



Greens Leader
Member for Clark

Tuesday, 19 November 2019

Chair and Board of Directors
Tasmanian Chamber of Commerce and Industry
GPO Box 793
Hobart Tas 7001
E: admin@tcci.com.au

Dear Ms Parr and Board Members,

I write on behalf of the Tasmanian Greens, and a broad constituency of civil society, in relation to the TCCI's public support for the *Workplaces (Protection from Protestors) Amendment Bill 2019*. The Bill was tabled in Parliament last Thursday.

It is both disappointing and concerning to see the TCCI line up in support of this amendment Bill, particularly given the expensive, embarrassing failure of the principal Act – the *Workplaces (Protection from Protestors) Act 2014* - to stand up in the High Court because of its draconian provisions.

I note your organisation's Constitutional objective to be apolitical and work in Tasmania's best interests.

The TCCI's Constitution states:

Purposes and powers

6. Object

The company's object is to pursue the following purposes:

- (a) to improve Tasmania for all through the development of relevant policy, delivery of relevant products and the provision of a consistent and apolitical voice; and*
- (b) the doing of any lawful thing incidental or conducive to the attainment of the basic object set out at clause 6(a) above.*

For the TCCI to be represented alongside a Liberal Government Minister at a joint press conference announcing this draconian legislation, is a highly political act.

Was the TCCI provided with a copy of the amendments and a briefing prior to this media conference? Was any external legal advice sought in order to avoid potential embarrassment to the TCCI?

Our advice and analysis is clear that the amendment Bill contains the same issues identified the High Court last October, and in fact double down on more draconian provisions in the original legislation.

At the joint press conference with Minister Barnett last Thursday morning - despite the question being posed a number of times - no example could be given where these laws would be needed. As we understand it, only Mr Edwards was able to come up with the example of forest protests in takayna/the Tarkine as an example.

The protesters in takayna, however, have been charged under the *Police Offences Act* with trespass and/or failure to comply with the direction of a police officer.

It is a matter of deep concern to us if the TCCI believes this legislation improves Tasmania. These proposed laws are a direct threat to Tasmanians' right to peacefully make their point – as already noted in the High Court. Under these amendments, it will be a criminal offense to organise a protest action. Is that really the kind of Tasmania the TCCI Board wants to back in?

This Bill seeks to impose some of the most oppressive penalties in the country on individuals who express their right to peaceful protest in Tasmania. At a time when young people are striking for climate action – for their future – these laws threaten to lock them up.

Tasmanians have a proud history of citizens standing up for places they love – Lake Pedder, the Franklin River, Wesley Vale, the Tamar Valley, Ralphs Bay, old forests, to name a few issues that have provoked peaceful protest, and then political change that delivers a wider benefit to Tasmania. These are also places that now bring economic benefit to Tasmanian communities because they have been protected for all to enjoy.

The *Workplaces (Protection from Protestors) Amendment Bill 2019* is draconian legislation that undermines Tasmania's democratic foundations. We believe, the intent of this legislation is in direct opposition to the objectives of the TCCI.

We ask that the TCCI seek independent legal advice on the amendments, and we hope this will provide an opportunity for the TCCI to tactfully withdraw its support for this dangerous and flawed legislation.

Yours sincerely,



Cassy O'Connor MP

Leader of the Tasmanian Greens

Cc. Michael Bailey, CEO