

Submission on stigmatising narratives and  
implications on the exercise of the rights to  
freedom of peaceful assembly and association.

**1 July 2024 / Human Rights Law Centre and the Australian Democracy Network**

# Human Rights Law Centre.

## The Human Rights Law Centre

The Human Rights Law Centre uses strategic legal action, policy solutions and advocacy to support people and communities to eliminate inequality and injustice and build a fairer, more compassionate Australia. We work in coalition with key partners, including community organisations, law firms and barristers, academics and experts, and international and domestic human rights organisations.

[www.hrlc.org.au](http://www.hrlc.org.au)



## The Australian Democracy Network

The Australian Democracy Network is creating a healthy Australian democracy that puts people and the planet first. We bring people and organisations together to campaign for the changes that make our democracy more fair, open, participatory, and accountable.

[www.australiandemocracy.org.au](http://www.australiandemocracy.org.au)

# Contents

- 1. Introduction .....4**
- 2. Stigmatising narratives .....5**
- 3. Recent attacks on the right to peaceful assembly in Australia .....11**

# 1. Introduction

The Human Rights Law Centre and the Australian Democracy Network thank the Special Rapporteur on Freedom of Peaceful Assembly and Association for the opportunity to contribute to this call for inputs on stigmatising narratives and their implications on the exercise of the rights to freedom of peaceful assembly and association.

Australia has a long and proud history of protests which have led to significant change, including preserving Tasmania's Franklin River, the advancement of worker's rights, the apology to the Stolen Generations, the right to vote for women, and the advancement of LGBTIQ+ rights.

The right to protest is particularly important for Aboriginal and Torres Strait Islander people and their ongoing calls for justice. Since colonisation, Aboriginal and Torres Strait Islander communities have used protest as a way to fight for their right to self-determination, their land and water rights, an end to police violence and against the ongoing structural racism that locks them out of power and justice.

Despite Australia being a party to the core international human rights treaties, governments around the country have enacted harsh, repressive and undemocratic anti-protest laws, facilitated in large part by stigmatising narratives about protesters and protest movements.

These narratives are primarily propagated by politicians, particularly those who are targeted by protests, and are further amplified by media outlets, creating a feedback loop that hardens public sentiment against peaceful assemblies and their respective movements.

## 2. Stigmatising narratives

In Australia, civil society organisations, activists, and social movements are often portrayed negatively by politicians when they are involved in protest activity or actions, particularly those that temporarily disrupt car or pedestrian traffic. Australian media echoes these negative sentiments in their reporting, further entrenching public distrust against, and hostility towards, peaceful assemblies and their causes.

This mutual reinforcement between political rhetoric and media narratives cultivates a hostile environment for protesters, making it increasingly difficult for people to exercise their rights to peaceful assembly and association without undue or unlawful police interference, and by making it easier for politicians to introduce laws to stifle or severely restrict peaceful assemblies.

There are two main factors contributing to the spread of negative media narratives about protests and protesters in Australia: Australia's media is concentrated in too few hands; and Australian politics and debate is heavily influenced by powerful mining and extractive industries.

### **Media concentration:**

Australia has one of the world's most concentrated media markets.<sup>1</sup> Since a single entity can own and operate multiple platforms and channels across the country, negative narratives about protest movements are easily repeated across various channels, reaching a wide audience. Furthermore, Australian media is largely homogenous. Australia is a multicultural country with just under half of the population having at least one parent born overseas however only 9% of journalists are from a non-Anglo or non-European background.<sup>2</sup> Over a two-week period in June 2022, a survey found that 78% of news presenters, commentators and reporters had an Anglo-Celtic background.<sup>3</sup>

The collapse of traditional media has intensified competition among media outlets for advertising revenues, with the top four Australian media companies controlling 95% of revenue among daily newspapers, over 75% of total revenue in free-to-air television and about 70% of radio revenue.<sup>4</sup> This competition between Australian media companies is further intensified by the fact that more Australians are choosing social media as their primary source of news content.<sup>5</sup>

Social media platforms tend to favour divisive, combative, and inflammatory content that drives revenue through clicks and online engagement.<sup>6</sup> All of these factors combined have proliferated stigmatising and combative frames and narratives of protests and protesters which in turn exacerbates public hostility to peaceful protest.

