

## **Protest Response Considerations**

It is a democratic right for any person to engage in protest activity in Queensland and it often falls to the Queensland Police Service to facilitate the safe conduct of protests having regard to the needs of all persons involved or impacted by the activity. Protest activity will generally occur in two ways: planned or unplanned.

In relation to a planned protest, there will generally be liaison between police, protest organisers and those potentially impacted the protest activity. This may incorporate submission of documents under the Peaceful Assembly Act 1992 which provide details around the protest activity and may include certain conditions on how the protest is to be conducted. In this situation, property owners/occupiers will generally be consulted throughout the process and can liaise with police as required.

An unplanned protest may result in property owners/occupiers dealing with protest activity prior to the arrival of police – this includes responding to an unknown number of protestors with unknown intent. In this situation, the following information is not exhaustive, but is provided to assist in responding to such an incident.

- Safety is the primary consideration; take immediate steps to ensure yourself, your family, colleagues and any person on the property is safeguarded from injury.
- Consider ringing Triple Zero immediately and provide details as directed by the operator – including location, safety concerns, ingress/egress routes in and around your property, protestor numbers, any protest material in their possession (equipment, signs etc), protestor vehicle details, and any other pertinent information.
- If you have any CCTV, confirm it is working and recording, and then obtain a recording device – most smart phones have an audio/video recording capability.
- If safe to do so, approach the protestor group (after you have commenced recording) and attempt to identify the protest organiser or someone who appears to be in a position of control or authority within the group.
- You may consider asking why they're protesting at your property, and if you are not satisfied with the response or you have any concerns about their conduct or where they are on your property, consider asking them to leave.
  - It is strongly recommended you use wording at the end of this document - where you identify yourself, clearly advise that consent for the persons to be on your property is revoked and they are immediately required to leave your property (it is important to allow them a reasonable opportunity to leave after the verbal direction).
- **Important** – Whilst you have the right to take steps to defend persons and property, your response must be proportionate to the behaviour of the perpetrators (the threat). In this regard, carefully assess the conduct of the protestors to determine if

the overt behaviour presents a **clear and actual** threat to persons or property – this type of behaviour can be very different to common protest behaviour that is often loud, disruptive and non-compliant – but it may not be threatening. A physical response or the presentation of any weapon to a protest group may have a significant impact on the behaviour of the group (and the subsequent conduct of the protest) and will be strongly scrutinised.

- The timeliness of the police response may be impacted by a number of factors including the location of the incident. However, contact triple zero as required (especially if the situation changes), and on arrival of police, provide as much detail as possible to the officers around what has occurred. Police will assess the situation and act/advise based on a number of considerations.
- Should the protestors still be on your property and police determine the most appropriate course of action is to immediately remove them, you may be asked to provide another verbal direction to the protestors to leave the property (in the presence of police) – this direction may be similar to the direction you provided earlier to the protestors – but incorporate a request for police assistance. At this stage, police may issue a similar direction to the protest group, and then may give the direction to individual protestors before removing them from the property.
- In terms of protest related offences: Police have the power to physically remove protestors from your property without commencing proceedings for any offence – this often occurs in protest situations to resolve the immediate issue. Having regard to trespass related offences – a person has the right to enter your property as it may be for lawful reasons (deliver a parcel or conducting a survey etc). It is the subsequent actions incorporating a number of factors that moves a trespass from a civil issue to a potentially criminal act. Should you wish to consider pursuing charges related to trespass offences (there is no formal requirement to do so), please be aware you (and any witnesses) may be required to provide statements in relation to your observations and conversations at the protest; you may also have to provide this evidence in court. Police incorporate your statements, any related recordings or observations, and information provided by protestors to assess if there is sufficient evidence to meet the required standard of proof - at which point proceedings for related offences may be commenced. To ensure you can make an informed decision about whether you want to make a formal trespass complaint and therefore participate in any associated court process, you may want to consider aspects such as attending and providing evidence in court, the related examinations of actions taken, and the potential impact of any associated media reporting.

In terms of taking steps to prepare for protest activity, the following is offered:

- Where practical, ensure fences are in place and secure, and consider trespass related signage at key points in and around your property.
- Review your security footprint in terms of lighting and CCTV and address these as required.

- Be alert for any unusual activity from persons or vehicles in and around your property – including hire cars, unfamiliar vehicles and use of drones. Report any related activity to your local police.
- Talk to your family members, colleagues, and neighbouring properties about the above strategies and work as a collective group, ensuring everyone has an understanding of the process. Ensure you have quick access to a recording device and the appropriate wording at the first sign of a protest (perhaps keep a photograph of the wording document on your phone).
- If in doubt about any protest related issue, contact and discuss things with your local police as soon as possible.

**The following can be modified to suit your situation and be read to the protestors by an owner/occupier/representative of land, business, Hotel etc. prior to police arrival.**

I am (name and position in company) ..... of the (company name), the person or agent of the person in peaceful possession of the ..... (name of business/address of land/place etc.), to all those on/within ..... (name of business/address of land/place, you are unlawfully on ..... (name of business/address of land/place etc.). I revoke all lawful rights for you to be here, and I now require you to immediately move yourselves and all of your personal property off ..... (name of business/address of land/place).

**The following is what you may be requested to read to the protestors in the presence of police – requesting police assistance.**

SUGGESTED WORDING FOR OWNER/OCCUPIER OF PREMISES

I,  
 being the \_\_\_\_\_ (insert position) \_\_\_\_\_  
 of \_\_\_\_\_ (insert company details) \_\_\_\_\_  
 am a person who is:  
 \* in peaceable possession of  
 \* entitled to the control or management of:  
 \* lawfully assisting the person in peaceable possession of, or entitled to the control of  
 management of:  
 \_\_\_\_\_ (insert details of the relevant land, structure, vessel or place) \_\_\_\_\_

Your right to enter or remain on the relevant land, structure, vessel or place has been revoked

I hereby request assistance from the members of the Queensland Police Service to:

- (i) prevent any person from wrongfully entering upon such land, structure, vessel, or place;
- (ii) remove therefrom any person who wrongfully remains therein; and
- (iii) remove therefrom any person who conducts himself or herself in a disorderly manner therein.

I also authorise members of the Queensland Police Service to use such force as is reasonably necessary in order to achieve these purposes provided that he or she does not do grievous bodily harm to such person.