

Thursday 30 August 2018

The Speaker, **Ms Hickey**, took the Chair at 10 a.m. and read Prayers.

RECOGNITION OF VISITORS

Madam SPEAKER - Honourable members, I acknowledge the presence in the gallery on students from grade 6 at St Mary's College. Welcome to parliament.

Members - Hear, hear.

QUESTIONS

Child Safety Service - Action on Notifications

Ms WHITE question to **MINISTER for HUMAN SERVICES, Mr JAENSCH**

[10.02 a.m.]

Four and a half years ago this Government committed to ensuring Tasmania had a child protection system that would ensure all children in this state are safe. Today, on your watch, the child safety system is now in worse shape than ever. As the minister responsible for child safety in this state, can you confirm that very serious, time-critical notifications to Child Safety Service about unborn children at potential risk in the state's north within the last month were not investigated by child safety officers, within priority time frames?

ANSWER

Madam Speaker, as I have put on the record before, I cannot and will not be commenting on any specific cases in this place. I can confirm that our department has very strict policies on how notifications are recorded. Not adhering to these policies is not acceptable. Staff have been reminded of their obligations to adhere to policies and they continue to be trained in information management systems policies to ensure best practice.

There has been no change to prioritising notifications, which require statutory assessment. Tasmania's national reporting is consistent with the majority of jurisdictions.

Ms White - That's not the question. If you don't know you can inform the House at a later date.

Mr JAENSCH - Our Child Safety Service staff are all committed to ensuring the safety and wellbeing of Tasmanian children who may be vulnerable or at the risk of harm. Our Children and Youth Services practice manual outlines how Children and Youth Services staff are -

Ms WHITE - Point of order, Madam Speaker. Standing order 45, relevance: I understand the minister is attempting to answer but I remind him the question is about Child Safety Service and unborn children at potential risk in the state's north not being investigated within priority time frames. Hopefully, he can answer the question. It is very important.

Madam SPEAKER - I am sure the minister will attempt to answer that question. It is a very important question.

Mr JAENSCH - I am speaking to the issue of notifications, our policies and processes. The redesign of our child protection systems, which is underway right now, includes the issues of notifications relating to unborn babies.

Members interjecting.

Madam SPEAKER - Order. I am having difficulty understanding the minister's response. I would like to hear it, thank you. I am sure Hansard would as well. Can we please hear what the minister has to say?

Mr JAENSCH - The process of recording notifications and their escalation, investigation and the accuracy of the recording process is paramount. I have reiterated my expectation to the department that our staff will be thoroughly trained and reminded of their obligations in managing notifications of all types that pass through our system. I will not be commenting on any specific cases. I will continue to support the process of roll out of the Strong Families - Safe Kids reforms and the child advice and referral system.

Members interjecting.

Madam SPEAKER - With respect, the minister has used the word 'process'. He has mentioned unborn children. Please allow him to continue.

Mr JAENSCH - This is why our Government has invested heavily over its first term of government in the redesign of our child safety system. I continue that process as the new minister responsible. This Government has, in the last Budget, invested an additional \$24 million over four years to employ additional staff and to support the transition of the redesigned child safety services, and to provide additional support in cases of complex needs.

I remain vigilant. I respond to individual cases as they arise. I am briefed regularly. I will not be providing a narrative on individual cases of notifications in this place. I assure the House that our processes for recording notifications and escalation of them are of paramount importance. My expectation is that our staff will adhere strongly to our policies and information management systems to ensure best practice at all times.

Child Safety Service - Action on Notifications

Ms WHITE question to MINISTER for HUMAN SERVICES, Mr JAENSCH

[10.08 a.m.]

The child protection system is broken on your watch and the redesign is well behind schedule. With you as minister entrusted to protect Tasmania's most vulnerable children, the crucial child safety system has become characterised by your utter negligence.

Unborn baby alerts are made to the Child Safety Service when there are extremely grave concerns held for that child. Can you explain how up to six of these notifications in recent months

in the state's north were not allocated to officers or acted upon with any urgency and you did not know about it?

ANSWER

Madam Speaker, I am not going to be commenting on any specific case the Leader of the Opposition has referred to -

Ms O'BYRNE - Point of order, Madam Speaker. To clarify, we are not asking the minister to comment on specific cases. We are saying that there appears to be a systemic issue of responding to unborn baby alerts. We need to know what is going on.

Mr BARNETT - On the point of order; clearly it is not a point of order. The member for Bass is trying to interfere and to stop the minister from responding in an eloquent and comprehensive manner. He had only been on his feet for less than 10 seconds and you took a point of order. It is clearly out of order.

Madam SPEAKER - Thank you, minister. There is merit in both points so we are going to move forward. I ask the minister to be as relevant as he can. I remind the House that standing order 45 gives me no power whatsoever. You all condone that so we have to put up with the system as it is. Please proceed, minister.

Mr JAENSCH - Thank you, Madam Speaker. I am briefed regularly on matters or notifications raised and I enquire and am reported to on the department's responses. We have a serious events review process, which is underway, and I am updated on a range of those matters. I do not intend to comment on specific cases or complaints in this place.

The department has strict policies on how notifications are recorded. Not adhering to any of these policies is not acceptable. I have expressed to the department my very strong expectation that staff are trained in and reminded of their obligations to adhere to policies and processes at all times to ensure best practice, and that we do not have any cases mishandled through our system. There have been no changes to the prioritising of notifications requiring statutory assessment and our reporting system is consistent with the majority of jurisdictions, nationally.

We are continuing to redesign and improve our child safety system. Our children's advice and referral service will be operative later this year and will result in a reduction, we trust, in notifications over time due to earlier interventions; fewer children are being hurt and requiring protection through the statutory process. We have made substantial investments and reforms, which have been described as nation leading. Nationally, there is an increase of notifications of these types. We have a well-designed redesign underway that is being adequately resourced. We have excellent staff on the ground. I ask the Opposition not to play politics with the circumstances of vulnerable children and to support the redesign process underway.

Tasman National Park - Land Clearing

Ms O'CONNOR question to MINISTER for PARKS, Mr HODGMAN

[10.12 a.m.]

Yesterday, we had to listen to you tell falsehoods about your Government's management of Tasmania's world-class protected areas. People who care about and understand the fragility of our

parks and wilderness areas know the truth and they will see it for themselves if they go looking in the Tasman National Park. On Saturday, we understand your exclusive operator for the Three Capes Track, the Tasmanian Walking Company, will take international media on the track to show off the new private lodges with a VIP tour scheduled for next week. Can you confirm, as a result of your Government's 'anything goes' approach to Tasmania's protected areas, contractors cleared an area approximately 20 metres by 20 metres inside the Tasman National Park for a helipad the Tasmanian Walking Company had decided it no longer needed? Are you aware of this destructive act that resulted in a large scar inside the park, a scar that will take years to recover, and can you tell the House what you know about this damage?

Madam SPEAKER - We have a Standing Order about props. I presume that is going to be tabled.

Ms O'Connor - I would like to table it, Madam Speaker.

Madam SPEAKER - I will take a ruling on that. Ms O'Connor, you will need to seek leave to table it and, if you wish to do so, you will have to do so in other formal business.

ANSWER

Madam Speaker, I thank the member for the question. I will make further inquiries into the allegations made by the member in relation to this matter so I can be fully informed of the facts and understand whether there is any veracity in what the member has said. While there have been some excellent proposals come forward through this innovative, bold initiative we took to the last election and which is opening up our state to sensible -

Ms O'CONNOR - Point of order, Madam Speaker. The House should not have to tolerate this. A question was asked about damage to the Three Capes Track. You have spruiked the same speech we have to put up with all the time. This is about damage to parks and it is a serious question.

Mr FERGUSON - On the point of order, Madam Speaker. That is disorderly and the member is debating her own question. As the member knows, the Premier is able to answer as he sees fit. This is disorderly conduct on points of order to attract attention.

Madam SPEAKER - Order. I disallow the point of order. I need to remind the House that if you wish to keep raising these points of order, you are robbing each other of valuable question time, and we are here to serve the people of Tasmania. Thank you, Premier.

Mr HODGMAN - Thank you, Madam Speaker. The process we have established is very robust and does not allow 'anything goes', as the member suggested.

Ms O'Connor - Have a look at the picture.

Mr HODGMAN - It is necessary for any proposal to go through a rigorous assessment process and achieve the proper planning and environmental approvals for projects of this type, which is rightly so in our precious environmental areas that are receiving more visitors than ever before -

Ms O'Connor - Have a look at the picture.

Mr HODGMAN - and are a source of great pride and value to Tasmanians, all of us. It is why my government is investing more into our parks and wildlife service than your government ever did.

Ms O'Connor - Deal with the question.

Mr HODGMAN - We are investing in our parks infrastructure -

Madam SPEAKER - Order. Ms O'Connor, I appreciate your passion for this subject but I urge you to show some restraint, otherwise I will call you and put you on warning, which I will reluctantly do.

Mr HODGMAN - Madam Speaker, we are doing more for our Parks and Wildlife Service. We are employing more rangers and frontline staff, investing in infrastructure, supporting these precious assets to ensure they are future-proofed for future generations to enjoy. We take very seriously the need to protect what is one of our state's great assets and a precious environmental area.

I will look further into any matters raised by the member. I point to the hypocrisy of the Greens. Whilst they complain about some people being able to access our wilderness areas via a helicopter, it is exactly what Bob Brown wanted to do. He sought permission to take a rich mate across our wilderness areas -

Members interjecting.

Madam SPEAKER - Ms O'Connor and Dr Woodruff, you are formally warned. A second warning and I will have to send you out.

Mr HODGMAN - It was alright for him to fly across the wilderness area in a helicopter but it is not alright for anyone else, for our tourists or for other Tasmanians who would like to access them. At one point he thought it was alright for us to reduce the deer population in our state and our wilderness areas, which is causing significant environmental degradation.

Ms O'CONNOR - Madam Speaker, I reluctantly raise the point of order on relevance given your warning. Not once has the Premier even talked about the Three Capes Track or the Tasman National Park. Not once has he gone near the question.

Madam SPEAKER - I hear your point of order. The Premier said he was happy to investigate that matter for you and hopefully he will. Thank you, Premier.

Mr HODGMAN - I certainly will, Madam Speaker. Greens hypocrisy is at play. There is also the need to properly investigate any matters raised by members opposite in this place, which we will do.

If anyone wonders about the level of commitment made by this Government to future-proofing our parks, reserves, Crown land and our wilderness areas, look at this year's budget. We have done more than any previous government in this space. We recognise the importance of these areas to Tasmanians. They are also important to our visitor economy. Many people who visit our state from interstate and overseas want to access them as well. It should not only be the place for Greens to visit. It should be more open and available to Tasmanians and other people who visit our state,

as long as we protect what is special about them, we invest in them and we ensure that there is more staff in the parks and wildlife service available to do the job. That is what we are doing.

Strong and Stable Majority Government

Mr HIDDING question to the PREMIER, Mr HODGMAN

[10.19 a.m.]

Can the Premier please update the House on Tasmania's progress under the majority Liberal Government's strong united team and the contrast with the divisions in the Labor Party?

Members interjecting.

A member - That is a big laugh from you, Mr O'Byrne.

ANSWER

He does look very happy with the question I have been asked, the happiest I have ever seen him.

Members interjecting.

Madam SPEAKER - Order.

Mr HODGMAN - Madam Speaker, I will talk about the importance of providing strong and stable majority government. It is a key element of the plan we took to the state election and it is delivering results. Tasmanians, rightly, expect some political stability and certainty and that is what we are providing. It is critical to delivering our plan; getting things done in the state and seeing the state continue to move forward and to keep our economy strong, which it is, to keep our budget in good condition, which it is, and to get on with the job of improving the lives of Tasmanians, whether it be through improving our health system, lifting our education results, supporting Tasmanians who are vulnerable, or keeping our community safer and putting more police into our communities that previous governments cut and we are putting back into our communities.

We will also keep the levels of confidence, particularly in our business community, at high levels where they currently sit amongst the highest in the nation. When you consider how important it is to drive further investment and more jobs creation there is little wonder, given the high levels of confidence, that employment is grown every month for the past two years under a majority Liberal government, and Tasmania's business confidence and investment is leading the nation.

The Budget includes significant investments into essential services, but also infrastructure that will literally build our state's future. We are investing into our competitive strengths, whether it be into tourism and hospitality, our primary industries sector or the energy opportunities our state has, so that we have the edge on our interstate competitors. We are also taking action to keep cost-of-living pressures down, which is important.

These are the things we are getting on with doing, that Tasmanians elected us to do just six months ago. Despite the political games the Opposition are consumed with, we are getting on with the job.

Ms O'Byrne - She's got to go - that's what you said.

Madam SPEAKER - Order, Ms O'Byrne.

Mr HODGMAN - I can give you some examples of what we have been doing over the last few weeks. We have delivered new funding to support hospital emergency departments improve patient flow. We are progressing laws, despite attempts opposite to stop us doing so, to keep our communities safe and make them safer; we are supporting a return to growth in our important mining sector. The reopening of the Avebury nickel mine, for example, is a wonderful indication of growing confidence in that sector. We have secured direct flights now to each capital city to support, with our airline partners, the growth in our tourism sector. We have increased our support by biosecurity. We have delivered 78 new housing units over the last quarter and we are getting on with the job of constructing more.

This is just a snapshot; I could spend a lot more time talking about what we are doing to actually improve the lives of Tasmanians, to focus on what is important to them and to give them the Government they expect and deserve.

It is not hard to see the lack of effort by the Opposition and the lack of focus. Despite having delivered the third-worst election result in Labor's history under the Opposition Leader, Bec White, they could not be bothered to prepare an alternative budget. They think they should get paid more than everyone else, but they will not do the work. Their focus is very much on political games and 'gotcha' moments.

They are distracted by political games in their own office, because we know that at the Labor state conference in a week's time they will be debating not one but two separate motions on how to call for a direct vote for a new leader. Dare I say it is the case that they are more worried about themselves than the Tasmanians who elected them into this place? Why would they be focusing on ways to change leaders unless they wanted to? It is obvious and it is probably one of the recommendations of the secret review that Labor are not prepared to talk about. It is going to be a very interesting Labor conference when they spend their time talking about themselves. We are going to get on with the job of delivering for Tasmanians who elected us.

Child Safety Service - Recording of Notifications

Ms WHITE question to MINISTER for HUMAN SERVICES, Mr JAENSCH

[10.24 a.m.]

Are child safety officers being told not to record notifications of suspected child abuse because resources are so stretched on your watch? Just this month a Tasmanian school principal was deeply shocked to discover that a call made to the Child Safety Service about serious claims that a child was being tied to a bed were not even recorded. The principal told the ABC:

As a principal you may need to alert Child Protection Services perhaps once a month. It makes me wonder if past incidents have ever been recorded now.

Has your department lifted the threshold for action to be undertaken because you are more determined to alleviate the pressure on this Government than to help children at risk? How many children are slipping through the gaps and not getting the help they need and deserve?

ANSWER

Madam Speaker, I reject outright the assertions that the Leader of the Opposition has made regarding the priority and the seriousness of the cases we are dealing with and the way this Government, and I as a minister, take our responsibilities for the protection of children. Nothing is more important.

I confirm again there has been no change to any process for prioritising notifications which require statutory assessment and our reporting is consistent with the processes undertaken in a majority of jurisdictions nationally. There is no target to reduce notifications; rather, the budget papers reflect that the children's advice and referral service, which is due to be operational later this year, is likely and intended to see a reduction in notifications over time because cases will be intervened earlier and supports put around families and children so there are fewer kids being hurt and requiring intervention and separation from their families.

The process we are bringing into play is designed to reduce the number of notifications because it is designed to reduce the number of kids being hurt in the first place, and we make no apology for bringing on a reform process which is designed to protect children. We make no apologies for that or for the additional investment; we make no apologies for the process of change which will be uncomfortable for some if it is going to result in fewer Tasmanian children coming into harm and requiring statutory interventions. We do not back down from that for one instant.

Madam Speaker, in line with national reporting standards, we have moved to defining notifications based on decisions made within the agency that the concerns raised require further assessment and therefore a notification is raised. Previously, inquiries which did not require further assessment were also being counted as notifications.

All Child Safety Service staff are committed to ensuring the safety and wellbeing of Tasmanian children who may be vulnerable or at risk of harm. Our Children and Youth Services practice manual outlines how our Children and Youth Services staff are to manage their communications about allegations of risk or harm to a child or children -

Opposition members interjecting.

Madam SPEAKER - Order, Mr Bacon. Ms O'Byrne, I have to give you a warning.

Ms O'Byrne - Am I not speaking under my breath, Madam Speaker?

Madam SPEAKER - No, you are not speaking quietly enough. I am quite happy for you to do that, but you are a bit loud and disruptive. You are on your first warning - second warning and you will be out the door.

Mr JAENSCH - Madam Speaker, we are working through the stages of this redesign which will not happen overnight and will not be rushed, but will be delivered deliberately and carefully and invested in fully and staffed properly with people who are trained and well supported to protect Tasmanian children.

The Leader of the Opposition stood up here today and referred again to lines and discussions in Estimates where they are seeing that we are projecting fewer notifications in the system to our child safety system. That is because we are projecting that we are going to be able to prevent children being hurt. That is our job and that is my job as the Minister for Human Services. That is why we are undertaking the redesign process.

It is being put to this House by the Opposition that somehow we have set a target for reducing the number of notifications and therefore are telling our staff not to record and report and appropriately deal with reports of children being hurt in our communities, whereas in fact we are showing that our forward Estimates is reflecting our strategy to prevent children being hurt in the first place. We have a system that has been designed which is nation-leading and well regarded in the profession. We are rolling it out and we will do so with or without the support of the Opposition because we are committed to preventing Tasmanian children from being hurt.

Frontline Services - Investment by Government

Mr BROOKS question to TREASURER, Mr GUTWEIN

[10.29 a.m.]

Can the Treasurer please update the House on the Hodgman Liberal Government's plans for investing in frontline services and is the Treasurer aware of any alternative views?

ANSWER

Madam Speaker, I thank Mr Brooks, the member for Braddon, for his interest in this very important matter. The Government has a long-term plan to invest in the very best frontline services, the services that Tasmanians deserve and expect.

We took a plan to the people of Tasmania early this year and a majority of Tasmanians voted for it. It is a plan to invest more into health, education, public safety and infrastructure. We have already recruited additional frontline staff in schools, hospitals, police stations around the state. Since 2014 we have increased numbers in respect of nurses, teachers and in terms of police. I know that the member on the other side has a great deal of interest in this. Rather than sacking them as Mr O'Byrne did, we put on more than 100 and we have a plan to put on more than 125 police officers.

We are going to pay them properly. Under our wages policy public servants will get a 2 per cent wage rise per year - a significant number of public servants will get more than that. We will proceed with the additional incremental increases in the wages over and above the 2 per cent wage rise. In 2017-18, based on the wage price index, on average public servants in Tasmania received wages growth of 2.6 per cent as an increase which is well above inflation and demonstrates how much we value public servants.

I was asked if there were any alternative views. I have one here: the Labor Party's state conference agenda. It has a plan in it for the public sector and it is a beauty. As I mentioned yesterday, Labor will be voting on having a wages policy of not 2 per cent. It is completely unfettered; a blank cheque to the unions for wages increase. It is no wonder that Labor took a higher wage increase than public wages policy last week. It is because they have been snake charmed by the unions into believing that the budget is a magic pudding.

We know that a rise of even 1 per cent above our sensible and affordable wages policy of 2 per cent would cost more than \$28 million a year. It is now well understood that Labor politicians -

Members interjecting.

Madam SPEAKER - Order.

Mr GUTWEIN - No wonder they are happy and chirpy. They have taken a big fat wage increase. That is what they have done. No doubt their decision to take that increase above government wages policy was to show support for the unions and no doubt to support the motion included in the agenda, a motion brought forward by the member's own branch. The Sorell branch brought forward the unfettered wage; the Leader of the Opposition's own branch.

It gets much worse. Rather than taking an approach to manage the public sector like we do by focusing on the front line, targeting growth in the areas of greatest need, Labor wants to grow the public sector across the board. It is conference -

Mr O'Byrne - You would not have been in the room voting against the ABC, would you?

Madam SPEAKER - Mr O'Byrne, first warning.

Mr GUTWEIN - It is conference calls for a 10 per cent increase in public servants across the board.

Dr BROAD - Point of order. Madam Speaker, I draw your attention to your previous ruling about the use of props.

Members interjecting.

Mr GUTWEIN - I am allowed to read from it. I can understand their embarrassment.

Madam SPEAKER - I have to make a ruling on that. I do believe it might be a prop, Treasurer.

Mr GUTWEIN - It is a document.

Madam SPEAKER - I may be corrected. Let me take some advice. The advice is it is a document that he is reading from. Please proceed, Treasurer.

Mr GUTWEIN - Thank you, Madam Speaker. There is no need to be ashamed of the document, Dr Broad, although you probably should be. A 10 per cent increase in public servants across the board.

Mr O'Byrne - We value them, you don't.

Madam SPEAKER - Mr O'Byrne, be a bit more cautious, please.

Mr GUTWEIN - More than 2500 more public servants, which with superannuation would cost the budget around \$300 million a year. That is what the Labor conference is voting on. That is what would become Labor policy, if they vote on it. That is a \$1.2 billion budget destroying policy over four years, which would plunge us back into deficit, destroy confidence and would lead

to debt and deficit of significantly higher taxes for Tasmanians. Think about it for a moment, Ms O'Connor.

Labor will consider a motion to increase public sector numbers by 10 per cent. If it gets approval, it will be the official policy of the Labor Party. I know they have one policy, which is to pay themselves more than government wages policy. This takes it into a different stratosphere completely. It would cost our bottom line \$300 million a year or \$1.2 billion over the forward Estimates, drive us back into deficit and lead to higher taxes for all Tasmanians. That is the sort of proposal that you get from the loony left. It is the sort of proposal you would expect in Soviet Russia. It makes no sense unless you are a communist.

My message to the comrades opposite is that they should, today, end these proposals. Even before they get to the conference they should back our plan to sensibly invest more in to the public services without destroying the budget bottom line. What it proves is that you simply cannot trust Labor with money.

Members interjecting.

Madam SPEAKER - I am standing to remind all the good members of standing order 146 which says 'Interruptions not allowed'. The only exceptions being 'A member shall not interrupt another member while speaking unless to call attention to a point of order or privilege suddenly arising, for want of a quorum or the presence of strangers in the House'.

Please obey the rules. I have three members currently on warning. You are really stretching my patience.

Cruise Ships in Wineglass Bay - Government Report

Ms O'CONNOR question to MINISTER for PARKS, Mr HODGMAN

[10.36 a.m.]

That was the most self-indulgent twaddle. Six and a half minutes on the public coin.

Mr GUTWEIN - Point of order, Madam Speaker. That would be the most self-indulgent opening to a question asked in this parliament ever, and disorderly.

Madam SPEAKER - I ask the member to proceed.

Ms O'CONNOR - Over the summer, seven cruise ships will park inside the Freycinet National Park at Wineglass Bay, despite the repeated concerns raised by the tourism industry and environmental groups. They are asking why large intrusive cruise ships are still being allowed into the sheltered pristine waters of Wineglass Bay.

Can you confirm that the report your Government commissioned into the future of cruise ships in Tasmanian ports was completed shortly after the state election? Why have you sat on this work for five months and done nothing to implement its recommendations and get cruise ships out of Wineglass Bay?

ANSWER

Madam Speaker, I thank the member for the question. Yes, work is underway and has been for some time with respect to this matter to ensure that we not only develop a sound strategy and take on board the concerns of communities and key stakeholders but also develop an appropriate response in relation to this matter to ensure that we do achieve the right balance and allow appropriate access to our state where we are able.

Ms O'Connor - You never say no to anyone, do you?

Madam SPEAKER - Order, Ms O'Connor.

Mr HODGMAN - We provide the ability for people to witness, enjoy and experience our natural areas but preserve what is special about our state and ensure that those wilderness areas are properly maintained and preserved. That is what we are seeking to do. Yes, there is much interest in cruise ship visits to our state. They have increased significantly in recent years because our appeal continues to grow. Travellers come to our state, increasingly in various ways. Many of them do come on cruise ships. They bring thousands to our state and regions. They inject a lot into our economy.

In response to this, the Access 2020 working group is in the final stages of completing the Tasmanian cruise market profile and regional cruise ports review. The Tasmanian cruise market profile will provide us with a better idea of the market size, economic contribution of cruising and will outline the most attractive target segments,

Ms O'CONNOR - Point of order, Madam Speaker. Can we ask the Premier to clarify whether the report is complete, or if work is still ongoing? Our information is that you have sat on it for five months?

Mr BARNETT - Madam Speaker, on the point of order; clearly it is another question. It will have to be treated as another question. She cannot ask -

Members interjecting.

Madam SPEAKER - Order. The Clerk informs me it is not a point of order and the Premier is allowed to answer the question as he sees fit.

Mr HODGMAN - Thank you, Madam Speaker. I was halfway through a sentence in response to the question. I have advised the member about progress. She asked whether -

Ms O'Connor - I am trying to help you to not mislead the House.

Madam SPEAKER - Ms O'Connor, if there is another comment I am afraid you will have to leave the Chamber.

Mr HODGMAN - progress is being made and it is. I have referred to the cruise market profile and the work being done. The review is due to be presented to the Premier's Visitor Advisory Council, which will meet very shortly and will consider the options and issue of cruise ship visitation, including into Wineglass Bay. We recognise there are considerable community and industry views on this matter that are being taken into consideration for the review.

This year at Wineglass Bay there will be two visits and they are for 45 minutes. Considering more broadly the context of cruise visitation to our state, which has been significant and brings with it many benefits, we are conscious of the issues the member has raised and of those in the community who have communicated with us; the Access 2020 group, key stakeholders, the tourism and cruise ship industries and local communities that receive these visits. Work is progressing, as the member asked. It will be concluded shortly and I look forward to reporting publicly when it occurs.

Child Safety Service - Recording of Notifications

Ms STANDEN question to MINISTER for HUMAN SERVICES, Mr JAENSCH

[10.41 a.m.]

Why are reports to the Child Safety Service by mandatory reporters, including police and teachers, being neglected on your watch and recorded as case notes rather than formal notifications of children at potential risk? Can you explain why reports of vulnerable children, often at risk of serious danger, are being ignored and official notifications resulting in formal investigations are not being undertaken? This seems to be because you want to give the illusion that child safety data has improved. How can people who have a duty to report suspected child abuse, such as teachers, nurses or police officers, have any confidence in a system that is not treating their concerns with the urgency and seriousness required?

ANSWER

I answered this question when your boss asked it. If you -

Ms O'BYRNE - Point of order, Madam Speaker. You have asked us to show us level of respect to the minister. I suggest he could show a level of respect to a member who has asked a genuinely concerning question rather than say, 'I answered it when your boss asked it.'

Madam SPEAKER - Yes, I do think that was a little condescending, minister. Would you refer to her as the Leader of the Opposition, please?

Mr JAENSCH - Thank you, Madam Speaker. I thank the member for her question. I answered the question on the two occasions the Leader of the Opposition asked the question. I say to the Opposition, if they have any information relating to the safety and wellbeing of children they believe needs to be followed up I urge them, as is their responsibility under our Children, Young Persons and Their Families Act, to make a formal notification and it will be assessed appropriately.

Building and Construction Sector - Growth

Mr BROOKS question to MINISTER for BUILDING and CONSTRUCTION, Mr BARNETT

[10.44 a.m.]

Can you update the House on the growth in the building and construction industry under the Hodgman majority Liberal Government? Are there any looming threats to this momentum?

ANSWER

Madam Speaker, I thank the member for his question and his interest and support for the building and construction sector. It is growing very strongly under the Hodgman Liberal Government. You have seen cranes in the skylines in Hobart. You have seen residential and commercial growth in the south, the north and north-west and it is across the state. This is happening and we are nation-leading in many respects. We have some statistics about new residential construction. We are leading the nation with a more than 20 per cent increase in the value of that construction in the last 12 months.

Likewise, residential commencements; more than 30 per cent increase, which is nation-leading and is more than 10 times the average increase across Australia. We are on track in the building construction sector. Jobs are at the highest level ever, off the back of the time we came to power more than five years ago when there were 16 000-odd. There are now 23 200 jobs in this building and construction sector.

We are pleased. You can see the confidence. You can feel it. It is palpable. The tradies and their families are taking utes; they are flooding out of the car yards. They are filling up our restaurants and pubs and creating more jobs. One key reason for this growth is the flexibility of businesses to hire new employees and to contract skills and expertise from outside their businesses to do specialist work. That flexibility is critical to the building and construction sector and to other sectors, whether it be mining, mineral processing, civil contracting, job-producing industries or the use of labour hire firms for the provision of skilled workers for specific jobs as part of larger projects and for urgent works where the skills and experience are not available in-house. Mr O'Byrne does not like to hear it. He has been whingeing, up hill and down dale. He has been critical of the growth in the energy sector and in building and construction.