### **Powerful mining and extractive industries:**

The mining and extractive industries in Australia wield considerable power through the vast network of close relationships they have cultivated with the federal government, lobbyists, and media organisations.

---

<sup>1</sup> Bernard Keane, 'These numbers show just how concentrated Australia's media market is', *Crikey* (Online, 30 April 2024) <<https://www.crikey.com.au/2024/04/30/media-concentration-australia-paint-by-numbers/>>

<sup>2</sup> Sora Park, Jee Young Lee, Kieran McGuinness, 'Australia's media improve on diversity – but there's still a long way to go', *The Conversation* (Online, 9 March 2023) <<https://theconversation.com/australias-media-improve-on-diversity-but-theres-still-a-long-way-to-go-200452>>

<sup>3</sup> Ibid.

<sup>4</sup> Sora Park, *Reuters Institute Digital News Report 2022* (Online, 15 June 2022) <<https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2022/australia>>

<sup>5</sup> Australian Communications and Media Authority, 'How We Access News' (Online, February 2024) <<https://www.acma.gov.au/sites/default/files/2024-02/How%20we%20access%20news%20-%20Executive%20summary%20and%20key%20findings.pdf>>

<sup>6</sup> Carlos Diaz Ruis, 'Disinformation is part and parcel of social media's business model, new research shows', *The Conversation* (Online, 23 November 2023) <<https://theconversation.com/disinformation-is-part-and-parcel-of-social-medias-business-model-new-research-shows-217842>>

This network significantly hinders progress on climate change and delays Australia's transition to clean energy.

This lack of political will to act is at odds with popular consensus. Research shows that the majority of Australians believe global warming is a serious and pressing problem and that we should begin taking steps now to address it, even if this involves significant costs.<sup>7</sup>

Despite this, Australian politicians and media organisations frequently attack climate action advocates, labelling them as fringe, extreme, selfish, and dangerous. This rhetoric fosters an environment hostile to climate activism, contributing to the negative perception and treatment of climate activists.<sup>8</sup>

In recent years, we have witnessed a troubling increase in anti-protest legislation across the country.<sup>9</sup> This erosion of protest rights and the narrowing of civic space are being facilitated by the negative narratives about protest and protest rights perpetuated by politicians, police services and media outlets.

The case studies below illustrate that framing protests and protest rights in negative terms makes it easier for governments to justify disproportionate measures against those exercising their right to peaceful assembly.

---

<sup>7</sup> Natasha Kassam, *Lowy Institute Poll 2020* (Annual poll, June 2020) 5

<sup>8</sup> David Mejia-Canales, '*Protest in Peril- our shrinking democracy*' (Report, 2 June 2024) <<https://www.hrlc.org.au/reports-news-commentary/protest-peril>>

<sup>9</sup> Ibid.

### **Case study: Environmental protests framed as an inconvenience leading to repressive anti-protest laws.**

In April and March 2022, climate activists from Fireproof Australia – a civil society group dedicated to safeguarding Australia’s unique ecosystems and communities from devastating wildfires – engaged in actions that temporarily disrupted roads in Sydney. Their actions disrupted peak-hour traffic and attracted significant media interest. Media reporting directly quoted politicians who framed Fireproof Australia activists as “knuckleheads”,<sup>10</sup> “selfish”,<sup>11</sup> “unacceptable”,<sup>12</sup> and instigators of “economic chaos”.<sup>13</sup>

The then New South Wales Minister for Metropolitan Roads, Ms Natalie Ward, told the media that: “[The New South Wales government] is fed up and we have had enough... those selfish protesters need to stop, there’s other ways to get your messages out.”<sup>14</sup> Furthermore, Ms Ward promised that there would be severe penalties for similar actions in future.<sup>15</sup>

