

# The right to protest: are Australia's new protest laws too severe?

## The Issue at a Glance

### What they said...

'If protesters want to put our way of life at risk, they should have the book thrown at them and that's pleasing to see'

*New South Wales premier Dominic Perrottet, commenting on the 15-month prison sentence given climate activist Violet Coco*

'These laws are meant to kill environmental activism and frighten people into silence'

*Bob Brown, environmental activist and former federal senator and leader of the Greens*

On **January 12, 2023**, Human Rights Watch issued its World Report 2023. The report criticised Australia on several fronts, including its adoption of laws imposing harsh penalties on certain sorts of protest. [↗](#)

Less than a month earlier, on December 2, 2022, climate activist Violet Coco had been fined \$2,500 and sentenced to 15 months jail for blocking traffic on the Sydney Harbor Bridge for 28 minutes earlier in 2022.

[↗](#) The fine and prison term sparked criticism of New South Wales new protest legislation which had been passed on April 1, 2022.

Similar protest legislation was passed in Tasmania in September 2022, and legislation specifically focused on discouraging anti-logging protests was passed in Victoria in August 2022.

Critics of these laws claim they represent an attack on basic human rights of assembly, association, and freedom of speech and threaten the health of Australian democracy. Their supporters claim they are intended to protect the community from disruptive and potentially dangerous behaviour.

## Background

The information below is predominantly taken from an article titled *'The Protest Laws Across Australia You Should Know Before You Show Up'* which was published by Zee Feed on August 24, 2022.

The full text can be accessed [HERE](#) [↗](#)

### Protest laws in Australia

#### *Victoria*

Although peaceful protesting is a right in Victoria, protesters can be charged with obstruction, trespass, unlawful assembly, offensive behaviour, besetting, assault, resisting or hindering police, riot, or affray. Property-related offences include property damage as well as burglary.

New laws have recently been introduced specific to protests at Victorian logging sites. In August 2022, the Victorian government amended the Sustainable Forests (Timber) Act 2004, introducing penalties of up to \$21,000 and twelve-month's jail for those who trespass on logging sites. [↗](#) Police officers are now also authorised to search containers, bags and vehicles as well as issue banning notices to repeat offenders. PVC and metal pipes have been added to the list of items prohibited from being brought onto logging sites.

#### *New South Wales*

On April 1, 2022, the New South Wales government added amendments to the Roads Act 1993 and the Crimes Act 1900 which banned and penalised several forms of protest action. People can now be fined up to \$22,000 and/or jailed for a maximum of two years for protesting illegally on public roads, rail lines, tunnels, bridges and industrial estates. The new offence applies to ports in Newcastle, Port Kembla and Port Botany, but the government says it intends to add more facilities. [↗](#)

Basically, if a protest 'seriously disrupts or obstructs vehicles or pedestrians' it will be prohibited. The determination of what constitutes serious disruption is left to the police. The laws were introduced as a

response to a series of climate protests, during which activists blockaded the Port of Botany and major roads including the Spit Bridge near Manly. Groups such as the Human Rights Law Centre, Aboriginal Legal Service, New South Wales Council for Civil Liberties and the Environmental Defenders Office have all condemned the new laws

While the right to peacefully and lawfully protest is technically still protected, the new laws make it possible for police to rule almost any protest gathering as an obstruction.

### *Tasmania*

On September 7, 2022, the Tasmania government added amendments to the Police Offences Act 1935 attaching fines of up to \$13,000 and up to two years' imprisonment for illegally entering a property and either impeding or intending to impede someone on the premises 'carrying out lawful work'. [🔗](#) For a second offence, the maximum fine increases to \$21,625 or up to two-and-a-half years in jail. These penalties apply to workplaces including forestry sites.

An organisation [referred to in the legislation as a 'corporate body'] supporting members of the community to protest could be fined over \$45,000. [🔗](#) A corporate body that obstructs a business will face a fine of up to \$103,800.

### *Queensland*

Under Queensland's Peaceful Assembly Act 1992, citizens have the right to peaceful protest in a public place. This is as long as they are protecting public safety, maintaining public order, and protecting others' rights and freedoms. According to the act authorisation from the police is not needed to hold a public assembly, but forgoing this increases the risk of hostile police interactions. For example, an unauthorised public assembly could result in a charge of obstruction: one traffic rule is that pedestrians must not cause a traffic hazard or unreasonably obstruct the path of any driver or other pedestrian - if police think a protestor is breaking that rule, they can be fined up to 20 penalty units (currently \$2669).

In 2019, Queensland introduced laws that ban people using 'locking devices', which rules out actions like protesters gluing themselves to the ground or locking themselves to a tree. It also covers anything that can block industrial sites, roads, or buildings. These laws criminalise parts of peaceful protest, and the United Nations criticised them as being at odds with Australia's international human rights obligations.

### *Western Australia*

In Western Australia, protests can be deemed illegal if police consider protesters to be trespassing (including staying in a place after being asked to leave), intending to cause harm, or causing a traffic hazard or obstruction. In these cases, protesters can face up to two-year jail terms or fines up to \$25,000.

Most commonly, however, police officers will ask protesters to leave a public place if they suspect they are: breaching the peace, hindering, obstructing or preventing any lawful activity from being carried out, intending to commit an offence, have just committed or are committing an offence. A move on notice is not a criminal charge, but protesters can be arrested for breaching a move on notice.

### *South Australia*

In South Australia, protest actions must meet the requirements of the Public Assemblies Act 1972. This legislation states approval is required before a public assembly from the Commissioner of Police, Chief Secretary or local council in the area where the assembly is proposed. If approved, a protester can participate in the assembly without being charged with criminal or civil offences so long as he or she behaves in accordance with the conditions of the approval.

Protesters participating in an approved public assembly cannot be charged with any offences connected with obstructing traffic if that is the intended effect of the pre-approved assembly route. If a protest blocking traffic is not authorised, police may arrest participants.

### *Australian Capital Territory*

Peaceful protest and demonstration are protected in Australian Capital Territory (ACT) and citizens do not require formal approval to conduct a protest or demonstration. The only condition is that protests in parliamentary zones and diplomatic areas do require permission first. Approval is also needed to put up a structure as part of a protest, including anything that is built (like a sun shelter), a fire (including if protesters burn a flag, sign or effigy) or any element fixed to the ground. The ACT government does warn participants to observe lawful directions issued by the Parliamentary Security Service, Australian Federal Police Uniform Protection officers or the Australian Federal Police. Failure to do so may result in arrest.