The ALP State Conference motion next week has a proposal to put a tax on labour hire companies and it demonstrates that Labor has no idea. They do not understand business and they are willing to wreck our economy and the job-producing industries across Tasmania with a tax. The agenda calls for a levy on labour hire companies, a national inquiry into the industry and regulatory controls at a state level to license labour hire companies and wrap them up in red tape regulation and licenses. This would be regressive. It would undermine building and construction, mining, forestry, civil contracting; all those areas that are rebuilding and steaming ahead under the Hodgman Liberal Government.

Those who work for labour hire companies are employed legally, fairly, to do their jobs and come home with their pay packets, to feed and support their families. As to the other side, there are many industries who are concerned about next week's proposal whether it be in the mining or business industries, housing and building or the Tasmanian Chamber of Commerce and Industry. What Labor wants to do is provide a sop to the unions. They are wholly-owned subsidiaries of the union movement and they want to put a tax on labour hire companies and destroy those job-creating industries. They are owned and controlled by their union masters and we will see whether this occurs next week.

I put a very important point to the House. They are trying to bring back a 1950s-style tax on business. It means jobs will be lost and growth will be stopped in all of those industries. We do not want that to happen. This is a sop to their union masters. This Labor Conference next week will be a test for the leader of the Opposition, whether she can stand up to those faceless men in the union movement, backed by no other than David O'Byrne. He has his hands out, trying to influence

the outcome of that conference. The Leader of the Opposition should stand up and stop more taxes and more job-destroying policies. We want to stand up for jobs. You are trying to kill off those jobs.

Madam SPEAKER - Everyone will note I have been trying hard to keep all the good members in the House. I have respectfully asked everybody to behave. We are in a problem situation now. We have 13 minutes for four questions. Please, a little bit of cooperation; faster questions, faster answers and less disruption.

Child Safety Service - Child Liaison Officer

Ms STANDEN question to MINISTER for HUMAN SERVICES, Mr JAENSCH

[10.50 a.m.]

In June last year the Coroner recommended that the Child Safety Service be supported by your department with child protection liaison officer in hospitals, including the management of unborn baby alerts across maternity, neonatal and paediatric intensive care units. Can you confirm that for an extended period of time within the last month, the child liaison officer at the Launceston General Hospital was away from the position on sick leave, thus leaving the position empty?

ANSWER

Madam Speaker, I thank the member for Franklin for her question. I will review the detail she has just read into the *Hansard* and make inquiries in my department around that specific case.

The line of questioning today, though, has been implying that either I have been directing staff in our department to not follow appropriate processes, and in my previous answers I have fully rejected that. The other inference from the line of questioning we have had today is that our hardworking Child Safety Service staff across Tasmania are somehow not doing their job properly and not putting the interests, wellbeing and safety of children front and centre.

Madam Speaker, I will stand by our hardworking staff right across the state. We will continue to invest in more -

Ms WHITE - Point of order, Madam Speaker. I seek to correct the record. We stand by our hardworking staff and *Hansard* reflects that.

Madam SPEAKER - If the member feels misrepresented she can raise it at the end of question time. Unfortunately she cannot raise it now.

Mr JAENSCH - Madam Speaker, I stand by our hardworking staff. We will continue to listen to them, work with them, train them and give them the systems and supports they need to do their job well to continually ensure we are putting the interests, safety and wellbeing of children and young people first and foremost, front and centre.

I say to the Opposition on this line of questioning, if they have specific instances where they believe, deliberately or otherwise, that Child Safety Service staff have not been doing their job, I ask them to make a formal complaint and it will be investigated. If they are aware of any circumstances of a child at risk of harm, they must formally notify so that our process can work and

our staff can do their jobs to follow our protocols and ensure that those children are assessed, their risk is assessed and appropriate services or interventions are undertaken.

If the matter that was raised at the beginning of the last question has any substance, I will get to the bottom of it.

Child Safety Service - Welfare of Unborn Child

Ms STANDEN question to MINISTER for HUMAN SERVICES, Mr JAENSCH

[10.53 a.m.]

Can you explain how the tragic circumstances of a child born recently in Tasmania's north were allowed to unfold? The child's mother was the subject of an unborn baby alert which was not acted upon. Immediately after birth, the child spent 28 days in hospital suffering the symptoms of drug withdrawal. At no stage did Child Safety Service officers visit the hospital to check on the child's wellbeing. The child was allowed to leave the hospital and for 14 days this child was at extreme risk until the Child Safety Service visited.

This is the result of the situation you have created because you have not allocated anywhere near enough resources to the already overstretched Child Safety Service. How is it good enough that a child in very dire, very dangerous circumstances was not checked on, was not monitored and was simply allowed to fall through the cracks?

ANSWER

Madam Speaker, it is time to stop playing politics with vulnerable children and babies at risk. Every one of these situations is a tragedy and every one is complex and unique. I have said before and I will continue to say that I will not be discussing the details of individual cases, the circumstances of children or their families in this place. Because of the complexity, their privacy and their interests and, in some cases, if there are any investigations, internal or otherwise, underway, I do not want to prejudice them in any way.

The safety and wellbeing of children, unborn babies, new babies and their families is paramount. This Government could not be more committed. The question went to our motivation, our sincerity and our investment in this area and that is why I choose to directly respond. We have made substantial commitments and have embarked on comprehensive reforms of a child safety system that under the former government resulted in multiple coroners' reports, report after report, of cases inadequately managed. We are investing in a change to those systems. We have learned from every adverse outcome in the past and are actively investing in the workforce, the skills, the support structures and the procedures in our child safety system to ensure that we are responding to those needs.

I will not stand here and dissect individual cases of harm or individual circumstances that are under any sort of investigation, but I reiterate that this Government is committed to the health, wellbeing and safety of our most vulnerable Tasmanians. We are actively investing, we have an excellent workforce, and we are training them and reminding them of their obligations to follow the procedures we have established. Any substantial notification, concern or inquiry that is raised will be assessed thoroughly through the relevant processes.

Child Safety Service - Hours of Assistance

Ms STANDEN question to MINISTER for HUMAN SERVICES, Mr JAENSCH

[10.57 a.m.]

Three weeks ago a very small child in the north was in a dreadful and dangerous situation and needed help, but help could not be found because you have cut Child Safety Service to the bone, so deep that there is not even anyone available -

Members interjecting.

Madam SPEAKER - Order. Please proceed.

Ms STANDEN - I will complete that sentence again, Madam Speaker. Minister, help could not be found because you have cut Child Safety Service to the bone so deep that there is not even anyone available to answer the phone. Calls were made to the intake number, the telephone rang twice and hung up repeatedly. An attempt to contact the Gateway service was met with recorded messages saying help was only available between nine and five and they should call the intake number. Once again the intake number did not respond.

Due to the known circumstances of this family, a call was made to police and five officers came to help in a situation where the child's father needed to be assessed for mental ill health, but no help for the child could be found. Even police could not get through and the numbers they were finally able to track down were either referred on or not answered. It took almost two hours to locate somebody who could potentially help this child.

Do you believe it is good enough that the Child Safety Service has become a nine-to-five service and people wanting to help children in danger cannot find the help required?

ANSWER

Madam Speaker, I thank the member for her question. Again I would ask her to put any details she has on specific cases in writing so that I have it accurately, and so that I have the information -

Ms O'Byrne - Your department knows that.

Madam SPEAKER - Order, that is a fair request. Please proceed.

Mr JAENSCH - in order to be able to follow up the concern that you have raised with me.

I hope and expect that the concern that you are raising with me now has been passed on to Child Safety Service, as soon as you were aware of it, and not waiting for question time this morning.

I reject the assertion at the top of this which goes to the member's real motivation for her question. She said twice that I have, as minister, cut Child Safety Service to the bone. She reiterated that, regardless of the additional \$20 million investment under the last minister, regardless of the \$24 million additional resources in this last Budget, regardless of the recruitment process for an additional 25 staff, which is currently underway and is responding to the requests of our frontline Child Safety Service staff for them to have additional support.

Ms O'BYRNE - Point of order, Madam Speaker. The minister finds the point of order laughable before I make it, Madam Speaker.

The question specifically went to the fact that whilst the minister encourages people to report, the phones did not answer; the Gateway services operates nine to five. Even the police could not find help. Can the minister please tell us what he is doing about a nine-to-five service?

Mr Ferguson - On the point of order, Madam Speaker -

Madam SPEAKER - I can make my own decision on this point of order thank you, Leader of the House. I will rule it out. It is not a point of order. I cannot tell the minister what to do. I urge the minister to wind up because we have one more question to get through and it is a Liberal question.

Mr JAENSCH - Thank you, Madam Speaker. I find it hard to take the member's question seriously when she herself is laughing as she stands up to make it. In reference to the intake and Gateway service -

Ms O'BYRNE - Point of order, Madam Speaker. I seek leave at the end of question time to correct the record. The minister has misrepresented me. I have never laughed about child protection matters.

Madam SPEAKER - I am going to dismiss that. Stated misrepresentation is supposed to be done at the end of question time. I ask the minister to wind up if he can, please.

Mr JAENSCH - If the Opposition is concerned about the capacity or the architecture of the intake in Gateway services for providing notifications about children at risk of harm, I ask them to get behind the child advice and referral system reforms that are currently underway to create a single point of entry and a network response system.

This is one of the hallmarks of the new redesign that we are putting in place to ensure that we have the best possible intake system and that we ensure that everybody knows where to go with their enquiries, with their notifications and concerns and that they are promptly dealt with.

Education - Improvements

Mr HIDDING question to MINISTER for EDUCATION and TRAINING, Mr ROCKLIFF

[11.03 a.m.]

Can the minister please update the House of the majority Hodgman Liberal Government's plans for continuing to improve education in Tasmania? Is the minister aware of any other such plans?

ANSWER

Madam Speaker, I thank the member for his question and ongoing interest in education.

Education from the outset has been at the heart of our Government. Over the last four years we have improved education in Tasmania through: extending our schools to year 12; investing in literacy and numeracy support; employing 142 more teachers and around 60 more professional

support staff; and 192 teacher assistants. We have also introduced an entirely new education act, and we are investing substantially in the early years.

We have seen welcome improvements including increases in retention of students to year 12, and more students than ever before completing their TCE. The Labor Party has stood in opposition to most of our reforms from the early years to extension schools. When it comes to improving education they have never been on board. We know that this type of complacency is what we got when we were here in 2014 after 16 years of Labor and the Greens, when we witnessed some of the worst educational outcomes in the country. I remind the House of a few Labor and Labor Green pearlers.

Ms O'Connor - Are you going to talk about your NAPLAN results? Have you seen the latest NAPLAN results?

Madam SPEAKER - Order. This has not been our finest hour. Please proceed, minister.

Mr ROCKLIFF - Essential learnings, fail; Tasmania Tomorrow, fail. The Labor-Greens government tried to shut 20 schools around Tasmania.

On this side of the House we recognise that we have more work to do to meet our goals. That is why we took to the election a comprehensive plan to continue to improve education in Tasmania. Over the next six years we will employ 358 more staff in our education system, including 250 more teachers.

It is very pleasing to begin with what is a large and complex task of employing so many new staff in collaboration with a round table of education workforce stakeholders. This group, including the Australian Education Union, the University of Tasmania, the Peter Underwood Centre for Educational Attainment, the Teachers Registration Board and the Tasmanian Principals Association have worked together to design a new declaration on the Tasmanian education workforce, called More Teachers, Quality Teaching Declaration.

With this declaration, as our starting point this week, we are kicking off recruitment through advertising the first of the 250 new teaching jobs. The first jobs to be advertised will be new school farm teaching jobs to progress our policy of revitalising Tasmanian school farms. The first four teachers will be in place by the start of term 4 and these roles include a statewide coordinator and three network leaders, who will be based at the hub schools, Jordan River Learning Federation, Sheffield School and the Hagley Farm Primary School. The remaining allocation of staff will be based at a further 12 schools with farms across the state and will be in place by the start of the 2019 school year.

Quality teachers in school farms are essential to providing students interested in a career in agriculture hands-on, practical, real-world experience and skills to help them reach their career goals.

The second part of Mr Hidding's question: am I aware of any other plans? I am not aware of any other plans.

The Labor Party seems to be headed into the wilderness when it comes to education. After cobbling together their position on education for the last election, including their policy to roll back extension schools, we can only see that the only two substantial motions on education on their

agenda to be discussed at their state conference are to remove accountability in our education system. The parliamentary wing of the Labor Party wants to be paid more but they want to reduce their accountability. More pay, less accountability when it comes to education and the mantra of the Tasmanian Labor Party.

In contrast, over here, we have a commitment to accountability. We are releasing more data on education than ever before. We have a plan to continue to improve in education that is working. I look forward to rolling out the 250 more teachers in our education system over the next six years.

Time expired.

TABLED PAPERS

Public Accounts Committee - Reports

Mr BROOKS (Braddon - Motion) - Madam Speaker, I have the honour to table the following reports of the Parliamentary Standing Committee of Public Accounts:

Review of Selected Public Works Committee Reports;

Public Accounts Committee, Annual Report 2016-17; and

Public Accounts Committee, Annual Report 2017-18.

Reports received.

SITTING DATES

[11.11 a.m.]

Mr FERGUSON (Bass - Leader of Government Business - Motion)(by leave) - Madam Speaker, I move -

That the House, at its rising, adjourn until Tuesday 18 September at 10 a.m.

Motion agreed to.

SUSPENSION OF STANDING ORDERS

Move Motion Forthwith

[11.11 a.m.]

Mr FERGUSON (Bass - Leader of Government Business - Motion) (by leave) - Madam Speaker, I move -

That so much of the Standing Orders be suspended as would prevent motion 84 from being dealt with forthwith.

Motion agreed to.

MOTION

Standing Orders 22 and 23 - Repeal and Replacement

[11.12 a.m.]

Mr FERGUSON (Bass - Leader of Government Business - Motion)(by leave) - Madam Speaker, I move -

That standing orders 22 and 23 be repealed and the following new standing order be inserted -

22 Acknowledgment of traditional people, Prayer & Reflection

The Speaker upon taking the Chair each day shall read the following statement:

'We acknowledge and pay respect to the Tasmanian Aboriginal People as the traditional and original owners and continuing custodians of this land on which we gather today and acknowledge Elders, past and present.'

following which, the Speaker shall read the following statement:

'I now invite Members to join me in reciting the Lord's Prayer or to stand in silence and pray or reflect on their responsibilities to the people of Tasmania.'

following which, the Speaker shall recite the following Prayers:

'Almighty God, we humbly ask you to grant your blessing upon this Parliament. Lead our deliberations and make them succeed for your glory and the true welfare of the people of Tasmania.'

'Our Father, who art in heaven, hallowed be thy name, thy kingdom come, thy will be done on earth, as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us, and lead us not into temptation, but deliver us from evil, for thine is the kingdom, the power, and the glory, for ever and ever, Amen.'

Madam Speaker, the Premier has asked me to move this on his behalf in his absence.

I would like to make all my remarks, which are quite brief, to acknowledge all members of this House who have contributed to the discussion in bringing on this important motion for debate today. The motion is quite an historic updating but also a broadening of the morning acknowledgements for our Aboriginal community, for a modern rendering of the language of the parliamentary prayer, and also the opportunity more definitely and structurally provided for members who do not personally wish to pray to have time to reflect on our responsibilities to Tasmanians.

Based on the discussions that have taken place around the Chamber, it is clear that all members are keen to see that the prayers and reflections of the opening of our sitting days are in a language that is contemporary and meaningful for today's generation.

The Government thanks every member for their support. This is quite a remarkable consensus that has developed, quite organically, over the passage of time, and perhaps different factors have played a role in that. The Government and I say thanks to members for their support in the continuance and the role of the daily prayer and the new inclusion of the daily acknowledgement of the traditional people, the Tasmanian Aboriginal people, in the time of reflection.

It is quite rare that we find consensus on matters in this place, but I want to make it clear that we believe that to change the Standing Orders requires a consensus to move beyond the traditions of our House. It is for that reason that we feel very comfortable moving this motion.

Not all, but many, members find it is valuable to have a moment of prayer and reflection at the opening of each sitting day. It is a simple act of humility where we, as community leaders, acknowledge that we are not the top dogs but are accountable to a higher power than ourselves. For those of us who belong to the Westminster tradition of parliament we stand on the shoulders of those who have gone before us. The daily parliamentary prayer is very Westminster. It goes back many years - I believe some centuries. It is part of our heritage and it is not denominational either. It is for everyone.

People here know that I personally have a Christian faith, but others do not. I was particularly taken with the recent contribution that had been made in the federal parliament by a member of the House of Representatives, Ed Husic. He said during a debate in the last two weeks:

People ask me because of my Muslim faith, do I have a problem with the Lord's Prayer at the start of parliament. No I don't. When you hear God's words, you hear God's words. They are good words and in particular 'and forgive us for our trespasses, as we forgive those who trespass against us'. It's not an exhortation for the moment. It is a reminder for us to live a better life that is not mired in the negative, but in something that is better.

There are not too many acts of humility in our society so I wanted to offer that contribution and say I am pleased we are agreed on this. I also place on record that we respect and understand that if members do not want to say the prayer, then that should always be a personal choice. The opportunity to have a defined and structured chance to reflect on the people we are elected to represent here in this Chamber is valuable.

The Premier would like me to place on record the Government's appreciation for the input and advice of the following people and organisations: Heather Sculthorpe from the Tasmanian Aboriginal Centre; Rodney Dillon, co-chair of the Tasmanian Regional Aboriginal Communities Alliance and chair of Aboriginal Heritage Council; and Aunty Patsy Cameron, co-chair of the Tasmanian Regional Aboriginal Communities Alliance and Aboriginal Heritage Tasmania.

I personally acknowledge the gentle persuasion that has occurred because of the very unifying experience of the Parliamentary Prayer Breakfast, which has really matured to a point where members across the political divide feel comfortable to come and listen to and/or participate in the morning prayers. It stands as a piece of knowledge in everybody's mind here the constructive work of Mr Hidding in helping the parliament to find a modern rendering of the parliamentary prayer, which I feel will be more appreciated, particularly by our young guests who are often in the Gallery and stand for that prayer as well but might have often wondered, 'What on earth are they saying?'. With those words, I commend the motion.

[11.17 a.m.]

Mr O'BYRNE (Franklin) - Madam Speaker, I indicate on behalf of the Labor Party that we support this motion and the changing and the updating of the prayer and reflection at the beginning of parliament.

I also acknowledge the role a number of people in this House have played to bring people together to have a conversation. I also acknowledge your role, Madam Speaker. We all play leadership roles in improving things and evolving processes and systems. Just because we have always done things in a certain way, that does not mean that is the way it should remain, particularly in the reflection and recognition and acknowledgement of the respect we pay to the Tasmanian Aboriginal people. We acknowledge that this country has been on a journey and is still on that journey. We have some way to go to fully appreciate and respect the traditional owners, their contribution to our community, and their place in our history, how controversial it has been and the work we need to do to engage and build reconciliation and respect for our Tasmanian Aboriginal people. The reflection and acknowledgement we pay is completely appropriate, not only to the local communities but communities across Tasmania. This is the Parliament of Tasmania and we need to acknowledge that we represent communities and lands and peoples of those communities.

I would like to pay our respects and support the updating of the acknowledgement at the beginning of each day, which is important. Every time I speak in public now and to organisations I have been a part of over a number of years, if they are not able to have a welcome to country by a local member of the Aboriginal community, an acknowledgement is a very important part of the respect we should pay to Aboriginal people, so we support that.

In terms of the prayer and the moment's reflection, we think that is completely appropriate. We are a diverse bunch. Now with gender representation we are truly reflective, maybe not so much of race but we are becoming more reflective of our community. There are people of faith who have had a voice in this parliament as well as those without faith. It is interesting that Mr Ferguson referred to Ed Husic, who was the first Muslim member of the federal parliament to swear on the Quran before giving his inaugural speech in the federal House of Representatives. It was interesting that the quote you used, Mr Ferguson, came at a time when there was a contribution given in the Australian Senate, which was not respectful, which was not reflective of our values; was not reflective of the kind of country we want to live in. The language used in that speech by that senator upset many Australians and Tasmanians and it was a blight on the federal parliament.

We can come together and acknowledge your leadership in bringing us to this point, we can come together and agree on a reflection of the solemn duty we have to uphold the values of our community and to be the best we can be for our community, and we think this is a very good result. We acknowledge the consultation undertaken by the Premier and the Government of the groups within the Aboriginal community. It was a lot of work. It is not always an easy thing to do, to ensure we build consensus, so we acknowledge that work has been done. On the basis that there has been broad agreement from communities across Tasmania, with that acknowledgement, we support the motion and we welcome updating of the forms of the House.

[11.22 a.m.]

Ms O'CONNOR (Denison - Leader of the Greens) - Madam Speaker, I support the motion on behalf of the Greens and acknowledge you have pushed this along, which is most welcome. If you had not done so it may have been before the Standing Orders Committee until Rip Van Winkle woke up.

To remind members who were not in the last parliament, it was the Greens who moved to have the acknowledgement included as a daily part of the Standing Orders. We went through a process of modernising the Standing Orders. Some amendments came through late last year and we thought it was important the parliament pay more than lip service to the First People by only acknowledging country at the start of each session.

It is good to see it come this far. I am very pleased to hear the Aboriginal community and Aboriginal leaders are supporting what the parliament is doing today to modernise the Standing Orders. We stand on Aboriginal land. We stand on land that was the home to the Mouheneener people for tens of thousands of years and we must never forget our solemn duty to continue to work toward reconciliation that is more than the words we say in here each day. It has to be matched with tangible actions: the return of lands, the protection of Aboriginal heritage, and the protection of the Tarkine from off-road vehicle use. I urge all members, when we listen to Madam Speaker acknowledge country and the Aboriginal people of Tasmania each day, that we reflect on that for more than a moment and recognise that Aboriginal Tasmanians have heard many words but they need to see and feel meaningful action as well.

I move to the section of the motion that deals with the Morning Prayer. Members will be aware that the Greens raised the issue of removing the Lord's Prayer from the beginning of each day's session during the Standing Orders debate last year. This is not a new debate. I was looking at an academic paper written by Ian Hunter from Flinders University. He goes through the various instances in which members in a federal or state parliament have raised the issue of the relevance of the Lord's Prayer in a secular country's parliament. This paper points out, and this is in response to something that the Leader of Government Business was saying earlier about when this tradition began -

The tradition of daily prayer in the English parliament is thought to have begun in about 1558, becoming common practice by about 1567.

Until the 1580s, the prayers took no fixed form. It is generally believed that the present form of prayers recited in the Houses of Westminster date from the reign of Charles II (1660-85).

... as firmly based on Westminster as the Australian parliament was, it was almost inevitable that this aspect of the daily routine would be incorporated into the fledgling Australian parliamentary system.

The process, as each House developed its standing orders, the issue of the daily prayer was referred to each House's Standing Orders Committee for consideration. As Standing Orders are resolutions for the House and not laws, the issue of prayers in parliament in no way contravened section 116 of the Constitution, which says -

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

While there is no question that the majority of Australians identified as Christians when the Australian Federation and the Constitution were formed the report here of a census in 1901, the year of our federation, showed that 96 per cent of Australians identified as Christian. Today, that

number is substantially less because we are a much more culturally diverse and multi-coloured country than we were in 1901.

In debates about the Lord's Prayer in Australian parliaments, the first salvo was from the then leader of the Australian Democrats, Senator Lyn Allison, who moved for the abolition of the prayers in 2006. That was defeated by the joint vote of Labor and the Coalition. In 2008, Harry Jenkins, the Speaker of the House of Representatives, called for a public debate on the relevance of prayers in parliament. Independent MP, Rob Oakeshott, raised it in his inaugural speech, questioning whether a daily acknowledgement to the traditional owners of the land might be more appropriate. Our Standing Orders have covered that well. Muslims Australia, the Australian Federation of Islamic Councils Incorporated, President, Ikebal Patel, voiced his support of the continuation of the practice but expressed the opinion that the prayer should be non-denominational and should acknowledge the spiritual connection of Australia's Aboriginal people with the land.

We have settled on a very reasonable compromise where we acknowledge, each day, the First People. Those who are of Christian belief are able to recite the Lord's Prayer and the rest of us are given a moment to reflect on our responsibility toward the people of Tasmania.

I draw the House's attention to where the word 'hypocrite' came from. Jesus launched the word 'hypocrite' into all western languages. The word means pretender, and a reading of the Gospels makes clear that Jesus's harshest criticisms, and there are quite a few, were directed not at the so-called sinners but at the Pharisees, those he accused of saying one thing and believing and doing another. This article quotes the Bible -

'Woe to you, teachers of the law and Pharisees, you hypocrites', he says in the Gospel of Matthew. 'You are like whitewashed tombs, which look beautiful on the outside but on the inside are full of the bones of the dead.' In Mark's Gospel he says, 'Isaiah was right when he prophesied about you hypocrites; as it is written: "These people honour me with their lips but their hearts are far from me".'

Mr Ferguson - Would you like to unpack that a little more? Is there something in that for all of us?

Ms O'CONNOR - That is why I made the point, Mr Ferguson. There is something in all of that for all of us. No, truly, I made the point -

Mr Ferguson - As John Bunyon, the chief of sinners.

Ms O'CONNOR - Who is the chief of sinners?

Mr Ferguson - Me, chief among sinners. That is a humility.

Ms O'CONNOR - I made that point because it is one thing to stand in this place at the start of each day and to recite words that have meaning to some of us, and those words have meaning for those who are not Christian; cultural meaning. We have to live by the words that we say in this place. I urge members to remember where the word 'hypocrite' came from as they reflect each day on their responsibility towards the people of Tasmania.

[11.30 a.m.]

Mr HIDDING (Lyons) - Madam Speaker, I rise to speak on this briefly with a smile at receiving a very worthy sermon this morning from my sister, Cassy. That is something that some of the Christians are very concerned about. Jesus hated hypocrites and he still hates hypocrites.

In my role as the host of the Parliamentary Prayer Breakfast this year - and incidentally, if Ms O'Connor, member for Denison, turns up for the fourth one in a row we might have to lift the census rate of the Christians by one. It is lovely to have all three leaders at the Parliamentary Prayer Breakfast. A majority of members of the entire parliament were there again this year.

In my welcome at the Parliamentary Prayer Breakfast I said:

The Christian faith and its extraordinary role in the history of the Westminster parliaments around the world is acknowledged by the important and deeply traditional position of the Lord's Prayer in the Standing Orders of those parliaments. It is no surprise then that the Westminster system of Parliament is the most civilised form of parliament in the world, with the most structured and civil handover of power following public elections.

The Lord's Prayer is known as the perfect prayer as it was dictated by our Lord Jesus Christ, himself. In the federal parliament recently, speaking on a move to remove the Lord's Prayer from the Standing Orders, senior MPs of the Jewish and Muslim faiths, along with their Christian and secular colleagues strongly expressed their support for the retention of the Lord's Prayer in the Standing Orders.

In the few days since that Parliamentary Prayer Breakfast, I want to thank a number of members from all sides of this House who approached me to express their view that the Lord's Prayer should stay in the Standing Orders of this House, but that we should take the first opportunity we can to modernise the words. I was aware of your work, Madam Speaker, on the daily acknowledgement of the traditional owners of the land.

You will be very happy with this Madam Speaker. Today we say goodbye to the word 'vouchsafe'. It is a gorgeous word when you look at the meaning of it, but sadly it does not mean anything to anyone anymore; the young people who sit in our gallery would wonder what on earth it means. It means to grant something to someone in a gracious manner. It is entirely appropriate in that context, but we are not going to use it anymore because nobody knows what it means. It is appropriate to remove obscure language and use plain English.

The version that we will use of the Lord's Prayer itself is still a traditional version. It still uses 'which art in heaven'. It is a very modern version, while still using traditional language. I thank everybody for their input into this matter and their support for this historic motion. I believe the words that were used had been there for more than 100 years at least. Nobody can find when they were changed. They are likely to be the same words that John Knox, the Scottish theologian, inserted into the Westminster Parliamentary Standing Orders in 1560. That meets with the time line that we heard about. They are probably the same words because they use the words 'which art in heaven' and 'in earth as in heaven'.

Having now changed them for the first time in at least 100 years, I commend these words to the House for the next 100 years. I commend the motion.

[11.34 a.m.]

Ms ARCHER (Denison - Minister for Justice) - Madam Speaker, I want to clarify something that the member for Denison, Ms O'Connor, mentioned in relation to when Standing Orders changes last came before the House.

It is wonderful today to be able to congratulate everyone for, not only working together, but for consulting the Aboriginal community. The only concern last time is that my recollection was that despite the Standing Orders Committee at the time circulating all the proposed changes, amendments were made on the floor without any prior consultation with the Aboriginal community to change the wording or, I think what was proposed was recognising them on a daily basis. As members are all acutely aware in this place, we should not do anything of that nature without first consulting with the Tasmanian Aboriginal community. That was the only concern in my recollection.

