

Submission Number	1
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The Chairperson,
The Parliamentary Justice Committee,
Legislative Assembly of the Australian Capital Territory,
Canberra.



Dear Sir or Madam,

Crowd Control by Police

Laws for crowd control are generally administered in the courts for reactionary purposes in a manner that has either the purpose or the effect or both of denying persons subjected to them a free opportunity to give expression to industrial or political claims or in a public place. Bjeike-Petersen converted his police and the courts into his satraps.

Our courts never deny the existence of a right of defendants before them to raise claims in public places relating to the merits of industrial disputes or of political issues. But, having committed themselves to motherhood they generally proceed to impose convictions and penalties for alleged traffic and street offences and other misdemeanours., "offensive behaviour", "resist arrest", "malicious damage to police officer's uniform", "common assault", "obstruct traffic" etc, etc. Defendants are adjured by the Bench to make their claims in a "lawful" way. What that would be in the circumstances is always left unarticulated and a mystery.

The law of riot originated in England to provide a weapon of suppression to the propertied classes, their magistrates and constabulary against collective agitation for claims brought by employees, share farmers, peasantry, sub-lessees and the like.

The reading of the Riot Act gave authorities the entitlement to proceed to break up and disperse often peaceful demonstrations. brought by the poor and powerless. Eric Hobsbawm has characterised the history of crowd control in England as an attribute of what he called the process of "collective bargaining by riot".

There were no arbitration courts for employees and contractors under work place agreements in those days when they were in dispute with their betters and there soon won't be any in Australia, the way things are going. I submit that the law of the Australian Capital Territory should provide as follows:

"Notwithstanding any other law it shall be lawful for one or more persons to go to, to be in, and to assemble in any public place and to remain in a position of his or her or their choice in that place in every case where the purpose of such person or persons has been made to appear to be to publicise or to promote or to resist or to agitate upon the merits of an industrial claim or policy or a political claim or policy but it shall not be lawful for any such person or persons then and there, in connection with that purpose or arising from the same, to do any act of his or her or their initiative which breaches the peace, injures property, or does harm to another other than under unlawful provocation".