### *Northern Territory*

In the Northern Territory a permit is required to protest in a public place, but there are no other laws regulating protests specifically. The normal laws about orderly public conduct still apply, including being charged with offensive conduct if protesters 'cause substantial annoyance to another person.'

## Internet information

On January 12, 2023, Human Rights Watch issued its World Report 2023. The report criticised Australia on several fronts, including its adoption of harsher anti-protest laws.

The full report can be accessed at [🔗](#)

On January 12, 2023, Human Rights Watch issued a media release titled 'Australia: Rights Failings Tarnish Regional Credibility' which outlined its concerns about Australia's current human rights record as detailed in its World Report 2023 released on the same day.

The full text can be accessed at [🔗](#)

On January 12, 2023, The Guardian published a report titled 'Australia's credibility on human rights blighted by laws targeting climate protesters and jailing children, report says'.

The news report detailed some of the comments made in the Human Rights Watch World Report 2023 and included some additional comments on Australia's human rights performance.

The full text can be accessed at [🔗](#)

On December 15, 2022, The Latch published a comment and analysis by Jack Revell titled 'No Right to Protest: What Are the New Anti-Protest Laws Being Used to Lock Up Climate Activists?'

The article examines New South Wales new protest laws and the extent to which they are replicated in other states.

The full text can be accessed at [🔗](#)

On December 9, 2022, ABC news published an opinion piece by environment report Nick Kilvert titled 'If NSW wants to stop climate change protests, there's an alternative to jailing activists'. The comment examines the new New South Wales protest laws and suggests that rather than jailing climate activists, the state might act on their demands.

The full text can be accessed at [🔗](#)

On December 8, 2022, The Mandarin published a comment by Maeve McGregor titled ' "Short of dictatorships, we are world leaders": Australia's record on criminalising environmental protest' The opinion piece (reproduced from Crikey) argues against the new laws as anti-democratic.

The full text can be accessed at [🔗](#)

On December 6, 2022, The Sydney Morning Herald published a news report titled "'Nobody is above the law": Minister stands by anti-protest laws that sent niece to jail.' The report details the support of Alister Henskens, the NSW Minister for Enterprise, Investment and Trade for his government's new anti-protest legislation.

The full text can be accessed at [🔗](#)

On December 5, 2022, Sky News published a report titled 'Dominic Perrottet defends jail term for climate activist Deanna "Violet" Coco who blocked traffic on Sydney Harbour Bridge'

The report details the response of New South Wales Premier Dominic Perrottet to the jail sentence given climate change protester Violet Coco.

The full text can be accessed at [🔗](#)

On December 2, 2022, ABC News posted a news report titled 'Climate change protester who blocked Sydney Harbor Bridge sentenced to months in jail', The article reported on the sentencing of climate activist and protester Violet Cocco.

The full text can be accessed at [🔗](#)

On October 31, 2022, The Conversation published an opinion piece by Piero Moraro Lecturer in Criminology, Edith Cowan University and Deborah Williams PhD Candidate, Murdoch University. The article is titled '40 years ago, protesters were celebrated for saving the Franklin River. Today they could be jailed for months.' The comment traces the increasing government opposition to direct action and the effect this is having on Australian activists.

The full text can be accessed at [🔗](#)

On October 20, 2022, City Hub Sydney published a wide-ranging report on reactions to New South Wales new anti-protest laws. The article is titled 'NSW Labor sticks to supporting harsh anti-protest laws' and is written by Wendy Bacon, a former Professor of Journalism at University of Technology Sydney.

The full text can be accessed at [🔗](#)

On September 8, 2022, The Tasmanian Times published a media release issued by Guy Barnett, Tasmanian Minister for State Development, Construction and Housing, outlining and defending the provisions of the Tasmanian Government's Workplace Protection legislation.

Published along with the government media release is a media release from the Bob Brown Foundation which accuses the Tasmanian government of having 'abandoned its citizens and shamefully bowed to corporate interests by passing new anti-protest laws.'

Both texts can be accessed at [🔗](#)

On August 25, 2022, The Human Rights Law Centre published a comment titled 'A blow for [sic] democracy as Tasmania's anti-protest bill passes Upper House'

The opinion piece argues that the revised law represents a threat to the full functioning of democracy in Tasmania.

The full text can be accessed at [🔗](#)

On June 25, 2022, Independent Australia published an article by Nicholas Bugeja titled 'Andrews Government defends anti-protest logging law'. The report details the provision of the Victorian law relating to anti-logging protests and outlines the views of both its supporter and opponents.

The full text can be accessed at [🔗](#)

On May 5, 2022, Sydney Criminal Lawyers published an article titled, "'We Have a Conservative Anti-Protest Consensus in Politics', Says Legal Observers NSW's Anastasia'. The article details the opinions and observations of a member of Legal Observers NSW on the impact the state's new protest laws are having on direct action.

The full text can be accessed at [🔗](#)

On April 4, 2022, Marie Claire published a comment and analysis by Lucy Corcoran titled 'The NSW Anti-Protest Legislation Will See Certain Groups Bear More Of The Brunt'. The article explains the operation of the protest laws in New South Wales and suggests that by excluding industrial action from its restrictions, these laws favour one form of protest over another.

The full text can be accessed at [🔗](#)

On April 1, 2022, ABC News posted a report titled 'NSW parliament passes new laws bringing harsher penalties on protesters' The article gives details of the two amendments to existing NSW laws which increase penalties against protesters.

The full text can be accessed at [🔗](#)

On April 1, 2022, the New South Wales Premier, the Attorney General, the Minister for Metropolitan Roads and the Minister for Regional Transport and Roads issued a media release titled 'Protecting communities from illegal protesters.'

The release announces and argues in favour of legislation that amends the Roads Act 1993 and the Crimes Act 1900 to clarify and strengthen protections against illegal protest activity that disrupts any roads, bridges, tunnels, public transport and infrastructure facilities.

The full text can be accessed at [🔗](#)

On March 24, 2022, the New South Wales Government issued a media release announcing their first revision of protest laws making it an offence to disrupt any bridge or tunnel across Greater Sydney and imposing

finances and imprisonment as penalties.  
The full text can be accessed at [\[link\]](#)

On March 24, 2022, The Sydney Morning Herald published a news report titled 'Tougher laws introduced for "economic vandals" after third day of climate protests.' The article details the actions taken by some of the climate protesters and the response of the New South Wales government.  
The full text can be accessed at [\[link\]](#)

## Arguments in favour of Australia's new protest laws

### 1. The newly imposed laws are meant to regulate protest, not ban it

Defenders of Australia's new protest laws argue that this legislation is intended to regulate protest actions, not ban them.