I am sure most, if not all, members of the previous parliament would have welcomed such change, but it was felt that to get all of the numerous changes needed to go through the House relating to procedural, updating and modernisation of other Standing Orders that it not be held up and that subsequent work would be undertaken. This has now occurred in relation to not only Aboriginal recognition but in updating the prayer. I do not think it has been felt by members of this House that this work has been able to be done without there being massive changes, or a move to remove the prayer altogether. It is wonderful today to have that confidence that this will be unanimously supported.

[11.37 a.m.]

Mrs PETRUSMA (Franklin - Minister for Aboriginal Affairs) - Madam Speaker, I thank all members of the House for their contributions to this motion and to put on the record my support as Minister for Aboriginal Affairs. The words we will now be saying:

We acknowledge and pay respect to the Tasmanian Aboriginal people as the traditional and original owners and continuous custodians of this land in which we gather today, and acknowledge Elders past and present.

are of great significance to the Tasmanian Aboriginal people. If we are truly to acknowledge the fact that our Tasmanian Aboriginal people have lived in this country, this great state of ours for 40 000 years, it is important that we respect their deep culture, their deeper love of country, land and sea, and acknowledge them as our first Tasmanians.

I believe that it is nearly of equal significance as when we changed Tasmania's constitution. I thank everyone for supporting this. It is an important part of our reset, and another step on the long pathway to reconciliation. Thank you to everyone.

[11.38 a.m.]

Mr FERGUSON (Bass - Minister of Government Business) - I will keep this brief, Madam Speaker. Thank you to Mr O'Byrne, Ms O'Connor, Mr Hidding, Ms Archer, and Mrs Petrusma. I would like to thank you, Madam Speaker. Although committee processes are known only to committee members, I am sure you will not mind me saying that you raised the matter of the daily acknowledgement. I give tribute to you for that. I give tribute to others as well for finding a way through the most rivalrous House in the state, our parliamentary House. We are designed and bred for finding a point of view that might be different to others, then fighting for it.

What has happened is the opposite. I do not judge anybody for not saying the prayer, but I love to hear colleagues saying it. I respect those who do not want to say it or who might be having other thoughts or making their own prayer pray privately. That should be supported. Christians believe this prayer is not our own; it has been given to us. It is not just for Christians.

It is important to acknowledge that the Standing Orders Committee has a vital role whenever we decide to touch the Standing Orders. That has not happened in this case because of the uniqueness of a consensus arrived at outside of the Standing Orders Committee through colleagues engaging with one another. That that is a rare thing. I do not know if we will see it again for a long time.

I make the point during this debate in case others in the future might say, 'They changed the Standing Orders on that occasion without going through the Standing Orders Committee', that this has been a genuine consensus and a decision of the whole House. It is my view, and I am sure others will share it, that while the House always determines its own destiny, whenever we make changes to our Standing Orders there is usually a preference to try it as a sessional order and see how it goes before embedding it firmly in the substantive Standing Orders because the Standing Orders will be the Standing Orders for a new parliament beyond the next election in which future members of this House will not have a say. Bear that in mind.

It is important when we change the Standing Orders that best process be followed and it is my view that best process is going to the Standing Orders Committee, taking advice from our respected Clerk and gathering evidence and finding ways within the confines of that committee for people from different parties to cast over different options -

Ms O'Connor - Except we are not members.

Mr FERGUSON - Indeed - and for members who are not even on that committee, to think about what members of this House would be expecting from us. The Standing Orders are intended to make sure this House remains orderly and well managed and to allow the Tasmanian people to have their voices heard, not just those 25 of us privileged to serve as members of this House.

I point out to the Clerk a punctuation mark in the motion but apart from that I commend to motion.

Motion agreed to.

Madam SPEAKER - Honourable members, I commend the House on what I think is a very big, brave, bold and accountable move today. It is a very historic moment and should not be underestimated because the Westminster system, as we all know, moves so slowly. The Clerk told me today that only the ACT parliament has modernised their practices. Today we, as a whole parliament, have managed to achieve the Aboriginal acknowledgement, a contemporary prayer and time for reflection, and we have been able to do that by the power of being tripartite. I appreciate everyone's contribution, so thank you.

MATTER OF PUBLIC IMPORTANCE

Damage in Protected Areas

[11.42 a.m.]

Ms O'CONNOR (Denison - Leader of the Greens - Motion) - Madam Speaker, I move -

That the House take note of the following matter: damage in protected areas.

We believe it is critical this parliament has a debate about what is happening inside our world-class national parks, Tasmanian Wilderness World Heritage Area, on crown lands and other public lands, because it is clear something is going terribly wrong in the management of our protected areas in Tasmania. I was advised earlier that I need to seek the leave of the House to table these images and I do so. They have been seen, minister. If they could be on the record -

Mr Ferguson - It's not from Bolivia or somewhere, is it?

Ms O'CONNOR - I am very happy to put my hand on my heart and say these are Google Earth images for which I have the coordinates, if the House wishes to have them, for a cleared area inside the Tasman National Park along the Three Capes Walk. It is pictorial evidence of clearing that was undertaken for a helipad the Tasmanian Walking Company had already decided it no longer required.

Madam SPEAKER - Ms O'Connor, the proper process is that you have sought leave and I have to ask the House for leave to be granted.

Leave granted.

Ms O'CONNOR - Thank you, Madam Speaker, and members. It begs two questions: why were two helipads in the same vicinity approved? What a foolish decision to approve not only a Parks and Wildlife Service facility but also a Tasmanian Walking Company helipad, which was unnecessary because they changed their minds later and decided they did not need it but were careless at best?

It is good to see the Premier and Minister for Parks here because the Tasmanian Walking Company, for some reason or another, failed to tell the contractor that they no longer needed the helipad, so a contractor with bulldozers and earth-clearing equipment went inside the public Tasman National Park and cleared a site for a helipad that was no longer required. The damage is done and it will take years for that part of a fragile coastal park to recover from the damage.

Another issue here is that the Tasmanian Walking Company is one of the proponents for the expressions-of-interest process which has submitted multiple bids to develop inside the Tasmanian Wilderness World Heritage Area in places like the Cradle Mountain-Lake St Clair National Park and the Walls of Jerusalem National Park.

These places belong to the people of Tasmania. Any commercial operator who is in there must be in there under the strictest conditions and there must be oversight and monitoring of the operations of construction and their ongoing presence inside protected areas. In this instance we are talking about the Tasman National Park, but as we know, under this Government there is an open-ended EOI process for exploitation inside Tasmania's protected areas and public lands.

On behalf of the Greens and every Tasmanian concerned about our parks and their protection, I am putting Tasmanian Walking Company on notice. We will be watching the way they conduct themselves in the Tasman National Park. They have received exclusive favoured treatment as a developer, to the exclusion of other operators of the Three Capes Track. They are seeking exclusive access to commercially exploit other protected areas through a flawed and opaque expression of

interest process. I point Tasmanian Walking Company to, for example, the RACT, which initially made the terrible mistake of lodging an expression of interest to extend the Freycinet Lodge into the Freycinet National Park, but after listening to people, listening to the community and conservationists, the RACT backtracked, had an outstanding launch this week of their redeveloped lodge and thanked the conservation movement for their constructive role - and in brackets, unsaid, in saving the RACT from itself.

Tasmanian Walking Company, we are watching you. We have seen the damage that has been caused by your carelessness inside the Tasman National Park. Understand this - we will be watching the expressions-of-interest process, as we have, very closely. On the record so far, there are legitimate questions to be asked about the Tasmanian Walking Company's conduct on the Three Capes Track and whether they are suitable to go into fragile areas like the Walls of Jerusalem or the Cradle Valley park.

There is also the other issue inside protected areas at the moment which is highly current, and that is the presence of cruise ships in protected waters at Wineglass Bay inside the Freycinet National Park. This is an issue we have raised over a number of years with the Premier and the previous minister for parks. There will be two cruise ships this year in summer and five cruise ships early next year, making seven cruise ships parking inside Wineglass Bay. We know that work has been undertaken on cruise ships in Tasmania and the future of the industry. Our very firm advice is that the Government has been sitting on that report for five months. That report has recommendations in it that need to be enacted to be sure the cruise ship industry is not damaging our protected areas and the maximum benefits are flowing through to regional and rural Tasmania. When a cruise ship parks in Wineglass Bay the benefits flow to no-one except the cruise ship company. It is unacceptable to have cruise ships parked in Wineglass Bay.

We know that this Government's casual attitude towards parks is causing damage. According to their own projections there will be 1600 people an hour on the Wineglass Bay track within about five years. Premier, you need to do better than this and we expect to hear some answers from you in your contribution.

Time expired.

[11.50 a.m.]

Mr HODGMAN (Franklin - Premier) - Mr Deputy Speaker, I thank the member for raising what is a very important area of public policy and public interest.

I will follow up on the matters raised by the member, and report back as soon as I am able, with respect to the assertions put before us today. I reiterate my strong view that whilst we are supportive of sensible and sustainable development in our wilderness areas, including our national parks, and provided they are being subject to the appropriate approvals and planning processes and environmental regulation, it is essential we do all we can to preserve these very special places for future generations to enjoy. It is not right or acceptable for anyone to unlawfully or improperly damage our wilderness areas.

Ms O'Connor - What sanctions will the Tasmanian Walking Company face?

Mr HODGMAN - I will follow up those matters and seek some advice. I will ask Parks and Wildlife to provide me with that at the earliest opportunity.

I want to provide some context as to what we are endeavouring to do by way of a rigorous process to assess and test any proposals that come forward through the EOI process, which we commenced back in 2014. I advised the House this week that it has resulted in some wonderful developments appearing across our state, most of them modest in scale but high in impact as an experience for visitors and locals who wish to enjoy them.

I can run through in greater detail, and would if I had more time, what these ventures offer, a number of which have been recognised for their excellence. They are at the cutting edge and the front line of eco-tourism experiences, which highlights Tasmania's capacity and the capacity of our operators to provide the highest quality experiences and of their sensitivity to the environment in which they operate. I have not met one operator, including those who have been referred to in this place by the Greens, who is not entirely aware and conscious of the need to preserve and protect our natural environment -

Ms O'Connor - Why did the company not bother to tell the contractors not to clearfell a site?

Mr HODGMAN - and to ensure they are sensitive in their management of it as operators within these areas.

Ms O'Connor - It is not true. The evidence speaks for itself.

Mr HODGMAN - With respect to the process that is often wrongly characterised by the member for Denison, there is an extensive and robust process undertaken.

Ms O'Connor - You knew nothing about the process in Estimates.

Mr HODGMAN - No, that is entirely untrue.

Ms O'Connor - You did not. I had to explain it to you.

Mr DEPUTY SPEAKER - Order. Ms O'Connor, you were given the opportunity to have your contribution without interjection. I have allowed you clarifying comments, but I ask you to allow the Premier to continue.

Mr HODGMAN - What the Leader of the Greens says with respect to my and the Government's understanding of the process and the nature of the process itself is entirely untrue.

Ms O'Connor - You think there is public consultation and there is not.

Mr HODGMAN - It is open to any proponents to progress proposals through an application and an evaluation that is open. It allows government and industry partners to come forward with propositions. They typically have unique qualities and intellectual property that should be protected through a process such as this. There is an assessment panel that makes recommendations via the Coordinator-General for government to consider.

There is a recommendation to the Minister for Parks, me at the moment, as to whether the project will or should progress to a lease; a licence negotiation. It is important to note that any proposal recommended to proceed needs to go through all the Commonwealth and state planning and approvals processes, which includes the PWS Reserve Activity Assessment process. The assessment panel members are the Coordinator-General, the Secretary of the Department of Primary

Industry, Parks, Water and Environment, the CEO of Tourism Tasmania and the Chair of the Tasmanian Parks and Wildlife Council.

We will continue to review the process at any time it is appropriate to ensure our objectives continue to be met. There are a number of guiding principles I can go through. The member is well aware of them, as to what projects need to satisfy in order to be successful. A number of them have progressed and are operating. There are more underway. They are literally generating millions of dollars of economic return to our state, which we can then invest into other areas. They are also creating many jobs; 230 jobs or thereabouts are to be created from the next projects currently within the pipeline. That is a good thing for our economy, for regional communities and to increase people's awareness, through visitation and an experience in our natural areas, of the need to better preserve and protect them, which is exactly what we are doing as a Government.

The Budget contains a number of new initiatives to do so, whether it be boosting the numbers of our frontline parks and wildlife staff and our rangers, upgrading the iconic experiences, such as Cradle Mountain -

Ms O'Connor - It didn't work on Three Capes, did it?

Mr HODGMAN - Yes, Three Capes. I am happy to talk at length about the extraordinary success it has been and the great value it represents to Tasmania's tourism industry, the Tasman Peninsula. The Cradle Mountain redevelopment, which is extraordinary in its scale, and what it will do to upgrade this iconic destination. This is along with a number of other important initiatives that show our commitment to protecting and preserving these special places.

[11.57 a.m.]

Ms HADDAD (Denison) - Mr Deputy Speaker, I thank the Leader of the Greens for raising this important matter of public importance. As shadow parks minister, I am glad to speak about the impact Tasmanian Government decisions have on Tasmania's parks and reserves and our world heritage protected areas. Much of this was covered during the Estimates process.

The Premier mentioned boosting frontline staff. It is known that over half of Tasmania is in reserve, about 3.4 million hectares, as was put on the record in Estimates, yet the boosting of frontline staff is at 15. Conservative estimates during the election campaign estimated that at least 40 new frontline staff would be required to meet existing demand in asset management and maintenance, let alone future developments in parks and reserves.

The Parks service has been drastically underfunded for many years now. A report to the parliament some years ago told us these things. A report of the Legislative Council noted that significant funding would be needed for the Parks and Wildlife Service to deal with their existing work. Since that time, increases in funding have not been commensurate with the increase in work and demands on the staff of the Parks and Wildlife Service.

Some years ago, the Parks and Wildlife Service took responsibility for a number of roads, a lot of land, a lot of built assets previously under the control of Forestry Tasmania. At that time a number of public submissions were delivered to the parliament and to the State Service about the impact taking over those roads and those areas might have on the Parks service. In fact even Forestry at that time told Parks that they were not a position to pass comment on the capacity or otherwise of the Tasmanian Parks and Wildlife Service to manage its existing estate and any additional areas, except to say that they enjoyed a good working relationship.

Submissions to that inquiry went through from a number of different groups. They were from environmental groups such as the Tasmanian Conservation Trust, Birds Tasmania and Environment Tasmania, from unions and TFGA. The common thread through all of the submissions made to that inquiry was that a substantial increase in funding would be needed for the Parks and Wildlife Service to have the capacity to sustainably manage additional land resulting from taking over those Forestry lands. A conservative estimate at that time - a ballpark figure, as it was described - was a \$10 million annual increase to the Parks service.

It is often the case when we see budget cuts in government decision-making that Parks and Wildlife are the first to have those cuts affect their operating budget, and that is a disgrace. It is not a luxury to look after our wild places in Tasmania. It is an essential part of what we do as state servants.

During Estimates I asked specific questions about roads and other maintenance capacity within Parks, particularly in respect of those extra lands that they took over but also to deal with the lands they already had. It was explained that there is an asset management register with over 23 000 built assets. What was really made clear through that process and consultations with stakeholders is that Parks is under extreme pressure every day to deal with maintaining our parks and reserves. We heard anecdotal stories of Parks and Wildlife Service staff not being able to visit more than once a year to maintain assets such as roads, tracks, camping areas and toilets.

It is important for this debate not to go by without mentioning, as the Leader of the Greens did, the Three Capes development. We know that there is an election commitment of \$20 million over four years in the Budget for a new multi-day walk. The concerns that have been put on the record in the House today must be heeded when we think about the idea of developing a further multi-day walk. Labor supports sympathetic development in our parks and wild places and indeed wants to know that people can come to Tasmania and enjoy bushwalking and recreating in our beautiful state, but at what cost?

We know now that the parks and heritage areas of our state are overloved and underfunded. There are significant problems in funding. We heard during Estimates that the national average per hectare spend on maintaining Parks and Wildlife areas is \$26 per hectare. In Victoria \$51 per hectare is the figure spent and in Tasmania we invest just \$12 per hectare into management of our national parks. The 2012 report I talked about that was written at the time Parks and Wildlife took over management of Forestry lands recommended \$16 per hectare at that time. Those figures speak for themselves. They show there is a vital need for a significant increase in investment in the budget for staff as well as for built costs of maintaining our parks, heritage and World Heritage Area.

Time expired.

[12.05 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, this Government came into office in 2014 with a specific vision in mind to crack open Tasmania's wild places, wilderness areas, national parks and nature conservation recreation areas - all of the protected areas in this state - and open them up for tourism development. In their view, these are all places to be exploited to make money through tourism, and it has become a pattern of theirs to continue an approach which is secret and locks the public out of having a say about what is happening in our own protected, publicly owned lands and gives people no right to appeal the straw processes they put up which have been seen for what they are.

In Tasmania we protect and are responsible for protecting the only Wilderness World Heritage Area in the world. Of the World Heritage Areas that the United Nations have declared, Tasmania is lucky enough to be home to the only one that has the word 'wilderness' in its title. Fundamental to the integrity of the management of that is to protect the outstanding universal values within this wilderness area, and that is the primary management tool that the UN requires Tasmania to do.

We had a fantastic wilderness protection plan. The 1999 Tasmanian Wilderness World Heritage Area Protection Management Plan was widely acknowledged by environmentalists and conservationists as award-winning. It had really strong protections for wilderness and explicit prohibitions on development of all sorts.

When the Liberals came to office in 2014 their first move was to attempt to take out 74 000 hectares of beautiful World Heritage-protected land and to turn it over to the forestry industry to keep the maw of Forestry Tasmania going, to keep the public subsidies going into the forestry industry and, to do that, by giving them more of this beautiful land. The outrage across Tasmania, outside of Tasmania and at the UN levels squashed that and put on so much pressure that they backed down from that move, but it was only because of people who care about our wild places that they ever moved away from that. Instead, what they have done since then is to set in train a so-called management plan which is designed to allow for the exploitation of wilderness places through tourism development.

The management plan which was ultimately agreed to in 2016 for the TWWHA is utterly deficient in protecting wilderness values. It is incapable of achieving its first objective, which is protecting the integrity of outstanding universal values. The 1999 plan that was in place had its main management objective of maintaining and enhancing wilderness quality. It is the key feature of that plan because we are the only place on Earth that has a World Heritage Area with the word 'wilderness' recognised in its title.

The final management plan, however, that the Liberals have used now to enable the commercial development of the TWWHA through putting a number of huts on the South Coast Track, changed it to only needing to protect and conserve areas of exceptional natural and aesthetic and cultural importance: not the whole park but areas of the park. Here we have a situation where our protected areas, our national parks and wilderness areas, are chopped up into little pieces and the secret process of the Coordinator-General and the secret processes that occur within the Premier's department are about cutting up segments, continuing to remove, change or expand zones within the national parks and wilderness areas so that it provides more and more opportunities for helicopter flights, for commercial development within parks and for cruise ships in Wineglass Bay and in Port Davey.

This is an endemic approach of this Government across everything to do with development. We have a system, as we are seeing in Norfolk Bay and Macquarie Harbour, which has utterly failed people in their ability to protect the damage that is being inflicted on the harbour and may be inflicted on Norfolk Bay. Environmental damage is being undertaken because of a failure to regulate the salmon farming industry to protect the marine environment. At every step, the Government removes the opportunity for formal public consultation, ensures there are no third party appeal rights to decisions and allows companies to undertake their own assessment of potential damage and the risk of impact, instead of making sure that, that is an arm's length from commercial interest investigations.

The planning scheme which the Liberals brought in, in 2015, and the statewide planning provisions have allowed us to have a damaging development on Rosny Hill and we are looking at the east coast further being degraded.

Time expired.

[12.11 p.m.]

Mr HIDDING (Lyons) - Mr Deputy Speaker, we seem to be speaking and spending a fair bit of time on the east coast. That is the Lyons electorate but also in my role as Parliamentary Secretary to the Premier, I have a very lively interest in this matter.

The other day, I was happy to see Sophie Underwood and Vica Bayley joining us and using a photograph of Freycinet Lodge as an example of beauty of our wonderful wilderness. That is precisely what it is; it was built in the middle of a national park.

Ms O'Connor - It is not in the national park. They changed the plan to not intrude into the park.

Mr HIDDING - To all intents and purposes, you could spit at the national park from where it is. They were using it as an example of wilderness and how we can use wilderness. In this place we are always going to be at loggerheads with the Greens on the sensible use of national parks, our reserves, our crown land, and even World Heritage Areas.

To be criticised in this place for the way we intend to go about removing a feral species from our World Heritage Areas, was an amusing counterpoint to this whole discussion. Bob Brown referred to recreational hunters when he was proposing it last time and so here we are doing things that he called for and we are still getting criticised by the Greens.

Ms O'Connor - Did you read Bob Brown's article?

Mr DEPUTY SPEAKER - Order.

Mr HIDDING - Here we are doing things that he called for and we still being criticised by the Greens.

The Freycinet National Park is the number one attraction in Tasmania. The number of people who want to experience it in so many different ways is astonishing. The development some years ago by the former government of the viewing platforms at a disability level was a master stroke. People love that; you can experience what other people experience in absolute safety.

Ms O'Connor - Are you aware that by Parks' own projection that in five years there will be 1600 people an hour, over the summer period, on the Wineglass Bay track?

Mr DEPUTY SPEAKER - Ms O'Connor, you have had your time allocation.

Mr HIDDING - There are issues to be considered such as cruise ships. The Government is considering both those matters. There is the Freycinet Master Plan that is out for a first round of discussions. It is all good work.

I spent last Saturday in the area, firstly meeting with people at Bicheno discussing the return of Lennys Point to crown land from the council. It was about to be lost to a private developer and we stepped in. I met with that group; they are delighted and celebrating that the land has now become crown land. We are now discussing a mechanism by which a local community group may well work with Parks and Wildlife to manage in a mild way, that piece of land.

In the Freycinet Peninsula Master Plan there are some big issues. One major issue there is a very human one - the lack of a sewerage system, the lack of appropriate waste disposal at the Freycinet national park and in Coles Bay generally. The people of Coles Bay, the full-time residents and the part-time residents are all very aware of the very public and obvious odour issues that happen when the most residents are there. Much of it comes from tourism visitation, so the Government needs to understand its responsibilities. Much of it is also generated by accommodation facilities and other commercial operators. The houses are used far more than they ever were 20 years ago. If you had a shack at Coles Bay, you were lucky to get away four weeks of the year to the shack, perhaps one week in winter. People are contriving one way or the other to spend much more time on their properties at Coles Bay. Why wouldn't they if they could? It is a gorgeous area.

That leads to a situation where the ability of septic systems to operate properly is compromised. Odour issues in the town are a matter of some embarrassment to locals at certain times in summer. It is a huge task, but it is one that the Government is engaged in and will continue to work on at all levels.

I met with some residents of Coles Bay on Saturday and had a long discussion about the master plan. There is a process underway. I am currently reading submissions from a number of people. I am working my way through them.

We want to share wilderness, we want to share our natural beauty, our coastal areas such as Coles Bay with the world. I used to go there with our four small children; we used to camp there. Now there are almost no opportunities for families with children to find a place to camp or take a caravan. The Saffire Resort is built on the site of a former caravan park. That is something that requires ongoing discussion on accessibility of these areas for all people.

The concept of the careful and sensitive use of national parks and world heritage areas is a very highly developed concept around the world. Any notion that we should not be doing it at all is frankly wrong-headed. The kind of development we do, in terms of equity for everybody, makes our wilderness accessible to a great many more people.

Ms O'Connor - You have just contradicted yourself. You are lamenting the loss of camping and talking up luxury lodges.

Mr DEPUTY SPEAKER - Order.

Mr HIDDING - I am not talking up luxury lodges. I am talking up huts on a walking trail, for instance.

Time expired.

Matter noted.

**WATER AND SEWERAGE CORPORATION AMENDMENT (CROWN
INVOLVEMENT FACILITATION) BILL 2018 (No. 24)**

Bill agreed to by the Legislative Council without amendment.

POLICE OFFENCES AMENDMENT (PROHIBITED INSIGNIA) BILL 2018 (No. 21)

Bill returned from the Legislative Council with amendments.

Motion by **Mr Ferguson** agreed to -

That the amendments be dealt with forthwith.

Motion agreed to.

POLICE OFFENCES AMENDMENT (PROHIBITED INSIGNIA) BILL 2018 (No. 21)

In Committee

Council amendments to clause 4, first amendment -

Mr FERGUSON - Mr Chairman, this is a little complex if we are doing them separately because they all relate to the one clause of the bill. The first amendment is more or less a grammatical change to allow the second amendment. I move -

That the Council amendments to clause 4, first amendment, be agreed to.

Dr BROAD - Given the opportunity to speak on the first amendment to clause 4, I will speak in general. The upper House made a number of recommendations to a number of amendments. They also highlighted some issues we had not picked up, especially around notifications, et cetera. It highlights that the bill was far from perfect when it left this place and needed some work.

There still remains a fundamental problem with the lack of an appeals process or giving the people the opportunity to challenge any evidence that is put to either the Police Commissioner or the minister which would result in the banning of their insignia. We still have reservations because of that.

The Labor Party does not support organised crime, violent crime, or acts of intimidation and we do not want organisations that engage in this sort of behaviour to feel welcome in Tasmania, and indeed they should not. As was said in the upper House, we have enormous respect for Police Commissioner Hine and the work of the police. However it remains that there were other alternatives to this bill and that was highlighted in other discussions.

There was a pathway used previously by the Government in terms of the Fortifications Removal Act which was an update of a previous Labor bill that was incorporated in the Police Offences Act. The Government took that act and created a separate act. Through that was a notifications process, an appeals process and so on, where that notification was made to a magistrate and evidence presented. That was one alternative.

We saw the Australian Lawyers Alliance draft another alternative which had appeals processes and put paid to the Government's assertion that there were no other options and this was the only way to solve this issue. We will continue to argue for people to have the opportunity to challenge any evidence when that evidence is used to take away their rights.

We are not in this Chamber to protect violent criminals and bikie gangs. However, we believe people should have the ability to challenge any evidence in a court or at least through a review process where evidence can be challenged. What we saw in the upper House was a debate, which was alluded to down here too, that we have a protection mechanism which is based on the review of regulations. However that is not a process that necessarily weighs up the pros and cons of evidence as a court would, and that is our preferred model.

The upper House had a fair bit of work to do and has attempted to amend it. As in the upper House, we supported amendments which approved the intent of the bill, knowing it might get through the parliament. If that was the case, at least it would be a better bill. However, our overall problem with this bill, as it is currently before us, still remains.

Dr WOODRUFF - Mr Chairman, can you provide clarity on where we are?

Mr CHAIRMAN - We are going to move through each amendment. We are now on clause 4, first amendment, and then we will go to the second amendment. We will handle them as different motions so you have full speaking rights on each of them.

Dr WOODRUFF - Is this a consequential change to enable the second amendment to occur?

Mr CHAIRMAN - Yes. You can make a general contribution if you wish.

Dr WOODRUFF - My comments relate to both the first and second amendments. Without wanting to be rude, this seems to be clumsily drafted. It casts a very wide net on the people who can be captured within this. Our concerns remain - and these comments refer to second amendment as well - that this enables a breadth in interpretation that has not been precisely defined in other parts of the bill, in other definitions, particularly in 'identified organisation', which leaves this open to an interpretation which is concerning for us.

There has been goodwill and an attempt in other parts of the amendments that we will come to, to take on board the concerns the Greens raised in our second reading speech in relation to this bill. It is a roundabout way and a slightly better way than was there before in its intention but it has lost a lack of precision in the words which makes it less clear.

We do not have any strong views about the first objective stated, which is to reduce the membership of organisations, which is a narrower object than the one that was in the underlying bill. I have nothing else to say about that.

Clause 4, first amendment, agreed to.

Council amendments to clause 4, second amendment -

Mr FERGUSON - Mr Chairman, I move -

That the Council amendments to clause 4, second amendment, be agreed to.

I will not be exhaustive. The second amendment speaks for itself. It introduces a new objective into the bill:

- (c) to reduce the membership of organisations, members of which may, by wearing or carrying prohibited items -
 - (i) cause members of the public to feel threatened, fearful or intimidated; or
 - (ii) have an undue adverse effect on the health or safety of members of the public; or
 - (iii) increase the likelihood of public disorder or acts of violence.

This amendment was agreed to by the other House. It is not needed. It is not evidence of a defect of the original bill at all. I completely refute the assertion made by Dr Broad. I completely refute any suggestion that it left this House with, what was said, 'Far from perfect when it left here. Clumsily drafted.' I completely refute that.

