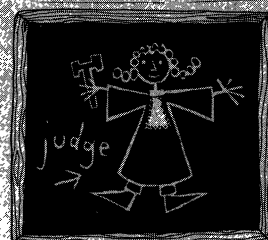


LEGAL STUDIES

JULES ALDOUS has designed the following activity to assist students to understand the issues raised in the article 'The right to protest' by Daniel McGlone (p 274).



Protest — a lawful assembly?

1. Working in pairs, think about recent media reports that have featured people protesting.

- Suggest reasons why people may want to protest.
- What are the different types of actions that individuals can take to protest? Give examples.

2. Read the section in the article headed 'A right to protest?' (p 274). Working in groups of three or four, discuss the following questions:

- What does the term 'public assembly' mean? Are all 'public assemblies' a form of protest?
- The article states: 'Public assemblies are essential to the proper functioning of democracy'. Using dot points, prepare a summary of the arguments to support this statement.
- Is there a right to public assembly in Australian law?
- Under what circumstances do you think that a public assembly should be considered to be unlawful?
- The United Nations *International Covenant on Civil and Political Rights* (ICCPR) recognises the right to peaceful public assembly.
 - a. Carefully read the extract of Article 21 of the ICCPR in the article. What conditions or restrictions does the ICCPR place on the right to peaceful assembly?
 - b. Carefully read the extract of Article 22 of the ICCPR in the article. What does the term 'freedom of association' mean? What conditions or restrictions does the ICCPR place on the right to peaceful assembly?

3. Read the section in the article headed 'A democratic right'. Working individually, draw up a table like the one below. Each of the cases listed is discussed in the reading. Summarise each of the cases and suggest how each case adds to your understanding of the right to peaceful assembly.

Case	Description of case	What did the judges say about the right to peaceful assembly?
<i>Beatty v Gillbanks</i> (1882) 9 QBD 208		
<i>Hubbard v Pitt</i> [1974] 1 QB 142		
<i>Hirst and Agu v Constable of West Yorkshire</i> (1987) 85 Crim App R 143		
<i>Coleman v Power</i> (2004) 209 ALR 182		

4. Think about the statements made in each of these cases. Prepare your own definition of the right to peaceful assembly. Compare your definition with those prepared by other members of your class.

5. Read the section in the article headed 'Anti-terrorism laws and other legal developments'. Working in groups of three or four, discuss the following:

- What is the difference between an act of terrorism and a protest?
- The article suggests one situation in which a protest may be considered to be an act of terrorism under the anti-terrorism laws. Can you suggest any other situations in which a protest may be classified as an act of terrorism?
- The author of the article concludes: 'recent laws designed to counter terrorism ... ironically curb one of the very freedoms these laws are supposedly designed to protect'. Do you agree? Prepare an argument to present to the class.

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Teachers wishing to extend class discussion on the possible impact of new terrorism laws could use the resource kit developed by the University of Technology, Sydney Community Law Centre <<http://lexsun.law.uts.edu.au/~utsclc/index.html>> (click on the link 'Be Informed — ASIO and Anti-Terrorism Laws' information kit).