The Australian Capital Territory is the least restrictive jurisdiction in Australia regarding freedom to protest; however, in common with all other jurisdictions in the country, it recognises the need to balance the right to protest with other rights that should be available to Australian citizens. Its protest guidelines state, 'The National Capital has many public places where people can exercise their right to communicate their opinions and ideas through peaceful protests and demonstrations.'

Our democracy recognises this right which is subject to the general law and must be balanced against the rights and interests of others and of the community as a whole. Of paramount importance are the protection of public safety, the maintenance of peace and the facilitation of fair and equal access to public areas.' [\[link\]](#)

Jurisdictions where more severe measures have been put in place to discourage certain forms of protest action, similarly, claim that their intention is not to remove the right to protest but to balance it with other citizen rights. A background paper produced for the New South Wales Parliament in 2015 stated, 'The right to protest peacefully is a defining feature of liberal democracy, a system of government characterised by the tolerance of dissenting minority opinion... Fundamentally, there is consensus that people should have the right to protest. At issue is where the line between lawful and unlawful protest activity should be drawn.' [\[link\]](#)

The drafters of New South Wales's most recent protest laws have repeatedly declared their support for the broad principle of protest action and claimed that their aim is to prohibit only a certain type of protest. Alister Henskens, the New South Wales Minister for Enterprise, Investment and Trade, has stated, 'I strongly believe in the right to freedom of speech, including in the form of lawful, peaceful protests. New South Wales is one of the freest places in the world to express a point of view, with a very clear set of laws which I fully support.' [\[link\]](#) A similar point has been made by the New South Wales premier Dominic Perrottet who has explained, 'We want people to be able to protest but do it in a way that doesn't inconvenience people right across New South Wales.' [\[link\]](#) The New South Wales Minister for Police, Paul Toole, offered the same justification, stating, 'While the New South Wales Government respects the right to protest, that must be weighed against the right of other members of the public to move freely and not be obstructed in public places.' [\[link\]](#) The Victorian premier Daniel Andrews has also claimed that his state's recent legislation placing further restrictions on those protesting at logging sites was not intended as an attack on the right to protest. He defended the legislation by claiming it struck 'the right balance' between the right to protest and the need to protect public safety. [\[link\]](#)

It has been noted that certain amendments were made to the recent New South Wales protest laws to ensure that they did not unreasonably restrict public protest. One area that was specifically preferenced was the right to hold public protests as part of strike action. Mark Speakman, New South Wales Attorney General, stated that the new laws were not designed to block appropriate industrial action such as the New South Wales Nurses and Midwives Association's mass strike. [\[link\]](#) Further, although part of the purpose of the new New South Wales protest laws is to restrict protesters' access to certain 'major facilities', there are numerous exemptions made. The first set of exemptions are to allow industrial action taken by strikers. The new law states that 'A person does not commit an offence under this section if the conduct forms part of... [an] industrial action, an industrial dispute, [or]an industrial campaign.' [\[link\]](#) This exemption has been seen as the government's recognition of the protest rights of striking workers. Another set of exemptions states that the new law does not prohibit 'conduct in relation to Parliament House, or an office of a member of parliament.' [\[link\]](#) This exemption has been seen as the government respecting citizens' right to mount their protests before their elected representatives.

### 2. People's everyday lives and livelihoods should not be disrupted by the actions of protesters

Those who support laws that severely punish certain protest actions claim that the community needs to be protected from activists prepared to disrupt citizens' daily lives and occupations. Those who support these laws are also opposed to protests that undermine states and countries economically.

These arguments have been put forward to justify New South Wales's new protest legislation. The New South Wales premier Dominic Perrottet has stated, 'The clear message here, and it is a clear lesson - everyone has the right to protest but do so in a way that doesn't inconvenience people.' [↗](#) The type of inconvenience to which the New South Wales government appears to be referring is predominantly economic inconvenience.

The government does not want roads blocked so that people cannot get to work, and goods cannot be delivered. They also do not want workplaces disrupted so that people cannot perform their regular jobs. The New South Wales Attorney General, Mark Speakman, has stated, 'What we are stopping, or criminalising even further, are protests that shut down major economic activity.' [↗](#) The Attorney General explained that the new laws were directly in response to recent disruptive behaviour from protesters. He stated, 'Following the events of recent days, I worked with Minister Ward [the New South Wales Minister for Metropolitan Roads] to urgently review existing laws. We are strengthening them to deter mayhem being inflicted upon ordinary citizens.' [↗](#) The premier, commenting on the effect of recent protests, claimed, 'Those protests literally started to grind our city to a halt.' [↗](#) The new protest laws appear to have bipartisan support. In a speech to the New South Wales parliament, the state's Labor leader, Chris Minns, said the opposition endorsed the legislation. He stated, 'It is shameful to think that it's appropriate to disrupt the lives of ordinary people as they go about their business in the pursuit of your own particular aims.' [↗](#)

The same arguments, that people's daily lives and employment should not be disrupted by protest actions, have also been put by other state governments. Supporting Victoria's recent legislation imposing harsher penalties on those who protest at logging sites, the Minister for Agriculture, Mary Anne-Thomas, stated, 'Every Victorian has the right to be safe at work. Protests are becoming increasingly dangerous - particularly for workers - which is why this legislation will support them to get on with their job and minimise disruption to the industry.' [↗](#) The Australian Forest Contractors Association (AFCA) has welcomed the new Victorian legislation claiming that AFCA's members are affected by protesters invading their workplace and have been for many years. The Association claims there are significant costs associated with these unsafe workplace interruptions such as forfeited work hours and increasing health and safety concerns. [↗](#)

The Tasmanian government has also claimed that it will protect Tasmanians from having their workplaces disturbed. It claims it has a mandate for these laws having won three state elections at which it presented variations of them to the electorate. [↗](#) On September 7, 2022, Guy Barnett, the Tasmanian Minister for State Development, Construction and Housing, issued a media release stating, 'The Government's agenda has delivered stronger laws and increased penalties to protect workers and businesses from workplace invasions. Tasmanian workers should be allowed to go to work safely, without threat from extremists who invade workplaces and endanger employees and disrupt businesses...

This legislation will support our productive industries and businesses working in sectors like forestry, mining, agriculture, and aquaculture.' [↗](#)

The Queensland government has used similar arguments to justify its 2019 legislation imposing severe penalties on protesters who used dangerous locking devices to attach themselves to protest sites, either urban or rural. The premier, Annastacia Palaszczuk, stated, 'I don't think the people who are protesting at the moment are endearing themselves to families, to motorists, to people going about their ordinary duties or getting to and from work, and it has become unacceptable to use these dangerous devices.' [↗](#) Queensland Police Minister Mark Ryan stated, 'These are a cohort of extremists who are crossing the line...significantly disrupting the legal rights of other Queenslanders.' [↗](#)

### 3. Protest action can put public safety at risk

Those who support laws severely punishing certain protest activities claim that the community needs to be protected from activists who put their own and other people's lives at risk.