The Government has accepted in good faith an amendment which does not compromise the objectives of the bill in any way, but this is what happened. We worked intensely and constructively with the independent members of the Legislative Council. Why did we find ourselves in the position of needing to do that? It is because of Dr Broad and Ms White's obstinacy on standing with biker criminal gangs and their defence lawyers. For that reason we have worked very constructively and it has been a good process. Some of the contributions from Ms O'Connor and Dr Woodruff in this House, which I committed to further look at to assist the passage of the bill through the other House, have been successful. The Government is very pleased to see that success.

We are very comfortable with the amendment that is before the House. It does not hamper the bill in any way. The members of that other House felt that it added value and there was no strength in the bill lost by supporting that amendment and again helping it to gather support in the Legislative Council.

[12.32 p.m.]

Dr BROAD - I am wondering if we are going to get such vitriol all the way through this process.

I am seeking clarification because I only have the electronic copy of the bill here. There is repetition of the language in (5). 'The minister may only recommend ...'. It is the same language, isn't it? Or is it a slight change of the language? - 'to reduce the membership of organisations' - so its specific task is to reduce the membership rather than -

Subclause (2) refers to the intent:

- (a) to ensure members of the public may lawfully use pass through public places without experiencing fear or intimidation ...
- (b) to reduce the likelihood of public disorder and acts of violence ...

and also to reduce the membership of organisations. Is that correct, minister? Am I reading that right?

Mr FERGUSON - Mr Chairman, we should not be having this debate. The Labor Party should already know the answer to this question because they have been involved in the same debate that we have been involved in in the other House. The language in this clause is a hybrid of existing language that already exists in the bill and new language such as 'to reduce the membership of organisations, members of which may be wearing or carrying prohibited items cause harm in the community'.

Council amendments to clause 4, second amendment, agreed to.

Mr FERGUSON - Clauses 3 to 7 are all co-dependent. It would be worthwhile if we could consider them as a group of amendments.

Mr Chairman, I move -

That the Council amendments to clauses 3 to 7 be agreed to.

These amendments were moved by the member for Murchison, Ms Forrest. It was her role to formally bring forward the amendments on the floor of the Legislative Council. They in fact were a combined effort. Acknowledgement needs to be made of a number of members. Ivan Dean and Rosemary Armitage were also contributors together with the Government members. That was a group effort. Congratulations to them because once again this was about helping the passage of the bill.

We were faced with the hostile situation of the Labor members in the Legislative Council having a dreamy idea that we could have oversight of the making of the law by the judiciary. We have had this debate in this House. I can also inform members of this House that members of the Labor Party were trying to get OPC to draft amendments and they were not workable. Noting by the way that Labor did not try to move any amendments in here, they tried to have the bill thrown out to stop and kill the bill. It was nonetheless an idea that I had in response to the Greens' contributions.

People were looking for as much comfort as they could obtain that the best process, best practice would be followed in making of regulations which leads to the listing of an organisation; not a banning of an organisation but listing of an organisation in the best possible way without compromising the intent of the bill. The intent of the bill is that the commissioner makes advice to the minister for police, the minister for police makes a recommendation to Executive Council and Governor in Council and that a regulation is made, which is a law of Tasmania, which is overseen by this parliament. I do not mean this House - I mean both Houses of the parliament. That is how laws can, should and are made in this state. You do not then have a law of the parliament overseen by the Magistrates Court.

Labor wants to keep playing this game. I am hearing it again today. It shows that Labor has been caught out and they are stuck on their broken record. It is unhelpful and it advances Labor nowhere. I will seize on one comment that was made by Dr Broad: that Labor will pursue this. I found that interesting that Labor is going to continue 'to fight for organisations to be able to challenge or review these matters in court'. I will put a marker on that and I will be watching Labor like a hawk. I will be anticipating a future private member's bill or an election promise that they are going to wind this back and give more power to criminal bkie organisations; criminal gangs.

The Government has agreed that there would not be a new step in the process but that there would be an additional person, that is a minister, who will play a role in parallel. It starts with the commissioner: both the commissioner and the Attorney-General as individual statutory officers

would provide recommendations to the minister. Then the normal process more or less as outlined in the substantive bill we started with will continue on and that Executive Council, on the advice of the police minister, would make the regulation and the regulation would be disallowable by either House of parliament. It runs through the usual subordinate legislation process.

I am pleased to indicate our support for this. We do not believe it is necessary. The Attorney-General is a member of Executive Council and the Attorney-General is, right now, as much as any other minister of the Government, already a part of the making of regulations with Her Excellency, the Governor in Council. We do not see it as a compromise but we accept it was a contribution made by members of the Legislative Council. They felt they wanted to gain great comfort and we only wanted to facilitate that.

It was a robust but productive, constructive, process. I am pleased that, because we were put in that position by the Labor Party, it has led to this outcome, which I am delighted with. It will not give any power for outlaw bikie gangs. It does not give them any chance to drag this through court with injunctions and legal moves, adjournments, gathering of evidence, cross examination, questioning witnesses, going after people to suggest they are not fit to sit over a case, and vexatious claims that would drag this out for years and would only give the upper hand to the outlaw bikie gangs and their criminal defence lawyers.

Hats off to the members of the Legislative Council, in particular the members for Launceston, Huon, Windermere, Rosevears, Murchison, McIntyre, Prosser and Montgomery. I appreciate working with them so closely and respectfully to pass this important legislation. I have to add my thanks, as always, to our new member for Prosser for her work in this area and give a big cheer for the member for Montgomery, the Leader of the Government in the Legislative Council, who played a magnificent role listening to and working with those colleague members to achieve this important win.

[12.43 p.m.]

Dr BROAD - Before entering this place, my idea of parliament was that it could be a contest of ideas. It could be a place where legislation and various approaches are debated. We are firmly of the belief that there is another way of doing this process and that is, contrary to the minister's assertions, via a notice issued, in the same fashion as the fortifications laws, via a magistrate. The minister completely rejects this assertion but it is supported by legislation drafted by the Lawyers Alliance. The minister is free to argue it is not the best approach but to argue there is only one approach is incorrect.

These amendments at hand do improve the bill. I congratulate the upper House for working through this. There remain some issues, such as what would happen if the Attorney-General is the same person as the police minister? I am not sure if there is any precedent but it could happen.

Another good part of this amendment is that a summary of evidence has to be produced and taken into account by the commission in deciding whether to make the recommendation. That is a distinct improvement, as is the proposed fourth amendment -

'The Minister, the Commissioner and the Attorney-General may only make a recommendation under this section that an organisation be prescribed to be an identified organisation if the Minister, the Commissioner or the Attorney-General, respectively, is satisfied that'.

In the past, the minister had to be satisfied with regard to the opinion of the commissioner. I cannot remember the exact words but it was along those lines. That is an improvement because this makes the commissioner an integral part of that decision rather than the decision potentially sitting solely in the hands of the police minister. That is a distinct improvement.

In the contest of ideas, rather than a contest of bile and vitriol, there is another approach and that is through the issuing of notices in the fashion drafted, and we were blocked from using OPC. The fundamental point is that what we were proposing required a substantial rewrite and a substantially different bill. That is why we put the arguments that we did in the lower House. They were not accepted and the bill passed to the upper House.

I do not know if the minister will verbal me again. I am sure the press release is already prepared. Once again, this is not about protecting bikies. We want the same thing but we have slightly different ideas on how to get there.

[12.46 p.m.]

Dr WOODRUFF - There has been significant effort to improve the legislation. I note these deal with the issues we had raised and proposed amendments for in this place. The amendments do that in a different way. They provide more checks and balances and they remove a serious concern we had that the minister only had to have regard to the advice of the commissioner, which gave too much decision-making responsibility and power to the minister.

These other layers, checks and balances seem circular in the way it is drafted, but I understand sections (4A), (4B), and (4C) treat the manner in which the advice must be recommended and agreed to by three parties before the minister can finally recommend to proscribe an organisation to become an identified organisation.

There are still problems and I would like the minister's comments on this. Proposed section (4C) says -

A recommendation of the Commissioner under subsection (4B) is to be accompanied by a document setting out -

- (a) reasons for the recommendation; and
- (b) a summary of the evidence taken into account by the Commissioner in deciding whether to make the recommendation.

Minister, if you could talk to my understanding from the briefing we had that evidence would include intelligence as well as factual evidence, so that is a catchall term; intelligence is a subset of that category of information.

From my memory of the rest of the proposed process, the regulations proscribing an identified organisation would be tabled in parliament as a disallowable instrument and could be brought on for debate in this place or the other place. Would it be possible that either House could call on the evidence provided as the basis for the decision? Could the upper House demand to see the evidence if there was a controversial matter? With regard to the evidence, a summary of the evidence must be provided by the commissioner. Is there any capacity to appeal that document? Is it possible to take a judicial appeal against that in any form? Could that happen? Is that possible? It is important and a good change that these recommendations remove the individual role of the minister, as the

fourth amendment inserts 'the Commissioner and the Attorney-General' as well and makes it very clear that there are three layers to go through. If you could respond to those questions it would be appreciated.

Mr FERGUSON - Dr Woodruff, in relation to your question about proposed new sections (4C), (4A) and (4B), that summary of evidence can include police intelligence, whether gathered locally or abroad, and also factual evidence. The instrument that would be laid on the Table of both Houses is disallowable. A member would need to specifically move a motion to disallow that and is empowered to do that. I will do something I rarely do and give a hypothetical. A member may decide they would like to bring that on in their private member's time, for example, and that has had precedent.

Could the House call for the advice? The answer is no, it would not be able to do that; it is protected advice. However I am advised there would be opportunity for the Subordinate Legislation committee, which is a joint committee of both Houses, to examine documents that substantiated the making of the regulations. There would not be opportunity for judicial appeal against that document or the use of that document.

The reason the Legislative Council has seen fit to structure these additional amendments is for their own individual comfort around being able to feel they could support the bill passing through the Legislative Council, which I am very happy about and I thank them for that.

In relation to Dr Broad's comments, I will call you out every single time when you side with outlaw bikie gangs. I know you are shamefaced about this, and so you should be, because you chose to put politics ahead of public safety. I can at least respect the Greens in voting against this legislation because they have a rational policy argument on this. I do not agree with it and I would like them to change their mind over time and maybe we will get there, but that was on a matter of principle from their point of view that they were able to articulate.

The Labor Party was shameful in putting politics ahead of policy, and principle never got a mention. This nonsense about the bill needing a substantial rewrite, which is what you said, is garbage. We have had our best draftspeople from OPC working on this legislation. It is an elegant, safe and workable bill. This nonsense of Labor now saying they want to see notices - that is not what the Lawyers Alliance drafted in their so-called alternative bill. They were moving into orders.

Labor is all over the place on this. They do not support our police having the necessary tools in their toolkit. I am sick and tired of hearing these mealy-mouthed compliments for our police from the Labor Party. You say you want to help them do their job but you will not help them do their job. The best you could have done is at least have the grace in the other place and in here today to not only support the amendments but to say, 'Right, we're satisfied. Good job. We now support the legislation'. You have not done that. You have gone one worse. You have invoked the notion of revisiting this matter in the future. You want to fight for organisations to be able to challenge and review these regulations in a court and have police and decent law-abiding citizens of Tasmania harassed, victimised and frustrated as these groups enter our state.

It is a safe haven until this legislation passes today. We already have advice that it is no longer five groups that are currently here that meet the criteria. There is another one now setting up, right now in our state - criminal organisation number six. You have had the advice. If you do not like taking the medicine, why do you not start siding with the victims of crime in our state, the people who have been harassed and intimidated, robbed, raped and murdered? There are three people

missing and I am sick and tired of hearing the Labor Party fighting for criminal defence lawyers' preferred model, which is unworkable and plays only to their interests. Who do criminal defence lawyers represent? They represent criminals.

This is a safe bill. It has not been written by me; I do not have the skills. It has been written by Tasmania's best law drafters and they should not be rubbished and have to put up with the insult that it needed a substantial rewrite, was far from perfect or clumsily drafted. That is a nonsense. These are excellent professional people, the best in the business and we should be grateful for them. They have done this legislation on the drafting instructions that originated from Tasmania Police and approved by Cabinet. That is how it works, that is how it should best work, and it should be supported here today.

Dr WOODRUFF - Thank you, minister, for answering those questions before. The amendments that have come back to this place do not deal with another major issue we raised in our comments to this bill previously, which is the lack of a definition of 'identified organisation' with sufficient clarity to constrain it to the purposes that were stated for this bill in the numbers of briefings we attended. It has not changed the fact that the whole context of this bill is outlaw motorcycle gangs, the crimes, the public intimidation, harassment and the first stated objective we had which was to push back down on the public promotion of outlaw motorcycle gangs so it discouraged other people taking up membership and the expression of criminality on the streets as a positive thing that people want to subscribe to. That is not defined in that way and it remains a concern that this bill not be used in any other way except for that purpose.

We support the work of Tasmania Police and the federal intelligence organisations in trying to reduce the criminal activities of so-called outlaw motorcycle gangs. It is incredibly important but that is something we flagged and I need to say again that no amendments have come that address that issue.

Mr FERGUSON - In brief, you are right. It is not the subject of any amendment so it is not exactly relevant to our debate today, but I can indicate to you that while identified organisations are defined, it does have a formal definition in proposed section 6A of the bill, which is in clause 4. It more or less defines itself in terms of the process that then is followed in subsection (3).

Council amendments to clause 4, third to seventh amendments, agreed to.

Council amendments to clause 4, eighth amendment -

Mr FERGUSON - Mr Chairman, I move -

That the Council amendment be agreed to.

This is a self-explanatory amendment and is about providing a further vehicle for information. It is already the accepted practice in law for it to be gazetted. That is considered at law the official notice. We understand that not everybody buys or downloads *The Gazette* every week, but for those who do not, the Legislative Council members were quite happy with the commissioner's undertaking that formal written notification will be provided to the people best understood to be identified with the organisations' leadership at whatever known address. That is rather a shifting sand, it was acknowledged, so a public notice opportunity was identified. This is what it is, and it is supported.

Sitting suspended from 1 p.m. to 2.30 p.m.

POLICE OFFENCES AMENDMENT (PROHIBITED INSIGNIA) BILL 2018 (No. 21)

In Committee

Resumed from above.

Mr FERGUSON - I moved that the House agree with the amendment of the other place in relation to public notice. During the debate in the Legislative Council there arose a question from Mr Dean, the honourable member for Windermere, asking what notice would organisations listed through a regulation expect to receive? The response provided by the Leader of the Government, on advice from the Commissioner for Police and who had been listening to the debate, was that he undertook to put in place a process within the organisation to ensure, in the context of a regulation being made, proper endeavours would be made to advise the organisation that it is to be listed. There was a fair debate around the difficulty that could be expected; not being able to contact people or in people making a claim they had not been contacted, which would throw a barrier into the process. Careful discussion occurred.

It was also decided by honourable members of the Legislative Council that a patched member or a non-patched member of an OMCG, that is, more or less a member of the public, ought to also have a way of knowing. You could not expect the president, the secretary or the sergeant-at-arms, whatever else they call themselves, to take the trouble to let their members know they would be breaking the law if they were to wear their insignia, patches or colours. For that reason it was agreed in the Legislative Council and the Government undertook to support an amendment to provide a legislated requirement that there be a public notice. It was agreed it should be in Tasmanian newspapers. There was a two-hour debate on the best way to achieve that.

The honourable members landed on the wording in front of us. There was a discussion that the number of Tasmanian newspapers could change over decades to come, so the honourable members formed a set of words they were comfortable with. The point is to try to ensure there is a public advertising of the regulations. The language was agreed that the regulations would not take effect until that notice had been publicly placed. I hope that makes sense. There is a public advertising process to provide more or less what you might say is fair notice and the regulations do not become law until that notice appears in those daily newspapers. This is additional: it is not required. It is something that could and would have happened anyway because the Government and the police commissioner had already undertaken to ensure there were public notices. That it would be legislated provided members of that House with even further comfort the broader community, including members of OMCGs would have greater ability to know about listing of an organisation, which would reduce, in their minds, the chance somebody would not know.

There has been a lot of discussion in the media. The five OMCGs proposed to be listed have been well and truly named on multiple occasions and the police are very good at their social media. They have one of the biggest social media followings in the state. I see zero risk that the people who need to know about the new laws -

Mr Bacon - You can still front up to traditional media.

Mr FERGUSON - You can do all of that and I know what you are up to. There are all manner of methods police can and will use to ensure the people who need to know about the new regulations do know about them. I commend the amendment to members of this House.

Dr WOODRUFF - Thank you, minister. I do not want to repeat a two-hour discussion about this amendment in this House. It raised for me a potential problem and I do not know if the Government would be concerned about it. It says that the proscribing of an organisation to be an identified organisation is of no effect until a notice setting out the regulations, et cetera, appears in as many daily Tasmanian newspapers as circulate generally in this state. What if there are no daily newspapers circulating in the state? That is a germane point because, regrettably, tabloids are disappearing every month in parts of Australia. Sadly, questions have been raised about the continuation of that mechanism of communication. I do not hasten their demise; the opposite. It is a reduction in forms of communication with manifest value.

Is it your understanding that, if that was to happen in the future, an amendment may need to be made to this legislation? I am not proposing we craft another form of words, not that we can, about digital media, appropriate social media or television. We do not know what the future will hold. I am pointing out this issue and maybe it is something for the Government to turn its mind to as to the appropriate mechanism in that situation in future.

Mr FERGUSON - I can answer that in a couple of ways. First, the recognised, official and authoritative way for the Government and government agencies to communicate important information around changes to the law is through the *Gazette*. That is unchanged by this and that is the case for the foreseeable future. The *Gazette* has changed from a hard copy, printed document to a predominantly soft copy version online that people consult on a regular basis. That does not change.

This amendment we are agreeing to today is redundant; it is not needed. It was added for additional comfort for some members who felt it was important to hardwire the requirement that the commissioner had already undertaken would be put in place as a process for Tasmania Police as part of an operational plan for these regulations.

I take your point on board. You have hypothesised as to what happens when there are no Tasmanian newspapers in the state. That is hypothetical. Playing with this clause would not be looked to as a requirement if there were no Tasmanian newspapers circulating in the state. We do not see that as occurring any time soon. It is for others to guess whether, in that hypothetical future, an amendment would be required.

We took advice on this. A lot of Tasmanian legislation has language like this, talking about the need for certain things to be published in a public way in Tasmanian newspapers, so there is probably a little variance. It may well be an opportunity area to consider in future years, particularly as people shift their gaze from hard copy traditional media to online and digital format, even as newspapers themselves.

Council amendments to clause 4, eighth amendment, agreed to.

Reported the Committee had resolved to agree to the Council amendments.

Mr FERGUSON - Mr Chairman, this is an important bill for our Government. It is an important bill for the Tasmanian Parliament. It is an important bill and a change for the law for the

Tasmanian people. I welcome the contribution that has been made by members of the Government in this House. I commend the Legislative Council which saw fit to pass this bill this morning with these amendments. The amendments have been agreed in all cases by the Government. In some cases we have assisted members in working through the issues and the policy implications for them. It has been a very constructive process.

We are very thankful particularly to those members who worked together in the face of Labor opposition to these important laws to protect public safety in Tasmania. The people looking very glum across the Chamber are responsible for putting politics ahead of public safety. That is what they did. They shamefully voted against this legislation in this House and that is to their everlasting shame.

This bill sat on the Notice Paper for two months. The night before, at the last minute, Labor decided that they would offer a little olive branch to work with the Government. It was too late. You were not interested because you put politics ahead of public safety and it was a shameful display. Furthermore, when provided the opportunity to debate this bill in this House, the Labor Party squibbed it; did not even have the guts to put forward amendments. The Greens called you out on this. You shamefully tried to kill the bill on the floor of this House. History is going to bite Labor on the bum for this.

This legislation will save lives. It will help to clamp down on outlaw gangs. They have no place in Tasmania. Five gangs are already in place in this state and one more has moved in. Tasmania has been seen as an at-risk state; a soft touch on outlaw gangs. The Rebecca White Labor Opposition is responsible for putting this legislation at risk because we got it through by one vote in the Legislative Council.

It should have survived by five votes. There should have been the Labor Party in bipartisan support for important legislation, but no. Even in the other House, the members upstairs were taking their orders from the leadership of Rebecca White. They did not even have the guts to put forward an amendment of their own. It was also to Labor's shame. They put this bill at risk. That is a shame. Labor put public safety in second place to their weak politics.

At least the Greens voted against this legislation, believing that it was not right for Tasmania. I do not accept that is what Labor really believes. They have mealy-mouth language, 'We support the intent of the legislation; we support Tasmania police; we support police having the tools in their tool kit'. Yet the tool that Tasmania Police want in their tool kit, Dr Broad and Ms Lovell denied. Ms White denied the tool that Tasmania Police wanted in their tool kit was put at risk.

I thank some important contributors to getting us to this day because this is important -

Members interjecting.

Mr CHAIRMAN - Order.

Mr FERGUSON - These interjectors put your politics ahead of public safety. That is what you did. It is a shameful display. Hats off to Tasmania Police for the commitment they have shown in working through these issues. They have done a magnificent job of driving this reform with my support.

Ms White - Poor commissioner, he was in here at 10.30 last night. You dragged him into the House last night because your bill is rubbish.

Mr FERGUSON - Do not feel sorry for the commissioner. I have been backing him. This side of the House has been backing our commissioner and his team. You should not suggest otherwise of the commissioner. You should not even bring his name into the debate in that way. That was shameful. The commissioner and his team have asked the Government for this reform. They have asked parliament for this reform. They have asked for the legislative support to deal with -

Ms White - They asked you to draft proper legislation but you squibbed it because you are lazy and sloppy. It is all about the politics for you.

Mr FERGUSON - 'Lazy and sloppy' you say. The commissioner and his team asked parliament for the support they need to drive these outlaw gangs from our state.

I want to thank Commissioner Hine and his personal commitment to this. It has been unmatched. He has spent time with Government members. He has spent significant time with Opposition members, futilely as it turns out. To his great credit, he has spent significant time in groups and one on one, with independent members of the upper House. One of the busiest people in our state has committed tens of hours to this, just in engaging with the 40 members of this parliament. I thank him for his personal commitment to it. His commitment is shared by the Government for a safer Tasmania, not putting the criminal justice lawyers ahead of Tasmanians who deserve our protection.

I also thank the Assistant Commissioner, Glenn Frame, who also has put his personal commitment and professional time into this important legislation. We have matched his commitment by supporting him every step of the way through both Houses of this parliament.

I thank other members of our sworn police and our civilian police, in particular, Inspector Kean who has been an invaluable supporter both for me and for the Leader of the Government in the upper House in helping members to come to grips with the reality of the criminal gangs that we are dealing with in this state. They might not have affected you personally but they are affecting a lot of other people.

I welcome the passage of this legislation through both Houses. The amendments we negotiated with the independent members was to assist the passage of the bill without in any way compromising the intent of the bill nor the process to allow outlaw gangs and their criminal justice lawyers to fight things in the courts, drag them out forever and prevent these important regulations from being made.

Resolution agreed to.

SURVEILLANCE LEGISLATION AMENDMENTS (PERSONAL POLICE CAMERAS) BILL 2018 (No. 29)

Second Reading

[2.48 p.m.]

Mr FERGUSON (Bass - Minister for Police, Fire and Emergency Management - 2R) - Mr Deputy Speaker, I move -

That the bill be now read the second time.

The purpose of this bill is to make amendments to the Listening Devices Act 1991 and the Police Powers (Surveillance Devices) Act 2006 to allow for the use of body-worn and handheld cameras by police officers whilst on duty.

In May 2017 the state Government announced funding of \$3.4 million over four years for Tasmania Police to roll out body-worn cameras to frontline members. Body-worn cameras have been adopted, or are in the process of being adopted, by the majority of Australian policing jurisdictions.

The rollout of body-worn cameras for Tasmania Police will have several benefits for the service and the community as a whole, including:

- moderating the behaviour of people present at incidents, thereby improving safety for the public and responding police;
- improved and more accurate collection of evidence;
- the opportunity to review and improve police practices;
- improved officer conduct and professionalism; and
- a reduction in vexatious complaints against police.

To provide for the adoption of the body-worn cameras within Tasmania, legislative reform was considered necessary to ensure that their use in a range of policing contexts is lawful.

Body-worn cameras are designed to digitally record visual images and sounds from a first-person perspective. Body-worn cameras are worn predominantly on the clothing or otherwise secured on the body of a person. However there will be situations where police may alternatively use a handheld camera, such as frequently occurs currently in the execution of search warrants, or for a body-worn camera to be handheld to better record some incidents.

Rather than specifying the use of a 'body-worn camera', the bill provides a definition of a 'personal camera', which is a device capable of recording visual images or sound, or both, and is normally used by being held in a person's hand, or worn on the body. The definition of personal camera is intended to provide greater flexibility and would, for example, permit a police officer to make a recording using a mobile phone, if necessary. It is not intended that the bill provide for the use of any other type of camera that is not directly operated by a police officer who is present at an incident.

The Listening Devices Act 1991 currently prohibits the recording of private conversations in certain circumstances, and the amendments made by this bill ensure the overt use of body-worn and handheld cameras by police is lawful in a range of policing contexts.

The amendments to the Listening Devices Act 1991 provide exemptions to prohibitions on recording of private conversations, and to the subsequent use of those recordings, where they are

obtained in accordance with requirements for the use of personal cameras by police that will be set out in amendments to the Police Powers (Surveillance Devices) Act 2006.

The Police Powers (Surveillance Devices) Act 2006 was created to provide for the installation, use, maintenance and retrieval of surveillance devices in criminal investigations. The act does not prohibit the use of surveillance devices but instead grants police officers power to install, maintain and retrieve surveillance devices pursuant to warrants issued under that act.

The bill will amend this act to provide that the overt use of personal cameras by police is permitted without the need to obtain a warrant. In providing this authorisation, it will also stipulate requirements for the use of personal cameras by police, including that where a police officer is on duty the presence of the camera is overt, and where the personal camera is being used to record a private conversation to which the police officer is a party, that they are:

- in uniform; or
- have informed all parties to the private conversation that they are using the personal camera; or
- the circumstances are such that the parties ought reasonably expect the private conversation is being recorded.

The bill also expands the definition of 'protected information' within the Police Powers (Surveillance Devices) Act 2006 to include information obtained by the use of a personal camera by a police officer when in compliance with the new provisions. By doing so, use and disclosure of the recordings will be limited to specific circumstances as outlined in section 33 of the Police Powers (Surveillance Devices) Act 2006, such as the investigation of offences, the making of a decision whether or not to bring a prosecution, or where the use or communication is necessary to prevent or reduce the risk of serious violence to a person.

The bill also permits the use by a police officer of protected information that does not contain a private conversation to provide for circumstances such as the recording of graduation ceremonies and for corporate and non-investigative purposes. The bill further expands the ability to use, communicate or publish protected information under section 33 to include the training of police officers. The use of protected information for the training of police officers is a valuable tool in the education of their members.

As two of the driving forces for Tasmania Police in adopting body-worn cameras are transparency and accountability, the bill has provided that the Right to Information Act 2009 and Personal Information Protection Act 2004 apply to information obtained by police officers from the personal cameras, but only in circumstances where the use of that information would be permitted by police. This protects recordings made by the cameras that are not relevant to the reasons for which they have been deployed.

During drafting, a pre-existing error in the Police Powers (Surveillance Devices) Act 2006 was identified. Section 33(4)(a) allows for the use of protected information for the investigation of a relevant offence under a corresponding law, but not for its use in the investigation of a relevant offence in Tasmania. An amendment in this bill ensures that the protected information can be used, communicated or published for the purpose of investigating a relevant offence in Tasmania. This change is consistent with the other permitted uses in the subsection, and with the model provisions

on which the act was based. This amendment has also been made retrospective to the commencement of the act to preserve the integrity of prior investigation and court decisions.

Following consultation, it was also identified that the existing wording of section 33(4) of the Police Powers (Surveillance Devices) Act 2006 was problematic in that it limited the authorised uses of information to 'if it is necessary to do so'. Due to the use of phrase inviting legal argument as to the necessity, it has been removed, noting that the permitted uses are already narrow.

The measures contained within this bill will ensure that Tasmania Police have the equipment they need to continue fulfilling their important role within the community. The bill will take effect upon the day it receives royal assent.

I commend the bill to the House.

[2.57 p.m.]

Dr BROAD (Braddon) - Mr Deputy Speaker, this is a sensible reform and I indicate that Labor will be supporting it. What we see here is an evolution of not only policing methods but also technology. This bill enacts new police methods and enables new technology that would not have been possible even 10 or so years ago, or if it was possible would have been horrendously expensive to roll out in the manner it is.

The benefits to police of rolling out police cameras in the way in which they operate in their day-to-day policing are wide in that the presence of a body-worn camera has the potential to be a de-escalation tool. When police are attending an incident or a callout, if people become aware of a police camera in action because it is obvious a camera is there and the police inform people that the camera is operating, that has the potential for people to de-escalate their behaviour which could make policing much safer. We know from the latest crime statistics that assaults on police officers have increased marginally, so we are hoping that the rollout of police cameras can de-escalate situations where people are aware that their actions will be recorded and they will face difficulty in denying their actions.

