

# SUMMARY OFFENSIVE

## Information on the Summary Offences and Sentencing Amendment Bill 2013 (Vic)

The law in Victoria is about to change.

Police and Public Service Officers (PSOs) will soon have broad powers to dissolve protests, picket lines and demonstrations. People who don't follow orders risk being arrested and fined. Human rights groups, lawyers, unions and the community sector are very worried about this move to stifle public protest.

Being at risk of arrest or fines is nothing new for protesters. Police have other powers to arrest or issue fines, but this legislation specifically removes the exception of political demonstrations from police move on powers and is designed to remove our right to protest. Imprisonment is unlikely to be an outcome except in extreme cases, but wearing people down with constant fines and move on decrees is quite likely.

### When can police or PSOs direct you to move on?

If they suspect on reasonable grounds that you:

- are endangering, or likely to endanger, the safety of others
- are likely to cause injury to a person or damage to property or are otherwise a risk to public safety
- have committed an offence in the last 12 hours being an offence in the public place
- are causing other people to reasonably fear violence
- are supplying or buying drugs
- are impeding or attempting to impede someone else from lawfully entering a premises.

The police and PSOs decide if these circumstances exist, and in the case of the first two, to make predictions about the future! The law contains few safeguards and there is a risk that these powers could be abused.

### What are the changes?

The changes will give police and PSOs the power to issue move-on directions to individuals and groups involved in all kinds of peaceful protest activity in public places.

#### Move-on directions

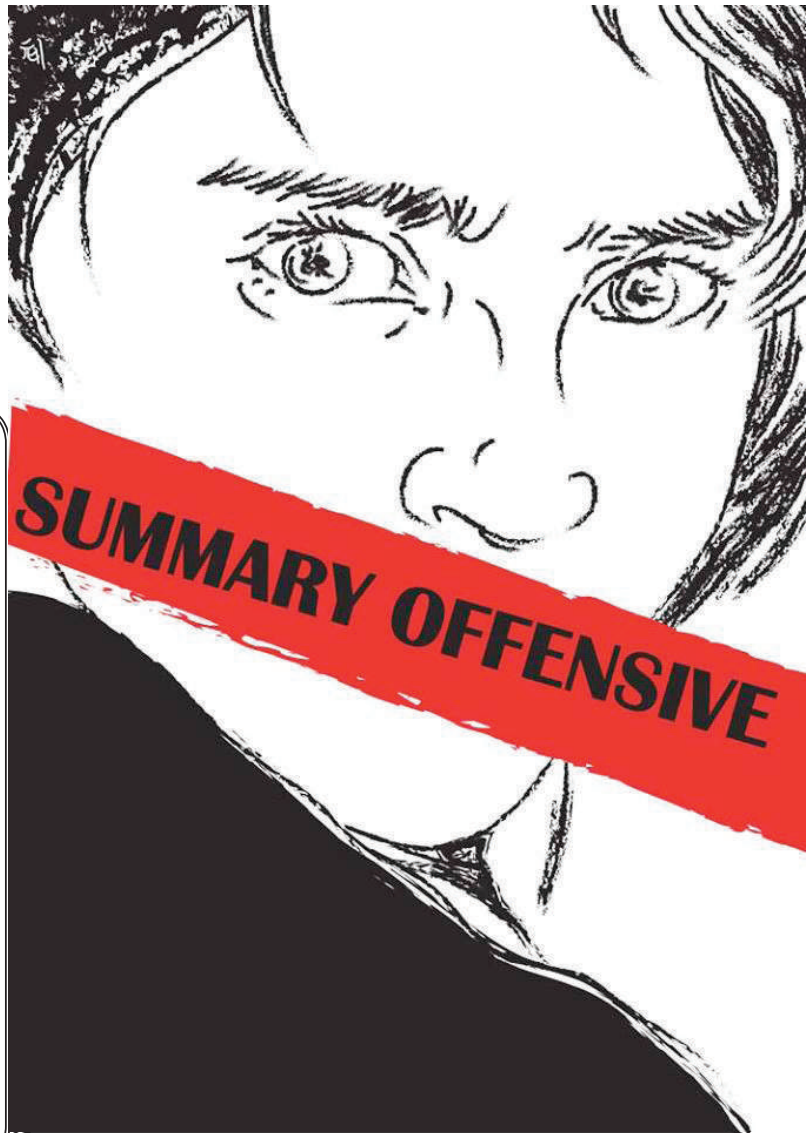
- mean you have to leave the public place and cannot come back
- may apply for up to 24 hours
- may apply to the entire public place or a part of it
- can be issued to an individual or a whole group



# STOP NAPHTHINE'S SILENCING ACT

*'... a real risk of the powers being used unfairly and arbitrarily.'*

Hugh de Kretser, executive director of the Human Rights Law Centre



#### What are the consequences?

- It's an offence to breach the directions. You can be arrested and face a fine of up to \$720.
- It's an offence not to give your name and address when asked by the police officer or PSO who is issuing you with a move-on direction. You could face a fine of up to \$720.
- The court may issue an exclusion order preventing you from entering an area for twelve months if you have been given a direction to move on in that place numerous times.
- Breaching the exclusion order can result in imprisonment of up to 2 years, but the court has to consider a lot of factors before doing this. Realistically, fines are a more likely outcome.

#### What can I do?

- Write to your local MP expressing your opinion about these anti-democratic laws
- Write to your local paper and explain the effect these laws will have on your organisation
- Photocopy this leaflet and leave copies at your workplace, union or university campus. Put copies up on toilet walls or other places they are likely to be read.
- Don't let these amendments prevent you standing up for what you care about.

#### Why is this a problem?

Until now, protest activity has been specifically protected from police move-on powers. The law change deliberately targets public protest, giving police and PSOs broad powers to deal with people in all types of political protest. Failing to comply with the police directions could have real legal consequences, **making it a crime to stand up for issues that you care about.**

This leaflet was produced in March 2014 on Aboriginal land by Melbourne Activist Legal Support. We aim to support and inform the community about their legal rights when voicing dissent. MALS is on Facebook, find us there to get in touch.

