

## EXCERPTS: HOUSE OF ASSEMBLY HANSARD

Number of times the Hodgman Government was asked whether Solicitor-General legal advice has been requested or obtained regarding the constitutionality of the *Workplaces (Protection from Protesters) Bill 2014*

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### Thursday 26<sup>th</sup> June 2014

1. **Mr McKIM** It is no use for the serried ranks of apologists for Joh Bjelke-Petersen and Russ Hinze in the Tasmanian Parliament to shake their heads; I have just read out the bill as it is drafted. I would like the minister to please inform the House whether legal advice from the Solicitor-General was sought in relation to the constitutionality or otherwise of this legislation. If it was could he please table the advice received from the Solicitor-General in the House so that we can be informed as to his opinion.

[...]

2. **Mr McKIM** - Minister, did the Government seek advice from the Solicitor-General on whether, in his opinion, this bill would survive a High Court challenge in relation to the implied guarantees in the Australian Constitution around freedom of political expression?

### Tuesday 19<sup>th</sup> August 2014

3. **Mr GREEN question to MINISTER for RESOURCES, Mr HARRISS**  
What legal advice did you seek and receive before you drafted your antiprotest laws and pushed them through this House? In the right to information response I received as a result of an inquiry by my office you will neither confirm nor deny that you sought advice from the Solicitor-General. Without revealing the advice, did you seek it?

[...]

4. **Mr McKIM** - Are you aware of the comments of constitutional law expert Professor George Williams that the bill is on constitutionally shaky ground? Are you further aware of the advice from Mr Mellick that it is very likely it could be challenged as to its constitutional validity? Has your Government sought the Solicitor-General's advice as to the likelihood of this radical law being successfully challenged in the High Court and, if not, why?

### Wednesday 20<sup>th</sup> August 2014

5. **Mr McKIM question to PREMIER, Mr HODGMAN**

Your ministers have consistently refused to answer questions around whether they have sought the Solicitor-General's advice on your radical anti-protest laws. Do you recall your demand on 15 March 2007 that then Premier, Paul Lennon, not only reveal whether he had sought the Solicitor-General's advice on the pulp mill approvals but actually reveal the content of that advice publicly? Why are you now refusing to do what you demanded that Mr Lennon do when you were Leader of the Opposition? Is it hypocrisy, or do you have something to hide?

[...]

6. **Ms GIDDINGS** - I think you are quite right, Mr Green. They do not have it because they know if they get it they will hear what they do not want to know. That is the reality, so stop being so secret. Be honest with the Tasmanian people for once and answer that simple question: did you get the Solicitor-General's advice or not? If you did not, why?

[...]

7. **Mr McKim** - How would you know? Have you sought the Solicitor-General's advice on that?
8. **Ms GIDDINGS** - Have you sought Solicitor-General's advice on it? No. Remember that a number of the people behind this document are lawyers; this is legal advice.

[...]

9. **Mr McKim** - There has been not only a refusal to detail any advice that the government may have received from the Solicitor-General, but there has been a refusal to answer the very simple question, as to whether or not they have sought Solicitor-General's advice. When I asked the minister who has carriage of this bill during the debate in this place on the legislation he claimed that whether or not the Government had sought advice was legally privileged. Well, minister, bunkum that is legally privileged. I accept that any advice you have received from the Solicitor-General is legally privileged but under no circumstances do the Greens accept that the question as to whether or not you have sought advice is legally privileged. I have run that past many lawyers and they have a good old laugh at that one. They say that is a definition of legal privilege they have never heard before. They are very clear that under no circumstances could that question, the question as to whether or not you have sought legal advice, be covered by legal privilege. For any advice you may receive or have received from the Solicitor-general, the details of that advice certainly would be covered by legal privilege but that does not mean you cannot release the advice.

How quickly things change when we move from opposition to Government in relation to this. I refer members to the motion tabled by the member for Bass Mr Gutwein on the 28 September 2011 that was in the following terms. The House called on the Premier to lay on the table the advice provided by the Solicitor-General with regard to the so called residual legal rights that Gunns Limited has following its voluntary exit from native forest harvesting in Tasmania and that such advice be tabled by no later than 5 o'clock p.m. on Thursday, 29 September 2011. It was a motion that was supported every single member of the Liberal Party, including Mr Shelton, who currently sits in the House, but also importantly including the Premier.

There you go; a demand from the Liberal Party that the solicitor-General's advice be provided to this House. Now they are in Government not only will they not provide the Solicitor-General's advice to the House, ***they will not even tell the Tasmanian people whether or not they have sought Solicitor-General's advice on this issue***

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