In response to Fireproof Australia’s actions, the government of New South Wales introduced and passed the *Roads and Crimes Legislation Amendment Act 2022 (the Act)*. The Act was introduced, debated, and passed in under 30 hours. The Government justified the urgency by declaring that protesters were causing “economic chaos” and unleashing “enormous economic carnage” on ordinary people,<sup>16</sup> despite most of the road obstructions lasting no more than 25 minutes.<sup>17</sup>

The Act makes it an offence to cause damage, serious disruption or obstruction to the Sydney Harbour Bridge, major bridges and any main road, highway, freeway or toll way in New South Wales. The Act also makes it an offence to disrupt a major facility, like a port, energy plant, or railway station if the obstruction prohibits the use of that facility or if the obstruction of the facility forces it to close, in whole or in part. Penalties include fines of up to \$22,000 AUD or 2 years imprisonment, or both.

### **Case study: authorities relying on false narratives to justify the excessive punishment of protesters.**

Violet “Deanna” Coco, a 31-year-old supporter of Fireproof Australia, was the first person to be charged under the Act, after she participated in a climate protest that blocked a lane of traffic on the Sydney

---

<sup>10</sup> Kaitlyn Hudson-O’Farrell, ‘Fireproof Australia protesters block peak hour traffic onto Harbour Bridge’, *The Daily Telegraph* (Online, 10 March 2022) <https://www.dailytelegraph.com.au/news/nsw/fireproof-australia-protesters-block-peak-hour-traffic-onto-harbour-bridge/news-story/04017bd24073259650f09fdd077184b8>

<sup>11</sup> Georgie Marr, ‘Three People Charged Following Environmental Protest On Sydney’s Spit Bridge Causing significant traffic delays’, *Triple M*, (Online, 14 March 2022) <<https://www.triplem.com.au/story/three-people-charged-following-environmental-protest-on-sydney-s-spit-bridge-196080>>

<sup>12</sup> Lauren Ferri, Anton Nilsson and Duncan Murray, ‘Footage shows protesters clash with motorists after blocking road’, *News.com.au* (Online, 5 April 2022) <<https://www.news.com.au/technology/environment/climate-change-protesters-cause-traffic-chaos-on-major-sydney-road/news-story/0513dd46f62a12034b4cafcfeffco489>>

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ben Fordham, “I’m sick of it’: Minister promises ‘severe penalties’ after protesters block Spit Bridge’, *2GB Sydney* (Online, 14 March 2022).

<sup>16</sup> Mark Speakman, Attorney General (in reply), *Roads and Crimes Legislation Amendment Bill 2022*, Second

Reading Debate, NSW Hansard, Legislative Assembly, 30 March 2022, pp 8951-8952.

<sup>17</sup> Kaitlyn Hudson-O’Farrell, n5, Georgie Marr n6, Elias Visontay, ‘Climate activist who blocked traffic on Sydney Harbour Bridge jailed for at least eight months’, *The Guardian* (Online, 2 December 2022) <<https://www.theguardian.com/environment/2022/dec/02/climate-activist-who-blocked-traffic-on-sydney-harbour-bridge-jailed-for-at-least-eight-months>>

Harbour Bridge. She stood on top of a truck holding a lit emergency flare and was removed by NSW police after approximately 25 minutes.<sup>18</sup>

Coco faced seven charges, including disrupting vehicles, interfering with bridge operations, possessing a bright light distress signal, failing to comply with police directions, and resisting police. Additionally, she was charged under explosives regulations for holding the flare and with inciting others to commit crimes for livestreaming her actions on Facebook.

Coco pleaded guilty to blocking traffic and failing to comply with police, but not guilty to the other charges.<sup>19</sup>

During Coco's trial, New South Wales Police alleged that Coco's actions "not only caused serious disruption to peak-hour traffic" and "prevented an ambulance responding to an emergency under lights and sirens as it was unable to navigate through the increased heavy traffic".<sup>20</sup>

Coco received a 15-month term of imprisonment with a non-parole period of eight months for blocking traffic, possessing an orange flare in a public place and resisting police after being asked to move on.