This is one of the significant advantages that this technology presents, along with improved and more accurate collection of evidence. The dot points in the second reading speech say it also creates the opportunity to review and improve police practices and has the potential to improve officer conduct and professionalism. It is a two-way street. If police actions are being recorded and the actions of the people they are interacting with are being recorded, there is that obligation on both sides to behave appropriately.

Importantly, having recorded information will hopefully reduce vexatious complaints that are made against police from time to time. When there is documented evidence, having that evidence can reduce vexatious claims. They might not necessarily be vexatious through intent. They might be due to other issues such as mental health. If there is actual evidence that their complaints are not supported by video evidence, those complaints can be dealt with much more quickly.

The benefits of the police cameras and the massive improvements in technologies with storage on the cloud are clear, and I thank the police for their detailed briefing. I thank the minister's office for arranging that briefing. The technology, the security, the encryption, the way the data will be stored and the operation in practice, was enlightening and it was very good to be informed. However, in rolling out this technology and due to existing legislation being flawed due to the passage of time, the Listening Devices Act and the later act, the Police Powers (Surveillance

Devices) Act, did not take into account the potential for technology to develop in such a way. It dealt primarily with voice recordings and now we can take detailed pictures as well, video recordings, the laws need to change.

From what I understand, police and other people can use cameras if they are used overtly in a public setting. We see the people reading meters around Hobart, the Hobart City Council employees, have body-worn cameras that are overt and they can do so in a public place already. The police have those powers already. The complication is when police are in a private setting, which can often happen when a callout results in what may be viewed as a private conversation being recorded. As a result, the law needs to be clarified so that those recordings can be used and, subsequently, those recordings obtained can be used in court and used as evidence.

This is sensible legislation that clarifies the use of police cameras and hopefully it will result in de-escalation and better policing all around. There are some protections built into this bill. There is also one clarification that had to be made in the definition of a camera. This does not define cameras narrowly because police already use cameras, handheld camcorder-type cameras, especially when they are doing drug busts, et cetera. The definition of camera is deliberately wide so those handheld cameras can still be used and there will be no potential argument as to how you define a camera.

The protections are that when it is used to record a private conversation it must be overt, the police officer should be in uniform and, if not, should inform parties that a private conversation is being recorded. There is also the catch-all that if circumstances are such that the parties ought reasonably expect the private conversation to be recorded. These cameras will be overt; they are not going to be discreet. It is not going to be a pinhole, hidden away.

The way that this legislation is put together, it does not require that all information is recorded at all times. That would be unworkable. It would result in terabytes of data that would be irrelevant to any policing actions and potentially expose police to having their own private conversations, if they went to the toilet, et cetera, recorded. They are obliged to activate the camera when they are using a police power. If they do not activate the camera there may be potential issues, they might be disciplined, et cetera.

The camera is going to be of benefit to the police and the public in that there are obligations on both sides. Appropriate protections have been put into it. The clarification the minister alluded to at the end of his second reading speech to remove the caveat that permitted use of information requiring it be necessary is also sensible. I do not think that infringes on any legal rights but provides clarification to eliminate the potential for undesirable legal argument. That could be a blocking tactic, so that is sensible amendment and we will be supporting this.

[3.05 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, the Greens fully support the rollout and the use of body-worn videos by police. We are concerned this bill presented today simply provides the enabling framework and does not provide a suitably robust framework for accountability, fairness and security.

There is currently a review being undertaken in New South Wales of that state's legislative framework for body-worn videos. The submissions to that review have raised serious concerns with the way body-worn videos are used and the legislative framework in place in New South

Wales. Many of the issues raised in the review are serious and appear to be problems present in this bill. As such, I will now move an amendment to withdraw this bill in order to redraft it.

Mr Deputy Speaker, I move -

That all words after 'that' be removed and the following words be inserted -

the bill be withdrawn and redrafted for the following reasons -

- (a) The bill as drafted does not deal with significant issues, including rules regarding when body worn cameras must be activated and the duration for which they must remain activated, as well as rules regarding footage, storage and access; and
- (b) The New South Wales review of the police body-worn video provisions of the Surveillance Devices Act 2007 (NSW) is currently underway and will likely provide salient observations and recommendations regarding these issues.

On the amendment, we believe there is a strong case for taking the approach we recommend. Earlier this year, only two months ago, Legal Aid New South Wales, made a submission to the Statutory review of the Police Body-Worn Video provisions of the Surveillance Devices Act 2007 (NSW). The submission addressed serious and concerning faults in the New South Wales framework and they state that the bill in New South Wales appears to give absolute discretion for police to decide when and when not to record, requiring only in some circumstances to inform a person the recording is taking place.

Legal Aid New South Wales has the following to say on the matter -

One of the goals of the use of BWV devices is to reduce false complaints against police and to deter police misconduct by increasing accountability. There is evidence that the use of BWV devices can significantly reduce complaints against police. However, there are concerns that the effectiveness of BWV cameras in reducing police use of force may depend on whether police officers have discretion regarding when to turn the device on and off.

Research in other jurisdictions indicates that where police officers retain discretion to use the BWV device, only a proportion of incidents are recorded:

- in Phoenix, analysis of camera meta-data indicated that only 13.2 to 42.2 per cent of incidents were recorded, and
- in Denver, 'numerous incidents where officers punched or used stun guns on suspects were not recorded; less than half of the 45 use-of force incidents involving on-duty officers were recorded'.

The report is referring to two American cities, Phoenix and Denver. The New South Wales Legal Aid review submission goes on to talk about a report in the 2016 *Journal of Experimental Criminology* - A meta-analysis of 10 multi-site, multi-national randomised controlled trials with eight police forces in six jurisdictions found that if officers turned their cameras on and off during

their shift, the use of force by police increased. If cameras were turned on for the whole shift, the use of force decreased.

That effect was explained as follows by the author of the study, Professor Ariel:

Critically, researchers say these positive behaviour changes rely on cameras recording entire encounters and officers issuing an early warning that the camera is on, reminding all parties that the digital witness is in play right from the start and triggering the observer effect. In fact, results from the same experiment published earlier this year suggest that police use of force and assaults on officers actually increase if a camera is switched on in the middle of an interaction, as this can be taken as an escalation of the situation by both the officer and the suspect.

The jolt of issuing a verbal reminder of filming at the start of an encounter nudges everybody involved to think about their actions more consciously. This might mean that officers begin encounters with more awareness of rules of conduct and also that members of the public are less inclined to respond aggressively.

We note that the New South Wales Police publication 'Body Worn Video' indicates that examples of when police would use the camera include:

... when they would normally use their official notebook to record information, to capture evidence or record something of relevance, and when exercising a police power.

Legal Aid NSW continues to say:

Police officers should be required by law to use the camera in those above situations. Justification should be required for failure to activate a BWV camera when an event occurs that should have been recorded. The deliberate deactivation of a BWV camera in anticipation of an incident should be subject to disciplinary sanctions. Officers involved in an incident should be required to log written statements and reports before reviewing footage to ensure that reports are based on the officer's memories and not on what has been recorded. Access to recorded footage should be logged to protect against tampering, editing or destruction of the recording and there should be mandatory training for police officers regarding their responsibilities in relation to BWV.

Legal Aid NSW continued, saying:

However, a person's request not to be recorded should be respected where possible. There should also be regulations, or at least published guidelines, setting out safeguards for vulnerable people, including people with cognitive impairment and other disabilities, victims of sexual abuse and Aboriginal and Torres Strait Islander persons.

Generally, we consider that the regulation of BWV devices should be via statute, regulation and published guidelines. The use of police standard operating procedures which are not published does not contribute to transparency and accountability.

These very recent recommendations by Legal Aid NSW appear very relevant to this bill and we believe they are not only reasonable proposals but critical to a BWV legislative regime that the public can trust and fulfils the objectives it sets out to achieve.

The submission of Legal Aid NSW also noted that accountability is weakened if it is difficult for the public to access BWV data, and said:

There should be a presumption in the *Government Information (Public Access) Act 2009* in favour of disclosure of data for persons who are the subjects of recordings, on the basis that such recording contains the personal information of the person. Further, disclosure of such information would be in the public interest, as it would be expected to inform the public about police practices for dealing with members of the public.

Provisions in clause 15 of this bill allow for the Right to Information Act to apply in certain circumstances, including when it is necessary to be published for the purposes of a complaint investigation against a public officer. Putting aside the challenges of getting information under the Right to Information Act from this Government, there is an inherent conflict of interest here. If a person is lodging a complaint against the police, the police will be assessing whether or not they can access the footage of the incident. Surely there is an argument here for stronger provisions allowing people access to footage of themselves.

Legal Aid New South Wales also raises the following concern. If relevant footage from BWV devices exist, the defence should be advised and it should be served in the brief of evidence. This would avoid unnecessary delays and the expense to the defence of having to obtain the material by subpoena. This bill does not appear to deal with that issue. I would be interested to hear from the minister regarding whether existing provisions cover this.

Another significant issue is that of data storage and retention. This bill makes no reference to storage requirements, duration, security or access. Privacy is a significant issue, particularly in light of the recent Integrity Commission report highlighting instances of inappropriate access of personal information within the department.

A joint submission that was provided to the New South Wales review of their legislation was made by the Aboriginal Legal Service of the New South Wales and the ACT and the Redfern Legal Centre. They raised similar issues to the New South Wales Legal Aid submission and made the following recommendations -

1. Continuous recording of all police-operated body-worn cameras should be mandated.
2. If continuous recording is not mandated, police discretion to activate body-worn cameras is to be removed through the development of clear and robust activation guidelines.
3. Activation guidelines should be made publicly available.
4. Meaningful consequences for any breach of the activation guidelines should be introduced.

5. Clear provisions concerning access to body-worn camera footage for police and for complaints of police misconduct should be introduced.
6. There should be rigorous ongoing monitoring of the implementation and use of police-operated body-worn cameras and further reviews of its use to be conducted.

Mr Deputy Speaker, that joint submission also makes reference to a number of case studies that illustrate some of the issues that can occur around not having clear guidelines for when body-worn cameras must be used. The first case study is as follows:

Police attended Larry's home because of a concerned call from Larry's father. Larry told the police he was fine. Police told Larry to open the door, assuring him they just needed to sight him and then they could leave. Larry says that once he opened the door he was immediately grabbed by two police officers and told he was being apprehended under the Mental Health Act. Larry was confused and angry. Police took him to the ground, and in that process Larry assaulted one of the police officers. Larry was placed under arrest for assault.

On Larry's version of events, police may not have had reasonable grounds to apprehend him under section 22 of the Mental Health Act. The body-worn video was essential in Larry's criminal matter. If Larry was not being lawfully detained he was entitled to defend himself. Police alleged that they had extensive discussions with Larry before he opened the door, however Larry disputes this. Unfortunately the body-worn video only starts at the time the police apprehend Larry, failing to capture those critical moments before Larry opens the door.

They provided a second case study:

Peter was at a train station when he was approached by a police officer and given a move-on direction. Peter made an offensive remark to the officer, at which time the officer grabbed him and pushed him with significant force against a fence. The officer held onto Peter by the collar and threatened to arrest Peter for offensive language, which is a fine-only offence. This part of the incident was captured on video by a member of the public.

Peter told his lawyer that he was assaulted by the officer, however this was not captured in the footage. When Peter's lawyer tried to make arrangements to view the body-worn video footage she was told that no footage existed because the police officer was unable to log in to the body-wearing camera system at the start of his shift and as a result did not take his camera with him.

A third case study:

Letitia was driving along a Sydney street when she was pulled over for a random breath-test. The breath-test returned a negative reading, but Letitia was asked to get out of the car. Letitia was concerned about what was going to happen next so she pulled out her mobile phone and started filming. Letitia's phone was seized and the footage deleted by police. Letitia's version of events in relation to the stop and search differ markedly from the police version of events. Unfortunately, there is no footage to corroborate either version of events.

The Greens are of the view that the use of body-worn video cameras, if appropriately used, may improve the investigation and prosecution of crime and may contribute to police accountability, and may provide necessary corroborative evidence in situations where third party testimony is not available.

We consider a short delay in the rollout of body-worn videos is a small price to pay in order to get the legislative framework right. We believe our proposal is a reasonable one and we urge both other parties to support it.

[3.21 p.m.]

Mr FERGUSON (Bass - Minister for Police, Fire and Emergency Services) - Mr Deputy Speaker, I have just been consulting. I thank Dr Woodruff for her comments. I have taken a look at the paper she kindly provided to me from the Legal Aid New South Wales submission to the New South Wales Department of Justice. It must be a statutory review of the act that they had built into their legislation.

Ms O'Connor - Which should be in our act.

Mr FERGUSON - You can make that case. I am happy to respond to the comments that have been made by Dr Woodruff in explaining why the Government will not be supporting the amendment you have moved.

Legislating when cameras must be activated is problematic. There may be circumstances in which it is not practical to operate the camera. One example that was given to me was when the need to respond is instantaneous. Further, there needs to be some discretion given to police; for example, if they are required to respond to a complaint in a change room or a public toilet.

Tasmania Police has developed strong policies that address when cameras must be used. This effectively applies to all occasions when police are exercising statutory powers. The existing legislation already addresses restrictions on the use of recordings. Police officers' access to recordings is also the subject of disciplinary provisions.

The New South Wales submission by Legal Aid criticises that policies for the use of cameras in New South Wales are not public. I do not know if that is the case. We will take that at face value. I can assure you that in our state, the orders to police for when cameras must be operated are public. They are contained in the Tasmania Police Manual, which is public. It is available to the public online. Perhaps that is a key difference to New South Wales. I do not know if that is the case.

Australia is not America. The policy environment here is very different. It is not practical for cameras to record an entire shift. It would be an unmanageable amount of data. It would also mean that police would have no privacy between responses to incidents, which is an area that is managed in my second reading speech. In Australia, the primary reason for the cameras is not to improve police behaviour but to moderate the behaviour of people police interact with. Police accountability is another feature I discussed in the second reading speech, and it is in the notes. It is an additional benefit; if it benefits police it benefits the public.

The recordings are held in a secure and encrypted system with strong audit trails. Persons recorded in official interactions with police can obtain access to the footage containing a recording of them. Again, I discussed this in my second reading speech. In official interactions the Personal

Information Act and Right to Information Act apply. Retention of footage is governed by Archives Act. Disclosure in criminal matters is currently under review by the Department of Justice. Further legislation is being considered to deal with this and will apply to all evidence including body-worn cameras. This is a matter for my colleague minister, but I am providing you this information to be helpful. Disclosure does not need to be dealt with in this bill.

I trust that that is of assistance. If members have issues with legislation that they are preparing their remarks for, we encourage them always avail themselves of a briefing. That responsibility sits with the member who wants it. We do not offer briefings on every bill but if you want a briefing please ask for one. Perhaps some of those others comments could have been explored. I hope that that response is of assistance to members of this House who are looking at Dr Woodruff's amendment.

[3.26 p.m.]

Dr BROAD (Braddon) - Mr Deputy Speaker, Labor will not be supporting this amendment.

I too have read the statutory review of the Police Body-Worn Video provisions of the Surveillance Devices Act 2007 (NSW) by the Legal Aid service. I read through this after the briefing that I had with the police service. I am satisfied that the issues are raised in this are covered by the information that I received in the briefing.

There are a few things about the operations of the camera. For example, from what I gather the camera is in effect rolling all the time; however, when the police officer activates the camera it back captures a period of time which can be set. They are thinking of setting it at 30 seconds. For example, in the example given, there is an incident and a knock on Phil's door; if the police officer activated the camera then it would back capture what was happening before the camera was physically activated by the police officer. That is a way of potentially dealing with incidents where police are unsure about whether they are going to be using a statutory power and whether they need to then activate the camera.

Dr Woodruff - It is recording all the time.

Mr Hidding - No, only the last 30 seconds. It drops off all the time.

Dr BROAD - It is rolling all the time. I am imagining - if I can get a nod from over there - that it can be set to a different amount of time. Most of the issues that Dr Woodruff is talking about are more operational and procedural rather than being legislative. As long as they are well-guided and adhere to operational practices then I do not see as a problem the issues raised and covered by Legal Aid's document. I received assurances in the briefing that if there are circumstances where there should be recording and there is not then that could open up a police review of this action and disciplinary action if that is the case.

The other side of the story is if we do not allow body-worn cameras because we want legislative processes to determine exactly when an officer must operate their camera, then we are also removing the opportunity for the good side of the use of the cameras, such as being a de-escalation tool.

In the briefing one of the things that really piqued my interest was the potential for de-escalation and evidence capture in domestic violence situations. Police officers enter a situation on a domestic violence call and the body-worn cameras are recording the scene immediately as well as recording

the tension in the people in the room. That is something that hopefully would de-escalate the situation if the perpetrator of domestic violence knows they are being recorded and that could be used as evidence for them. The scene is recorded and there is the potential for that to be used in evidence. It will require legislative change, but there is the potential if the victim's testimony is recanted down the track. There are many circumstances and a lot of difficulties in giving evidence against a loved one, even if that loved one is perpetrating domestic violence. Down the track that camera can capture evidence that could be used, even if the victim later recants.

The potential benefits from body-worn cameras in de-escalating domestic violence situations or situations where police officers may be threatened by members of the public who are intoxicated et cetera far outweigh the negatives as described. Most of the issues that were raised by Dr Woodruff would be better dealt with in an operational sense, so we will not be supporting the amendment.

The House divided -

AYES 2

Ms O'Connor (Teller)
Dr Woodruff

NOES 19

Ms Archer
Mr Bacon
Mr Barnett
Dr Broad
Ms Butler (Teller)
Ms Dow
Mr Ferguson
Mr Gutwein
Ms Haddad
Ms Hickey
Mr Hidding
Mr Hodgman
Mr Jaensch
Mr O'Byrne
Ms O'Byrne
Mrs Petrusma
Mr Rockliff
Ms Standen
Ms White

Amendment negatived.

[3.38 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, it is a matter of regret that the Government and the Labor Party did not take the opportunity to improve this bill. I do not agree with the comments Dr Broad made about why it is appropriate for the police to set their own rules and not appropriate for parliament to do that. Often matters regarding the obligations of police officers to members of the public are standardly dealt with in legislation and there is very good reason for that - to avoid the possibility or speculation of possibility that police agencies may not adequately investigate or appropriately write guidelines on this matter. There is everything to be gained from ensuring that the public's trust and experience of the powers police exercise in their responsibilities and roles is maintained at the highest standard.

It is true, minister, that Australia is not America, but that does not make the comments that were made in this situation in America any less relevant today. The point is that the times when cameras were turned on, particularly in incidents where assaults occurred, was very low. That is not necessarily to say that they would be the same here but it is an indication that they are not 100 per cent or even 95 per cent or 90 per cent. They were so far below that mark in the United States in the two places it was referred to that it gives reasonable cause for concern that there are circumstances that mitigate officers turning the cameras on at the time where they are most needed.

There are lots of reasonable human reasons for that to occur. I cannot imagine what it would be like in some of the aggressive situations that police are required to attend and do really important work on our behalf, protecting us from people who are angry or violent or threatening. In that situation, of all situations, surely it would be better not to have to exercise yet another part of the mind and to have a camera continually monitoring to enable everything else to occur without it getting in the way of the activities that police are required to fulfil.

I do not accept that the issue of data should be a reasonable one. The evidence is that many other jurisdictions have solved this problem. I cannot imagine how in modern Tasmania, it is not possible to solve the problem of the amount of electronic data that would be generated through security cameras. The research that I did, and quoted from the *Journal of Experimental Criminology* 2016, was a meta-analysis of 10 multi-site, multinational, randomised control files with eight different police services in six jurisdictions. Clearly, there are eight different police services in six jurisdictions operating somewhere else in the world where they constantly undertake this form of surveillance. That material is very important because it shows very positive behaviour changes in the encounters between police and members of the public. It shows benefits to police officers and members of the public in terms of de-escalating incidences of assault and decreasing aggressive behaviour.

It is the decision and the time point of turning on a camera which can inadvertently introduce a risk of escalating an aggressive situation rather than de-escalating it.

Madam Speaker, I do not agree with the minister's comments that this is not at all about police accountability. It must be about both those matters and providing both parties with confidence that the actions are being lawfully undertaken. I do not see any substance in the arguments presented by the Labor Party or the minister in not withdrawing and redrafting the bill before us. This is currently in play in New South Wales. There is very good evidence being presented to that review. It is an opportunity to put into legislation the types of issues that I have been raised previously and to make sure that they are not put into not sufficiently, regulated and stipulated framework, prescribing the guidelines for how personal police cameras will be used.

We are very disappointed that this opportunity has not been picked up. We have no doubt that will continue to pay attention to this. Matters of privacy and matters of access to data which has been acquired through the work of police in relation to court cases or other matters ought to be something people are able to access in a reasonable manner. We will continue to push for that level of access and clear provisions so that there should be meaningful consequences if a breach of guidelines should ever occur.

[3.46 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Madam Speaker, I rise to make a contribution to this bill. The reason I rise to make a contribution goes to the integrity of the minister who has moved the bill in the House today. The fact is that he has not taken the opportunity since the House

has been in session following the luncheon break to provide a statement to the House. We all know he ran away from a press conference at 1.30 p.m. today where he could have explained very clearly what his response was to the matters filed in the Federal Court today by Angela Williamson's legal team. The minister ran away.

If the minister had nothing to hide, he would have stood before the press today at 1.30 p.m. and given his side of the events and his arguments for or against. He did not do that. We had the Premier running down the street not addressing the media's questions about whether he was going to make a statement today. We are calling on the minister to use the time he has now before the House to make a statement, to update the House about whether he has lied to the parliament and whether he has lied to the people of Tasmania.

Madam SPEAKER - Leader of the Opposition, I draw your attention to the fact that we are debating the Surveillance Legislation Amendments (Personal Police Cameras) Bill 2018. The subject you have deviated onto is not relevant.

Ms WHITE - Madam Speaker, the surveillance legislation amendment talks about police powers. It talks about the ability for them to be resourced to do their job by having a competent minister in the role to provide direction and leadership so that the service can operate effectively.

The questions that have been raised today in public and in the media deserve to be answered. The matters filed in the Federal Court are very serious in nature. We have had a debate in this place on two bills now brought in by the minister for Police where he has had the chance to update the House -

Madam SPEAKER - The Clerk is reminding me that you are out of order. I respectfully ask you stick to the debate.

Motion

Adjourn Debate to Call on an Urgent Motion

[3.48 p.m.]

Ms WHITE - (Franklin - Leader of the Opposition) Madam Speaker, I move -

That the debate be adjourned to a later hour to call on an urgent motion to be dealt with by this House.

I understand it is a 35-minute debate now that will proceed. There is an urgent need to deal with this matter. I seek to adjourn the debate to a later hour so this matter can be resolved here and now, so the Premier and the Minister for Police can come into the House and make a statement.

Madam SPEAKER - The question before the parliament is that the debate be adjourned. Please proceed.

Ms WHITE - Thank you, Madam Speaker.

It is a debate now on the matter of whether this debate should be adjourned. We have already indicated that we support the bill before the House and we expect that matter to be resolved. We need the minister and the Premier of this state to come into the House without delay and provide a statement on the matters that have now been filed in the Federal Court.

Very serious allegations have been levelled against the Premier of Tasmania and the Minister for Health and minister for Police. The matters filed in the Federal Court of Australia today indicate an abuse of power by the Premier and the Minister for Health in the employment of a young woman by Cricket Tasmania who was consequently sacked for expressing political views about a public policy matter.

The matter of termination services in this state, a matter we know the Health minister feels very uncomfortable about, uncomfortable enough to have a conversation with her employer and disclose private medical information about the fact she had a termination - is irrelevant to her ability to do her job.

The matters filed today in the Federal Court are revealing, and if people have not read them I encourage them to have a look. It goes to the integrity of the Premier of our state and the integrity of the Minister for Health and minister for Police, who despite having had now nearly an hour and a half, has not made a statement to update the House about the matters filed today. He ran away from a press conference today at 1.30 p.m. and the Premier ran away from the media in the street today, saying he would be making a statement at a later date. There has been no statement provided.

Now is the opportunity for the Premier and the Minister for Health to make a statement and update the people of Tasmania, because the allegations are incredibly serious. In the excerpts from that sworn statement made to the Federal Court of Australia there are accusations, and I will read through some of them: that Mr Cummins told Ms Williamson she had damaged her relationship with the Tasmanian Government; that Mr Cummins indicated he had spoken with the Premier by SMS; that Mr Cummins said he had spoken with the minister by phone; that Mr Cummins said both the minister and the Premier were disappointed in Ms Williamson's behaviour; and that Mr Cummins said the minister found Ms Williamson difficult to work with because she had asked for favours from the Government on the one hand and posted tweets pressuring the Government in relation to a personal matter on the other.

Ms Williamson said she had received an SMS from the Premier to the effect that the Premier had not raised any concerns about Ms Williamson's employment. Ms Williamson read out the SMS she had received from the Premier. Mr Cummins said he had also received messages from the Premier which were different to those Ms Williamson had received and Mr Cummins told Ms Williamson the Premier must be lying to her.

This is gravely serious. It can only be resolved now by the Federal Court. In the interim, the Minister for Health and the Premier have to step aside. There is a live matter before the Federal Court implicating the Premier and the Minister for Health, accusing them of engaging in a relationship of employment between Ms Williamson and her employer which led to her sacking. The Premier has potentially lied to the parliament and the people of Tasmania time and time again.

There is no doubt that lies have been told here. The Minister for Health and Minister for Police and the Premier of Tasmania must come into this House to address this urgently and resolve the matter before we proceed with any other business before the House today. It is vital that we can have confidence that the Premier of Tasmania is not abusing his role as Premier - abuse of power,

lying about what has happened. The matters filed today in the Federal Court are extremely serious in nature.

People are well aware of the history around this. Angela Williamson was first trolled by a senior member of the Premier's own office, with screenshots sent to her employer drawing attention to the fact she was speaking about a matter of public policy, and conversations took place between the Premier and the board of Cricket Tasmania and the Minister for Health and the board of Cricket Tasmania, all detailed now in the documents filed before the Federal Court. Ms Williamson was sacked, she lost her job, while the Premier's chief adviser walked away with \$45 000.

This is a terrible scandal. The only way that we can proceed today with any business before the House is if the Premier comes in and gives a statement and the Minister for Health also takes the opportunity to make a statement to clear this matter up. There is no doubt that what is before us now in documents tabled to the Federal Court reveal a very sordid exchange between the Premier and Minister for Health in their involvement in the employment of a private citizen who dared to express criticism of government policy.

She is a courageous person for having the guts to stand up and tell her story. She deserves our full respect. I know it has not been easy for her and I wish her all the best. She deserves a better government than this. She deserves more respect than she has been shown. The duplicity is evident now for all to see in the documents that have been filed in the Federal Court, which demonstrate that she was told one thing by the Premier, who told another thing to her CEO, and the involvement of the Minister for Health and Police is tied up in all of it. It is scandalous, disgraceful and their behaviour has been dismissive and arrogant, but we have come to expect nothing else from them. The fact that the Minister for Health and minister for Police cancelled a press conference today speaks volumes. That tells you everything you need to know, because if there was nothing to be ashamed of and nothing to hide, there would be no reason for that press conference to be cancelled.

We cannot proceed with other business of the House. The matter before us right now has to be adjourned because until this issue is resolved we can have no confidence in the ability of the Government to operate without fear that they may again abuse their powers and impact on the employment of a private citizen.

Members interjecting.

[3.56 p.m.]

Mr FERGUSON (Bass - Minister for Health) - Madam Speaker, I would like to be able to respond without juvenile interjections from members opposite. The Leader of the Opposition was listened to, even though she failed to address the bill when she attempted to enter into debate on the second reading and even when the stunt was pulled - and it is a stunt, quite self-evidently - to try to adjourn debate. It is a stunt and the Leader of the Opposition did not even explain the merits of adjourning debate on this legislation.

Ms O'Byrne - I think she did.

Mr FERGUSON - She did not at all, and this is just another stunt from Ms White trying to link a grievance debate into the legislation, which I have already explained is about providing Tasmania Police with another tool to support them in their vital work to keep our community safe. That was quite disgraceful and an abuse of this House by the Leader of the Opposition, Ms White. I do not think that is right.

Mr Bacon - You've been lying to the House.

Mr FERGUSON - I do not think that is right.

Mr Bacon - You don't think that's right? You haven't been lying?

Madam SPEAKER - Order, Mr Bacon, you are on warning.

Mr FERGUSON - Madam Speaker, it is a stunt by the Labor Party. They have been doing this for a long time. It is very clear. They have done this before. They tried to do it last week on the insignia bill when they tried to kill that bill with procedural motions to stop it being considered by this House.

Members interjecting.

Madam SPEAKER - Order. I am trying to keep order, minister.

