Australia: Police invoked “anti-riot” laws in assault on pro-Palestinian protest

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It was revealed yesterday that the New South Wales (NSW) Police invoked sweeping “anti-riot” powers to justify their violent dispersal of a small pro-Palestinian protest in Sydney on June 27.

That decision, which had to involve the top levels of the NSW Police command and the state Labor government, is a warning of advanced moves to criminalise any public opposition to the Israeli genocide in Gaza. The legislation cited enables the police to impose conditions that are akin to martial law.

The protest, in a working-class suburb of Sydney, was outside the SEC Plating factory. Activists have targeted it, because the company has allegedly been involved in the global supply chain of F-35 fighter jets, which have been used by Israel to drop bombs on Gaza.

Early on the morning of June 27, a small group of protesters was immediately met by up to 50 police. The police demanded that the group disperse and leave the suburb. When an activist demanded to know the legal grounds for this direction, the police charged them, throwing peaceful protesters to the ground, choking and otherwise brutalising them.

One participant, Hannah Thomas received horrific facial injuries at the hands of the police. After one surgery and another due this week, Thomas remains at risk of losing the sight of her right eye.

NSW Police and the state Labor government did not announce their use of the “anti-riot” powers at any point. Instead, their use was reported by the *Sydney Morning Herald*. The powers are cited on the charge sheet of Thomas, justifying a count of “refusing or failing to comply with a direction to disperse.”

Thomas, the victim of a brutal police assault, was also charged with “resisting arrest,” as were four others. But the other protesters were reportedly not charged over a “direction to disperse” and their charge sheets do not reference the “anti-riot” powers.

That, together with the major injuries inflicted on Thomas, raise disturbing questions as to whether she has been deliberately targeted. Thomas, a qualified lawyer, was present at the protest as a legal observer. Was she set upon, and then hit with a more serious criminal count, because she was in a position to expose the illegal character of the police actions?

Thomas was also the most publicly prominent individual at the protest. She stood as a Greens candidate in the May 3 federal election, directly contesting Grayndler, the seat held by Labor prime minister Anthony Albanese. In her campaign Thomas centrally raised the Labor government’s active complicity in the Gaza genocide, a fact that Labor continually denies and seeks to bury discussion of.

Even after the extent of Thomas’ injuries were made public, senior Labor figures explicitly defended the police assault. Labor’s home affairs minister Tony Burke responded to the maiming of a young political rival, by telling the media that “no one is above the law.” Premier Chris Minns essentially stated that protests are impermissible if they hinder the activities of a private business.

There is a possibility that the second charge against Thomas, referencing the “anti-riot” powers is an attempt by NSW Police to retrospectively justify what were lawless actions. At no point have NSW Police representatives been able to explain the grounds for the dispersal of the protest. Police figures have described the rally as “unauthorised.” However, as civil liberties advocates have stated, there is no legal requirement for such an authorisation, which would be befitting of a police state.

The prospect that the police are retrofitting charges to concoct a legal excuse for their actions is suggested by the fact that yesterday a NSW Police spokesperson said they would drop the second charge against Thomas, shortly after it was publicly revealed.

But there is also the possibility that the “anti-riot” powers were approved prior to the protest and were the basis upon which the police assault was carried out. That would mesh with the major police mobilisation, the immediate demands for dispersal and the subsequent police attack.

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The “anti-riot” provisions are contained in Part 6A of the Law Enforcement (Power and Responsibilities) Act 2002. The provisions can be activated if police believe “there is a large-scale public disorder occurring or a threat of such a disorder occurring in the near future.”

These are powers, in other words, for riots or other major social upheavals. They can only be employed by the commissioner of Police, the deputy commissioner or the assistant commissioner, i.e., the central leadership of the entire NSW Police force, whose jurisdiction is the most populous state in the country.

Once activated, police have almost total, unchallengeable control over the designated area. Police can establish a roadblock or cordon, to prevent people from entering or leaving the area. They can search anyone within the area, without requiring reasonable cause as is needed in all other circumstances. And they have the power to demand the disclosure of identity.

These provisions effectively create a mini-police state or dictatorship where they are invoked, suspending basic democratic rights.

6A was passed in the wake of the 2005 Cronulla riot. That incident was an anti-immigrant and anti-Lebanese pogrom, carried out by backward and drunken youths, who were led by far-right and fascistic agitators. The racist hysteria that fuelled the riot was whipped up by right-wing radio shock jocks. But it was also promoted by the then state Labor government, which venomously attacked youth of Lebanese descent, slandering them as violent and likely to be gang members.

Having helped to create the conditions for the right-wing violence, Labor then exploited it to massively expand police powers. As the Socialist Equality Party warned at the time, the laws would inevitably be deployed against protest and social opposition from the working class.

That has now come to pass.

Whether 6A was actually invoked prior to or during the protest, its presence on Thomas’ charge sheet demonstrates that NSW Police and the Labor government are discussing extraordinary measures to violently suppress the mass opposition that exists to the Gaza genocide.

Such plans have been long in the making. On 15 October 2023, at the beginning of Israel’s mass slaughter, Minns announced that he had approved a police request for “emergency powers” to search anyone who attended the first of a series of mass protests against the genocide in the Sydney city centre. The powers, which appear to have been based on 6A, were ultimately not used, but the intent was clear.

Since then, Labor, at the federal level and in the states, has overseen a massive witch hunt of defenders of the Palestinians, continuously slandering them as antisemites in a false and reactionary conflation of the Jewish people with the militarist Israeli state.

That campaign is once again ramping up, in response to a murky arson incident at a synagogue in Melbourne on Friday night. Labor leaders have rushed to declare the incident an “attack on Australia,” and have pledged an even greater assault on opposition to Israel.

There are editorials and opinion pieces in the major publications everyday demanding an end to pro-Palestinian protests, while the state Labor administrations are moving to outlaw chants condemning the genocide and denouncing Zionism.

This is occurring under conditions where fascistic US President Donald Trump and Israeli Prime Minister Benjamin Netanyahu are carrying out their “final solution,” involving the full-scale ethnic-cleansing of Gaza, in a war crime that is increasingly being extended into the West Bank. Labor’s crackdown on opposition is one component of its ongoing political, diplomatic and logistical support for the Israeli atrocities.

But more broadly, the assault on democratic rights is directed against the entire working class. There is mass hostility to the entire political establishment, and explosive opposition to the social crisis, enormous social inequality and the broader program of imperialist militarism, of which the Gaza genocide is a part. The measures directed now against opponents of the genocide will in the future be deployed against strikes by workers and social struggles raising all of these questions.

That underscores the urgency of building an independent political movement of the working class, directed against Labor and the entire political establishment, and based on a socialist program that is the only means of halting the accelerating descent into authoritarianism and war.

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