

Non-violent Direct Action Guidelines

Non-violent direct action is both a philosophy and a method of creating change in the world. It involves the pursuit of peaceful but direct means to challenge established power. The strength of peaceful action lies in its ability to dramatically reduce the moral legitimacy, and hence the power, of an opponent. By undertaking peaceful direct action, local communities can show the government and mining companies that we do not want Coal Seam Gas extraction in our region. This action will also help other people across the country understand that their water, land and rights are also at risk.

Stay 'on message' - avoid angry shouting and aggressive behaviour

To succeed, our social movement must attract more and more people. Direct action is a form of public communication. We are part of the public relations battle between the miners and the community. Remember the media spotlight is on you. When you are at a protest, your personal actions and words are taken to be those of the group. You are on stage, and telling the world a story. Be aware at all times of the story you're telling. If the 'story' becomes one of aggressive behaviour, this distracts from our media message. Aggression also puts people off joining our movement. Singing and chanting are effective ways to get our message across.

Property

Please do not damage any property or equipment at an action. Such behaviour will cause disrespect to our movement and will actually help the mining companies achieve their aim.

Make sure the action is safe for everyone

The safety of yourself and others is paramount. Please follow the directions of the marshals who are there to make the protest a safe one. Get to know your fellow protesters and look after each other.

Stay civil and calm with the police

Please follow all police directions unless you have chosen to be arrested. There is no need for anyone to be arrested unintentionally. Remember that your individual actions have repercussions for your friends. If you annoy the police, they'll be irritated with everyone. Remember, the police are doing their job, often unwillingly.

Workers

Please do not argue with or harass the workers. They are not the people making the decisions and are not your enemies. Any incidents of harassment will assist the companies win the sympathies of the public. Remember at all times your objective: are you really there to vent your spleen at someone working for a boss for a day's pay?

Tips for skillful protest

- Avoid shouting, running and generally raising the temperature of the situation.
- Know yourself: are you the kind of person who reacts hotly? If so, should you be the one talking to the angry worker? Or the police?
- Develop strategies to keep control of yourself e.g. step back from the front line when you are angry or upset and help your friends do the same.
- Humour and songs de-escalate conflict and help us think more clearly.
- Be clear and open about your motives: this is not a personal vendetta.

Win hearts and minds through respectful dialogue

- Practice the same respect for workers & police that you practice in your own group.
- Recognise the human needs and fears of workers: actively listen, use open body language, keep your voice calm and acknowledge what they say. This will help to build relationships, empathy and understanding
- Don't start arguments with workers: you are not any better than anyone else, and they may feel that they have little control over the situation.
- Practice your listening skills: contractors lose money when they can't work, so they may be angry. Workers and police may be afraid that you'll be violent, or damage their machinery.
- If a police officer, worker or someone else is attacking someone, try and get between them with your body. Do NOT grab the cop/worker, or scream at them, or push them. Your aim is to defuse the heightened tension and restore calm.

Please follow this Code to help make protests more effective

Code of Non Violent Action

- I will act responsibly, so that I don't bring trouble to others or the movement.
- I will treat each person (including workers, police and media) with respect.
- I will not use physical violence, threats or insulting language - I will suffer the anger and assaults of my opponents.
- I will protect opponents from insults or attack.
- I will not damage equipment, apparatus or property of others.
- I will not use physical violence, threats or offensive language and I will not provoke police or workers with my words, camera or actions.
- I will act in accordance with the decisions and planned program of the organising group and will respond promptly to requests from the action team. In the event of a serious disagreement, I will withdraw from the action.
- I will accept responsibility for my actions. I will not use secrecy (ie hoods, false ID).
- If I am arrested, I will behave in an exemplary manner.
- I will not bring or use any drugs or alcohol.
- I will connect with people and attempt to win hearts and minds.
- I will assert my right to protest and my right to silence before the law.
- I will not tell the police anything unnecessary about myself, the group, or any individuals in the group. This includes, how I decided to be there, the ideological leanings of the group, names of other people etc
- I will know the limits of my anger or despair, and will develop strategies to manage and channel these emotions constructively.

Your rights and the law

Right to Protest & Lawful Assembly¹

- You have a right to protest and lawful assembly.
- You do not need to authorise a protest under the *Summary Offences Act*, although sometimes it is recommended (such as with marches and rallies that block public roads).
- An unauthorised protest does not make a protest 'unlawful'.
- However, a public assembly may be unlawful if it involves five or more persons with the object to intimidate, injure or compel another person to do something.