Mr FERGUSON - They are a complete rabble. It is not like we did not see this coming. They have all turned up for their big moment, but -

Mr Bacon - Why didn't you turn up at 1.30? We could have avoided all this.

Madam SPEAKER - Order. Mr Bacon, I have already given you a warning. One more outburst and you will have to go out the door.

Mr FERGUSON - They are trying to disrupt the parliament, disrupt the House and stop the Government from allowing the parliament to consider important legislation to support our police. They have had this planned all afternoon and the rudeness is self-evident on the other side. It is disgraceful.

The Government has been very clear on the grievance matter they are trying to raise. It is pathetic. The interjections are appalling and they have clearly run out of puff and do not want to advance the important legislation currently sitting on the notice paper for today. There has been no argument made by Ms White as to why the House should not continue with Government business, the surveillance legislation amendment for body-worn cameras, and the building legislation - it is important legislation. The Emergency Management Amendment Bill is also important legislation.

Ms O'Byrne - We can sit late.

Mr FERGUSON - We will sit late, says the Deputy Leader of the Opposition, another unhelpful interjection. This is a rabble. This is not about sitting late.

Members interjecting.

Mr DEPUTY SPEAKER - Order. Let us get this straight. This is a debate, from what I understand, to adjourn debate on the bill. Debate will be relevant to that and interjections will cease. From what I understand there has already been warnings given to Mr Bacon, so everyone is now warned. The minister has the call on the relevant motion.

Mr FERGUSON - I am actually speaking to the motion, unlike the mover of it. What we are seeing here is stunt after stunt. Is it any surprise that it is on the day Labor got the biggest slap in the face from the Legislative Council when the independent members passed important legislation to keep our state safe? The Labor Party are embarrassed and ashamed of that. They have used appalling tactics, they want to change channels and this is poor.

This is important legislation and it is not about sitting late. It is about orderly running of this House and not letting the Labor Party try to disrupt the important business of this House, important legislation the Minister for Building and Construction has put forward. It is important the Labor Party does not abuse this House with their lies, their misleading and their appalling claims.

Mr Bacon - People in glass houses.

Mr DEPUTY SPEAKER - Order. Mr Bacon, one more and you will be out.

Mr FERGUSON - It is not incumbent, as the Leader of the Opposition falsely claimed, that somehow some explanation is wanting. That is an appalling slur and without foundation because you have already decided the outcome of a Federal Court case, it seems. The Government will be putting out a statement in response to these baseless allegations and that is the proper thing.

We see the Labor Party, desperate to play their silly stunts and politics every single day, abuse the honour of being members of this House. They abuse their responsibility to be truthful in this place. The Minister for Human Services caught them out today, lying about the child services help line not being available around the clock; misleading and we see the same every single day.

I say to Dr Broad, the shadow of the shadow of a police minister, they are continually abusing the trust Tasmania Police place in the Opposition to be a responsible opposition and help this important legislation through today. Serving sworn police officers will see, again, another attempt to stop important legislation being considered and that is what is happening here. It is an abuse of this House.

It is an attempt to disrupt the Government's law and order agenda. It is a disgrace that the Leader of the Opposition continues to fall for these silly ideas, these stunts and it is a waste of time. This will be a 35-minute waste of time thanks to the Labor Party, and when they know there is a legal case on foot. It is appalling. We see it every single time, the opportunistic Leader of the Opposition who wants to play politics, does not want to be responsible and does not want to support police.

Time expired.

[4.02 p.m.]

Ms O'CONNOR (Denison - Leader of the Greens) - Mr Deputy Speaker, we support the adjournment of this debate, not because we want to be part of any political game. This is not a game. We have testimony, evidence presented in documents to the Federal Court, accusing the Premier of Tasmania of lying. If that is not a matter the House needs to examine, I do not know what is. We have the Premier, who I point out for the purposes of *Hansard* has not shown his face in the Chamber during this debate, accused of lying in sworn documents lodged with the Federal Court. That is a question the House needs to examine.

It is a matter of great regret the Premier is not in the Chamber now and that the Premier did not come straight in when the Leader of the Opposition moved to adjourn the debate and say that he will respond and clear the air. He has chosen not to do that, although I see now a serried rank of ministers have come into this House in this debate but the Premier has not shown his face.

This is a very serious question of a minister of the Crown, trusty and well-beloved according to the letters patent, and the Premier of Tasmania accused of abusing their power. We had the Leader of Government Business talking about the abuse of parliament's time a moment ago. This is a legitimate use of parliament's time and what we are talking about is a potential abuse of power. When we have to endure 20 minutes or more of Dorothy Dix answers from members every question time -

Mr DEPUTY SPEAKER - Ms O'Connor, you were going really well on relevance until then. Keep it relevant to the motion in front of us, please.

Ms O'CONNOR - It is entirely relevant.

Mr DEPUTY SPEAKER - It is not. I ask you to keep it relevant.

Ms O'CONNOR - The question I was raising is about the use of parliament's time. I was making a relevant comparison with the abuse of parliament's time that is question time when, on the taxpayers' coin, we have to listen to 20 or more minutes of Dorothy Dixers every question time.

This matter does need to be dealt with by the house, by the Parliament of Tasmania. For anyone who reads through the documents lodged in the Federal Court today, they lay out a deeply concerning version of events. I am not going to pre-judge what the Federal Court is likely to find, I do not know the truth, nor does anyone except the Premier, the Minister for Health, Mr Cummins and Angela Williamson, to a significant extent. The truth lies somewhere between those four individuals.

On the history, Mr Deputy Speaker, I know who I believe. The history in this place has been of a government that has danced around the truth; of ministers who have repeatedly misled the House and faced no sanction whatsoever under the ministerial code of conduct. We do see here in the court documents a sequence of events that point to some level of political involvement in Angela Williamson's sacking. You cannot escape that conclusion when you look at the court documents. We have the tweet of 14 June, which set in train a sequence of events, conversations and meetings that led to Angela Williamson being sacked some six weeks later. For anyone who is watching this debate, I refer them to page 6 of the statement of claim. I believe the Leader of the Opposition read some of it into *Hansard* but it is worth putting this on the record -

Immediately following the 19 June meeting referred to in the preceding paragraph, Ms Williamson had a discussion with Mr Cummins in which, among other things:

- (a) Mr Cummins said Ms Williamson had to come up with a date to resign her employment;
- (b) Ms Williamson said she had received an SMS from the Premier to the effect that the Premier had not raised any concerns about Ms Williamson's employment;
- (c) Ms Williamson read out the SMS she had received from the Premier;

- (d) Mr Cummins said he had also received messages from the Premier, which were different to those Ms Williamson had received; and
- (e) Mr Cummins told Ms Williamson the Premier must be lying to her.

Why would Angela Williamson make that up? It is a very specific allegation and, for people in the house who have not read the text of Mr Hodgman's message to Angela Williamson, it says, 'Angela, I have absolutely not spoken to anyone at Cricket Australia about your employment there, Will'.

Mr DEPUTY SPEAKER - Ms O'Connor, we are debating the motion the debate be adjourned. I will need you to focus on that, please.

Ms O'CONNOR - That is exactly what I am doing, Mr Deputy Speaker.

Mr DEPUTY SPEAKER - I have determined that you are not. I am asking you to become relevant.

Ms O'CONNOR - I would argue it is relevant. The text message that is the subject of this statement of claim to the Federal Court is highly relevant to the call for an urgent appearance of the Premier in the House to clarify the situation. If there has been no lie, the Premier needs to be clear about that. The evidence before the court is pretty strong.

Time expired.

[4.10 p.m.]

Ms O'BYRNE (Bass) - Mr Deputy Speaker, I appreciate the opportunity to speak to the matter of adjourning the debate which goes to whether or not this House can continue to debate the legislation in front of us with such a serious issue overhanging it.

The standard that you walk by is the standard you accept. This House cannot accept these concerns being raised and being in the public domain, without the House having an opportunity to understand exactly what has gone on and be able to build some level of confidence in both the Premier and the Minister for Health, who are both named in this document.

I touch on an interjection made during Ms O'Connor's contribution as to how people get hold of the court documents. The Attorney-General said these documents are not public.

Ms Archer - They weren't when I last checked.

Ms O'BYRNE - If you go to the Federal Court website, you can apply to have documents provided. I am advised it costs around \$50, but anyone can do that. The fact that the Attorney-General does not know how you get a document that is public is questionable.

Ms Archer - How do sleep you at night?

Ms O'BYRNE - It does go to the way this Government conducts its business. They are dishonest. The Attorney-General asks, 'how do you sleep at night'. I sleep okay because I did not ring Angela Williamson's boss. I did not text Angela Williamson's boss. I did not get one of my staff to troll Angela Williamson. I did not do those things. I sleep all right. I wonder whether members opposite sleep all right.

Ms Archer - Oh dear. Making a fool of yourself as usual.

Mr DEPUTY SPEAKER - Order. Relevance, Ms O'Byrne.

Ms O'BYRNE - Thank you, Mr Deputy Speaker. Picking up on the other direction, I do not talk to board members of organisations.

The matter we need to deal with, which is in front of the House today, is important. The proceedings of the parliament require a number of standards from us. We cannot conduct our business when people are in flagrant denial and disobedience of the preamble of the Statement of Commitment and the Declaration of Principles that members make when they come into this House. They are the overriding principles by which we conduct every element of our lives.

They talk about the decisions that we make here having a profound impact on the lives of all Tasmanian people. Fulfilling our obligations in discharging our duties responsibly requires a commitment to the highest ethical standards. What do we have in the papers that have been tabled in the Federal Court of Australia today? Not the highest ethical standards; some of the lowest ethical standards.

The Statement of Commitment talks about giving our constituents, of whom Ms Williamson is clearly one, honesty, accessibility, accountability, courtesy and understanding. If you read this document, not one of those things have been provided to Ms Williamson.

If the text that the Premier is alleged to have sent her was true, then maybe that would be the case, but nobody else believes it. The Attorney-General can let us know whether texts would be admissible evidence in a court of law and whether they will be subpoenaed. That will be an interesting piece of work.

The Statement of Commitment talks about respect for differences and fairness in political dealings. Ms Williamson has not had that. The Statement of Commitment to this House talks about the belief in a fundamental objective. The public office is to serve our fellow citizens with integrity in order to improve economic and social conditions to the Tasmanian people. Ms Williamson did not have her social and economic conditions upheld. She lost her job. Why did she lose her job? I turn to the document that has been submitted. Section 16:

- (c) Mr Cummins told Ms Williamson that she had damaged her relationship with the Tasmanian Government.
- (d) Mr Cummins indicated he had spoken with the Premier via SMS.
- (e) Mr Cummins said he had spoken with the minister by phone.
- (f) Mr Cummins said both the minister and the Premier were disappointed in Ms Williamson's behaviour.
- (g) Mr Cummins told Ms Williamson that the minister was not aware of the 14 June tweet until Mr Cummins informed the minister of it.

- (h) Mr Cummins said the minister found Ms Williamson difficult to work with. She asked for favours from the Government on one hand and posted tweets pressuring the Government in relation to a personal matter on the other.
- (i) Mr Cummins told Ms Williamson that she would not be able to advocate her political views and hold her role with Cricket Australia.

Section 17 states - and members have already raised these things.

Ms Williamson said she had received an SMS from the Premier to the effect that the Premier had not raised any concerns about Ms Williamson's employment;

Mr DEPUTY SPEAKER - Order. Ms O'Byrne I again draw your attention to the motion before us.

Ms O'BYRNE - It goes to that. The motion is to adjourn the debate because these matters need to be dealt with. They are in contravention of the preamble to the Statement of Commitment and the Declaration of Principles that this Premier and that minister made to this House when they were sworn in. Those are the things that they said when they were sworn in. Either they believe them and adhere to them or they do not. If it is true as Mr Cummins said to Ms Williamson that the Premier must be lying to her, then that is a matter that we all need to take very seriously in this House.

Every day we debate matters of significant import. The matters today are of significant import but how can we, in good conscience and with good faith, take the representation of this Premier and that minister without believing that perhaps there is a chance that they are lying to us if it is alleged that they have lied to others.

That is the fundamental issue before this House. How do we conduct our business if we do not believe that members sitting on the Treasury benches are capable of telling the truth in the community and to this House? There are times when ministers might not give every bit of information. There are times when ministers might avoid answers, but to deliberately say things that you know to be not true fundamentally undermines the entire democratic principle of the Westminster system. It is based on the fact that in this House you will tell the truth.

It may be found by the court that when Mr Cummins told Ms Williamson the Premier must be lying to her that may be found out. That will be dealt with by the court. This Premier said this in this House. It is the evidence that is provided in this House, it is the statements that are made in this House that we need to deal with. We need to deal with the fact that this Premier has said that none of these things took place. It is clearly and patently a matter that casts a shadow over this Premier and the business of the House.

Time expired.

Members interjecting.

Mr DEPUTY SPEAKER - Order. I have already issued final warnings. The Premier will be heard without interruption or interjection. Mr O'Byrne, you will be out as well as Mr Bacon and anyone else who interjects. You have all been warned during this debate.

[4.17 p.m.]

Mr HODGMAN (Franklin - Premier) - Mr Deputy Speaker, I would like to put some matters of fact down in relation to this matter, again, noting from the outset the sensitive nature of the issue in question. Second, also noting that all sorts of claims have been made by Opposition members in this place about this matter, many of which have been unfounded.

I place on record today very clearly that I and the Government refute, in the strongest possible terms, the allegations made today in the media on the Cricket Australia court proceedings including third-hand reports asserting complaints were made to Cricket Tasmania. As we have said repeatedly, and I stand by what I have said, the Government has never sought to influence Ms Williamson's employment with Cricket Tasmania. I stand by my statements in respect of this matter. Members of the Government not only are conscious of the fact that this is a sensitive set of matters but we will not tolerate any false claims being reported as facts.

I am able to advise also that Cricket Tasmania has issued a statement in relation to this matter which I will refer to in a moment. Mr Nick Cummins, the CEO of Cricket Tasmania, has confirmed with the Government that the allegations made today are untrue and are a complete misrepresentation of what took place. At no stage have any members of the Government asked for any action to be taken in relation to Ms Williamson and at no stage did he accuse the Premier of lying.

This is also, as I say, not only a sensitive matter but it is one that is before the court. There is a legal matter between Ms Williamson and Cricket Australia that we are conscious of and have been mindful of at every point.

I will conclude by referring members of this place to a statement that has been issued by the CEO of Cricket Tasmania this afternoon which says:

We have chosen to withhold comment in the media concerning this issue to date out of respect for Angela and the legal process.

However, these recent allegations cannot go unchallenged.

Angela's statement of claim is her version of events, a version we dispute.

We refute any suggestion of any government interference in Angela's dismissal.

Cricket Tasmania CEO, Nick Cummins, refutes Angela's allegations that have been reported in the media.

[4.20 p.m.]

Mr O'BYRNE (Franklin) - Mr Deputy Speaker, that was a very carefully crafted statement from the Premier. We are clearly of the view that this goes to the heart of this House. It goes to the heart of the integrity of parliamentary process.

There was an inference on the other side of the House that we tried this stunt last week. We did not try this stunt last week. We raised a censure motion against the Premier because he misled the parliament and the people of Tasmania about the Martine Haley case. What we have here is now a series of mistruths - and I do not want to be unparliamentary here - and a series of lies that

lead to the character and content of the Premier of Tasmania. There is nothing more serious in front of this House that we could debate.

We do not do this lightly; the legislation before the House is very important. We do not seek an adjournment to have this matter debated lightly. It is very serious and goes to the heart of the people of Tasmania's faith that their Government will not use their power and influence to silence dissent and have people sacked if they have the temerity to disagree with them. It is crucial that the people of Tasmania have confidence that the Premier, and the Leader of Government Business and minister for Police and Minister for Health, have not used their influence to silence dissent and cost someone their career.

I have been involved in industrial relations for many years. A number of these matters get resolved, negotiated out and the parties move on. The fact that Ms Williamson has gone to this length, to this extent, shows the depth of anger that she has and the depth of the seriousness of the matter before the courts. We know this will be a matter that both the Premier and Minister for Health will have to explain. They guillotined debate last week around the censure motion, would not allow us to debate that, stopped and ran away -

Mr FERGUSON - No, that is rubbish. Point of order, Mr Deputy Speaker. It is unacceptable to lie. The Government supported the member being able to bring on that motion by suspending standing orders and he should not say lies.

Mr DEPUTY SPEAKER - Order. I ask the member to not say that but I also ask him to remain focused on the motion before the House.

Mr O'BYRNE - Thank you, Mr Deputy Speaker. This is a matter of integrity that goes to the heart of democracy in Tasmania that the people have a government that will not use their power and influence to have someone sacked if they disagree with them.

Last week you guillotined debate. You did not allow us to have a proper debate, and the Premier deliberately misled the people of Tasmania about the termination of Martine Haley. We all know what she did, you know what she did, and this is not just an isolated case. This is not just a difference of opinion or disputed facts on the matter. This is now a series of actions; a strategic, planned, premeditated approach to silencing dissent. That is exactly what it is. You had your staff do it and when they were caught it was, 'Oh no, it has nothing to do with me'. Now you have been named in these court documents and still say, 'No, it wasn't me, it wasn't me'.

Time expired.

The House divided -

AYES 10

Mr Bacon
Dr Broad
Ms Butler (Teller)
Ms Dow
Ms Haddad
Mr O'Byrne
Ms O'Connor

NOES 10

Ms Archer
Mr Barnett
Mr Ferguson
Mr Gutwein
Ms Hickey
Mr Hidding
Mr Hodgman

Ms Standen
Ms White
Dr Woodruff

Mr Jaensch (Teller)
Mrs Petrusma
Mr Rockliff

PAIRS

Ms O'Byrne
Ms Houston

Ms Courtney
Mr Shelton

Mr DEPUTY SPEAKER - The result of the division is 10 Ayes and 10 Noes. I therefore have to use a casting vote. In accordance with standing order 167 I cast my vote with the Noes.

Motion negatived.

[4.30 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Deputy Speaker, I will wrap up my contribution on the bill.

The shadow minister has indicated that we support the bill. We support the provision of technology being provided to the police service so they can do their job, provide surveillance and act as a de-escalation tool on occasions that it is necessary.

Perhaps it would have been appropriate for the minister to wear a surveillance tool so we could have better understood exactly what took place. There was no detailing of the amendment by the minister. I do not know how long the Premier and the minister think they will be able to continue to do press conferences, or avoid them, before they have to address these issues.

[4.31 p.m.]

Ms ARCHER (Denison - Minister for Justice) - Madam Speaker, I am glad to be able to finally contribute on this bill. I had expected to speak some time ago. In any event, I am pleased to contribute to the second reading of this bill as it represents another important way we can support our police officers to do their job well and ensure quality evidence can be considered by the courts. This bill will provide a strong legislative basis for the use of personal cameras by on-duty police officers. It provides for the use of body-worn cameras through the definition of personal camera that will be inserted into the Police Powers (Surveillance Devices) Act 2006. We know the relevant section deals with the definition of 'personal camera', which includes -

- (b) a device that is capable of recording visual images or sound, or both, and that is usually worn on the body, whether or not the device is being worn when the recording takes place;

It recognises that on-duty police officers will not always be using body-worn cameras. For example, it may be appropriate for police officers to use a handheld camera to film a search or to film a crime scene. The key provision of the bill is the proposed new section 44A, which will be inserted into the Police Powers (Surveillance Devices) Act 2006. The bill provides that -

- (1) The use of a personal camera is in accordance with this section if -
 - (a) it is -

- (i) being held and used; or
- (ii) being worn and used -

by a police officer who is on duty;

Proposed new section 44A also requires that the presence of the personal camera is overt and sets certain requirements in the instance the camera is being used to record a private conversation to which the police officer is a party.

It is important to note the bill also sets limits as to when a recording obtained by a police officer in accordance with proposed 44A can be used, communicated or published. The bill limits the use, communication and publication of information obtained by a police officer using a personal camera in accordance with proposed section 44A by making such information protected information.

Several benefits to Tasmania Police and to the community more generally resulting from the use of body-worn cameras have already been detailed by the Minister for Police, Fire and Emergency Management in his second reading speech. I will not discuss those in great detail. As Attorney-General and Minister for Justice, I will focus on the potential benefits to the administration of justice likely to result from the increased use of audio recordings and footage from incidents.

Recordings of police officers, in line with proposed section 44A, should assist police officers, prosecutors and defence counsel in assessing the strength of the evidence against a person on a particular charge. For police and prosecutors, this will mean that audiovisual recordings of incidents can be reviewed in any assessment of whether to proceed with or discontinue charges. As members will be aware, it is not at all uncommon in criminal hearings and trials to have disputes about what someone said or did. Sometimes this is because time affects the recall of events. Sometimes people are drunk or under the influence of drugs at the time of an incident and can wake up the next day and have little or no memory of what happened. Rather ironically, sometimes people are willing to suggest versions of events that are most likely to be of benefit to them in court. There is unlikely to be any better evidence of an incident than an audiovisual recording and evidence obtained in accordance with proposed section 44A, which can allow a person accused of an offence to see and hear what they have said and done.

Footage and audio recordings of such incidents should increase the likelihood that a person will plead guilty to an offence, for which a video could provide objective evidence. In that circumstance it should also decrease the likelihood of disputes over asserted facts and, should a matter proceed to trial, reduce court time. Earlier pleas of guilty have positive effects for the criminal justice system and they save the time of offenders, courts and lawyers. Earlier pleas of guilty also mean a person will have to appear fewer times in court to have their matter finalised. Fewer appearances in court will mean less time away from work, study and family commitments for the offender. Earlier pleas should also result in less time handling files and preparing for hearings and trials for police prosecutors, the Director of Public Prosecutions and defence counsel.

There is a real likelihood the increased use of personal cameras by police officers in accordance with proposed section 44A will have a positive effect on the administration of justice in Tasmania. It also may reduce the need for vulnerable victims, such as children, to be relied upon for evidence in a court setting. Finally, I would also like to note that the type of evidence police will potentially gather through the use of cameras, as this bill allows, will also help in circumstances in which allegations may be made against police officers. Should there be a complaint or allegation made

against an officer where there is audiovisual evidence, matters can potentially be dealt with expeditiously. That will come as a relief to many.

I expect members will agree this is beneficial to facilitating the ready use of cameras by police. I thank members for noting all the other issues that have been highlighted in relation to the practical benefits of wearing body-worn cameras. Hopefully this will also allow for greater administration of justice.

[4.38 p.m.]

Ms O'CONNOR (Denison - Leader of the Greens) - Madam Speaker, I rise to make a brief contribution on the Surveillance Legislation Amendments (Personal Police Cameras) Bill 2018, and to say at the outset that I strongly support Dr Woodruff's contribution. In response to some of the concerns raised about the legislation and concerns raised through the Legal Aid report in New South Wales, the Aboriginal Legal Service New South Wales ACT report, Dr Broad indicated that when he spoke to Tasmania Police he was reassured that some of those issues we raised would be dealt with through operational standards or internal police procedures. My understanding, minister, is that Tasmania Police officers can currently wear body surveillance cameras? Is that correct?

Mr Ferguson - The rollout has commenced.

Ms O'CONNOR - The rollout has commenced before the legislation is passed?

Mr Ferguson - Correct.

Ms O'CONNOR - My understanding is that the most recent Tasmania Police manual makes no reference to body cameras. If interested members of the public wanted to know about developments in law enforcement practices, and given this is a relatively significant shift in the way Tasmania Police will potentially be able to gather evidence, do you agree, minister, it is a matter of some regret and probably an oversight that we are in a situation where police surveillance cameras are being rolled out through Tasmania Police where police officers are able to wear body cameras, yet there is nothing in the police manual about it. There has been no public statement about it.

I hope the House understands the concerns raised by Dr Woodruff that have been highlighted through the review process in New South Wales have not been assuaged by Dr Broad's contribution and reassurances. We do not know the operating guidelines or internal processes Tasmania Police will have in place to ensure that these body cameras and this legislation does not have potentially unintended consequences. I say this as a person who has a great deal of respect for Tasmania Police. It would be good for the House to understand what sort of internal documents are likely to be developed and if they will be made public about the rules around the wearing of surveillance cameras.

Madam Speaker, I grew up in Joh Bjelke-Petersen's Queensland in the period just before *Four Corners* did 'The Moonlight State', which was historic, deeply confronting and very significant in terms of the history of Queensland. This is a historic piece of journalism which went to the heart of corruption in Queensland Police, so I have some comparisons here, which is why I have great respect for the culture of Tasmania Police, but we should never grant unfettered powers to law enforcement agencies or their officers.

At the end of the day, police officers are people too, just like politicians are. It would be helpful if the House could understand what procedures, internal documentation, rules, guidelines and standards will be developed through Tasmania Police and why they have not been developed yet, given there has been a rollout of body cameras in operation in Tasmania Police and nothing on the public record we can find to let Tasmanians know about this significant shift in law enforcement practice in Tasmania.

[4.43 p.m.]

Ms BUTLER (Lyons) - Madam Speaker, the Surveillance Legislation Amendments (Personal Police Cameras) Bill 2018 amends both the Listening Devices Act 1991 and the Police Powers (Surveillance Devices) Act 2006. Currently, the Listening Devices Act 1991 prohibits the recording of private conversations in certain circumstances. The amendments made by this bill ensure the overt use of body-worn and handheld cameras by police is lawful in a range of contexts. I am advised the main reasons for introducing use of body-worn cameras are transparency, accountability and for the purpose of genuine law enforcement.

During my research into surveillance, I spoke to my uncle, who served as a police officer for 30 years and is now retired, and also my mother, who was a lecturer in human relations at the Queensland Police Academy starting in 1990 after the CJC inquiry into police operations in that state, where one of the key recommendations was human relations training to be introduced in order to assist police cadets negate the responsibilities and obligations to be as transparent and accountable as possible. One of the first cadets to graduate from my mother's class at the police academy in the early 1990s was one Mr Peter Dutton - I will leave it to you whether or not she was successful in lecturing him in human relations. It is a bit of a family joke.

When I quizzed my uncle about the body-worn cameras and whether his life as a police officer would have been different if body-worn cameras were available, he said that times were different back then and the role of police officers was also significantly different to what it is now. He worked as detective for most of his career and said the body-worn vests would not have assisted in the building of trust and relationships with a lot of members of the public but he did clarify once again that things were different then and there are different obligations and stresses on today's police officers compared to 30 years ago.

He also provided me some insight into the fear and vulnerable position many police officers face, sometimes daily, when they are the first responders, and the extra security that wearing a body-worn camera might provide to those police officers. He discussed being the first respondent to break up, for instance, a pub brawl, and how back in the day they used to often send the smaller female police officers into those situations as the first responders because they would usually be better at diffusing the situation than their male counterparts.

Wearing a body-worn device with the knowledge by the general public that there would be a camera on that police officer as they are going into a potentially very dangerous situation I would think would provide a police officer with an extra layer of security and assurance, and also the knowledge of the general public that that police officer was wearing a device which could be used potentially as evidence would hopefully provide more security and safety for the police officer.

We discussed being the first responder to a family violence scene and how documenting the events witnessed never really captured the devastation. When he was writing a report, it never really captured the devastation that he would come across, being the first respondent in a harrowing family violence situation. He talked about the vulnerability and also sometimes the documenting

of the truth. He discussed his frustrations with victims changing their accounts to protect the perpetrator of the violence, and also the frustration of sometimes having to walk away from those situations knowing that he could not ensure the safety of the family members, especially the children. That was one of the things he had the hardest time with when sleeping at night.

There are negatives associated with this bill, of course. Ms O'Connor, the member for Denison, provided information that there are some devices being used and there may not be a manual where procedural guidelines around the usage of these devices is in place. It would be very important to make sure there are some protocols, and I am sure there will be. I know Tasmania Police do a very good job of instructing with these things, but having that documented to ensure that there is compliance with the use of those devices is really important.

I note the amendment in this bill to the definition of personal cameras is intended to provide greater flexibility and would permit a police officer to make a recording using a mobile phone if necessary. I would like more information in relation to what 'if necessary' means. I know it is a legal term but it might be necessary in the future to define what, 'if necessary' means.

Again, 'discretionary power' is difficult to explain and define and the word 'necessary' can also be open to great interpretation.

I also draw attention to the amendment in the act where the overuse of personal cameras is permitted by police without the need to obtain a warrant. The act does specify that where the personal camera is being used to record a private conversation to which the police officer is a party that: they are in uniform; will have informed all parties to the private conversation that they are using the personal camera; the circumstances are such that the parties reasonably expect the private conversation is being recorded; and the use of this information as evidence is reflective of the changing nature of evidence and digital information sharing and privacy. I am pleased with the requirements as long as best practice is maintained and the practice which I believe this legislation should be able to deliver.