It is claimed that some protesters show a reckless lack of concern for the lives they jeopardise. In the United States, for example, climate activists have been accused of endangering people's lives by cutting off their heating oil. The Direct Climate Action protest groups, each made up of one activist and one supporter, forced their way through security fencing at pipeline facilities belonging to Enbridge, TransCanada, Kinder Morgan and Spectra Energy. After filming statements justifying their actions, they cut the chains and locks protecting pipeline safety valves and turned off the flow of oil. A spokesperson for one of the oil companies described the group's 'attempt to tamper with energy infrastructure' as 'reckless and dangerous,' noting the possibility for a pipeline failure or explosion because of the tampering. 'The groups involved in this ... claim to be protecting the environment, but they do the opposite and put the safety of people at risk - including themselves, first responders and neighbouring communities and landowners.' [↗](#) It was further noted that had

the activists been successful, the fuel used to heat the homes of 55 percent of those living in Michigan would have been cut off. Jason Hayes, the director of environmental policy for the Mackinac Center for Public Policy, in Midland, Michigan, has stated that it is wrong 'to deliberately endanger lives and communities because you refuse to wait for your worldview to be implemented.' [↗](#)

Another complaint made about protesters is that their actions can divert the work of police and emergency services personnel resulting in injury and death. This warning has been made regarding some protesters in Australia. In January 2023, Extinction Rebellion activists have protested and tried to blockade the International Cycling Union's Tour Down Under being staged in Adelaide. The South Australian Police Commissioner, Grant Stevens, has warned that activists will be held responsible if their activities lead to death or injury because they divert police or emergency services. He has stated, 'The safety of all people in our community is paramount and is one of the core duties of police and other emergency services. For such resources to be unnecessarily committed to random acts of obstruction to public places deflects emergency service resources away from critical calls for public assistance from those in our community who might be at serious risk of harm.' [↗](#) The same point was made by Queensland premier Annastacia Palaszczuk, defending her state's new laws targeting the dangerous locking devices used by anti-logging protesters and others. The premier stated, 'Every single minute our [emergency services] spend dealing with these types of protesters is a minute they are spending not helping others. It will not be allowed to continue.' [↗](#)

A death that occurred in Berne, Germany, on October 31, 2022, has been used as an example of the risk that protests can create by impeding emergency services. The German Vice Chancellor, Robert Habeck, has condemned protests that endanger people after a demonstration by two climate activists on a Berlin motorway slowed rescue services' response to a traffic accident, after which a cyclist died. A vehicle belonging to the fire brigade, which had been on its way to assist the critically injured cyclist, got stuck in a traffic jam resulting from two protesters gluing themselves to a gantry sign on an autobahn. The Vice Chancellor concluded, 'Forms of protest that endanger people are wrong ... climate protection is about protecting life and liberty. Those who risk the health and lives of others with their protests forfeit all legitimacy and also damage the climate movement itself.' [↗](#) The German Chancellor Olaf Scholz similarly stated, 'My appeal can only be that, in all the decisions people make for political demonstrations, they always ensure that they don't contribute to endangering others.' [↗](#)

In the same month in England, the deaths of two women motorists have similarly been claimed to be the result of the actions of climate change protesters. On October 16, 2022, two Just Stop Oil protesters scaled the Queen Elizabeth II Bridge, which links Kent and Essex. The protesters remained there for 24 hours and caused two-hour delays and a more than nine-kilometre traffic jam. The accidents occurred as motorists attempted to avoid the traffic jam. The situation was made worse as emergency services could not reach the victims. Mick Neville, former Metropolitan Police detective chief inspector, stated of the protesters, 'They may not have directly caused the M20 accident but had their irresponsible demo not taken place, the women...would probably not have been there.' Another accident victim who suffered a broken back when struck by a car while attempting to help a stranded motorist said of the protesters, 'Without the protest, the emergency services might have been able to get there in time to save the women.' [↗](#)

#### **4. There are many ways to protest other than by taking disruptive and/or dangerous action**

Those who support severe legislation to discourage disruptive and potentially dangerous protests typically argue for more passive, non-intrusive protests.

There are several more moderate, non-disruptive forms of protest that can be used. In an article published in The Conversation on August 20, 2021, Aidan Ricketts, a lecturer in the School of Law and Justice, Southern Cross University, stated, 'More passive forms of protest (writing letters, signing petitions, talking to politicians, building community support) can work with or without disruptive tactics. But they often require many years of campaigning to produce the groundswell necessary to achieve change. Australia's marriage equality campaign is a good example of a successful long campaign of this kind... [Protest] is most powerful when it is integrated within an intelligent social movement campaign that is reaching out to the public with accurate information, coherent framing of the issue and ready to apply political pressure when the opportunity arises.' [↗](#)

Advice offered to Australian citizens travelling abroad classifies the types of more direct protest that they may encounter overseas. These classifications also apply in Australia. Some of the types of direct protest listed are: 'Marching, where groups of people walk together through the streets. Their destination may be a rally or picket.

Rallies, where people gather at a location to hear speakers.

Pickets and sit-ins, where people surround, occupy, or block off an area.' [↗](#)

Under the more severe forms of state law currently being enacted to regulate protests, marching remains legal so long as the march has been approved and is considered neither hazardous nor disruptive. Rallies are legal under the same conditions though pickets and sit-ins are less likely to be legal because they would be more likely to disrupt employment which is a key consideration of both the recent New South Wales and Tasmanian anti-protest legislation.

The Women's March4Justice is an example of the type of direct protest likely to be granted official approval to be held under the more severe anti-protest legislation. The first national Women's March4Justice was held in 2021. A second nation-wide march and rally were held in 2022. The organisers' press release read, 'March4Justice is committed to providing a safe space for all women and their allies to be heard and events will be welcoming to First Nations peoples, people of all sexual orientations and gender identities, people from CALD and immigrant communities, people of all abilities and people from every area of the political spectrum.'

