

Tuesday 21 August 2018

The Speaker, **Ms Hickey**, took the Chair at 10 a.m., acknowledged the Traditional People and said Prayers.

QUESTIONS

Minister for Health - Actions

Ms WHITE question to MINISTER for HEALTH, Mr FERGUSON

[10.02 a.m.]

The Hodgman Government has lurched from crisis to crisis over the past five weeks and you have been at the centre of it all. First you went missing when Tasmanian families desperately needed leadership and information about meningococcal disease. On your watch the health and hospital system has experienced continuous escalations at level four at the Royal Hobart Hospital and code blacks at the Launceston General Hospital. Patients at the Royal are being treated in corridors and on Liverpool Street, with ambulances queued waiting to get into the emergency department. You have forced nursing staff onto the street in protest at the LGH; nursing staff that you have failed to visit for nearly 50 days. You have been forced into a humiliating back down over your secret pre-election changes to gun laws and you have been forced to admit that you discussed the private, very personal medical details of Angela Williamson - specifically how she was forced to travel to Victoria to access a termination - with her employer, leading to her dismissal from Cricket Tasmania.

Minister, you have proven to be a liability. Your credibility is in tatters. Your dishonesty has never been more exposed and your disgraceful conduct means that Tasmanians can have no trust in you. Why don't you do the honourable thing and resign?

ANSWER

Madam Speaker, what a pathetic start to question time from the Leader of the Opposition who has no policies, tells Tasmanians lies, misleads the parliament -

Ms WHITE - Point of order, Madam Speaker. The minister just asserted that I had been lying to the people of Tasmania. I ask him to withdraw.

Madam SPEAKER - I ask the minister to withdraw that statement.

Mr FERGUSON - I withdraw it and I ask that the shadow treasurer should also withdraw.

Madam SPEAKER - I did not hear that. If you could just continue, please.

Mr FERGUSON - The member opposite is guilty and I will move on.

Members interjecting.

Madam SPEAKER - Order.

Mr FERGUSON - The Leader of the Opposition asked a very long question, which shows just how the leadership crisis in the Labor Party on that side of the Chamber is causing her concern. I will address the points one at a time.

Members interjecting.

Madam SPEAKER - Order. We are getting off to a bad start here. You are not to interrupt. Please proceed, minister.

Mr FERGUSON - Madam Speaker, for a start the claim that I have been missing while Tasmanians needed leadership on the meningococcal outbreak in the northern suburbs of Hobart is a complete fabrication. The shadow minister for health put out a political media release wondering why minister Ferguson is in hiding. Minister Ferguson was at a COAG health council meeting in Alice Springs debating that we have urgent considerations of the meningococcal B vaccine on the national immunisation program.

Labor was lying to Tasmanians when they issued that media release. It was blatant politics. We saw the Labor Party politicking on the death of a young Tasmanian woman. The member opposite was demanding to know the serotype of the victim of the meningococcal disease; so insensitive to the families.

The Director of Public Health and his team, in person, met with that family and gave them an assurance that they would have time to grieve and that their daughter's serotype would not be released until some time after the funeral. Over that weekend we had that member demanding to know about the serotype. It was none of her business. The Director of Public Health has said publicly that there was no public health interest in releasing that information during that time. That is why I held my tongue on that matter: it was not in the public interest, only the politics of the Labor Party opposite.

The member asked me about the LGH with the false claim that the minister has not visited there in 50-something days. I have been there twice in recent days, including meeting with the nursing staff, and a visit to the emergency department. Tasmanians can see that Labor only has politics. They only have these personal smear campaigns.

I will conclude my answer in relation to this. We are opening beds that Michelle O'Byrne closed down. We have opened ward 4D that Michelle O'Byrne closed down. We have opened ward 4D and we have re-employed the nurses that Ms White as the chair of the caucus budget committee caused \$500 million of budget cuts to the health system. We are restoring what Labor destroyed. That is what this Government stands for: a better health system and a safer Tasmania.

Recognition of Visitors

Madam SPEAKER - Honourable members, I acknowledge the presence in the gallery of the Max Solution School for Adults. Welcome to Parliament.

Members - Hear, hear.

