



FROM THE PERMANENT REPRESENTATIVE

AUSTRALIAN PERMANENT MISSION
GENEVA

23 December 2014

Mr Karim Ghezraoui
Chief Officer
Special Procedures Branch
c/o Office of the High Commissioner for Human Rights
United Nations Office at Geneva
8-14, avenue de la Paix
1211 Geneva 10, Switzerland

OHCHR REGISTRY

24 DEC 2014

Recipients :.....SPD.....
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Dear Mr Ghezraoui

Joint Communication from UN Special Procedures Mandate Holders: Workplaces (Protection from Protestors) Bill 2014 (Tasmania)

I refer to the joint communication sent from the Special Procedures Mandate Holders of the United Nations Human Rights Council of 4 September 2014 concerning the Workplaces (Protection from Protestors) Bill 2014 (Tasmania).

Australia is a longstanding party to the International Covenant on Civil and Political Rights, and is committed to upholding its obligations in relation to the rights to freedom of opinion and expression, peaceful assembly and association. Australia acknowledges the Covenant extends to all parts of federal States, including the State of Tasmania, without limitation or exception (article 50).

The Tasmanian Parliament has now concluded its consideration of the Bill, and the Workplaces (Protection from Protestors) Act 2014 (Tasmania) has received Royal Assent¹ and will commence operation on 24 December 2014. During the course of debating the Bill in the Tasmanian Parliament, a number of amendments were moved and passed to address stakeholder and community concerns. The Act has significantly changed from the original text of the Bill which is the subject of the communication.²

The Act implements the Tasmanian Government's election commitment to introduce laws to address protest action that hinders, obstructs or damages Tasmanian businesses.³ Many of the concerns raised in the joint communication have largely been addressed by the amendments. The amendments include:

¹ When the Parliament has concluded its consideration of a Bill it is taken by the relevant Presiding Officer and Clerk to the State Governor for the Royal Assent. This is the formal signature of the Governor which indicates that the Bill has passed both Houses and is now an Act of Parliament, which may mean that the law comes into immediate effect or at a later time to be announced.

² Tasmanian Parliament Hansard 4 & 5 November 2014 available at: <<http://www.parliament.tas.gov.au/>>.

³ Second Reading Speech, Workplace (Protection from Protestors) Bill 2014(Tasmania), 26 June 2014.

- a reduction in the types of business premises to which the Act applies
- limiting the scope of coverage of the Act to access or public areas outside defined business premises
- introducing mirror summary offences to be heard and determined by a lower court instead of the Tasmania Supreme Court at the discretion of a prosecutor
- including a requirement that the police must issue a direction to move on before enforcement action may be taken under these laws i.e. the issuing of an infringement notice, arrest or charge
- removing mandatory penalties, and
- removing the mandatory recording of criminal convictions.

A copy of the Act is available at www.thelaw.tas.gov.au.

Given that the Act has only recently received Royal Assent, Australia would be pleased to provide more detail on the Act to the Special Rapporteurs early in 2015.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tanya Bennett', with a stylized flourish at the end.

Tanya Bennett
Chargé d'Affaires *a.i.*