



212 Liverpool Street
Hobart Tasmania 7000

ABN 55 482 384 108

SECRETARY
Jessica Munday

TELEPHONE
(03) 6216 7600

EMAIL
admin@unionstas.com.au

1 March 2019

Department of Justice
Strategic Legislation and Policy

Via email: HaveYourSay@justice.tas.gov.au

To Whom It May Concern,

SUBMISSION ON THE WORKPLACES (PROTECTION FROM PROTESTORS) AMENDMENT BILL 2019

We write to express our concerns about the *Workplaces (Protection from Protestors) Amendment Bill 2019*.

Unions Tasmania holds concerns about the scope of the legislation and the potential for it to capture legitimate activity by union members. We held similar concerns around the 2014 legislation that the High Court determined was unconstitutional. We do note that there has been some effort to expressly exclude industrial action in the current iteration and we welcome this, however, these exclusions are not sufficient.

The Bill as currently drafted remains too broad, such that it could still capture union members engaged in legitimate union activity. A meeting on a worksite, for example, where workers have ceased work to address or discuss safety issues, but which does not meet the very narrow definition of protected industrial action under the *Fair Work Act 2009* is just one example of where this legislation has potential to capture the activity of union members.

The Bill retains a broad definition of business premises covering numerous industries, as well as Government Business Enterprises. It also covers public thoroughfares including public places, streets, roads, footpaths, bridges and waterways. A union rally or a peaceful demonstration could potentially fall afoul of this legislation. Collective action is the way many positive changes have been achieved in our country. Such actions are important mechanisms in a representative democracy for people to have their voice heard.

We also note that the Bill does not specify any industry as the target industry for the legislation. Given the Tasmanian Government's original and publicly stated position that special legislation was required over and above existing legislated measures to deal with trespass, crime, violence, and safety, to protect forestry businesses and their workers in particular, we are curious as to why the Government has not further limited its scope and why care was not taken to consider drafting more narrowly.

Unions Tasmania supports the right of people to protest on issues. We do not support protest that endangers the lives of our members whatever industry they are in. We want protest actions to occur safely but as this legislation is currently written, safe, legitimate activity by union members risks being captured by this Bill.

To ensure that union members can continue to advance the wages, conditions and safety of working people in Tasmanian workplaces, all legitimate union activity should be expressly excluded.

Yours sincerely,

A handwritten signature in black ink that reads "J Munday". The signature is written in a cursive style with a large initial "J" and "M".

Jessica Munday
Secretary
Unions Tasmania