Cricket Tasmania - Actions of Minister for Health

Ms WHITE question to MINISTER for HEALTH, Mr FERGUSON

[10.08 a.m.]

You received a telephone call from Cricket Tasmania CEO, Nick Cummins, on 17 June, which was made so he could offer an apology for Angela Williamson's activity on social media. Can you confirm that prior to your conversation with Mr Cummins, he did not know that Ms Williamson had a surgical termination? Why was it your place to share such personal and private information?

ANSWER

Madam Speaker, I acknowledge the question from the Leader of the Opposition, and I also note the shameless politicking from the Leader of the Opposition and the shadow attorney-general, who have conjoined those efforts to allege baseless allegations against the Government, and against me, to the point that they felt the need to take the matter to the police and claim that laws have been broken.

The Government is not responsible for the decisions made by Cricket Australia, which we are aware of. The Government has never sought to influence Ms Williamson's employment arrangements with Cricket Australia. No member of this Government has made complaints about Ms Williamson with either organisation. Any suggestions which have been emanating from the Labor Party that the Government disclosed private medical information not on the public record to either Cricket Australia or Cricket Tasmania, are wrong.

Members interjecting.

Mr FERGUSON - Madam Speaker, I am also aware that across government we have had a good working relationship with Ms Williamson. I can also indicate to the member opposite that the claims that have been made in the media to police and to others, that I do not even have such access to Ms Williamson's private medical information.

I have stated clearly on the record that I only knew of those personal experiences on this issue because of what had been put on the public record by Ms Williamson. There is the particular reference to social media of 28 May.

The member asks these questions. This was an unsolicited phone call. The Government did not express annoyance or offence at the tweets that followed from a debate of this House. Not once. I received an unsolicited phone call of apology for a tweet that I had not seen. The apology was accepted. It was a strong message from me to Mr Cummins in that phone call to forgive and forget, move on and do not take any action at our request at all and no further apology was required. That is clearly the case.

Since the member asked the question and has attempted to run a very nasty smear on this in the media, the Premier received advice from the Police Commissioner that, having reviewed the referral from Labor, Tasmania Police has not identified any grounds for an investigation. The Premier also sought and received written advice from the secretary of DPAC that a code of conduct investigation is not warranted either.

I conclude on this point. It was the Labor Party that chose to take these complaints to Tasmania Police. I believe it is beneath the Opposition to now be claiming that it was not at arm's length and it was not independent. Shame on the Labor Party for the way they continue with these baseless allegations.

Mount Wellington Cableway Company - Requirement for Legislation

Ms O'CONNOR question to PREMIER, Mr HODGMAN

[10.12 a.m.]

Over the past five years, your Government has done everything possible to get a cable car across the Organ Pipes to the summit of kunanyi - allocating departmental resources, introducing enabling legislation and playing stone-deaf to Tasmanians who want our wild mountain left as it is.

Last night the Hobart City Council voted resoundingly to reject any use of council land for cable car infrastructure. Given that CUB also moved against the Mount Wellington Cableway Company's plans, this is a double setback for your Government's pet proponent.

Will you now rule out your Government again bringing in special enabling legislation that overrides the will of council, or will you again pull every bureaucratic and legislative lever available to get this divisive project off the ground? Will you rule out any further special treatment for the cable car proponents?

ANSWER

Madam Speaker, I thank the member for her question but refute the assertions contained within it and any suggestion that we have done anything other than act to ensure that a project which should, and will most likely, go through the appropriate planning approvals processes, has been able to do so with a greater degree of certainty than had previously been available to them, hence the legislative changes that passed through this parliament last year.

Yes, it is true we support sustainable and sensible development. We are supportive of the notion of a cable car on Mt Wellington but we have always said it has to obtain the necessary approvals. We have not done, as you suggest, provided any special treatment whatsoever. We are very conscious of the need for it to obtain all the necessary approvals. The normal planning process provides an opportunity for public comment and review informed by the full details of the project, and a call on the council to work towards this objective is not an unreasonable thing.

What should be understood is that the proposed flora and fauna study on council land would only have further informed the council's decision-making process. It is concerning that it seems determined not to take this sensible step. We are supportive of sustainable development in our natural areas, provided it is done in a considered way, meets the appropriate approvals and preserves those special areas of our state, including kunanyi.