In March 2023, Coco's 15-month jail sentence was quashed after it was revealed that NSW Police provided false information to the Court in claiming that an ambulance was impeded by her action. Subsequently, she was issued a 12-month conditional release order after a judge determined her imprisonment was based on false information from police.<sup>21</sup>

### **Case study: anti-protest laws being enacted to protect extractive industries in South Australia.**

On 17 May 2023, climate defenders from Extinction Rebellion staged several actions near the Adelaide Convention Centre, in south Australia, where the Australian Petroleum Production and Exploration Association (**APPEA**) Conference was being held. The actions caused temporary disruption to traffic in Adelaide.

The Transport and Energy Minister, who had earlier in the week addressed the APPEA conference telling delegates that South Australia was "at their disposal",<sup>22</sup> described the Extinction Rebellion actions as 'reckless', 'inconvenient', 'childish stunts'.<sup>23</sup>

In response, the South Australian Government rushed through the *Summary Offences (Obstruction of Public Places) Amendment Act 2023* (**Obstruction of Public Places Act**). The Obstruction of Public Places Act increased the maximum penalty for obstructing a public place from \$750 AUD to \$50,000 AUD,

---

<sup>18</sup> Human Rights Watch, *Australia: Climate Protesters' Rights Violated Disproportionate Punishments, Excessive Bail Conditions* (Online, 22 June 2022) <<https://www.hrw.org/news/2022/06/22/australia-climate-protesters-rights-violated>>

<sup>19</sup> Ibid.

<sup>20</sup> Michael McGowan, 'NSW police drop claim that protest involving Deanna 'Violet' Coco blocked ambulance', *The Guardian* (Online 7 March 2023) <<https://www.theguardian.com/australia-news/2023/mar/07/nsw-police-drop-claim-that-protest-involving-deanna-violet-coco-blocked-ambulance>>

<sup>21</sup> Australian Associated Press and Jordyn Beazley, 'Climate activist Deanna 'Violet' Coco's 15-month jail sentence quashed on appeal', *The Guardian* (Online, 15 March 2022) <<https://www.theguardian.com/australia-news/2023/mar/15/climate-activist-deanna-violet-cocos-15-month-jail-sentence-overturned-on-appeal>>

<sup>22</sup> Royce Kurlmelovs, 'South Australia tells gas industry the state is 'at your disposal'', *The Guardian* (Online, 16 May 2023) <<https://www.theguardian.com/environment/2023/may/16/south-australia-gas-industry-appea-national-conference-2023>>

<sup>23</sup> Australian Broadcasting Corporation, 'Extinction Rebellion protesters at Morphett St bridge cause traffic delays in peak hour', *ABC News* (Online, 17 May 2023) <<https://www.abc.net.au/news/2023-05-17/extinction-rebellion-protesters-adelaide-traffic-delays/102355334>>



and introduced a term of imprisonment of up to three months for breaches, which could be as benign as obstructing a doorway for as little as five minutes, or handing out pamphlets in the street.

The Obstruction of Public Places Act also allows emergency services to recover any reasonable costs associated with dealing with an obstruction, on top of any penalty that a court may impose.

### **Case study: protesters being framed as dangerous to justify restricting protest rights.**

On 24 October 2019, the Queensland Parliament passed the *Summary Offences and Other Legislation Amendment Act 2019 (the Dangerous Devices Act)*.

The Dangerous Devices Act was introduced to Parliament following a series of high-profile protest actions by climate defenders, using objects like chains and locks to secure themselves to a public fixture or object, which then disrupt car or pedestrian traffic. The law's Explanatory Memorandum also referencing animal welfare advocates and people protesting against coal mining.<sup>24</sup> In seeking to justify the new law the Queensland Government labelled Extinction Rebellion protesters as "extremists" who used "sinister tactics".<sup>25</sup>

The Dangerous Devices Act criminalises the use of several devices which are a common feature of peaceful protests, such as monopoles, covered lock-on devices and tripods, even when the devices are used in a manner that only causes minimal disruption to the public and business. Under the new law, protesters who use covered lock-on devices in a way that prevents a person from entering a shop, or who disrupt mining equipment for as little as ten minutes, could face prison terms of up to one year.<sup>26</sup>

The Dangerous Devices Act's provisions are broad and ambiguous, with key terms such as "unreasonably interfere" and "reasonable excuse" not clearly defined.<sup>27</sup>

The then Premier of Queensland, Annastacia Palaszczuk, told Parliament that lock-on devices in Queensland were being "laced with traps" such as glass fragments and butane gas containers, but refused to provide any evidence in support of these claims.<sup>28</sup> In any event, Queensland law already addressed harmful conduct or use of lock on devices.