We as a community have a relatively unknown perspective on the direct cost of storing, sharing and managing digital evidence and the velocity and volume of data accumulating in police services. Even if only a small number of the recorded events turn into downloadable events, it still puts great strain on the resources of Tasmania Police. That could potentially translate into millions of dollars to protect the storage of that data in the clouds. Currently Tasmanian government agencies under auditing have all recorded that their cybersecurity is not up to scratch. There needs to be greater resources put into that. In Estimates next year I would like to see that some resources be put into that for Tasmania Police to make sure that can be properly maintained.

Historically, evidence provided by police officers in court has carried a tremendous amount of weight. There is a concern that we will start to use digital evidence as a major source of evidence in the future. We already do, but that may come at the compromise of using evidence that police officers can also provide. Will these accounts be arguably worth less with reliance of digital evidence? Will police potentially be unwilling to prosecute family violence cases if a body-worn camera or handheld camera is not digital evidence? Also, in time, will a lack of digital evidence be used as a defence to potentially stop a prosecution? I know these questions are not part of this legislation. They are bigger ones that we need to ask ourselves with the increased use of digital evidence.

Especially in light of information that we discussed earlier in our debate it is very important to ensure the integrity of controlling these body-worn cameras. We need to make sure that they are used for the right reason. We need to make sure that we do not create an Orwellian-style society, which is one of my biggest fears. I remember when the CCTV arguments came in. There were clear ethical considerations to having a data storage policy that routinely collects data on citizens in the public domain. CCTV surveillance captures the routine behaviour of citizens whose consent is not obtained prior to their being observed and is now so much a fabric of our everyday life that we take it for granted. It has become quite banal. Whilst the moral argument against CCTV is not of the same scope and magnitude when it comes to police-worn cameras, it is an open question to whether police public encounters should be routinely filmed and what threats to rights this practice might represent in the future.

I draw attention to the flip side of CCTV footage and the incredible tool this footage can provide, such as suspicious behaviour leading to terrorist-related activity being identified as a preventative measure. This has saved thousands of lives globally.

The use of body-worn cameras can also provide police officers with a greater level of security and the ability to use footage obtained on the device as evidence, if they are assaulted themselves or if their professionalism is questioned by a member of the public whilst they are undertaking police duties.

Body-worn cameras may become a tool to improve the quality of interaction when police encounter situations where they need to be more mindful of the need for procedural fairness and to be respectful. The use of body-worn cameras may assist in defusing a potentially dangerous interaction to stop a situation escalating. The use of cameras is already in place in other jurisdictions such as Queensland, Victoria and New South Wales. They are already being trialled in Tasmania.

Overall, the reporting is positive. Of note, one of the main areas where improvement has been indicated is in family violence cases, where victims are able to use recorded statements from body-worn cameras as evidence. This is a critical tool to respond to family violence issues, which I support.

In conclusion, I support the rollout of body-worn cameras for police for improved and more accurate collection of evidence, the opportunity to review and improve police practices, improve officer conduct and professionalism and the reduction in vexatious complaints against police. I would also support the introduction of body-worn cameras for other frontline workers, especially those workers in dangerous or high risk professions.

[4.56 p.m.]

Mr BROOKS (Braddon) - Madam Speaker, I support the legislation. It is great to see there is support from those opposite. It is an important an important tool for the police. It can give confidence to the public as well that the evidence collected will be the evidence collected. It will show what happened.

I have been in Estimates hearings three or four years ago when camera concept was being discussed. The Police Commissioner handed one around for the committee to have a look at, and talked about the importance of them and the potential roll out. It is an important for not only policing for the safety of our fine men and women in the police service but also for gathering evidence for alleged criminal activity and for those who may refute or dispute what happened. It is going to be clear on how that works.

There are adequate protections within the legislation about how the database is going to be maintained. Admittedly, the ability is normally of a broader structure of the mechanisms rather than regulations but there are some specifics within it that outline the requirements, filing systems and storage as well as keeping evidence. Who has access to those files is also important. As has been raised previously, there are some privacy concerns. They are valid points.

Overwhelmingly, this is a crucial tool for modern policing. It adds value to the safety of our police service. We have seen footage from around the world, where things have been done inappropriately. I would not say any of our fine police men or women in Tasmania would do that. It gives the public some protection as well.

It is not only a one-way street. The main requirement is for evidence for perpetrators and criminal acts. It provides an additional check and balance for those in the community who feel wronged. They can also have that evidence tested. That is good. It is about transparency and making sure those things are available to be put forward as evidence. It is good that it is supported by everyone within the House. Whilst there might be some disagreement on some aspects of it, it is a recognition this Government, ably led by my good friend and colleague, the minister, Mr Ferguson, continues to engage with police and look at what tools we can provide to the police service to make sure they are as safe as possible and that we can keep Tasmanians as safe as possible.

From a victim's point of view, we look at how we can make sure people who may sometimes get away with things; this helps with evidence. If they play the video and that is what the video does, perpetrators will have significant evidence against them through the use of those personal body cameras. It can also add context to the circumstances before and after. We have seen accusations against police with limited, two-second footage of an outcome that does not show the circumstances before or after those things have happened. We have seen that in the courts previously. Even on the north-west coast, I remember a case a couple years ago in which an allegation of inappropriate use of force by a police officer was used with mobile phone footage taken by someone on the street. That footage was the abridged version. It was not the full version of what happened. When that came out it was resolved by the court.

I commend the minister on this legislation and the police who are always looking at ways they can keep their police safe. The ultimate reason and the ultimate purpose of our fine police men and women is community safety. This is another step in providing a further tool -

Mr Ferguson - Tool in the toolkit?

Mr BROOKS - I was trying not to say that because we have been saying it too often. This is a good thing for the police and for the community. The advantages are overwhelming and it will continue to add to the wonderful service our fine men and women that wear the uniform of the Tasmanian Police Service and the community expectations and community trust in our police. There are some who do not and this can help address that problem. There are some additional advantages that were not part of the original consideration. This is a great outcome and I support the bill.

[5.05 p.m.]

Mr FERGUSON (Bass - Minister for Health) - Madam Speaker, I thank nearly everybody who has spoken, from Dr Broad; Dr Woodruff; Ms Archer, the Attorney-General; Ms Butler, the member for Lyons; and my colleague, the member for Braddon, Mr Brooks.

I cannot thank the Leader of the Opposition because it was a rubbish contribution that was only an interruption and a disruption to the House. It had nothing substantial to offer. I am disappointed that happened. Unfortunately, Dr Broad was trying to put the Labor Party's train back on the tracks to support police with the tools they need to do their work but was completely ridden over by Ms White and that has not served the public at all.

Thanks, Dr Broad, Dr Woodruff, Ms O'Connor and others for their contributions. All of this is good grist for the mill in considering the serious issues involved. We want to make sure the privacy concerns, as appropriately raised, are demonstrated in a transparent way in how they are going to be professionally managed and how we can ensure we regulate this. This is more or less not regulated for Tasmania Police right now. There is the opportunity to resolve issues of the Listening Devices Act, which has been dealt with during the debate and in my second reading speech. Did you know that Hobart City Council, I am sure you do know, Madam Speaker -

Dr Broad - I mentioned that.

Mr FERGUSON - Dr Broad and others know, but perhaps many people are not aware. Staff are wearing body-worn cameras right now. Officers who work in animal protection, animal welfare, are wearing body-worn cameras. We are making sure we have a robust regulation framework in place to support the rollout of these body-worn cameras.

Tasmania Police hold themselves to the highest ethical standards. We, as parliamentarians and policy makers, want to support them in that. We also want to make sure the legislation agreed by our parliament supports the highest standards Tasmanians would expect. We have had this debate over and over. We need to support police so they can go about their duties, which are not all that easy. It is a pretty tough job and we are so grateful for what our Tasmania Police servicemen and women are doing every day. It is difficult work. They are the people we send into difficult situations where angels fear to tread, to use that saying. When we are worried we call them. They stand between, they step in between, a dangerous situation and a potential victim. Wherever they can, they are on the job. We have to support them. Equally, we have to be mindful of making sure that public interest protections are there as well. The bill is all about that. Even though I take issue with the Greens' contributions suggesting we wait for the New South Wales review, it is a legitimate point of view you are raising on behalf of your voters.

I can address the points raised through the debate. I have already done some of that when we addressed the amendment question. I thank everybody for their contributions. In regard to the examples put forward by Dr Woodruff, there were a number from the United States, which is not Australia, but it is a jurisdiction from which you have raised some examples. Dr Woodruff raised a number of incidents, which allegedly or apparently have not been recorded. I am advised by police that such incidents would be recorded under this policy and under the existing policy.

Dr Woodruff - Only if there is 30 seconds beforehand.

Mr FERGUSON - I am about to say, in the technology Tasmania Police are adopting through the procurement process with Axon, the cameras will back-capture 30 seconds prior to the pressing of the button. So, bang, you press the button, and you have already captured the previous 30 seconds of vision. If police fail to comply with the policies we have been discussing without proper justification - which was touched on by someone - then they would have to be accountable for that within Tasmania Police command.

It is also perhaps useful for Dr Woodruff to know that I am advised that none of the issues raised by her were submitted to Tasmania Police during the consultation phase on the bill, despite the fact that a large number of legal bodies and organisations with an interest in these areas were offered the opportunity.

Dr Woodruff - When was the consultation opened?

Mr FERGUSON - I will get you a date. I have seen the substantial list of organisations that were provided the opportunity to put forward any issues, questions, or have them resolved in briefings. I am advised that none of the issues you raised were raised by those others.

This is the first rollout of the technology in Tasmania. There is no doubt there will be opportunities for enhancements in the future to the technology and practice and you can rely on Tasmania Police to keep a close eye on that; after all, this is their innovation and we are here today enabling that.

Yes, police can wear body-worn cameras, as can other agencies and even members of the public, as long as they do not record private conversations. This legislation for the body-worn camera project has already commenced its rollout. It can now be used for the greatest part of the objects of this project. We acknowledge that the change to the legislation is necessary so that we can provide for the broader situations in which police operate, and that includes the recording of private conversations with all of the parameters around it I outlined in the second reading speech.

There was some discussion around the police manual and I have asked for some advice about that. I can assure members of the House that the Tasmania Police manual has been updated. However the public version of this lags slightly in updates. These updates will be available in the normal course of the release of the manual, so that is coming. Police have made several announcements regarding the cameras and policies surrounding their use and the policies are not secret. The Tasmania Police manual sets orders as to when cameras must be used. In addition, there are more detailed policy documents and training. Tasmania Police has developed a comprehensive set of policies, guidelines and other material in regard to the technology.

During the debate, discussion was raised about mobile phones and cybersecurity. If an off-duty police officer had to intervene in the situation where they do not have a body-worn camera available, that provision is intended to cover those circumstances.

The cybersecurity question is an important question for all governments. This is being reviewed and assessed to Australian Government standards and Tasmania Police, I am advised, and I hold no concerns regarding the security of the platform which is also used by many police agencies. I have to say that there is never a guarantee in this area. There is always an important role for agencies and providers to be mindful of closing any cracks in their cybersecurity regimes and ensure that any identified witness in their security platform is monitored very closely. That is something we all have to acknowledge, as we are all aware of that. Even the very high-reputation IT agencies and platforms, the big name ones, suffer from this at times, so it is a reminder of the importance of ongoing vigilance in this area.

I will conclude my remarks now by just bringing it back home. This is a \$3.4 million project over four years about providing the technology to Tasmania Police. They already have their own eyes and ears which can be used by serving police as evidence but this additional layer of technology provides for an enhancement to that and it has been shown to improve human behaviour in some

difficult situations. I hope that in the future we will be able to look back and reflect on this and say it was really helpful in de-escalating the situation because people on both sides of the camera were aware that they were being recorded.

As the Minister for Police, Fire and Emergency Management I am so often the deliverer of important initiatives in this portfolio which were commenced by my good friend and colleague, Rene Hidding, the previous minister. He did an amazing job in this portfolio and I do not mind taking the time to commend him. He is a great man, a great person, a wonderful parliamentarian and people want to wake up and realise what he has done to protect the community of our state is a real contribution that has to be honoured. It has been so useful for me. I came into his portfolio six months ago and I will put it this way: I found it in perfect nick. Rene has done a wonderful job and Tasmanians can and should be very grateful for his service. This was one of Mr Hidding's projects as police minister as part of the Hodgman Liberal team that he drove and I feel very fortunate to be part of the delivery of this plan.

Mr Hidding - Thank you; very kind.

Mr FERGUSON - I also acknowledge Inspector Manhood and his colleagues in Tasmania Police. There has been a lot of work in this area. The procurement has been really robust and we have a product we believe is of a high quality and reliable standard that will make people safer in Tasmania. That is what this is all about. We never make apologies as a Government for working on and taking decisions that help improve the safety of our public because we are elected in their trust to care for them, to take steps to protect their welfare and their safety, and I can only see benefits in this space.

We give a commitment that we will always keep a close eye on the rollout and if there are issues that emerge over time we are always willing to respond to those and improve the way we do our policing. Thank you to everybody for the debate and in particular to my colleagues in Government - the previous minister, the commissioner and his team, Inspector Manhood, the other project team members and Senior Sergeant Katini. They have done a wonderful job and they are to be commended. I commend the bill to the House.

Bill read the second time.

Bill read the third time.

BUILDING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2018 (No. 27)

Second Reading

[5.19 p.m.]

Mr BARNETT (Lyons - Minister for Building and Construction - 2R) - Madam Speaker, I move -

That the bill be now read the second time.

The Building Legislation (Miscellaneous Amendments) Bill 2018 contains non-controversial and minor amendments that update and clarify the following six acts and regulations that form part of the Tasmanian Building Framework:

- Building Act 2016;
- Occupational Licensing Act 2005;
- Building Regulations 2016;
- Occupational Licensing (Building Services Work) Regulations 2016;
- Residential Building Work Contracts and Dispute Resolution Regulations 2016; and
- Urban Drainage (General) Regulations 2016.

The building framework was thoroughly reviewed between 2014 and 2016, resulting in the introduction of nation-leading reforms on 1 January 2017, which make it faster, fairer, simpler and cheaper to build in Tasmania. The reforms have reduced unnecessary red tape and ensure that the level of regulatory oversight for building work matches the risk to public health and safety.

Since the commencement of the reforms, the Director of Building Control has regularly consulted with stakeholders who deal with the legislative framework on a daily basis, including owners, licensees, practitioners, building surveyors, industry associations and local councils. Accordingly, this amendment bill is the result of the Government continuing to engage with its stakeholders to streamline processes and to clarify any existing legislative requirements that are unclear. These amendments also strengthen the current approval arrangements and avoid unintended delays.

I will now outline the reasons for the amendments to the Building Act 2016. The bill amends the definition of 'owner' under section 4(1) of the act, to clarify that where an occupier or tenant of a building has contractually entered into an arrangement for building work, they are deemed to be the 'owner' in relation to any defective work that arises as a result. This will prevent property owners being held responsible for incomplete or defective work undertaken by a tenant or occupier of a premises who is responsible for the work being carried out.

The bill amends the relevant provisions of the act to allow for designs that are substantially complete to still be approved following a change to the law to prevent costly and unnecessary amendments of designs. There have been occasions where an owner has paid an architect or engineer for plans that meet the current building regulations, only to have them rejected at the final approval stage simply because a requirement, standard or determination was updated or changed during that time.

Whether it is a change to the National Construction Code, regulation requirement or a determination made by the Director of Building Control, which are updated as required, if there had been substantial progress made on design prior to change coming into effect, the bill allows for building surveyors to assess the design as compliant.

A further change relates to the flooding and widespread damage to buildings in Hobart on 11 May this year. Following this event, a very sensible suggestion was made by industry that 'like for like' repairs and replacement of damaged components should be excluded from the type of work that requires an owner to upgrade the building to current Building Code standards. Upgrading the entire building in this scenario would be an unexpected impost on owners already hit with hefty repair costs.

The bill addresses this issue by amending section 53 of the act, allowing for repairs using similar components to return a building to its former condition in the event of flood, fire, wind or storm damage without the need to upgrade the building in its entirety.

The Building Act 2016 introduced a requirement for the responsible builder or plumber to issue the owner with a Standard of Work Certificate stating that all work is complete and compliant with the National Construction Code, which must be lodged with council prior to obtaining the Certificate of Completion.

However, in the event that the responsible person is not able to, or refuses to, issue a Standard of Work Certificate, including if the responsible person for the work has died, disappeared or refuses to supply the certificate due to a dispute, owners are prevented from obtaining the Certificate of Completion, which is the important final step needed to legally finish the construction.

The changes will allow owners to apply to have the completed work inspected by the building surveyor in order to obtain the Certificate of Completion and finalise the construction process.

The bill also clarifies arrangements in the act regarding extensions of approvals granted to perform work. Under the current arrangements, owners or builders requiring extra time to complete a project need to apply for an extension to the council or building surveyor before their permit or certificate expires.

To provide greater flexibility and prevent unnecessary costs, the Director of Building Control now has the ability to make a determination as to when an expired permit can be extended, rather than requiring applicants to reapply and pay for a new building or plumbing permit for work that is already underway. The amendment also ensures that if an application for extension has been made, the permit will not expire before a renewal of the approval has been granted.

The bill rectifies an omission in the Building Act 2016 by adding clarity to the role of function control authorities that license and regulate certain commercial premises such as schools, hospitals, primary produce processing and liquor stores. The amendments reinstate the provisions relating to function control authorities under the previous legislation regarding their functions and interactions with building surveyors, including the ability to comment on proposed building designs.

The bill also makes a number of minor administrative amendments, including the removal the unnecessary references to 'prescribed fees', of which there are none under the Building Act - rather, fees for services provided by councils are regulated under the Local Government Act 1993 - and clarify the references to the Supreme and Magistrates Courts in relation to court orders to remove any ambiguity and improve the operation of the act.

There are a number of changes made to the Occupational Licensing Act 2005. When the Occupational Licensing Act was amended in 2016 as part of the building reforms, the rights of owner builders to construct their own home were preserved. However the only type of building that can be constructed under an owner builder permit is a class 1 building, which is a house.

Further feedback to the Director of Building Control by owner-builders has highlighted that there is some uncertainty as to whether outbuildings associated with a dwelling could be included on the same owner-builder permit issued for that dwelling.

The bill provides for the Administrator of Occupational Licensing to make a detailed Determination as to the specific types of buildings or building work that require an owner-builder permit, and the particular types of low-risk work that must be constructed by a licensed builder. This will provide greater clarity as to what work owners can and cannot undertake. By allowing

the director to make a determination on this matter, much-needed clarity can be provided in a consistent manner with the rest of the act.

Madam Speaker, I can assure you that there is no intent to allow owner-builders to construct commercial buildings, or change the number of owner builder projects can undertake in a 10-year period. The removal of the monetary value limit of \$20 000 for low-risk work also removes the ambiguity around whether owners and competent persons are able to undertake minor 'like for like' repairs for work that costs more than this amount.

A further change is the result of advice received from the Solicitor-General's Office regarding the operation of section 37B of the act. Further clarity is accordingly being added to provide the administrator with clearer guidance as to which circumstances are taken into account before a licence application may be refused. This bill amends all similar licence application provisions in the Occupational Licensing Act to provide for greater certainty and consistency in licensing decision making.

In response to feedback received from industry, minor amendments have also been made to clarify the entity licensing provisions. These amendments have been made to avoid unnecessary licensing duplications and costs for companies, partnerships or councils where an individual carrying out the prescribed work already holds the necessary licence.

The remainder of the changes in this bill are to correct minor errors, update references to legislation or to clarify definitions of the terms used.

Madam Speaker, these improvements to our nation-leading building reforms reflects this Government's ongoing commitment to meeting the needs of the building industry, local government and building owners.

I commend the bill to the House.

[5.28 p.m.]

Ms HADDAD (Denison) - Madam Speaker, I advise that Labor will be supporting this bill and thank the minister, his office and department for facilitating a briefing for me earlier in the week.

As the minister has outlined in his second reading contribution, it is a mechanical bill that makes practical administrative changes to rectify some of the things that were either missed in the building reforms that took place in 2016 or issues that were not working as intended as a result of that 2016 substantial review and change to the Building Act and related legislation at that time.

Echoing comments made earlier in the week by my colleague, Ms O'Connor, the member for Denison, it is increasingly the case that we are seeing terms like 'reducing red tape' and 'open for business' creep into second reading speeches. It is worth noting and echoing those concerns because, as members would know, second reading speeches provide a useful interpretive tool for courts when required to interpret legislation if there is some disagreement in courts and other tribunals when applying legislation. Second reading speeches are much more than a description of the bill; they are used as a legislative interpretative tool. It is a little worrying to see those kinds of political statements finding their way into what should be legislative tools of the parliament.

Moving to the content of the bill, there are a lot of practical changes that are worth explaining the reasons Labor is supporting the clauses of the bill.

First of all, the change to allow like-for-like repairs for replacing damaged components of buildings as a result of natural disaster - and the flooding was the catalyst for that change - is a very practical change. It will be gratefully received by the community, by people working in the industry and also by people who are dealing with some devastating effects of the flood and the damage that was done to buildings and homes all over Hobart and surrounding suburbs. That will definitely have a practical effect for people still dealing with the fallout of that event.

The issuing of a standard work certificate is also a very practical change. Speaking as someone who did go through the process of building a house in Hobart some years ago, it is sometimes a bit confusing particularly for owner-builders to understand their obligations. Sometimes there may be some confusion about occupancy certificates and completion certificates. It is the case, as was described to me in the briefing, that there are several properties around Tasmania that have been lived in for decades, which only reached the certificate of occupancy stage. While that might not seem like much, they know that the buildings are safely constructed and safe to be occupied, it does potentially pose a problem. When the owners come to sell their property and a potential buyer inspects the relevant council documents, they will discover that the building work was never formally completed. Making that change is a practical change which will allow that loop to be closed more easily.

The change to the Occupational Licensing Act which will allow for outbuildings to be considered part of an application for a class one building is also a practical change that I think will be welcomed by industry and community. It does seem impractical, particularly for residential builders potentially on low incomes, to have to go through the full permit process to build relatively simple structures, like a shed, when the same kind of process might previously have been required for a much larger structure such as a house.

I note the bill makes changes to the building regulations, including requiring temporary occupancy permits for temporary swimming pools and the safety barriers that are already required by law to be around a temporary swimming pool in backyards. While some parts of the community might view it as an onerous requirement, it is a very practical requirement. Backyard pools pose a danger particularly to young children. I thought it would be of interest to the House to know that in 2015, Tasmania had the highest number of drownings in Australia. The following year, 2016, 291 Australians drowned, not just in Tasmania but around the whole country. Tasmania had the highest number of drownings in 2015, not just in backyard pools, but which included inland waters and other waterways. That kind of regulation is something that does add to the level of community safety.

A question that I have for the minister is how the changes in the building regulations will be communicated to the community? Also what ramifications might there be for noncompliance with the requirement to obtain the temporary occupancy permit for temporary backyard swimming pools?

Another practical change is the clarity around renovations and at what point the whole property needs to be upgraded to meet the National Construction Code and other national standards. Sometimes it is an impracticable cost burden to members of the public who are trying to renovate small parts of their house and find themselves tied up in regulations that mean those renovations are not affordable if they are required to bring the entire structure up to meet those national standards. Applying the new rules will mean it will not be in every case, but if it is less than 50 per cent of the building, those renovations will not require the entire house to be upgraded to meet those national standards, which will be welcomed.

I note the new risk-based approach of dividing building, plumbing and demolition work into low-, medium- and high-risk categories with the relevant permits and approvals being adjusted accordingly. The simplification of that process will be welcomed because, as everybody who has been through any building experience would know, every job is not the same and it can be frustrating to need to meet the requirements of a very stringent risk analysis for a simple build.

The question I want to ask the minister about that change is for some comfort and clarity for the House around safety on work sites, recognising that safety on building and all work sites is paramount and one death at work is one death too many. Can the minister inform the House how we can be assured safety will not be a casualty in changing to a risk-based approach to those permits? As the minister has said, this is a good example of the department and government consulting with industry and listening to those who have experience of the system and working under the relevant rules and guidelines that guide building and plumbing and demolition works and other industries relating to the building industry, and making relevant change.

Having been exposed now to this bill and having a very thorough briefing from the department which explained the practical nature of these changes, where they came from, the consultation entered into and how it is envisaged these changes will be received by the community, it is important for the Government to replicate that approach and not to shy away from community consultation in other portfolios and in other areas. For example, they should be consulting genuinely with workers and unions around pay and conditions; consulting genuinely with local communities about developments in their towns, in national parks, in the communities we live in; consulting with teachers and teaching professionals about the pressures in the education system; and consulting with patients and clients of health and community services about the services they need and how it is best for them to receive those services.

With my background working in the health and community services sector, often it is patients and clients who get left off that consultation list. It is extremely important people who receive health and community services have a say in the way those services are delivered, and how and where they are delivered. On that note, it is relevant to reiterate the point that it is also very important to consult with health professionals, nurses and doctors working in our health and community services systems about the pressures in those systems. As has been demonstrated with this bill, listen to those with experience in those sectors, listen to those with expertise, listen genuinely to the recommendations those industry professionals make in those portfolio areas to make relevant change.

[5.40 p.m.]

Ms O'CONNOR (Denison - Leader of the Greens) - Madam Speaker, the Greens will, quite rightly, support the Building Legislation (Miscellaneous Amendments) Bill 2018, just as we supported the original Building Act which is the subject of some of the amendments we are debating here today.

I was remembering today the scale of that legislation when it came through the House, I think in late 2016. It was literally as thick as a piece of four by two, and of course it was going to have problems in it. It was extremely complicated legislation that touched on half a dozen or so acts. It was a significant practical reform of building law, regulation and licensing in Tasmania, and 18 months after it came into effect I am not surprised we are seeing an amendment bill come through the House, because it is one thing for us in this place to make laws and try to fix laws, but ultimately this House passes legislation. It is when it rolls out on the ground practically in the community that

often you will see where there have been deficiencies or where there has not necessarily been much thought given to the practical application of the legislation.

I had a short briefing on this legislation yesterday and I thank the departmental officers for the time they gave. We were talking mostly about the changes to the Residential Tenancy Act but we also took the opportunity to talk through some of the significant changes to the building legislation.

Madam Speaker, we have a range of types of legislation that come through this House, and this is one of those bills that I regard as good-faith legislation where it is very clear we are here because significant practical deficiencies have been identified or the legislation has had a series of unintended consequences or created ambiguity. This legislation is not controversial. I have faith that although there are 76 clauses within this amendment bill they are the consequence of a law that has been in place for some 18 months and which impacts on the lives of professional people and people who are constructing something, whether it be their own home or, hopefully, after we pass this bill, a shed if you are an owner-builder.

I want to echo what my colleague, Ms Haddad, said about how important it is that when we develop legislation in this state there is a conversation with the people who the legislation will affect. The original legislation was patently the subject of extensive consultation and in practice now we have seen that.

The Director of Building Control and his office have been very receptive to the feedback from people, whether they are working as builders, carpenters, plumbers, in licensing agencies or people who are building a home, and we have had a good-faith response to the concerns that have been raised. Not so often in this place do we have that level of community engagement and consensus around legislation.

A foundational principle of making change of reform is to build the case for change and to take people with you. Of course there will be a point where even though the case for change is compelling, there will be some people who do not come with you, and that is fine, but you need to have extended the hand of engagement in order to create change that has not only a necessary foundation but also has a social licence.

We are prepared to gladly support this legislation. Ms Haddad has talked through the clauses and the minister has given his second reading speech. On the basis of the original legislation, which was significant reform, even though parts of it were simply a realignment of practicalities, and on the basis of the fact that it is good faith legislation that is a response to feedback from people who are working under the principal act, even though we are dealing with amendments to six pieces of legislation: the Building Act 2016; the Occupational Licensing Act 2005; Building Regulations 2016; the Occupational Licensing Building Services Work Regulations 2016; the Residential Building Work Contracts and Dispute Resolution Regulations 2016; and the Urban Drainage General Regulations 2016.

At face value this is complicated legislation, but really what we are doing here today is making stronger and more practically effective a piece of legislation that went through this House with tripartite support in late 2016. It is a tidy up. That is what this legislation is.

I briefly take the opportunity however to talk about the value of thinking about building and construction in line with planning principles. It is one thing to have a mission to build more homes or to create a new town, but you have to have good planning principles in place so that the principal

act that we are debating here today, for example, aligns with good planning principles. We need to be building residential and commercial properties that are resilient in their design, that are efficient and also that are aesthetically pleasing. Too often we dismiss the importance of good design that pleases the eye. If people feel proud of where they live, it has a flow-on social and economic effect that cannot be quantified. Part of the reason that I raise this issue is because we are subject in Tasmania to an increasing number of extreme weather events.

The like-for-like provisions are one of the amendments that we are debating today. After the very devastating floods earlier this year a number of owners of properties, commercial properties particularly, had to undergo repairs. In the principal act they found themselves required by law to invest much more than simply in the repair. The bill addresses this issue by amending section 53 of the act to allow for repairs using similar components to return a building to its former condition in the event of flood, fire, wind or storm damage without the need to upgrade the building in its entirety. It is an example of an unintended consequence of good intentions in law.