We have previously passed legislation through this parliament which is not project specific. That is a fact the member who asks the question continues to ignore, and in fact has previously said that other policy commitments of this Government with respect to Cascade or CUB, were done with a view to fast-tracking or supporting this development. By the nature of the content of her question alone, that disproves that conspiracy theory of the Greens as well.

Ms O'CONNOR - Point of order, Madam Speaker, going to relevance. I asked the Premier if he will rule out any further enabling legislation or special treatment for the proponent.

Madam SPEAKER - I rule that we did hear that question, so it is up to the Premier to answer it as best he can.

Mr HODGMAN - Thank you, Madam Speaker. I have said very clearly that we will not provide, as the member for Denison suggests, any special treatment at all. We will continue to ensure Tasmania is an environment that is conducive to good, job-creating development and investments in our state, because that is what this Government endeavours to do in a way that is responsible, sustainable and supports the growth in Tasmania's economy which is now one of the strongest in the nation.

Cricket Tasmania - Actions of Minister for Health

Ms O'BYRNE question to MINISTER for HEALTH, Mr FERGUSON

[10.16 a.m.]

Last Friday you released an extensive statement on the matter of Ms Williamson, in which you confirmed:

During that discussion I told Mr Cummins that while I was not aware of the tweet he rang me to apologise for, I was aware of other tweets from Ms Williamson, including where she had made it public that she had had a surgical termination.

Can you advise where in the public domain Ms Williamson confirmed she had had a termination before your conversation of 17 June with Mr Cummins? Can you now produce and read that advice that you say was in the public domain?

ANSWER

Madam Speaker, to the member who has asked the question, I am not going to add to my previous answers. I will say that if the member, who I believe has correctly quoted from my release of 17 August, would continue reading the same release, she will find that information.

Tasmanian Economy - Jobs and Business Confidence

Mr SHELTON question to PREMIER, Mr HODGMAN

[10.17 a.m.]

Can the Premier please provide an update on the economy, jobs and business confidence in Tasmania?

ANSWER

Madam Speaker, I thank the member for the question. I am delighted to speak about Tasmania's strong economic performance. Economic reports continue to confirm that Tasmania's economy is one of the strongest performing in the country and, in many respects, the top performing in the

country. Strong economic growth is a focus of this Government. It is a focus of the Liberal Party but clearly not a subject of interest to members opposite. The importance of a strong economy is that not only does it provide more job opportunities for Tasmanians but it also allows us to support a strong budget position that means we can invest more into our hospitals, schools, public safety, keeping cost-of-living pressures down, and supporting Tasmanians in need.

That is the importance of a strong economy and why we took it to the election and Tasmanians re-elected us to continue delivering. It is happening as we speak and is contained within our Budget.

There are now a record 249 700 Tasmanians in work. Employment has grown every month for two years. Our tourism industry continues to grow at the fastest rate of international tourists of any state in the country.

Members interjecting.

Madam SPEAKER - Order. There will be no more chit-chat across the Chamber, please. I advise my colleagues on the Opposition side that Brett Whiteley has nothing to do with this question. Please proceed.

Mr HODGMAN - Our construction industry is booming. Dwelling approvals increased six times -

Members interjecting.

Madam SPEAKER - Order. Did anyone hear me? I said no chit-chat across the Chamber.

Mr HODGMAN - They are easily distracted, particularly when we are talking about Tasmania's strong economic performance. The Opposition does not want to hear about it but they are the only people talking down Tasmania's strong economic performance.

Our exports are strong, including in important sectors like agriculture, aquaculture, mining and forestry. The June 2018 quarter Deloitte Access Economics Report stated that export growth has skyrocketed, bucking the trend seen at a national level. One of the most important factors in a strong economy is business confidence and we continue to have the highest levels of confidence in the country. It is only the Opposition that is talking down our economy and are negative about Tasmania's strong economic performance. We want to continue to ensure that it is spread across our state and that the distant memory of a Labor-Greens recession where 10 000 jobs were lost in this state and business confidence was at record lows is something they do not have to suffer again.

