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Media release – Proposed Anti Protest Amendments Do Not Save Bill

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The Hodgman Government's *Workplaces (Protection from Protesters) Bill 2014* ('the Bill') threatens to violate the human rights of all Tasmanians. ALHR is deeply concerned by the prospect of the Bill passing into law and urges the Tasmanian MLCs to reject the Bill as it is clearly inconsistent with International Human Rights law.

The Bill's proposed amendments released 22 October 2014 by Paul Harriss do nothing to alleviate the legitimate concerns raised by ALHR and other organisations. In fact, they provide Tasmania Police and the DPP with additional discretionary powers under the Bill; discretionary powers which are clearly inconsistent with International Human Rights Law.

A significant problem with the Bill is its broad operation. The Bill seeks to restrict protesting on any political, environmental, social, cultural or economic issue. Essentially, the Bill targets all instances of protest and silences public outcry on virtually all issues of public concern. This grossly undermines an individual's right to association, peaceful assembly and expression as protected under Articles 19, 21, 22 of the *International Covenant of Civil and Political Rights* ('ICCPR') respectively.

The Bill aims to safeguard business interests; however, the restrictions imposed to achieve this end are neither legitimate nor proportionate. The rights of business are already protected through laws relating to trespass, unlawful damage to property and both private and public nuisance, and these laws already carry potential sentences of incarceration.

The Bill also imposes mandatory sentencing, which may amount to 'cruel, inhumane and degrading punishment' and, consequently, also breach article 7 of the ICCPR. Mandatory sentencing destroys a judicial officer's ability to determine an appropriate sentence, which ought to be based on the particular circumstances of each case.

The UN Human Rights Council has urged the Parliament of Tasmania to refrain from adopting legislation against protests that disrupt business; the Council pointed to UN Resolution 25/38 passed in March 2014, of which Australia was a co-sponsor. This Resolution relates to 'The promotion and protection of human rights in the context of peaceful protests'. It recognises that peaceful protests are core to democracy. This Resolution is yet another of Australia's many international commitments which would be infringed by the Bill.

Australia's commitment to the ICCPR and Resolution 25/38 conveys to the domestic population and international community that fundamental human rights are respected in Australia. The Tasmanian government has a duty to its citizens to ensure that their human rights are upheld. Business interests are already afforded protection under the law. If the Hodgman Government wishes to further protect business interests, a new Bill ought to be tabled which is complicit with our human rights obligation and proportionate to the issues it seeks to tackle.

The Tasmanian Upper House must wholly reject the Bill.

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ALHR (Australian Lawyers for Human Rights) is a network of Australian lawyers active in practising and promoting awareness of international human rights standards in Australia. ALHR has a national membership of over 2600 people, with active National, State and Territory committees.