Right to Film Police

- You have the right to film police in public, so long as it is not the *secret* recording of a *private* conversation.
- Police may threaten to charge you with an offence for filming them but be assertive and diplomatic.

Right to Silence

- Elements of a criminal offence must be proved by the prosecution (police) "beyond a reasonable doubt". Often, the police will rely on admissions or statements by an accused or others to do this.
- You have the fundamental right not to incriminate yourself: use it.
- You have the right to refuse to answer the police's questions.
- Do not give the police any more information than your name and address, and only if required to.
- Do not agree to be interviewed. You have the right to refuse and it does not prejudice your legal case.
- Other than providing identity information, you are not required to answer any questions, and can simply respond "No comment".

Police request for proof of identity

- The police can ask you your name and address and you are required to answer under the following circumstances:
 - If they believe you can assist with the investigation of an indictable (serious) offence
 - If they are giving you a lawful direction/move on order
 - Upon arresting you
- It is an offence not to provide your identity or to give false information in these circumstances. You are not required to answer any other questions, and can simply respond 'No comment'.

Right to know police identity

You have the right to know a police officer's name, rank and station whenever they exercise a power or give a direction (such as a "move on" order or arrest). They must lawfully tell you this when using these powers. Write down the officer's information so you don't forget!

Police Liaison

A police liaison acts to keep the group's contact with police simple, straightforward and clear. They are not the leader or decision maker of the group, but instead act as a conduit between the police and protestors.

The rest of the participants in the action should **not** approach the police, and, if approached, should give only the legally required information. Others should direct the police to speak to the police liaison.

¹ http://www.edo.org.au/edonsw/site/campaigning/campaigning_08.php#s84

Be a smart protestor

Don't tell the police anything unnecessary about yourself, the group, or any individuals in the group. This includes, how you decided to be there, the ideological leanings of the group, names of other people, organisation details etc

Always carry a camera with you, preferably a video camera. This discourages people from behaving badly. (Don't be pushy and cocky about this though... keep a respectful distance from individuals otherwise you could cause trouble.)

Record events as they happen. You may want to produce evidence later that a police officer or perhaps an official said something to you. Taking notes also helps to debrief after an action. Remember that anything you record may potentially be seized by police and used in evidence against you or others.

If the police suspect that you have committed a crime, they have the power to search your person, your property and your car. Don't bring *anything* to a protest that you don't want the police to find.

Arrest

"Arrest": literally, stopping. This is when the police take you into their custody or control. They can tell you they are arresting you, or they can just take hold of you and you submit to their authority. As soon as police inform that you are under arrest, you have been arrested and you should follow their directions completely from then on and not resist them in any way. This will prevent you from additional charges such as resisting arrest. Arrest does not always lead to being charged. Sometimes the police just want to get you out of the way, and so arrest you, and then let you go.

"Charge": after arrest, the police have four hours during which they can hold you while they collect evidence to charge you, or not. To hold you any longer, they need a detention warrant. Being "charged" means the police have accused you of a crime and you are required to face court to determine your guilt or not.

"Convicted" This is what happens when a court decides that you are guilty of the crime with which you have been charged. It is this bit that goes on a record in the state where it occurs, for later courts and police to see.

- Police can tell you to "move on" and arrest you if you don't.
- Once arrested, the police can ask you your name and address and you are required to answer.
- If you climbed over a fence, or passed a sign saying "no entry" (or similar) then you are immediately trespassing and the police can arrest and charge you *without warning you first*.
- Under NSW laws, you are only trespassing if you are within lands that are enclosed on all four sides. (see the *Enclosed Lands Protection Act* which regulates trespass here: http://www.austlii.edu.au/au/legis/nsw/consol_act/ilpa1901264)
- Arrest does not always lead to being charged. Sometimes the police just want to get you out of the way, and so arrest you, and then let you go.
- Police can arrest people they have "Reasonable cause to suspect" have committed a crime or are about to, even if you aren't at the time, and they haven't seen you. Arguing with them is unlikely to change this, but, remember, "arrest" is not the same as "charge", and "charge" is not the same as "convict".
- Security guards **do not** have the power to arrest you, detain you, or take your details.
- **"Reasonable force"**: Police are empowered to use "Reasonable force" to arrest someone that is committing a crime. This includes "pain compliance" techniques that subdue people, and they have been known to use these on people that are cooperating fully.