Since then we have turned the budget around, we have turned the economy around, and we are providing strong, stable majority government. That is something Tasmanian businesses like: strong, stable majority government. That is what this Liberal team is providing in our budget. We are taking action to keep the costs of business down, whether it be electricity prices or whether it be payroll tax, which is now the most competitive for small businesses in the country. We are providing more support for Tasmanian businesses to take on a trainee or an apprentice to get young people into work. We are doing more to support Tasmania's tourism sector, our agriculture and aquaculture sectors. In the energy sector there is much happening that -

Ms Haddad - How is it happening in Canberra?

Mr HODGMAN - We are worried about what is happening here. We are now seeing wind farm developments that never happened and that stalled under the former Labor-Greens government. We have outlined a massive infrastructure program in this year's budget, a decade-long pipeline of investment that will sustain economic growth. That is our plan - to keep our economy strong and our budget under control so that we can reinvest.

The only plan members opposite have is political playtime. We are seeing it again today. They have no policies. I believe that 139 media releases have been issued since the election. About half a dozen of them, if that, related to policy. The rest is all about complaining and politics and silly distractions. We will not be distracted. We will keep giving Tasmanians the strong majority Liberal Government they deserve.

Cambria Green Development Proposal

Ms O'CONNOR question to PREMIER, Mr HODGMAN

[10.23 a.m.]

Today, hundreds of people from all over Tasmania will converge on Town Hall to take a stand against your Government's open for business mantra and a clear and present threat to the east coast that it has delivered. The Cambria Green mega proposal is the catalyst for a growing alarm across the state that 'open for business' is trashing what makes this island special and that it is an open invitation to any and all developers, that under your Government anything goes. Do you think Cambria Green represents sensible and sustainable development? When will you start listening to the people instead of vested interests? When will you start prioritising the protection of Tasmanian communities, the environment and our unique island way of life? Will you rule out giving any legislative, financial or bureaucratic backing to the proponents of the Cambria Green mega development?

ANSWER

Madam Speaker, I thank the member for the question. It is true to say that Tasmania is now a much more investment-ready place. There is much more confidence amongst the private sector to develop in this state than there was under the Labor-Greens government. That is good because it is supporting economic growth across our state. It is supporting jobs in regional areas across our state, and it is supporting the Government's agenda to reinvest the strong benefits of a good economy and a good budget back into our schools and hospitals. We will continue to do what we can to keep the strong, positive momentum happening.

We will not do what the Greens are suggesting we do - pick and choose developments, or override the local government authorities that have the responsibility to be the planning approvals authority. That is what the Greens want us to do. They are normally the ones who say that we should not interfere in due process, but on this occasion now they are saying we should step in when it suits them and override councils, take away their planning powers and interfere in their processes. We will not do that -

Ms O'CONNOR - Madam Speaker, relevance. I asked whether he would rule out giving any legislative, bureaucratic or financial backing to the proponent.

Madam SPEAKER - Ms O'Connor, you know my hands are tied on how the Premier answers these questions, but I will ask him to consider your question.

Mr HODGMAN - Thank you. I will continue to address the pertinent issue and that goes to ensuring that our planning processes can be free of interference that the Greens are suggesting and that Tasmanians can have confidence, including those who want to express a view are able to do so.

A couple of key pertinent facts. The Glamorgan Spring Bay Council has voted in favour of rezoning. As the member knows, the assessment of this proposal is following standard rezoning processes under the Land Use Planning and Approvals Act 1993 and will ultimately be determined by the Tasmanian Planning Commission: not the Greens, but by the Tasmanian Planning Commission. The independent commission is the responsible body to assess and decide upon rezoning applications and the rigorous process under the act provides ample opportunity for the public to have their say. We trust in this thorough and independent process.

I point out once again that the Government and the Minister for Planning, as has been suggested, have some involvement in this matter. Well he does not. We are all about providing a strong, stable majority government with a clear open, transparent and robust planning system that allows the proposals to come forward to be tested on their merits and to be assessed independently; not determined by the do nothing, oppose everything Greens.