### **Case study: police failing to adequately protect protesters and their rights to peaceful assembly.**

On the eve of the Sydney Mardi Gras, Australia's largest LGBTIQ+ pride event, community group Pride in Protest (**PIP**) organized a rally of approximately 300 people at Taylor Square. The rally was protesting the inclusion of New South Wales police in the Mardi Gras pride parade, following the killing of two gay men by a New South Wales police officer.

Independent protest monitors from Legal Observers New South Wales (**LONSW**) reported that police actions during the rally exacerbated tensions and involved disproportionate force, resulting in numerous injuries.<sup>29</sup>

LONSW documented police kettling, shoving, and grabbing protesters, with police reportedly pushing protesters into barricades and manhandling those who had moved off the street. Additionally, police were

---

<sup>24</sup> Explanatory Memorandum, *Summary Offences and Other Legislation Amendment Bill 2019*, 2.

<sup>25</sup> Ashleigh Stevenson, 'Protesters branded 'extremist' as Palaszczuk Government cracks down on road block tactics', *ABC News* (online, 20 August 2019).

<sup>26</sup> See *Summary Offences Act 2005* (Qld), s 14C(1) and (2).

<sup>27</sup> *Summary Offences and Other Legislation Amendment Act 2019* (Qld), s 9; *State Penalties Enforcement Regulation 2014* (Qld) s 11.

<sup>28</sup> Ben Smee, 'Queensland premier refuses to offer evidence to back claims of 'sinister' climate activists', *The Guardian* (online, 23 September 2019)

<sup>29</sup> Legal Observers New South Wales, '*Policing of PiP's No Cops No Bigots Snap Rally*', (Online, 2 March 2024) <[https://www.instagram.com/p/C4ASVoGLV1A/?img\\_index=1](https://www.instagram.com/p/C4ASVoGLV1A/?img_index=1)>

seen brandishing oleo capsicum spray canisters towards protesters as an intimidation tactic (no oleo capsicum spray was deployed).<sup>30</sup>

LONSW also documented protesters being punched and shoved into a metal barricade by a bystander in full view of police without police intervening in any way.<sup>31</sup>

As the rally ended, LONSW reported that police followed a group of protesters to a train station, attempting to stop and engage them while making transphobic comments towards them.<sup>32</sup>

---

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

### 3. Recent attacks on the right to peaceful assembly in Australia

Since Israel launched its ongoing military response to Hamas' attacks on 7 October 2023, there has been a marked increase in the repression of protests that aim to raise awareness of the devastating humanitarian crisis in Gaza.

This repression has manifested in heavy-handed police reactions to pro-Palestine protests, including intimidation<sup>33</sup> and the use of crowd control weapons against demonstrators.<sup>34</sup>

Moreover, pro-Palestine protesters have been demonised in public narratives, both in parliaments around the country and in the media. These narratives often paint protestors as illegitimate, extreme or dangerous, which is not only an attempt to delegitimise their cause but also justifies the crackdowns on their activism.

The examples below illustrate that this disproportionate reaction could have a chilling effect on free speech and assembly, discouraging people and civil society from engaging in peaceful protests due to the fear of reprisal or repercussions.

Consequently, the ability of civil society to advocate for Palestinian human rights and a ceasefire in Gaza is also undermined. This stifles important dialogue and activism crucial for addressing the humanitarian crisis and building peace.

