

External assessment 2025

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Stimulus book

# Legal Studies

## General instruction

- Work in this book will not be marked.

## Stimulus 1

### Excerpt from the United Nations *International Covenant on Civil and Political Rights* (ICCPR)

#### Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order ... the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

## Stimulus 2

### Excerpt from the *Peaceful Assembly Act 1992* (Qld)

#### 5 Right of peaceful assembly

- (1) A person has the right to assemble peacefully with others in a public place.
- (2) The right is subject only to such restrictions as are necessary and reasonable in a democratic society in the interests of —
  - (a) public safety; or
  - (b) public order; or
  - (c) the protection of the rights and freedoms of other persons.
- (3) In subsection (2)(c), a reference to the rights of persons includes a reference to —
  - (a) the rights of members of the public to enjoy the natural environment; and
  - (b) the rights of persons to carry on business.

## Stimulus 3

### Excerpt from the *Summary Offences and Other Legislation Amendment Act 2019* (Qld)

#### 14B What is a *dangerous attachment device*

- (1) An attachment device is a *dangerous attachment device* if it —
  - (a) reasonably appears to be constructed or modified to cause injury to a person who attempts to interfere with the device; or
  - (b) reasonably appears to be constructed or modified to cause injury to a person if another person interferes with the device; or
  - (c) incorporates a dangerous substance or thing.

## Stimulus 4

### Excerpt from a journal article, 2021

*SOOLA* [*Summary Offences and Other Legislation Amendment Act 2019* (Qld)] was introduced as a response to ... non-violent civic and economic disruption.

...

The Premier of Queensland, Annastacia Palaszczuk, stated that *SOOLA* was necessary to protect public safety as protesters in Queensland were using devices ‘laced with traps’. She argued ... that ‘protesters put their arms in steel cylinders and drums filled with concrete’ and that within these ‘are glass fragments — even butane gas containers — so that anyone trying to cut a protester free will be injured or worse’.

## Stimulus 5

### Excerpt from a news article, 2019

Alice Drury, Lawyer at the Human Rights Law Centre, said the case for the laws had not been made. ‘This law is fundamentally about stopping people from engaging in forms of peaceful protest. People have a right to come together to express their opinions on issues they care deeply about.’

The *Summary Offences and Other Legislation Amendment Act 2019* criminalises the use of devices commonly used in peaceful protests, even when the devices are used in a manner that only causes minimal disruption to the public and business. The offence would attract a sentence of up to two years in prison.

## Stimulus 6

### Excerpt from a journal article, 2023

This content has been redacted for copyright purposes.

Redacted text can be viewed online:

Redacted text from second paragraph of the introduction (beginning at ‘Lawmakers and judges need to be ...’) in Page, E and Robinson, N. (2023). ‘Legal Threats to the Right to Protest’ Oxford Handbook of Peaceful Assembly (Forthcoming), Available at SSRN: <https://ssrn.com/abstract=4450415>

## Stimulus 7

### Excerpt from a news article, 2019

This content has been redacted for copyright purposes.

Redacted text can be viewed online:

The redacted wording is regarding the government position on the new protest laws was based on wording from the article Smee, B. (2019). 'Queensland to fast-track laws to crack down on climate protesters.' *The Guardian* October 9 <https://www.theguardian.com/australia-news/2019/oct/09/queensland-to-fast-track-laws-to-crack-down-on-climate-protesters>

## Stimulus 8

### Excerpt from a news article, 2019

This content has been redacted for copyright purposes.

Redacted text can be viewed online:

Redacted wording provided the response of Queensland Resources Council (QRC) and its CEO Ian Macfarlane, based on the media release 'Queensland Resources Council, (2019). 'QRC welcomes new protest laws', <https://www.qrc.org.au/media-releases/qrc-welcomes-new-protest-laws/>

## **Stimulus 9**

### **Excerpt from a submission, 2019**

This content has been redacted for copyright purposes.

Redacted text can be viewed online:

Redacted wording is from Human Rights law Centre Submission No 175, Emily Howie and Alice Drury, 2019, <https://documents.parliament.qld.gov.au/committees/LACSC/2019/SummOff2019/submissions/175.pdf>

Page 3: Point a) under the heading ‘Human rights principles applicable to regulating protest’

Pages 7-8 : From ‘Disruption to public order ...’ to ‘... already subject to criminal penalties under Queensland law.’

## **Stimulus 10**

### **Excerpt from an online article, 2019**

This content has been redacted for copyright purposes.

Redacted text can be viewed online:

‘UN slams Queensland anti-protest laws’, Naomi Neilson, Lawyers Weekly. 2019, <https://www.lawyersweekly.com.au/sme-law/27129-un-slams-queensland-anti-protest-laws> . Extract used was ‘Legal director of the Human Rights Law Centre’ to ‘The Queensland government went too far when it passed this anti-protest law,’ she said.’

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## References

### Stimulus 1

United Nations 1966, *International Covenant on Civil and Political Rights*, www.ohchr.org. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

### Stimulus 2

*Peaceful Assembly Act 1992* (Qld), Sourced from the Queensland Legislation website. For the latest information on Queensland Government legislation please go to <https://www.legislation.qld.gov.au>. Licensed Creative Commons Attribution 4.0 International (CC BY 4.0)

### Stimulus 3

*Summary Offence and Other Legislation Act 2019* (Qld) Sourced from the Queensland Legislation website. For the latest information on Queensland Government legislation please go to <https://www.legislation.qld.gov.au>. Licensed Creative Commons Attribution 4.0 International (CC BY 4.0)

### Stimulus 4

Hemmings, T., & Dastyari, A. (2021). A danger to protest: the freedom of peaceful assembly and disruptive protest under the *Summary Offences and Other Legislation Amendment Act 2019* (Qld). *Australian Journal of Human Rights*, 27(2), 330–351. <https://doi.org/10.1080/1323238X.2021.1977909>  
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### Stimulus 5

Human Rights Law Centre, (2019). ‘QLD anti-protest laws pass despite glaring human rights concerns’, <https://www.hrlc.org.au/news/2019/10/24/qld-anti-protest-laws-pass-despite-glaring-human-rights-concerns#:~:text=The%20Summary%20Offences%20and%20Other,to%20two%20years%20in%20prison>

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