

South Australian Labor government imposes draconian anti-protest laws

Mike Head
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The South Australian state Labor government this week finished rapidly pushing through parliament new laws that impose severe punishments—up to three months’ jail—for anyone whose activity causes an “obstruction” in a public place, even “indirectly.”

Under the guise of cracking down on climate change protests that triggered a minor traffic delay, Labor joined hands with the Liberal Party opposition to pass laws that can effectively criminalise any protest, march, rally or demonstration. In fact, they ban any activity at all that allegedly disrupts “free passage of a public place.”

That could include handing 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.

The legislation was rammed through both houses of state parliament in a matter of hours, despite several hastily-called protests, and shock and condemnation voiced by a wide range of civil liberties, legal and other non-government organisations.

With Labor now in office throughout Australia, except for Tasmania, these laws mark an escalation of repressive police-state type of powers introduced over the past several years by federal and state governments.

The changes to South Australia’s Summary Offences Act dramatically increase maximum fines from \$750 to \$50,000. They add the prospect of imprisonment, for up to three months, as well as possible huge imposts to pay for the alleged costs incurred by police or other authorities in responding to the “obstruction.”

The laws also extend the protest ban to actions “indirectly” causing obstruction, even if the disruption actually results from the reaction of authorities. A note in the legislation states: “For example, a person’s conduct may be found to have indirectly obstructed the free passage of a public place if a relevant entity needed to restrict access to the public place in order to safely deal

with the person’s conduct.”

“Public place” is widely defined to include footpaths and open areas of private property, such as “a road, street, footway, court, alley or thoroughfare which the public are allowed to use, notwithstanding that that road, street, footway, court alley or thoroughfare is on private property.”

The amendments were rammed through the state’s lower house the previous week in just 22 minutes—a bipartisan drive that overrode even the appearance of parliamentary debate.

There was a revealing display of unity between Premier Peter Malinauskas and the state Liberal leader David Speirs, who spearheaded the passage of the laws by agitating for them on talkback radio. Later, Speirs boasted that the legislation went through parliament in “near record time.” He caused outrage by declaring that people should be happy because they could be “beheaded” in other countries for joining protests.

This week, the two parties conducted a 14-hour overnight session to push the changes through the upper house by early Wednesday morning, rejecting Greens amendments to include a reasonable excuse test and an expiry date.

Malinauskas flatly defended the changes. He gave vent to their thrust of protecting the interests of big business, saying they were intended to stop protests that “disrupt business in a way that compromises the ability for people to be able to earn a living.”

On Australian Broadcasting Corporation radio, Malinauskas falsely claimed: “There has been no change to protest laws in South Australia.” He insisted that protests could still be held lawfully under the state’s Public Assemblies Act.

But that legislation, as in other states, gives the government’s chief secretary or the police chief or a municipal council vague and sweeping power to prohibit

a protest that would “unduly prejudice any public interest.”

The laws were passed swiftly, regardless of two protests by hundreds of people and joint calls by about 80 groups, including Amnesty International Australia, the Human Rights Law Centre and the South Australian Council of Social Service, for the government to withdraw the bill.

Australian Lawyers for Human Rights said “the bill has the potential to impact a wide range of protest activity,” including by “students, healthcare workers, First Nations people and their allies, environmental campaigners, disabled campaigners or any South Australian resident.”

In a joint letter to the state government, the Law Society of South Australia and the South Australian Bar Association condemned “in the strongest terms,” the speed at which the bill was being rushed through parliament, saying it “seriously undermines the democratic process.”

The amendments were triggered by Speirs after protests by members of Extinction Rebellion against an annual Australian Petroleum Production and Exploration Association (APPEA) oil and gas company conference in Adelaide. The demonstrations included a woman abseiling over a city bridge, causing a main road to be partially closed for about 90 minutes.

Ambulance Employees Association SA secretary Leah Watkins rejected government and media allegations that the protest had blocked the passage of ambulances to and from the Royal Adelaide Hospital.

During the APPEA conference, South Australian Energy and Mining Minister Tom Koutsantonis laid out Labor’s support for the fossil fuel conglomerates, saying the state government was “at your disposal” in his opening welcome of the conference.

The federal Labor government backed the anti-protest measures. On ABC radio, Prime Minister Anthony Albanese said he had “every faith that Peter Malinauskas will act responsibly.” He echoed Malinauskas’ unfounded claim that the law change was necessary to prevent blockages of emergency services.

Across Australia, Labor and Liberal-National Coalition governments alike have outlawed many forms of anti-corporate political protest, 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 war.

Queensland’s state Labor government rushed new anti-protest laws through parliament in 2019. Demonstrators

using proscribed “devices” can be jailed for up to two years and police have expanded powers to conduct personal and vehicle searches without judicial warrants.

In the same year, the Victorian state Labor government mobilised police who violently attacked several hundred climate change protesters opposing a global mining conference at Melbourne’s convention centre.

Also in 2019, the then federal Labor opposition helped the Morrison Liberal-National government push through parliament laws that could see people jailed for up to five years for using social media, emails or phone calls to promote, or even advertise, protests against agribusinesses.

Last year, a chilling message of intimidation was sent when Deanna “Violet” Coco was sentenced to jail for 15 months for a climate protest that briefly blocked one of five city lanes on the Sydney Harbour Bridge. She was the first person to be sentenced under laws introduced by the New South Wales Liberal-National government, supported by the then Labor opposition, that imposed fines of up to \$22,000 and jail terms of up to two years for protests on roads, rail lines, tunnels, bridges and industrial estates.

After spending two weeks in prison, Coco later had her sentence reduced to a 12-month good behaviour bond on appeal. The judge said her imprisonment had been based on false police evidence about ambulances being blocked. But more than a dozen climate activists have faced possible jail time over similar protests in Sydney.

Regardless of the claims of Malinauskas, Albanese and their counterparts, the anti-protest laws have nothing to do with protecting the public from unsafe or dangerous protests. Rather, they attack fundamental democratic rights, including free speech, freedom of movement and freedom to organise, in order to protect corporate profits. Similar police-state crackdowns are occurring internationally, such as in Germany last month.



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