#### **Case study: the excessive policing of pro-Palestine protests.**

On 24 March 2024 Unionists for Palestine organised a protest at Sydney's Port Botany. The event included about 400 people, children and older people among them. When participants gathered to sit peacefully, New South Wales police issued move-on orders to the assembly and began making arrests without apparent justification.<sup>35</sup> Move-on orders are only lawfully given if there's a serious safety risk or obstruction of traffic, but no such conditions were observed by the independent protest monitors deployed to the event.<sup>36</sup>

Concerns were also raised about the excessive use of force by police, including incidents where a protester was pinned down by three officers, and others were handled with painful wrist holds. Mounted police actions during the protest created a crowd crush which forced some pro-Palestine protesters to climb over fences to avoid being trampled. Legal observers were also physically pushed and obstructed by police.<sup>37</sup>

Several people arrested at this protest were given disproportionately harsh or vague bail conditions, including that they 'undertake to not participate in an unlawful protest' or to not associate with other protesters.<sup>38</sup>

---

<sup>33</sup> Ewa Staszewska, 'Thousands turn out for pro-Palestinian march amid heavy police presence', *SBS News* (Online, 21 October 2023) <<https://www.sbs.com.au/news/article/thousands-turn-out-for-pro-palestine-march-after-police-green-light-event/jcj3iz7qs>>

<sup>34</sup> Melbourne Activist Legal Support, *Statement of Concern: policing of the Webb Dock Picket*, (Report, 25 January 2024) <<https://mals.au/2024/01/25/policing-of-the-webb-dock-picket/>>

<sup>35</sup> Melbourne Activist Legal Support, *Statement of Concern: policing of the Webb Dock Picket*, (Report, 25 January 2024) <<https://mals.au/2024/01/25/policing-of-the-webb-dock-picket/>>

<sup>36</sup> Human Rights Law Centre, 'Civil rights groups condemn police repression of Port Botany rally' (Website, 23 November 2023) <<https://www.hrlc.org.au/news/2023/11/23/condemn-nsw-police>>

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

### **Case study: the indiscriminate use of crowd control weapons.**

On 22 January 2024, a pro-Palestine community picket was erected at Melbourne's Webb Dock which lasted several days. The picket was attempting to block Israeli-owned shipping company, ZIM, from using the port's terminals.

Independent legal observers from the Melbourne Activist Legal Service (**MALS**) recorded multiple instances of OC spray being used against individuals who were not posing any direct threat to police, and in some instances OC spray was used to force people to disperse from an area counter to Victoria Police guidelines.

MALS also documented an incident where a protester was OC sprayed directly to the face while they were laying on the ground.<sup>39</sup>

### **Case study: inaccurate reporting used to justify blanket restrictions on protests.**

On the night of 9 October 2023, the Sydney Opera House sails were lit up in the colours of the flag of Israel, following the Hamas attacks on 7 October. Hundreds of pro-Palestinian protesters staged a protest on the Sydney Opera House steps in response.

Media reports indicated that a small group of people who were not affiliated with protest organisers, chanted "gas the Jews" at the protest, this was immediately and vehemently condemned by the Palestine Action Group, one of the protest organisers.

Evidence for this alleged chant included an edited video of the protest which was widely circulated by Australian and international media outlets. Media commentators and politicians used the edited footage as a justification for increased restrictions or outright bans on pro-Palestine rallies and demonstrations.<sup>40</sup>

In his response to allegations that the chant was used, Chris Minns, the Premier of New South Wales, did not distinguish between the apparent violent actions of a small number of people and the peaceful majority of the assembly. He threatened that all future pro-Palestine protests would either be banned or severely restricted by his Government. Mr Minns stated that protestors had "proven they're not peaceful...The idea they're going to commandeer Sydney streets is not going to happen and I'm sure the New South Wales Police will make that clear."<sup>41</sup>

In February 2024, a police forensic analysis found no evidence that the phrase was chanted. New South Wales Police advised that a forensic expert "...concluded with overwhelming certainty that the phrase chanted during that protest as recorded on the audio-visual files was 'where's the Jews', not another phrase as otherwise widely reported."<sup>42</sup>

---

<sup>39</sup> Melbourne Activist Legal Service, Statement of Concern: Policing of the Webb Dock Picket, (Website, 25 January 2024) <<https://mals.au/2024/01/25/policing-of-the-webb-dock-picket/>>

