

# In Summary: Against Naphthine's Summary Laws

Anarchist Affinity

March 17, 2014

In December 2013 the Victorian Liberal party introduced new legislation to Parliament with the aim of 'updating' the State's Summary Offences legislation (in place since 1966). Under the new laws the police and 'Protective Service Officers' (PSOs) would have the power not just to 'move on' individuals, as they do presently, but entire groups of people. Attorney-General Robert Clarke has made it abundantly clear in a recent press release that these new measures are aimed squarely at limiting the power of unions and activists to organise, stating that "Union friendly restrictions on the use of move-on powers by police at unlawful pickets and blockades, which were introduced by the former Labor government, will not apply in these circumstances".

In addition to removing laws that protect protestors from move-on orders the government plans to introduce "exclusion orders". Exclusion orders, if introduced, will give police the power to ban individuals from an area for up to twelve months. The reason Clarke gives for this is that police need to "tackle serial law-breakers intent on causing trouble for hard-working Victorians and their businesses". The penalty for infringing one of these orders is (up to) 2 years imprisonment. To put that in perspective, the maximum penalty in Victoria for 'Common Assault', is just 3 months imprisonment. Breaking an exclusion order is to be considered eight times as serious an offence as assault according to the new laws.

The Victorian government's 'move-on' powers have to be understood as part of a wider attack on union organising and workers' rights in Australia. Over the past thirty years the ability of workers to take effective industrial action has been repeatedly attacked by the state. At present, in the aftermath of WorkChoices and the Fair Work Act, strike action is only legal where it is wholly ineffective. Unions face prohibitive fines for supporting 'unlawful' industrial action and union officials are easily banned from worksites under threat of long prison sentences.

One response to this limitation on the rights of the working class to organise in defence of their interests has been the use of 'community pickets'. At the Baiada chicken processing plant in Laverton in 2011, a community picket was instrumental in closing the worksite and making the workers' strike action effective. At the Queensland Children's Hospital construction site in 2012, a nine week community protest was a key component of a campaign to secure an Enterprise Bargaining Agreement that ensured all workers on site were entitled to the same pay and conditions. The power of a 'community picket' in these instances was the ability to bypass bans

on and the timidity of mainstream unions. For capital, this kind of effective industrial action is an affront that was meant to have been quashed through federal government anti-union laws.

This attack on the rights and freedoms of the working class goes beyond the workplace and beyond Victoria. Confected moral panic about 'drunken violence' and 'bikie crime' in New South Wales and Queensland provide the justification for ever greater police powers, ready to be wielded against unions, minority groups and the working class in general.

The ability to obstruct business as usual is the key weapon of workers and community members defending rights and conditions at work and in wider society. New 'move on' powers exist to protect 'business as usual' at all costs. Traditionally 'move on' powers were justified as giving the police the ability to deal with a violent or disruptive individual in an apolitical setting. Laws that enable the police to 'move on' entire groups of people are quashing what little avenues of workers' power that remain in our society.

In the long run our strategy in defeating these laws must be to confront them, break them, and render them a dead letter. In times past union organising was a criminal act – pioneering unionists were exiled to Australia for associating to create a workers' 'combination'. Workers organised, defied the laws, and secured those rights to industrial action that are now under such vicious attack. We must remember that the state and capital never concede 'rights' willingly – the only genuine rights we have are those we seize and defend.

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