Over the winter break I went to Greece. I arrived in Greece two days after the fires swept through Attica near Athens.

Mr Hidding - I thought about you when that happened. I wondered where you were.

Ms O'CONNOR - I had come in less than 48 hours after those fires.

Mr Hidding - They were brutal, weren't they?

Ms O'CONNOR - They were shocking in their speed and scale, and shocking also, Mr Hidding, in the human toll that was a consequence of those fires. There were 97 people who died. I wanted to understand how the death toll could have been so high for fires there was some forewarning about. It was during an extreme heatwave that was sweeping across Europe. It was in an area that is quite close to Athens. When I explored what was the cause of so much human loss it became really clear that it was a totally inadequate planning and building system that had, and continues, to lead to poor, unapproved constructions. Because there were so many residential properties built so close to each other in Attica, and the smoke made visibility impossible, a group of people who died thought they were making their way to a path to the sea but that path was not there.

With many parts of the world where you travel, you come back home and you realise we can grumble and gripe about our system but the standards we have in place here to ensure community safety and to protect human life are very strong. The Attica fires in Greece have been a real wake-up call. Prime Minister Tsipras has made it clear that the days of ad hoc planning and extremely poor-quality building have to end. It is not hard to conclude that a sequence of human mistakes, long before that fire broke out, resulted in immense human tragedy because of poor planning and a culture of not building in an integrated, well-planned and approved way. There are a lot of buildings in parts of Greece that leave you wondering how they were constructed.

Madam Speaker, with those few comments I thank the departmental officers who talked me through some of the more significant parts of this miscellaneous amendments bill yesterday. I also acknowledge that the minister has brought this in in good faith and that it improves what was already pretty good legislation.

[5.52 p.m.]

Mr BROOKS (Braddon) - Madam Speaker, I have brief comments to add because significant legislation was brought in a couple of years ago. There were so many changes required within building legislation that a whole new bill was decided as the easiest and best way to do it.

I congratulate the Minister for Building and Construction, my good friend and colleague, Mr Barnett, on continuing to look at how we can further improve the legislation. The legislation was an over-arching change of the way it operated with the intention of reducing red tape and green tape, making it cheaper, simpler and quicker to build at a time when the cost of approvals to build a shed was more expensive than the shed. There was never an estimation that there would not have to be a continual review. We, as a Government, will always do what we can to improve and look at the practical implications of the legislation we brought in, how it would be implemented and used and how it would work.

I congratulate the minister for continuing to work and engage with industry and get feedback on that legislation; the consequences and what has worked really well. There were some remarkable changes and improvements from what it was. We accept and recognise there is always more work to be done and that is what this Government is about. I want to congratulate the minister for continuing on the work the Government committed to, to continue to review legislation such as this. This was probably the biggest legislation introduced in that term, page-wise that is. Significant changes were made to the Building Act.

I support the bill. I congratulate the minister for continuing to look at what else we can do as a government to support not only the building industry, but to really help people who are trying to get stuff built in this great state.

[5.55 p.m.]

Mr BARNETT (Lyons - Minister for Resources) - Madam Speaker, I appreciate the contributions of all members in this House on this bill. I believe we are in total agreement that the bill we are amending was significant reform legislation that sets out new ways in which to build in terms of low-, medium- and high-risk arrangements to make it easier, cheaper and faster to build.

I acknowledge the contribution from Ms Haddad, and thank her for her considered remarks about the legislation and the role of owner-builders, likewise for occupational licensing. I will address the three questions she had. I also acknowledge Ms O'Connor's contribution and thank her for it.

Our objective here is as a result of stakeholder feedback and consultation on the draft bill. We have had that from a whole lot of stakeholders and local government as well.

First, regarding the temporary swimming pool issue and the issue of compliance, and also in communicating that: temporary occupancy permits will be enforced by orders by councils or the Director of Building Control. There will be an education campaign that will go out with consultation with industry, and an audit will be undertaken by the Director of Building Control. I am more than happy to update the House and likewise my counterpart directly and keep her office fully informed regarding temporary swimming pools. It provides for the provision of regarding temporary swimming pools of size and type to be determined. They may be required to have a temporary occupancy permit issued by a building surveyor. I will not go on, but that is in Building Regulation 26(51) for further detail, but I am happy to provide further information.

Regarding the second question, clarification of the 50 per cent of the value of building work to trigger requirements for upgrading the entire building: If an owner-builder renovates over a certain threshold, which is over 50 per cent of the volume of the floor area - not the value, but the volume of the floor area - then they are required to upgrade the entire building. This amendment clarifies that like-for-like repairs will not constitute this threshold. It is a pretty important section. Section 53(1) of the Building Act says:

This section applies to building work performed on a building if, within the previous 3 years, building work has been performed or permitted on more than half of the original volume of the building.

So there is clarification there relating to renovations. I hope that makes it a little easier and again I am happy to respond further as required.

The third question was on safety on work sites and was an excellent question. It relates to low-, medium- and high-risk work in the building sector. Building permits work needs to be conducted by a licensed builder. Continuing professional development is a key part of our reform arrangements. If you know you have a licensed builder, they are to perform to a certain standard. Low-risk work is generally to smaller renovations or additions, so the risk to owners or builders is also lower. This is why the risk-based system was introduced in the first place to allocate risk accordingly. People doing work need the construction induction, otherwise known as the white card. That is relevant in that case.

I mentioned the importance of continuing professional development. I am happy to provide further information directly to my counterpart as required and as appropriate.

I indicate that due to queries made by one particular stakeholder during consultation on the draft bill, advice had been sought from the Solicitor-General in an effort to clarify the amendments concerning the licensing of entities in part 4 of the bill before us. The advice was received with insufficient time to include in this bill package. Therefore an amendment is expected to be made in the other place, following advice from the Solicitor-General to provide greater clarity on the licensing arrangements and remove any doubt regarding these particular arrangements. I give a heads up to foreshadow that.

In conclusion, I thank all those who have contributed for your support for the bill. I foreshadow that that is likely to be coming in the upper House.

In conclusion, I thank all those who have contributed for their contributions and support for the bill. I particularly thank members of the department. I realise they have provided advice and feedback to members of this House and they always do a good job. I appreciate the support I have received as minister because much of it is technical and administrative and almost scientific in nature. I have learnt a lot in my role as Minister for Building and Construction. It is something I appreciate and I thank them for it.

Bill read the second time.

Bill read the third time.

ADJOURNMENT

Tasman National Park - Land Clearing

[6.02 p.m.]

Mr HODGMAN (Franklin - Premier) - Madam Speaker, I seek to provide some additional information in relation to a question asked of me this morning by the member for Denison and Leader of the Greens, as I said I would.

I can advise that earlier this year the Parks and Wildlife Service approved a helipad constructed by the Tasmanian Walking Company in order to facilitate building commercial huts along the Three Capes Track in the Tasman National Park. The approval process was conducted using the Parks and Wildlife Service standard RAA process and the construction of the huts and associated infrastructure is consistent with the Tasman National Park management plan and local council approval was sought and received. The construction of helipads and use of helicopters is consistent with contemporary construction sites in national parks and the construction of a helipad site and use of helicopters minimises impact on natural and cultural heritage within the areas.

Consistent with the condition of the RAA approval, the Tasmanian Walking Company was required to submit a rehabilitation plan to the Parks and Wildlife Service to reduce the impact to the area of the helipad and this plan was approved and the Tasmanian Walking Company has commenced rehabilitating the site.

In relation the member's comments about the Tasmanian Walking Company, it is important to inform the House that it is one of the highly regarded ecotourism operators in the country. It has been globally recognised for its contribution to tourism and conservation more broadly and this was demonstrated earlier this year when the company was inducted into the National Tourism Hall of Fame after winning gold in the ecotourism category three years in a row.

Tasman National Park - Land Clearing

[6.04 p.m.]

Ms O'CONNOR (Denison - Leader of the Greens) - Mr Deputy Speaker, let the *Hansard* record show that the Premier is on his way out the door after delivering that wholly inadequate response to the questions we asked this morning. We still do not have any clarity on why the Tasmanian Walking Company was given approval to build a helipad. It decided it did not want to build that helipad and wanted to save costs, it approached the Parks and Wildlife Service, got approval from them to share their helipad, and yet this area inside the Tasman National Park was cleared and clear-felled.

I do not know where your advice is coming from but it does not go to the substance of the concern, which is this. The concern is that a commercial proponent, the exclusive operator of the private part of the Three Capes Track, got approval to build a helipad, decided it was not going to build the helipad and for whatever reason - and it is not a gold-standard response, I can tell you that - did not let the contractors know.

Premier, this is negligence on a significant scale; you cannot get away from that. The pictorial evidence is clear. We had that information provided to us by very good sources. What we have

here is a hole in a fragile, narrow coastal national park created by clearing works which were not needed - and I use the term 'needed' loosely.

A commercial operator who wants to be given the gift of operating inside the Tasmanian Wilderness World Heritage Area, the Cradle Mountain National Park and the Walls of Jerusalem who, whether it was through careless or reckless disregard, did not cancel the clearing works for the helipad. That is a failure of the commercial operator and it is a failure of Parks. The consequence of that failure is a hole in the national park without vegetation on it that is about 20 metres by 20 metres in scale.

There is a problem here. It is untrue to say that clearing is consistent with the objectives of the Tasman National Park management plan. Surely the objectives of that management plan are to protect the natural and cultural values of the park. What has happened here is there has been destruction of the natural values of the park - needless, heedless damage.

The Premier needs to go back to whoever has provided him with his advice and get the facts, because Google Earth tells us what the story is. People who understand and who have worked in that field understand what has happened here. What has happened here is a disgrace. It is breathtaking in its carelessness and this is the consequence of letting commercial developers inside protected areas without the most robust management plans that prioritise the protection of natural and cultural values without proper oversight from the Parks and Wildlife Service, rather than making the Parks and Wildlife Service the enabler for tourism.

There has been no sanction, as I understand it, against the Tasmanian Walking Company for this destruction. We have seen more pictures this afternoon prohibiting public access because it is a revegetation site. Of course it is a revegetation site - it has been clear-felled and it did not need to be. If the Tasmanian Walking Company had taken the care to tell the contractors the works were not needed anymore you would not have a 20 metre by 20 metre hole in the Tasman National Park. There should be sanction on that operator. They were given exclusive operating rights of the Three Capes Track and they failed to properly look after the park. Through the people of Tasmania, through a process which does not have consultation embedded in it and is not transparent, the Tasmanian Walking Company wants to be given the all-clear to go into the Walls of Jerusalem National Park. Are you serious?

You need to understand, Premier, why people are becoming alarmed at what is happening in national parks in Tasmania. It is because of the damage that is done to natural and cultural values, the damage that is done to wilderness and the apparent lack of sanction when that damage is done. It is one thing to have formalised damage through a corrupted Tasmanian Wilderness World Heritage Area Management Plan, and I say corrupted in its intent and its objects, but it is quite another to have damage that is caused by lousy governments, a failure to properly work with commercial operators who are making money out of public protected areas.

Premier, I ask you to come back into the House at the next opportunity and set the record straight about this damage. I do not think you, in your heart, want to be responsible for this. The Tasmanian Walking Company, as I understand it, is taking international media out to show off their private lodges in the park tomorrow. A VIP tour is early next week, and I bet you do not show them the helipad site that will never have a helicopter landed on it. I will bet you they do not show them the clear-fell site they are responsible for. Is it a gold standard ecotourism operator? In this instance, no way.

Time expired.

Personal Explanation - Comments made by Mr Jaensch

Child Safety Service - Comments made by Mr Jaensch and Mr Ferguson

[6.10 p.m.]

Ms O'BYRNE (Bass) - Mr Deputy Speaker, I rise as a result of a matter raised in question time. I felt I had been misrepresented and I seek to have the record corrected. Mr Jaensch, and I refer to *Hansard*, replied that he found it hard to take my question seriously when, 'she herself is laughing as she stands up to make it', when I raised a point of order. I was not laughing and the footage that can be seen will show I was not laughing. I find it offensive to think anyone would think I would laugh when such a serious matter was being raised.

There is a habit forming of ministers of this Government claiming behaviour is taking place in the House that is not true. It needs to be called out when they do so because the *Hansard* stands and it needs to be corrected. It is completely unacceptable for them to say something about behaviour in the House or behaviour of a member that is not true.

It leads to another matter, which goes to the same question being raised today. It is a further misrepresentation I take great offence to and needs to be clarified. The issue was raised at a later debate. It goes to the question asked by member for Franklin, Ms Standen, regarding phone calls to an intake line. The question she stated and the facts of the matter were that calls were made to the intake number, the telephone range twice and hung up, repeatedly. An attempt to contact Gateway Services was met with recorded messages saying that help was only available between 9 a.m. and 5 p.m. and they should call the intake number. Again, the intake number did not respond.

Due to the known circumstances, a call made to police and five officers came to help in a situation in which the child's father needed to be assessed and supported for mental health issues and no help could be found for the child. Even the police could not get through. They did not have a phone number other than the intake number. When they were finally able to track other sources down via other numbers, they were either referred on by those people or not answered by the people they were referred to. It took almost two hours to locate someone who could potentially help this child.

Mr Jaensch did not address the question when he spoke in question time today. However, he put out a statement later in the afternoon. Mr Ferguson said, in his contribution to a debate this afternoon, that Opposition members had lied about this issue in question time. He alleged we brought issues to this House that were not true. That is contradicted by a statement from Mr Jaensch. He put out a statement today. He has advised there was a two-hour period in which the 24-hour call service was inoperable. Mr Jaensch said, 'This is extremely disappointing, and has been rectified ...'. We have Mr Ferguson standing in this House, accusing members on this side of lying, and we have Mr Jaensch saying the issue we raised was true because no-one could be reached on the intake line because there was a period when the service was inoperable.

Mr Ferguson should apologise for deliberately misleading this House and for calling people liars when he knows it is not true. Frankly, I do not expect him to. I do not expect him to have any humility. I expect no better from him. I find him incompetent, arrogant and lazy.

Let us talk about the issue raised today, the two-hour period. Mr Jaensch now says that by some coincidence, the one issue we raised about people not being able to make contact through the line, happened to coincide exactly with the same two hours the service was down and the system was inoperable. It sounds a little convenient to me that by chance, the issue we raised, the exact two hours we raised were those two hours. It does not stack up against the stories we are hearing time and again about how hard it is to make a report, how concerned people are that those reports are being heard and how concerned staff are that they have the capacity to follow those reports up.

I have very little faith in the ability of these ministers to tell the truth in this House. We have seen their dishonesty time after time. I listen to the desperate stories of those in our community who work in roles that carry mandatory reporting obligations and seek to follow out those mandatory reporting obligations because they are passionate, they care and they are on the front line. I listen to the stories from those on the frontline of child safety who are getting those calls, are struggling, overworked and are desperately trying to provide the care they know is needed, and I have very little faith that this minister will give them the resources they need to ensure the safety of these most vulnerable of our children.

Adrian Keith Bonde - Tribute

[6.15 p.m.]

Dr BROAD (Braddon) - Madam Speaker, I rise this evening to express my condolences on the passing of Adrian Keith Bonde. Adrian was born on 13 September 1973 and unfortunately died yesterday on 29 August 2018. He was only 44. Adrian was a loving partner of Michelle, a devoted father of Danae, Lachie and Ethan, a much-loved son of Heather and Lionel Bonde and brother of Stephen, Robert, Michael and Carolyn. Adrian was taken tragically by motor neurone disease, a devastating disease.

I have known Adrian most of my life. Adrian grew up on a farm with his father Lionel and mother Heather, and large family just up the road at North Motton, only a couple of kilometres from where I grew up. He was a guy who it could be said lived life to the full. I remember as a young lad he was a bit of a boy racer. He had what I am pretty sure was a hotted-up Torana and he certainly liked to push the envelope, not that I am condoning that behaviour, but I remember vividly on a number of occasions seeing him crossing the bridge where Preston Road crosses the Gawler River and there is a sharp bend and he took that corner. I do not know how fast he went around that corner but it was like he was cornering on rails. I think he got into a little bit of trouble with some of his behaviour in the car but he definitely settled down as he got older and married Michelle.

Michelle Bassett was her maiden name and I have known her since kindergarten. She was in most of my classes all the way through primary school and into high school, and I express my condolences to Michelle. No-one should have their partner taken so young.

I also express my condolences to Lionel Bonde, my former council colleague. Like Lionel, Adrian had the habit of telling it like it is, how he saw it. I remember on a number of occasions during campaigns in 2010 and 2014 where I would run into Adrian and he would let me know how things were or were not going and give me advice and tell me what I should be doing, et cetera. It was not really having a go, it was just his way of expressing what he thought and I really appreciated that.

I express my condolences to Lionel. He has, I think, seen enough tragedy. His daughter Carolyn Faulkner, who was my neighbour, tragically died about eight years ago suddenly from a

heart attack and she was taken quite young too. Combined with the death of his wife, Heather, Adrian's mother, Lionel has seen enough tragedy in his life and I really feel for my former council colleague.

To give you a measure of the man of Adrian, or Bondy, as everyone called him, I came across an article which highlights an effort that Grange Resources made, where he worked as assistant mine superintendent. It crows about how Grange Resources had raised more than \$9000 for charity after a staff competition between four mining crews. The company painted two of its trucks pink and blue to raise awareness for breast and prostate cancer, which was the first for a mining company to do in Tasmania. This article was published in September 2014.

I would like to highlight that this initiative came from Adrian Bonde, the assistant mine manager, and Ben Maynard the general manager of Grange Resources was quoted as saying:

The initiative came from Adrian Bonde, our assistant mine superintendent, when he saw the opportunity to inspire his teams to support this important cause and to raise awareness for Grange employees' health and wellbeing.

It is a tragedy that this horrible disease has taken his life too soon. It is a disease which saw a slow decline in his ability to do various things. There were several false dawns where there were plateaus and his condition seemed to plateau for a fair while, so it was with some surprise and regret to learn of his passing yesterday.

My sincerest condolences to Michelle, Danae, Lachie, Ethan and to his father, Lionel Bonde, and brothers Stephen, Robert and Michael. Rest in peace, Bondy.

Save Our Community Soul - Campbell Town

[6.21 p.m.]

Ms BUTLER (Lyons) - Madam Speaker, on Sunday 26 August I attended a public meeting hosted by the Save Our Community Soul, better known as SOCS, at Campbell Town. It was attended by 300 to 350 people and we were expecting about 200, so it was a really good turnout. I had the honour at that meeting to second a motion which was put by Mayor Loueen Triffitt of the Central Highlands Council. The motion called on the Government as a matter of urgency to strengthen the relevant legislation concerning burials and cremations.

Specifically, the revised legislation must protect graves from any disturbance in perpetuity; guarantee arrangements already entered into for future burials; provide a statutory obligation on the owner of a graveyard or cemetery to provide full and free access by family and friends to graves and gravesites; and provide a statutory obligation on the owner of a graveyard or cemetery to maintain the site where the graves are located in a clean and tidy state.

The Attorney-General last night provided information in the House to do with the review of that Burials and Cremations Act and I note some of these clauses are being looked into and assurances were given by the Attorney-General last night that a new staff member had been recruited to ensure that the completion of the Burials and Cremations Act review is in time with the ending of the spring session. That was fantastic news.

I would like to go back to the first point of the motion which was to protect the graves from any disturbance in perpetuity. From what I gather, this has not been looked into and will be

something I will keep pushing for. Perpetuity is assumed by most people in our community as already being in that act but in fact it is not. We do not have the same issues they have in other countries where they reuse graveyards.

In Tasmania we have space and space is always the main issue with not granting perpetuity rights to burial sites. In countries such as France and England they can still afford perpetuity rights for their fallen soldiers which we are not doing here in Tasmania. This is something that I will be pushing for.

I thank the people who organised the meeting, as well as the speakers. We had Peter Kearney from the West Tamar Council, Alderman Damon Thomas from the Hobart City Council and Councillor John Temple from Meander Valley. John received a standing ovation for his speech, which he kindly shared with the attendees at that meeting. It was extremely moving. It was about his experiences growing up and his links through to the Archbishop of Canterbury through his family connections. It was quite fascinating.

The fourth speaker was Ron Sonners from St Peter's in Hamilton. We also heard from Councillor Mick Tucker, the Mayor of Break O'Day. We heard from Councillor Tony Bisdee, the Mayor of Southern Midlands Council, Councillor Loueen Triffitt, the Mayor of Central Highlands Council and also Scott Ashton-Jones, who is also a SOCS committee member.

In conclusion, it was wonderful to have that number of people attend the meeting. It is important to keep the momentum going. As we go, we are getting more support from the community as word is getting out about the potential risk of these churches and graveyards being sold. I will be pushing for perpetuity rights to be at least considered in the review of the Burials and Cremations Act.

Bruny Island Ferry Reference Group

[6.26 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, I rise to make some comments about references made in the adjournment debate yesterday by the member for Franklin, David O'Byrne, and by the Deputy Premier, Minister for Infrastructure, Jeremy Rockliff.

Both members made reference to some comments I made in the adjournment debate on Tuesday night about the process of constituting the Bruny Island Ferry Reference Group. In that speech I made reference to Mr Trevor Adams, who has been made the chair of the very reference group after the original person who had been nominated for that role by the secretary of the Department of State Growth declined it. I also made reference to allegations that the person had been pressured to decline the offer.

In no way did I intend to link the appointment of Mr Adams as chair to those allegations about pressuring of the previous person declining to take up the offer. That was entirely unintentional.

Mr Adams is indeed a much respected person on Bruny. He is known to many people there. I understand he is a lifelong resident and a key member in the RSL community and has done many other important community works. I also understand he is doing a good job in his role as the Chair.

I wanted to correct that unfortunate connection between two sentences. They were in no way related in my mind and I did not intend to make any inference of impropriety at all with Mr Adams.

Some of the other comments made by the Deputy Premier and the member for Franklin reveal a certain hysteria that seems to surround the Sealink Community Consultation process, which does point to some deeply flawed processes that are underway at the moment. The hysteria, unfortunately from the member for Franklin, is at the suggestion that everything is not being undertaken in a tickety-boo fashion. I am incredibly disappointed that he accused me, saying that I should get out and talk to more people. I have had much correspondence from people on this issue. I do not know who Mr O'Byrne speaks to, but perhaps he needs to get out more and understand that it is not about filtering the community, as he alleged I was doing, but about opening the net to the major concerns that residents expressed at the public meeting about the need to have the transport access to and from their island maintained in a way that they can function with their everyday life in a reasonable way. That community demanded and agreed to a motion from the community that SeaLink must undertake an extensive consultation with the broader community of Bruny Island in determining the suitable access for residents to the ferry.

The terms of reference for the Bruny Island Ferry Reference Group which were established initially by Kim Evans, the Secretary of State Growth, and provided to a number of Bruny Island groups, have changed. Initially, according to an email that Mr Evans wrote to one member of the groups proposed that there were to be representatives from Friends of North Bruny, Bruny Island Primary Industries Group, Bruny Island Environment Group and Bruny Island Tourism Association. Those people were to be representatives of their community organisation.

Subsequently the terms of reference have changed so that people are now sitting on that ferry reference group as individual members in their own right. In addition, two other people have been added to the ferry reference group who do not represent any group. They are Mr Matthew Fagins and Mr Bill Hughes. Those community members were invited to be on the ferry reference group but do not represent any organisation. There are questions about the functioning and the purpose of this ferry reference group.

I acknowledge the correspondence from the President of BICA, talking about the process that is in train at the moment. It is a difficult space for organisations and individuals on Bruny. Everybody wants to reach an agreement that will be great for tourism and business on the Island but fundamentally puts the needs of residents and shack owners right up there. The concern is that the consultation that SeaLink is undertaking leaves out shack owners, people who work off the island and people who are not in Dennes Point. That is why will continue to keep our eyes on them.

Time expired.

Regional Healthcare Services - Electorate of Lyons

[6.32 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Deputy Speaker, I rise tonight to make a contribution about regional healthcare services in my electorate of Lyons, particularly and specifically operated by volunteer ambulance officers across the state.

Members may or not be aware that in 2016, training provided to volunteer ambulance officers was changed in how it was delivered. I have been corresponding with the minister on behalf of a volunteer ambulance officer who lives in Coles Bay.

I will read the correspondence into *Hansard* and bring the issue again to the attention of the Minister for Health. I have also personally drawn it to his attention but I have been asked by this individual to raise this publicly and the correspondence reads:

Dear Rebecca

Thank you for forwarding the Minister's reply, addressing my concerns over Volunteer Ambulance accessible training in Coles Bay.

I am writing to you again as the Ministers response to you has not addressed the issue to my satisfaction. It is clear that the Minister, and his staff, lack understanding of the problems I am facing as an Ambulance Volunteer in Coles Bay. I am asking you to pass on my concerns and questions to the Minister. I fear if I do this myself, I will again be ignored.

I am not just pushing this issue solely for my own benefit. I fear for the future of our Coles Bay Volunteer Ambulance Station, as we will not be able to recruit nor retain volunteers under the training regime that is now in place.

I write in reference to the comment in the Minister's letter that -

'We all need to acknowledge that access to training may involve some travel on behalf of Volunteers (as it does for Regional Training Unit Staff) given the scattered locations of stations and Volunteers, particularly along the East Coast.'

To give a Hobart based equivalent distance, Coles Bay to Cranbrook is akin to Hobart to Primrose Sands. Or Hobart to Woodbridge. That is the travel expectation.

This demonstrates that the Minister, his staff and the Regional Training Unit still do not understand the issue at hand. I, (and some of my colleagues however I will concentrate on my own situation) am unable to travel to the training on offer without negatively impacting on my financial situation.

To attend the training in Cranbrook I either have to close my small business for the day, or on training days I need to work a 16 hour day, with no evening meal break.

I was able to regularly attend the accessible training in Coles Bay and Bicheno on offer prior to September 2016. Attendance records (if they exist) will support this. I request that the Minister look at these records, then compare and respond in regard to the effect of the change in policy.

What kind of Liberal Government, pushing tourism, expects a small accommodation business in Coles Bay to close eleven times a year in order to accommodate the 5 hours required to attend a 3 hour volunteer training session, when travel time is included? I do not feel this Liberal Government is supporting me and my tourism based small business.

I question the relevance of the statement that the Regional Training Unit Staff also have to travel. Of course they have to travel. That is their job. That is what they are paid to do. They are not giving up a days work and pay to come along and train us. They are paid to provide the training to volunteers, providing a first responder service. I find the statement from the Minister comparing our time given for free with that of paid trainers to be ill considered.

Please have the Minister address why is it only since 2016 that we have been expected to travel 50 minutes each way to attend training?

This is all happening right now. I have not had training for two years and am looking at a third tourist season with no training. I doubt I will be able to attend the additional training days currently being considered for the East Coast. That is not a criticism of the Regional Training Unit. Running an accommodation business simply means I have to plan days off well in advance.

It is not fair to me, nor the patients, to be performing the role without adequate training. I have come to the realisation that I need to stand down as a Volunteer Ambulance Officer as I cannot attend scheduled training. I anticipate this will be in the second week of October 2018.

I have agonised over this decision as my departure will leave Coles Bay in the position of being offline more often, and regularly having only one volunteer on case. This will put pressure on the Bicheno and Swansea volunteer units, and the Scamander, Campbell Town and Triabunna paramedics. This will also impact on patient care and response times.

In summary, removal of accessible training from Coles Bay has resulted in my need to resign as a Volunteer Ambulance Officer, with 6 years experience, who attended cases alone, and who attended approximately 50% of Coles Bay's ambulance cases. This will be felt and noticed within the Coles Bay community.

On a positive note, I would like to say that Jenny Cross from Ambulance Tasmania has been fabulous. She has demonstrated an understanding of the situation, and has been in regular communication regarding this issue, and is trying to resolve some of the training issues I have been raising for the last 2 years. She is the only person who has replied to my emails in the last 2 years from Ambulance Tasmania in relation to this issue.

I invite the Minister and/or his staff to discuss this issue directly with me, should they wish to so.

Thank you again Rebecca for helping me to address this issue with the Minister. I appreciate your interest and support with this difficult and stressful situation. Perhaps one day you will have the power to restore Volunteer Ambulance accessible training to Coles Bay and Bicheno, and I can consider rejoining.

This individual has provided their details. I will share them with the minister. I do not think it is appropriate to do so here. It highlights some of the concerns that are probably being felt right across regional Tasmania at the moment given the consolidation of the training to areas that mean travel times are taking people away from their communities. These are people who are giving up time, as has been expressed through this correspondence, away from their businesses and their families. It means we are about to lose a very good ambulance volunteer in Coles Bay and that service will be diminished as a consequence. I draw this to the minister's attention as a matter of urgency and hope it can be resolved with training returned to some of those areas it has been removed from since 2016. We do not want a further diminishing of service volunteers, which impacts on patient care and response times.

The House adjourned at 6.38 p.m.