Recognition of Visitors

Madam SPEAKER - Honourable members, it is my pleasure to welcome to the Chamber Mr Tshering Dorji of the National Assembly of Bhutan and Mr Tashi Dargay of the National Council of Bhutan. The parliament is hosting them for two weeks as part of the parliamentary fellowship program. I ask you all to welcome them.

Members - Hear, hear.

Cricket Tasmania - Actions of Minister for Health

Ms O'BYRNE question to MINISTER for HEALTH, Mr FERGUSON

[10.26 a.m.]

Can you confirm that you were the first person to tell Cricket Tasmania CEO, Nick Cummins, that Ms Williamson had had a termination?

ANSWER

Madam Speaker, the Deputy Leader of the Opposition knows that I could not know the answer to that question. It again goes to the same litany of allegations and claims, in an attempt to get themselves into this issue. They know that the Government has been very upfront, very honest and transparent. I will add to my earlier answer as well and make a point that at all times during the time that I have been aware of this matter we have acted sensitively, professionally, kindly -

Ms O'Byrne - Outrageous. What?

Mr FERGUSON - We have tried to encourage resolution. I reassert that the member who is interrupting has been one of the people who has been making false claims that the Government has

tried to get somebody sacked in this matter, which we have not. We have not. It has been a false claim.

Furthermore, when I received that phone call, which was unsolicited, not requested, not required, I made it very clear that no apology was required from Ms Williamson to me, that we did not want to see -

Ms O'Byrne - You told him about her termination. How could you do that?

Madam SPEAKER - Ms O'Byrne, I ask you to refrain from interjecting, please.

Mr FERGUSON - I was receiving an apology for a social media post that I had not seen. The Government and I made it very clear that while there was talk that there would be another phone call from Ms Williamson to me for an apology, I made it very clear to tell her not to ring me and make an apology. I did not require an apology and from my point of view it was a case of forgive and forget, move on and allow people to be reconciled. Under no circumstance was there any suggestion from me.

Members opposite were not even aware of the phone call but they are alleging things about it. I was on the phone call, only I can speak for myself and I made it clear that there should not be any retribution, nor a further apology. If the Deputy Leader of the Opposition is not happy with that it again demonstrates that Labor does not want to be satisfied with this. I know that Labor does not like it but they are the facts. I heard it just now again 'trying to get people sacked'. That is a false claim. The Deputy Leader should be -

Ms O'Byrne - Why did you even raise the matter?

Madam SPEAKER - I remind the parliament we have a woman at the centre of this and I do think the debate has been very close to being on the sensitive side. Be very respectful that we do have a lady at the middle of this debate.

Mr FERGUSON - Thank you, Madam Speaker, I quite agree. When I am hearing these interruptions again alleging that I tried to have someone sacked it is false and baseless. I know that Labor, and I know that Ms O'Byrne and Ms White do not want to be satisfied on this matter but they are the facts. You have taken it to the police and you have found they are not true; they are baseless allegations. You chose to take it to the police and the police have said very clearly that there are no grounds for an investigation. What should not happen is members of the Opposition then questioning the independence and arm's-length nature of such assessments, but that is what the Labor Party has been doing.

Crime - Actions of Government

Mr BROOKS question to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mr FERGUSON

[10.30 a.m.]

Can you please advise the House on measures the Hodgman majority Liberal Government is taking to crack down on crime? Can you also update the House if there are alternative policies around?

ANSWER

Madam Speaker, I thank the member for his question. I agree with the Treasurer. One thing we are not doing is sacking 108 police. This Government is rebuilding our police service and we are making our state a safer place.

The Hodgman Liberal Government - this Government and this Premier - is committed to ensuring that Tasmanian communities are safe places for our families to live, work and to make their lives. Today we are delivering on our commitment. We have already introduced our new laws to ban the wearing of colours by outlaw motorcycle gangs in our first 100 days of government - and there is more. This follows and builds on our earlier measures. To mention a few, they include establishing the Serious and Organised Crime Unit, restoring the O'Byrne cuts of 2008 - here he comes.

Mr O'BYRNE - Point of order, Madam Speaker. The question is pre-empting an order of the day.

Mr FERGUSON - On the point of order, Madam Speaker, I am not speaking about the bill. I am speaking about the overall package of making our state safer.

