



## MEDIA RELEASE

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### **Tasmania's anti-protest Bill: A failed recipe for more costs, conflict in streets**

A new law designed to prevent anti-logging and mining protests in Tasmania will stifle freedom of speech and lead to harsh outcomes according to the Australian Bar Association.

The Tasmanian Workplaces (Protection from Protestors) Bill has passed the Lower House and is due to be considered by the Upper House next week. It includes mandatory prison sentences and on-the-spot fines for protesters.

The Australian Bar Association has condemned the proposed law. Vice President Fiona McLeod SC said today that it would potentially criminalise peaceful protests aimed at raising awareness of environmental, political, cultural, economic or social issues.

Ms McLeod noted that the Bill also provides for a mandatory three month term of imprisonment for a second or subsequent offence.

'There is no evidence that mandatory sentencing actually works. It's never the "quick fix" its backers promise it to be. It's difficult to enforce, notoriously expensive, causes backlogs in the court system and may have other unintended consequences' she said.

'The power within the Bill to impose compensation orders and orders to pay the costs of police also have the potential to make these penalties disproportionately harsh. The Courts will be compelled to record convictions – removing an opportunity to ameliorate the impact of the law in cases where that may be warranted.'

The ABA recommends that the Tasmanian Upper House reject the Bill and the Government reconsider the proposed law. The proposed penalties restrict judicial discretion and are likely to have a disproportionate impact on the community.

The ABA is concerned about the growing trend throughout Australian jurisdictions to impose mandatory sentences to remove the option of a merciful result. One of the great strengths of our justice system is that all cases are considered on a case by case basis, sentencing which is applied as a 'one size fits all' almost inevitably leads to poor outcomes.

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