The only people who are not welcome to join March4Justice events are those who do not wish to embrace the values of inclusion; there is zero tolerance for hate speech, intimidation or of course threats of violence or violence.' [↗](#)

Those who argue that there are other forms of protest beyond those that are dangerous and disruptive, tend to claim that these more moderate forms of protest are likely to be more effective. Recent research has indicated that there are significant disadvantages to extreme protest actions. Studies conducted in the United States and reported on in Psychology Today on November 21, 2020, claim that extreme tactics generate a backlash, and that moderate and peaceful protests are more effective at winning public support. Researchers studying different protest movements (animal rights, racial justice) recently found that compared to protests that used extreme tactics, including violence or the threat of violence, moderate peaceful protests generated more popular support and willingness to join the movements. The main reason for this was that people simply could not identify with more radical protesters or see them as people like themselves. [↗](#) Eric Shuman, who studies the psychology of protest and collective action at the University of Groningen in the Netherlands and the Hebrew University of Jerusalem, has stated that when the public come to see a protest action as so extreme that they consider it wrong, then this tends to distract from and undermine the cause that is being promoted. Shuman states, 'Once something is perceived to have crossed some sort of moral line or boundary, this is when the disruption is much less likely to be effective, for a lot of reasons. People are going to have a very strong motive to condemn that, and anything associated with it.' [↗](#)

## 5. Protest actions are increasing and becoming more extreme

One of the justifications offered for the stricter protest laws being implemented in several Australian states is that the actions of protesters are becoming more frequent and extreme. This concern has been expressed worldwide.

Several studies appear to show that mass protests are increasing. On March 2, 2020, the United States Center for Strategic Studies released a paper titled, 'The Age of Mass Protests: Understanding an Escalating Global Trend'. The study states, 'We are living in an age of global mass protests that are historically unprecedented in frequency, scope, and size... a decade-long trend line affecting every major populated region of the world, [shows] the frequency of [mass protests has] increased by an annual average of 11.5 percent between 2009 and 2019.' The study noted, 'Factors that could increase the rate of protest include slowing global economic growth [and] worsening effects of climate change...' It concluded, 'Analysis of the underlying drivers of this growth suggests the trend will continue, meaning the number and intensity of global protests is likely to increase.' [↗](#)

The Global Peace Index has released similar findings. It claims that in the eight years leading up to 2018, the available comparable global data shows a 102 per cent increase in the number of riots, general strikes, and anti-government demonstrations. The Index's report looks at the global trends in civil unrest over [a] ...decade and finds that between 2011 to 2019, Europe had the largest number of protests, riots and strikes over the period, totalling nearly 1,600 events from 2011 to 2018. [↗](#) This trend is replicated in Britain. In 2019 there were over 280 reported protest events, compared with 154 in 2010 - and only 83 in 2007, the year before the global economic crisis hit. [↗](#) Similar data has come out of the United States. The internal business security management group, ASIS, stated, 'Prior to the lockdowns initiated in response to the COVID-19 pandemic, historically unprecedented levels of unrest continued increasing in early 2020 and simmered during the lockdowns. Mass protests in the United States surged by 186 percent from April to May 2020, largely catalysed by the murder of George Floyd in Minneapolis, Minnesota. By June, the country fell into the high-risk category of Verisk Maplecroft's Civil Unrest Index, an assessment of the risk of disruption to businesses due to mobilized protest groups.' [↗](#)

Mass protest has also grown in Australia, in part spurred by resistance to COVID lockdowns and compulsory



COVID vaccinations. On November 20, 2021, The Guardian reported, 'Thousands of people have marched in "freedom" rallies in Melbourne, Sydney, Brisbane, Perth, and Adelaide, with the largest crowds in the Victorian capital as protests against the state government's pandemic legislation ramped up again. Protesters marched from Victoria's state parliament, down Bourke Street and up to Flagstaff Gardens, carrying Australian flags and placards bearing anti-vaccination, anti-lockdown, and anti-government slogans, while chanting "kill the bill", "sack Dan Andrews" and "Aussie, Aussie, Aussie, oi, oi, oi".

The rally drew a significant increase in numbers following weeks of protests against the Victorian premier's Public Health and Wellbeing (Pandemic Management) Bill 2021, which previously came to a head last weekend, when thousands of people marched through central Melbourne in a demonstration that included a prop gallows, protesters posing with nooses, and chants of "hang Dan Andrews".' [↗](#)

Those who oppose this growth in protest claim that many of those promoting it are aiming for maximum disruption. They claim that the protesters' aims have moved from drawing attention to an issue to undermining governments and states. Critics of radical conservationist action groups such as Extinction Rebellion (XR) argue that their extremist views make them a threat to ordered society and the rule of law. On July 16, 2019, a conservative British think tank called Policy Exchange warned of the danger posed by the founding British branch of XR. The authors state 'Extinction Rebellion [follows a] subversive agenda, one that is rooted in the political extremism of anarchism, eco-socialism and radical anti-capitalist environmentalism.

The "civil resistance model" they espouse is intended to achieve mass protest accompanied by law-breaking - leading eventually to the breakdown of democracy and the state.' [↗](#) Critics claim that this escalating pattern of mass disruption demands harsher penalties.

## Arguments against Australia's new anti-protest laws

### 1. Protest is an important element in democracy

Those who oppose the new protest laws introduced in Queensland, New South Wales, Victoria, and Tasmania, argue that these laws undermine democracy. They claim protest is an important part of the functioning of any democracy.

Voting in an election is the primary way electors in a democracy express their opinion; however, elections only occur every three, four or six years in most jurisdictions which means voters often must wait to express their views through the ballot box to influence what their governments do. Further, voting usually involves a degree of compromise. Many citizens may support much of what a particular party proposes but find themselves voting for a group that does not act as they wish on other key issues. Equally, the party that wins an election may be one many voters did not support, and which takes actions many in the electorate want changed. These limitations in voting make protest very important.

Protest is seen as an important way that citizens can affect what their governments do. It is seen as especially important for people without wealth or influence. In an opinion piece published in The Guardian on June 22, 2022, Kieran Pender, a senior lawyer at the Human Rights Law Centre, explained, 'Not all of us have the connections to get an audience with politicians, or the funds to buy political advertising. Few can engage well-dressed lobbyists and schmooze at fancy dinners. There are many well-documented shortcomings with Australia's political system, which give powerful industries a louder voice in policy debate.' [↗](#) It has been claimed that protest can be one of the most direct ways to express the will of the people to government. Part of the power of protest is said to be that it is available to everyone. Kieran Pender has stated, 'When enough of us come together to express our views, to show solidarity and demand change, decision-makers must listen. Protest is the ultimate in equal-opportunity political action.' [↗](#) The same point has been made in the United Kingdom. Involve, is a United Kingdom public participation charity, established in 2003, to develop and support ways to involve people in decisions that affect their lives. On March 16, 2022, Involve's former director, Tim Hughs, explained how freedom of assembly helps ensure democracies function. He states, 'Freedom of assembly is a fundamental right, and critical to ensuring healthy and vibrant democracies. Protest plays an essential role in giving voice to people and issues and holding institutions [including governments] to account for their actions.' [↗](#)