Madam SPEAKER - My ruling is that it is okay providing you do not get into discussing the bill.

Mr FERGUSON - I should go back to my earlier point, when Mr O'Byrne rose to his feet, restoring the O'Byrne cuts of 108 with 113. We have brought it up by 113 more police back on the beat. That has been achieved. Now we are going one better, with 125 more under recruitment over the coming years. We are refurbishing dozens of police houses left in a poor state of repair after years of Labor-Greens neglect, and we have introduced unexplained wealth legislation to combat serious organised crime. These are things that have been achieved by the Hodgman Government and the previous minister, Mr Hidding, deserves a lot of credit for that work.

We have delivered and will keep delivering measures to crack down on outlaw motorcycle gangs. Let me be very clear: this small number of people are very bad people. They are resilient and opportunistic and are involved in a wide range of serious crime, including murder, drug trafficking, money laundering, extortion, firearms and drugs offences and high-level violence.

Appallingly, last week Dr Broad, the member for Braddon, made himself the member for outlaw bkie gangs. He moved into their corner, offended much -

Members interjecting.

Madam SPEAKER - Order.

Dr BROAD - Point of order, Madam Speaker. That is pre-empting a debate later today.

Mr BARNETT - On the point of order, the point the member opposite is making is not a point of order. The minister is speaking broadly about the debate and has referred to the member opposite and his ludicrous, outrageous comments.

Madam SPEAKER - Order. The Clerk says I have already ruled on it. I ask the minister to wind up.

Mr FERGUSON - Moving into the corner of the outlaw bikie gangs, as Labor and Dr Broad have done, and saying that Labor would not support our legislation, not even offering up amendments, the Labor Party put themselves on the front page of the papers last week saying the bill was not enough.

Madam SPEAKER - Minister, you are not allowed to use props and I am calling time.

Cricket Tasmania - Actions of Minister for Health

Ms O'BYRNE question to MINISTER for HEALTH, Mr FERGUSON

[10.35 a.m.]

For 18 days you made the excuse that you could not comment on the Ms Williamson matter because it was a legal matter before Fair Work Australia. Last Friday you confirmed that you disclosed private medical information to Cricket Tasmania about Ms Williamson on the very morning her matter was due to be heard by Fair Work Australia. If you were so concerned about legal action, why did you decide to make an extensive statement on the day she was due to have her action considered?

ANSWER

Madam Speaker, the Government has handled this professionally, sensitively and carefully.

Ms O'Byrne - That is a lie.

Mr FERGUSON - Madam Speaker, I draw your attention to that comment.

Madam SPEAKER - Ms O'Byrne, you cannot have it both ways. If you do not mind, we will not be using the word 'lie' in this parliament. Thank you. I will let go. Minister, are you requesting it be withdrawn?

Mr FERGUSON - I am.

Madam SPEAKER - Ms O'Byrne, would you please withdraw it unreservedly.

Ms O'BYRNE - Madam Speaker, I am in the very difficult position in that I do not tell untruths in this House. I cannot withdraw that statement; I believe the minister is lying. I apologise, Madam Speaker, but I am telling the truth so I cannot withdraw it.

Madam SPEAKER - Ms O'Byrne, I really value your contribution to the parliament but I have been given advice that unless you withdraw it I will have to put you on a warning, which I would reluctantly do.

Ms O'BYRNE - Madam Speaker, I reluctantly feel that you may have to because I will not tell an untruth in this House, as the minister has.

Mr FERGUSON - Madam Speaker, I withdraw the request because I am not going to allow that to be a distraction from the real issue here. That wilful defiance from the member who now carves out a special rule for herself is noted.

Madam Speaker, I will conclude and again make it clear that we have always been balancing the need to be sensitive to this issue, knowing it is a live legal matter, with the other requirement that we respond to baseless allegations, where the Labor Party has been caught out.

National Redress Scheme - Tasmania's Commitment

Mr SHELTON question to ATTORNEY-GENERAL, Ms ARCHER

[10.37 a.m.]

Can the Attorney-General please provide an update to Tasmania's commitment to join the National Redress Scheme?