<sup>40</sup> Eleanor Campbell, Pro Palestine Protest planned for Sydney will be banned, *Daily Mail Australia*, (Online 11 October 2023) <<https://www.dailymail.co.uk/news/article-12616765/Cops-block-second-anti-Israel-protest-Sydney-NSW-Premier-Chris-Minns-forced-issue-public-apology-Opera-House-chaos.html>>

<sup>41</sup> Tamsin Rose and Catie McLeod, 'Chris Minns says pro-Palestine rally in Sydney on Sunday 'not going to happen' as organisers vow to march.' *The Guardian* (Online, 11 October 2023) <<https://www.theguardian.com/australia-news/2023/oct/11/pro-palestine-rally-sydney-sunday-protest-march-nsw-premier-chris-minns>>

<sup>42</sup> Alexander Lewis, 'Video analysis finds no evidence of 'gas the Jews' being chanted at Sydney Opera House protest, despite witness statements', *ABC News* (Online, 2 February 2024). <<https://www.abc.net.au/news/2024-02-02/nsw-police-opera-house-protest-video-analysis/103418582>>

Despite there being no evidence that the chant was used during the protest at the Sydney Opera House, in April 2024, Peter Dutton the Leader of the Opposition, likened the 9 October protests to the Port Arthur Massacre- Australia's deadliest massacre in modern history.<sup>43</sup>

Mr Dutton stated that: "While no one was killed during the October 9 protests, the events at the Sydney Opera House were akin to a Port Arthur moment in terms of their social significance." When challenged on his comments Mr Dutton went further and stated that: "My message to [people who don't support liberal democratic values] is simple. You will not change us... If you do not subscribe to the Australian way of life, leave the country."<sup>44</sup>

Mr Dutton has also made statements warning that if he were the Prime Minister after the next election he would have a 'zero-tolerance' approach for 'intolerable behaviours'. Mr Dutton also called for non-citizens taking part in pro-Palestine protests to be deported.<sup>45</sup>

### **Case study: Police imposing seemingly arbitrary restrictions on pro-Palestine protests.**

In recent months, large pro-Palestine rallies and marches in Melbourne have drawn significant crowds, often becoming the largest public events in the city's central business district on weekends.

These rallies, with attendance ranging from 4,000 to 15,000 people and sometimes exceeding 60,000, require extensive organisation and infrastructure, including sound systems, first aid teams, stalls, and crowd-control marshals.

One crucial element of these assemblies has been the use of a covered public address (**PA**) truck, which also provides an elevated stage for speakers, particularly Australian sign language (**Auslan**) interpreters who require an elevated state to be seen by the assembled crowd. The truck also protects personnel and equipment from the elements while also facilitating the quick setup and dismantling of equipment to and from the rally.

For approximately 36 weeks, Victoria Police permitted the use of this PA truck without issue. However, on Sunday, June 9, 2024, police suddenly changed their stance without providing clear justification. Victoria Police directed the driver of the PA truck to move, threatening fines or towing. Despite negotiations by rally organisers, the driver was fined for the minor traffic offense of "parking on a footpath," though the truck was not towed and the rally continued as planned.

The following Sunday, June 16, 2024, police escalated their actions by preventing the truck from reaching its usual position in front of the State Library of Victoria, stopping it in the middle of a busy thoroughfare. This caused significant disruption to public transport and pedestrians and forced the gathered crowd onto the road and light-rail tracks instead of the library lawns.

The abrupt and unexplained shift in police behaviour appears to be arbitrary and unnecessary, especially considering the long-standing prior discretion shown towards the use of the PA truck. This sudden change undermines the right to peaceful assembly as protected by the Victorian Charter of Human Rights and Responsibilities, impacting all attendees, particularly Deaf and hearing-impaired individuals who need to have a clear line of sight to Auslan interpreters to be able to properly participate.

---

<sup>43</sup> Brett Worthington, 'Dutton links a pro-Palestine protest to the Port Arthur Massacre as Albanese takes a leaf out of John Howard's book', *ABC News* (Online, 11 April 2024) <<https://www.abc.net.au/news/2024-04-11/dutton-overreach-port-arthur-israel-gaza-wong/103694678>>

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.