Protest has been claimed to be particularly important in ensuring that the views of minority groups are heard in a democracy. Because the views of these groups may not coincide with those of the majority in a state or country, they can easily be ignored by governments. Protest is seen as a way for minority groups to educate the larger electorate about what they want, and of ensuring that governments do not disregard them. Concern has been expressed that minority groups suffering disability or disadvantage will not be heard if protest is

curtailed. Referring to the situation created by protest laws in Tasmania, Adrienne Picone, chief executive officer at the Tasmanian Council of Social Service, has stated, 'Protests and demonstrations are important ways for people who are excluded and marginalised to have their voices heard in public debate. We are concerned the [law] could discourage people from engaging in peaceful, legitimate protest...' Indigenous groups, as a disadvantaged minority in Australia, are also concerned that they will be overlooked. Nala Mansell of the Tasmanian Aboriginal Centre has cautioned, 'Public protest is critical to the advances made by the Aboriginal community in the last half century. Without public protest there would have been no Royal Commission into Aboriginal Deaths in Custody and no reforms to Tasmanian law to remove discriminatory provisions. As a community without easy access to public media, public protest is one of our very few avenues for seeking law reform to protect the interest of our community.'

It is claimed that when the freedom to protest is threatened or taken away, democracy is seriously damaged. Commenting on the new protest laws in New South Wales, Kieran Pender warned, "'This is a dark day for democracy in New South Wales. Our freedom to come together and speak out on issues we care about is fundamental to democracy.

From Aboriginal land rights to voting rights to the eight-hour workday - protest has been crucial to achieving countless important social changes.

## 2. The risks posed by direct action have been exaggerated

Those who object to the new laws established in Australia to restrict and punish protesters claim that the damage created by protest action has been exaggerated.

Contrary to the claims frequently made by environmental activists' opponents, their supporters argue that the movement has been predominantly non-violent. The school climate strikes of 2019, for example, involved a series of peaceful mass demonstrations, with an estimated 1.7 million people taking part globally.

Environmental activists also claim they have been falsely accused of taking actions that have led to deaths. In one prominent recent instance, protesters and their supporters claim that the death of a Berlin cyclist that occurred on October 31, 2022, following a protest on an autobahn was unjustly attributed to the actions of the protesters. Last Generation, the group to which the protesters belonged, has claimed that following the cyclist's death they faced a 'wave of accusations, falsehoods and hate speech.' Their supporters have stated that members of the German government knowingly misrepresented the circumstances of the death to have it appear that the protesters were to blame. A traffic jam, caused by the protests, delayed the arrival of a rescue vehicle by seven minutes. However, it has since emerged that this did not contribute to the cyclist's death. The emergency doctor on site had decided before the planned arrival of the special vehicle not to use it and to let the concrete mixer which was pinning the cyclist drive away under its own power. The German government was aware that the protest had had no effect on the outcome of the rescue but continued to raise the possibility of homicide charges against the protesters and Last Generation. Supporters of Last Generation claim that the German government fomented hostility toward the group to assist it in passing more severe legislation against protest action. Similar claims have been made regarding Queensland's new protest laws put in place because it was alleged that protesters were using hazardous locking devices which could injure police. Greens MP Michael Berkman said that Premier Anastacia Palaszczuk's claim that devices containing butane gas were used stems from an unconfirmed incident from 2005. Mr Berkman stated, 'There is absolutely no evidence of protesters designing or constructing devices with an intention to harm anyone.'

Ben Pennings, a spokesperson for the group Galilee Blockade, stated 'If [Palaszczuk's] claims were true, police would have laid extra charges and produced evidence in court. This clearly hasn't happened. Pennings further stated, 'Protesters rely on rescue personnel for their safety and would never design lock-on devices to injure them.' It has also been claimed that accusations made against Victorian anti-logging protesters of placing lives at risk are false. One such disputed accusation made in April 2021 is that a woman protester brought her child onto a logging coupe where heavy machinery was being used and so endangered the child. A spokesman for the protesting group has stated, 'On the day of the action ... no work was being carried out by any contractors at the time of the mother and the child entering the coupe.'

Similar complaints about false accusations of recklessness or violence have been made regarding Black Lives Matter protesters in the United States. In 2020, then United States President Donald Trump described Black Lives Matter protests as violent attacks on American civil institutions. He said, 'Left-wing mobs have torn down statues of our founders, desecrated our memorials and carried out a campaign of violence and anarchy.' These allegations of 'violence and anarchy' have been condemned as substantially false.

According to a report by the Armed Conflict Location & Event Data Project, a nonprofit organization that tracks global political protest and violence most Black Lives Matter protests conducted in 2020 were

peaceful. The report states, 'In more than 93 percent of all demonstrations connected to the movement, demonstrators have not engaged in violence or destructive activity. Peaceful protests are reported in over 2,400 distinct locations around the country. Violent demonstrations, meanwhile, have been limited to fewer than 220 locations - under 10 percent of the areas that experienced peaceful protests.' [🔗](#)

### 3. The protest laws are too broad

Those who argue against Australia's new protest laws claim that they are too broad. They contend that these laws are too wide in their scope and penalise too many protest activities. These concerns have been expressed particularly regarding the laws recently passed in New South Wales.

Critics claim that the protest laws in New South Wales have a very wide reach. According to their opponents, these laws could be used to ban almost any form of public protest staged on a thoroughfare or other public facility. Joanna Psaros, in an opinion piece published in Independent Australia on August 31, 2022, stated, 'Controversially, the new laws take a far broader approach to the extent that they could represent a blanket ban on all activity that could disrupt "a major facility" such as a public road. And as anyone who's seen an even moderately well-attended rally must know, that's all but inevitable. (The 2020 Black Lives Matter march and the 2019/2020 bushfire rallies are but two historic events that would have breached this standard.)'

[🔗](#) The wide scope of these laws has been repeatedly condemned. The Human Rights Law Centre has stated, 'Where previous legislation in New South Wales covered disruption on major bridges or tunnels, the expanded offence covers roads, train stations, ports, and public and private infrastructure, and has been widely condemned...'