ANSWER

Madam Speaker, I thank the member for his question. I am pleased to be able to provide today an update on this very important subject to Australians. As members would recall, on 22 May 2018 in this place I announced that Tasmania would be joining with other jurisdictions to participate in the National Redress Scheme. With the commencement of the Commonwealth's legislation, the National Redress Scheme officially began on 1 July 2018 and since that time Tasmania, together with most other Australian states, has been preparing its own legislation to formally join the scheme and make it truly national. This week marks another important milestone, as today I will be tabling the bill that will allow the Tasmanian Government and state-based institutions to participate in the scheme.

As I have said before, the Government recognises that providing redress cannot compensate for the suffering that was endured by so many, but it is important to acknowledge that hurt and the means by which we can take responsibility for past failings. While our legislation has not yet passed through parliament, it is important to remember that Tasmanians are able to commence the application process now that the scheme has commenced and, significantly, they are able to presently access the available support services for this process in the interim.

It has been estimated that the National Redress Scheme could provide redress to some 60 000 people estimated to have been abused in institutions. Nationally, a number of major non-government institutions have already indicated their intention to join the scheme and Tasmania acknowledges the leadership these organisations have shown. Importantly, the bill I will be introducing today will enable Tasmanian non-government institutions to join the scheme. Our government agencies are already engaging with their non-government partners to provide information and advice on the details of the National Redress Scheme for this purpose.

Joining the National Redress Scheme will provide Tasmanian non-government institutions with the opportunity to acknowledge those who were abused in their institutions and their care and take responsibility for the past and go some way to redressing the failings of their institutions.

The Government urges Tasmanian non-government institutions who have not yet committed to do so, to recognise their responsibility and enable those Tasmanians abused in non-government

institutions to also fully access redress for impact of the wrongs occurring while in the care of their institutions.

The creation of this scheme is the result of many months of hard work and cooperation between the states, the territories and the Commonwealth.

For Tasmania's part, it has seen our government agencies working closely together to ensure we are all well placed to meet the requirements of participating in the National Redress Scheme. That work will continue following the commencement of the bill and over the coming 10 years of the National Redress Scheme.

The work of the royal commission provided a road map for us to follow and a means to avoid the failings of the past and guarantee the safety and security of the children of this country. This Government is committed to that course and to ensuring the momentum towards change, brought about by the Royal Commission, continues. The bill I will be tabling today is an important step on that journey.

Cricket Tasmania - Actions of Minister for Health

Ms O'BYRNE question to MINISTER for HEALTH, Mr FERGUSON

[10.41 a.m.]

The Cricket Tasmania CEO, Mr Cummins, is on the record saying that you told him on 17 June that as a Christian you had forgiven Ms Williamson. Given what has transpired, that you have disclosed very personal information and she subsequently lost her job, have you asked for forgiveness yourself, and have you or will you apologise to Ms Williamson?

ANSWER

Madam Speaker, I do not know how to answer that question. It is a very odd and strangely put question. I am not sure if members want to hear an answer but they have asked the question. What I seem to be hearing is a sense of mockery that a person might seek to try to move on and reconcile with another party. That is disappointing. If, in life and in politics, there is no credit given for good intentions and goodwill, to try to forgive an offence and move on and encourage resolution, isn't that what we are all supposed to be about, all the time? I find that disappointing. A member earlier was invited to withdraw an offensive remark but declined the opportunity.

The issue here is that no-one is perfect. Nobody should be expected to be perfect. When one party is apologising to another - you do not have to be a Christian - it is also good manners at times to forgive and forget.

Costs of Living and Doing Business - Government's Actions

Mr BROOKS question to MINISTER for ENERGY, Mr BARNETT

[10.43 a.m.]

Can the minister please inform the House about how the majority Hodgman Liberal Government is tackling the cost of living and doing business in Tasmania?

ANSWER

Madam Speaker, I thank the member for his question. The Hodgman Liberal Government has made a commitment to lower the cost-of-living burden in Tasmania for Tasmanian residents and business. We have done that with the Tasmania-First Energy Policy and our proactive reforms in the water and sewerage sector. We have taken and will continue to take decisive action on this matter to protect households from crippling price increases and to place Tasmanian businesses in a strong, competitive position to foster growth and development. We take it very seriously and our track record proves it.

