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Workplaces (Protection from Protestors) Bill

We write to oppose the passing of the Protestors Bill. We support the submission made by TasCOSS and draw particular attention to their account of the various protests that were much maligned at the time but later praised both locally and internationally.

In *Brown v Tasmania*, the High Court of Australia was clear in its decision that the Tasmanian legislation imposed a significant burden on the implied Constitutional freedom of political communication and that the burden was not justified. The Court noted that the 'Protestors Act' was "likely to deter protest of all kinds" and not only protests connected with the Forest Management Act 2013. We cannot see that the current Bill overcomes that objection and we observe that Richard Griggs and Dr Brendan Gogarty of the University of Tasmania Law Faculty are of the same opinion.

We urge that the Bill be abandoned. Current laws are wide enough to deal with the harms the government perceives. In fact, so effective have current law and practice been that very few people are even tempted to protest at all these days. That cannot be good for democracy.

We note that the Aboriginal community in Tasmania has long been active in protesting the current state of the law. In recent times our community has continued its advocacy from the tent embassy sit-ins on Parliament House Lawns in Hobart in 1976, through the Land Rights reoccupations of putalina/Oyster Cove, piyura kitina/Risdon Cove, and pinmatik/Rocky Cape to the protests against bridge construction through our ancient site at kotalayna/Jordan River which resulted in several arrests and detentions. This is one of the few ways our community has of letting its views be known. It is anti-democratic in the extreme to attempt to quell those public demonstrations by threatening increased penalties and police action.

We urge the Government to withdraw the Bill.

Heather Sculthorpe
CEO
8 March 2019