections by civil liberties organisations and numerous reports by United Nations Special Rapporteurs that they infringe on rights, such as freedom of peaceful assembly and the right to freedom of opinion and expression, protected by international treaties.

Significantly, this anti-protest drive is being led by Labor governments, currently in office federally and at the state and territory levels across mainland Australia. The detentions indicate official fears that Labor’s backing for Israel’s US-armed genocidal assault on Gaza is deepening political disaffection, related not only to climate change, but to US-led militarism and the soaring cost-of-living.

Prime Minister Anthony Albanese and his ministers have spearheaded an increasing witch hunt against anti-genocide protests, falsely conflating them with antisemitism and “hate speech.” Most recently, Albanese this week sought to demonise protests against Labor politicians by linking them with the attempted

assassination of Donald Trump.

Earlier this month, both Albanese and Foreign Minister Penny Wong ominously declared that four anti-genocide protesters who scaled Parliament House on July 4 and unfurled banners denouncing their government’s complicity in Israel’s massacres should “feel the full force of the law.”

The banners declared “war crimes... enabled here” and “From the river to the sea, Palestine will be free”—a popularly used slogan calling for freedom in Palestine from oppression by the Zionist regime.

After two hours, the four participants ended their protest. They were arrested and charged with trespassing on Commonwealth property and banned from the grounds of parliament for two years, an Australian Capital Territory police spokesperson said.

More serious charges could follow, however. The Australian Federal Police indicated that an investigation was underway into who else was involved and whether other laws were broken, including by the display of supposed hate symbols.

As he has done regarding demonstrations outside parliamentary offices, Albanese claimed that the protest “undermines our democracy.” He declared: “Peaceful protest has an important place in our society, but this was not a peaceful protest.”

In fact, the protest harmed no one, while the Labor government is backing an onslaught that has already killed 186,000 Palestinians, as estimated by correspondence published in *The Lancet*, a rigorous and prestigious medical journal, and seeking to criminalise all opposition to it, overturning basic democratic rights.



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