These new laws are part of a concerning trend nationwide of bipartisan support for regressive legislation that further criminalises peaceful community activists. This week alone, there has been significant community push back against anti-protest laws before the Victorian and Tasmanian parliaments.' [🔗](#) On April 1, 2022, the Human Rights Law Centre stated, 'The broad and vague wording of the new offence dramatically expands its coverage and leaves ordinary Australians unsure of their lawful ability to protest.' [🔗](#)

It has also been noted that the new laws are being used pro-actively. That is, protesters have been taken into custody before they have staged a protest. This has been condemned as unjustified police action against a group that has yet to commit an offence. The action was taken against climate activists Blockade Australia. On September 29, 2022, Monitor, the news magazine published by Civics, a global civil rights lobby group, reported, 'Police raided a private property where climate activist group Blockade Australia was camped, a week before the group was planning to "converge" on Sydney for a protest on 27th June 2022.'

On 19th June 2022, about 100 police descended on a bush property in the Blue Mountains near Sydney. The huge raid featured helicopters, the paramilitary Public Order and Riot, Raptor Squad and Operations Support Group, the Dog Unit, Police Rescue, and plainclothes officers. According to the New South Wales (NSW) police, it was a "preemptive operation" against "planned unauthorised protest activity." [🔗](#)

On June 23, 2022, the Human Rights Law Centre noted, 'Police had been covertly surveilling a private property where individuals linked to Blockade Australia were camped...Serious concerns have been raised regarding the legal basis of the surveillance, the reported failure of police conducting surveillance to identify themselves, and reports of injuries sustained by activists from an encounter with an unmarked police car.' The Human Rights Law Centre further noted, 'The extensive covert surveillance and pre-emptive policing sets a disturbing precedent for protest rights.' [🔗](#)

On November 21, 2022, the Sydney City Council moved a motion condemning the pre-emptory nature of the enforcement of the New South Wales laws as an attack on the right to protest. One of the councilors drew attention to 'Strike Force Guard', a militarised police unit that was formed at the time the laws were passed. The unit targets environmental campaigners before they protest. It was further noted that the New South Wales Council for Civil Liberties and other human rights groups have written to the New South Wales government expressing concern about "pre-emptive and intimidatory police tactics leading up to the International Mining and Resources Conference held" in Sydney in early November 2022, including "making unannounced visits to suspected activists' homes, car stops and searches, and arrests of climate activists and networks prior to the event".' [🔗](#)

Mark Davis, a lawyer representing several members of Blockade Australia, has claimed that these are the same strategies that the police apply to biker gangs. He stated, "Even if they can't catch them in the conduct of a crime, they can make their lives and organizations ineffective. They can make their lives miserable by constantly following them and harassing them and goading them and dragging them to court for very minor matters." [🔗](#)

### 4. The legal penalties against protests are too severe

Critics of the new protest laws recently imposed in Australia claim that the penalties they impose are so

severe that they will effectively prevent many people from being able to take protest action. Australia's new protest laws have been condemned for the severity of the penalties they impose on those who take direct, non-violent protest action. Under the new laws in New South Wales, people can now be fined up to \$22,000 and/or jailed for a maximum of two years for protesting illegally in many locations, including on public roads, rail lines, tunnels, bridges and industrial estates. [🔗](#) Victoria, meanwhile, has introduced penalties of up to \$21,000 and twelve-month's jail for those who trespass on logging sites. [🔗](#) In Tasmania, the government has attached fines of up to \$13,000 and up to two years' imprisonment for illegally entering a property and either impeding or intending to impede someone on the premises 'carrying out lawful work.' [🔗](#) These laws have been condemned as intending to prohibit protest. Environmental activist, Bob Brown, a former federal senator, and the founder of the Greens Party, has stated, 'These laws are meant to kill environmental activism and frighten people into silence.' [🔗](#) There are those who maintain that the penalties are so harsh that they are likely to succeed in preventing direct action protests. Mark Davis, a lawyer representing several members of Blockade Australia, has stated, 'Who would be insane enough to organise any sort of free protest? You can go to jail for a long time. It's nuts.' [🔗](#) Ray Yoshida of the Australian Democracy Network has argued that the intention of these laws is to criminalise a certain form of protest. Yoshida argues, 'It's doublespeak for the New South Wales government to say they support protests as long as they don't break the law, and then pass new laws that shrink the space for people to act...The jailing of peaceful protesters is chilling for anyone who cares about our democracy - we need to restore and protect the right to protest before it's too late.' [🔗](#)

As further evidence of governments' intention to remove the capacity to have direct, non-violent protests, critics complain that penalties are not only being imposed on those who take the action but also on any organisation which supports them. In Tasmania, organisations that financially support protests can be fined up to \$103,800. The inclusion in the Tasmanian law of a clause that targets 'body corporates' - organisations - has been interpreted to be specifically aimed at the Bob Brown Foundation, which has protested against logging in native forest logging coupes and drilling by mining company MMG in the Tarkine rainforest, where the company is planning to build a pipeline and waste storage facility. [🔗](#) It is also claimed that for the last decade increasing attempts have been made by state and federal governments to penalise organisations that support protest action, especially those that support climate change protest. Charities and other groups have repeatedly been threatened with the loss of tax-deductible donations if they support protests. [🔗](#) It has further been claimed that the new penalties have become so harsh that if they had been in operation in the past, they would have stymied many protest actions that achieved goals Australia now values. Maeve McGregor, in an article published in The Mandarin on December 8, 2022, stated, 'Had such laws existed at the time of many of Australia's historic environmental wins - from the Franklin River to the Kakadu and Jabiluka blockades - most, if not all, would not have succeeded.' [🔗](#) The same point has been made by Greg Barns of the Australian Lawyers Alliance. Barns has claimed, 'There's no doubt these laws would certainly have had an adverse impact on bringing to the public's attention the Franklin Dam issue and, for that matter, a range of issues that have been brought to prominence in the public's mind because of protests.' [🔗](#) These claims are used to demonstrate the harm that will be done by the current severe anti-protest penalties.

## 5. The new laws prioritise convenience over more significant rights

Those who oppose the new protest laws claim that they represent misplaced values. They claim that the governments who have introduced these laws and the parliaments which have passed them have preferred short-term convenience over both the right to protest and the significance of the causes that the protesters are promoting.

Opponents of the new protest laws claim that they are dangerously short-sighted when applied to protest actions such as those directed at reducing climate change. Bitt Hare, a physicist, climate scientist and lead author of the Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report (for which the IPCC was awarded the Nobel Peace Prize) has stated, 'The inconvenience occasioned by protest is not comparable to [the] catastrophic risk to [the] environment and serious damage to our way of life caused by fossil fuel emissions.' [🔗](#) Climate activists argue that it is governments' desire to keep things running as usual and not to inconvenience those living in the world's most powerful nations that is preventing effective action against climate change. British Just Oil protester Miranda Whelehan has stated, 'At Cop26 (2021 United Nations Climate Change Conference), the people who run things effectively confirmed that they were going to let billions of the poorest people on this planet die in order to keep business as usual going. Well, to that we say no.' [🔗](#) Just Stop Oil argues that people need to be inconvenienced so that they can recognise that some inconvenience will be necessary (such as giving up fossil fuels) in order to reduce some of the far greater dangers caused by climate change. Christopher Knittel, professor of applied economics at the MIT Sloan School of Management, has explained that inconvenience is going to be part of the price if the world is

to reduce climate change. Knittel has stated, 'Modern conveniences like electricity, transportation, and air conditioning contribute to climate change, and remedies potentially involve significant sacrifice and lifestyle change...There is no free lunch when it comes to overcoming climate change.'[↗](#)

It has also been noted that governments are prioritising the convenience of their current electorates over the longer-term interests of children who do not vote and whose lifelong benefit is being discounted. Dr Elizabeth Cripps, Senior Lecturer in Political Theory at the university of Edinburgh, has stated, 'The climate crisis threatens our children and grandchildren with heatwaves, floods, wildfires, and untold mental anguish. By propping up the fossil fuel industry, our government puts their whole future in jeopardy. If that's not a serious injustice, I'm not sure what is.'[↗](#) World Vision has stated, 'Climate change arguably poses the single greatest challenge to the realisation of children's rights and threatens to undercut decades of hard-won progress to improve their lives. Despite being least responsible for this unfolding crisis, children bear the brunt of the climate-related impacts, while possessing the fewest resources to respond and cope. At its core, climate change represents a shocking abdication of one generation's responsibility to the next, violating principles of intergenerational equity.'[↗](#) According to this line of argument, governments must allow climate change protest and act on what is demanded in the name of the children within their constituencies.

The overall argument put is that outlawing protest actions because they will inconvenience one set of people, places the short-term convenience of that group above more fundamental rights of other groups. This argument is particularly put in relation to groups which have very little influence and who find it hard to put their demands before governments. This is termed 'participatory injustice' and refers to the situation of those groups, such as children, prison inmates and animals, who are without the ability to vote.[↗](#) The rights of endangered species or abused animals are a clear example of this. Animals are generally agreed to have a right to existence and to humane treatment; however, they are unable to assert their rights. Others must protest on their behalf. This is the position adopted by the Australian animal rights group Voiceless which claims, 'We chose our name - Voiceless - because animals cannot raise their voice in protest or advocate for themselves in a court of law. We have a moral, ethical duty to speak up for them.'[↗](#) There are those who argue that people have a particular obligation to protest on behalf of animal welfare and conservation because otherwise these issues will be ignored. On this basis, it is argued, governments need to adopt more diverse and thoughtful criteria when making laws that restrict protests than simply what might inconvenience most citizens.

## Further implications

Some of those activists concerned about the impact of harsher laws against direct action protest have voiced concern that this may mark the end of such forms of protest.

Sydney Criminal Lawyers have underlined the extent of the difference between former laws penalising this type of protest and those that now apply. In a comment posted on April 2, 2022, they stated, 'So, now, we're talking about actions that used to trigger fines of \$440 or \$2,200 carrying penalties of up to two years' imprisonment and/or a \$22,000 fine.'[↗](#) Long-time environmental activist Bob Brown, who is the former leader of the Greens and served as a federal Senator for Tasmania for 16 years, has warned that many of the successful and ground-breaking conservation protests of the past would not be possible under today's legislation. The same point has been made by Greg Barns SC of the Australian Lawyers Alliance, who has stated, 'There's no doubt these laws would certainly have had an adverse impact on bringing to the public's attention the Franklin Dam issue and, for that matter, a range of issues that have been brought to prominence in the public's mind because of protests.'[↗](#)

There are those who believe that if such forms of protest were stopped this would mark the end of the issues, especially climate change action, that these activists support.[↗](#) It is certainly the case that where an activist group is attempting to stop the clearing of an old growth forest or the demolition of a conservation-status building or the flooding of a river system, if they are unable to physically shield or protect what they are trying to retain then it will be lost. In the larger scheme of things, however, it is less certain that disruptive direct action is the best means of achieving any protest movement's desired ends.[↗](#)

Interestingly, it appears that one of the major climate protest action groups in the world over the last five years, the original British Extinction Rebellion (XR) group, has decided to change its tactics, moving away from disruptive direct action. Rather than continue to take action that attracts attention through promoting disorder, the group has decided to try to expand its membership and so its influence.

On December 31, 2022, it tweeted, 'This year [2023], we prioritise attendance over arrest and relationships

over roadblocks, as we stand together and become impossible to ignore.' The group wants to educate many more people and draw them into what it calls Citizen Assemblies. As their numbers grow, they hope to draw large numbers of people to take more moderate but unignorable action. They have called a rally for April 21, 2023, at which they want 100,000 people to surround Parliament House in London. [↗](#) This is a direct appeal to the power of democracy, seeking to show the country's politicians, by the sheer force of numbers that further inaction is not acceptable and that the electorate demands change.

There are those who believe that this is a misstep likely to lose XR public credibility and lead the British government to simply disregard them. [↗](#) Certainly, if there is a poor turn-out on April 21, it will be difficult for XR to regroup.

On the other hand, however, there is concern that although XR and other groups like it have succeeded in drawing public attention, they have been less successful in drawing public support. A recent YouGov survey found that though 75 percent of those surveyed had heard of Extinction Rebellion only 18 percent liked or approved of what they were doing, while 41 percent disliked or disapproved of their actions. [↗](#)

Part of XR's change of tactics appears at least in part a response to harsher criminal penalties either already in place or about to be instituted in Britain. The group's tweet acknowledges the potential effect of its members being imprisoned for significant periods. It stated, 'In a time when speaking out and taking action are criminalised, building collective power, strengthening in number and thriving through bridge-building is a radical act.' [↗](#)

There is no sign, currently, that Australian climate change activists are moving in the same direction as Britain's XR. On November 7, 2023, Bob Brown was arrested resisting logging in a swift parrot habitat at Snow Hill in north-eastern Tasmania. The swift parrot is listed as endangered under Tasmania's Threatened Species Protection Act. As of December 8, 2022, Brown had yet to face court and did not know what charges or potential penalties he might face. Brown claims that Australia's young environmental are unlikely to be daunted by the new legislation. He stated, 'What they want us to do is stand uselessly on the side with placards while they drive their bulldozers into the forest... If they think we're going to be intimidated by legal threats, they've just misjudged these young people. There's a rising tide I haven't seen since the 1960s.' [↗](#) Only time will tell the impact on protest movements of the changes in laws and penalties being instituted in Australia and overseas.

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