Let us start with energy. A series of independent reports recently released, now officially confirm Tasmanian residents and businesses pay the lowest electricity prices in the nation. This is something to be proud of; something we are pleased about. The Hodgman Liberal Government has delivered this with our Tasmania-First Energy Policy. We have committed to deliver the lowest regulated electricity prices in the nation by 2022 and we have delivered ahead of time.

Let us understand this fantastic position for Tasmania. In July 2018, the report from the Office of the Tasmanian Economic Regulator compared the annual electricity bill for residents and small businesses across Australia. I was delighted to read in that report that Tasmanians experience the lowest electricity prices compared to any other state, and by record levels; over 20 per cent for our residents and by nearly 40 per cent when the regulator compared the rates for our Tasmanians small businesses compared with the most expensive state, New South Wales.

Our medium-sized businesses have also been experiencing significantly lower prices than other states. In another independent report recently released by Energy Consumers Australia, it was confirmed that Tasmania's medium-sized businesses experienced the lowest annual electricity prices in the nation and in fact have experienced an annual bill decrease of around \$110 from April 2017 to April of this year. When compared with South Australia, the average Tasmanian medium-sized business pays nearly \$3100 less a year for their power. That translates to a whopping 57 per cent more paid in South Australia after rises in that state of over 20 per cent. No business can cope with that kind of hit and nor can households with similar price rises being felt across the nation, which is why the Tasmanian Government intervened.

Unlike Labor's record - yes, they are looking across from the other side, looking down at 65 per cent increase over seven years. That is why we capped the increases for residences and businesses at around 2 per cent in 2017-18 and again 2018-19. That is why we are delinking Tasmanian prices from Victorian prices so Tasmanians can pay Tasmanian prices for Tasmanian energy.

The Hodgman Liberal Government's proactive actions to contain cost of living also extend to the cost of water and related services. The state Government, TasWater and local government's chief representative have reached an historic agreement to work together to reform the water and sewerage sector. Tasmanians will benefit from a partnership that will see a reduction in forecasting price increases, accelerated infrastructure upgrades and a joint focus on major projects such as Macquarie Point and the Launceston combined system, in return for a total equity contribution of \$200 million over 10 years

From 1 January 2019, the state will have a joint say in TasWater's corporate plan, the board, CEO's appointments and other corporate governance matters. Under this historic agreement TasWater has committed to freeze prices in 2019-20 with future price increases capped at 3.5 per

cent or less. The agreement between TasWater and the state Government is a major win for households and small business, keeping the costs of living down while delivering the infrastructure upgrades that Tasmanians need and deserve.

Congratulations to the Treasurer and relevant minister. In conclusion, the cost of living and the cost of doing business in this state is a top priority for the Hodgman Liberal Government, and we are delivering.

Minister for Health - Actions regarding Reproductive Health Services

Ms O'BYRNE question to MINISTER for HEALTH, Mr FERGUSON

[10.48 a.m.]

No-one can forget your unflinching opposition to marriage equality - that is without question. As the director of the Tasmanian Family Institute 15 years ago you were responsible for the publication of a report arguing against same-sex adoption by hurtfully and untruthfully making horrible claims about the children of same-sex couples; you do not support a woman's legal right to access safe and affordable terminations either in the private or public health services; your Government funds pro-life community organisations on the public purse, instead of adequately funding reproductive health services; your views are clear from the production of this shameful brochure that you participated in in 2007 -

Mr JAENSCH - Point of order, Madam Speaker. This does not sound at all like a question to me. This is a very personal attack on the minister.

Madam SPEAKER - Could you get to the question please, Ms O'Byrne?

Ms O'BYRNE - Thank you, Madam Speaker. Now that the minister has admitted that he disclosed highly personal, deeply private medical information about a woman to her employer resulting in her getting the sack, what right do you have to impose your extreme right-wing highly conservative views and ideology on Tasmanian women? What right do you have to deny Tasmanian women basic legal reproductive services in Tasmania just because you do not agree with them?

ANSWER

Madam Speaker, the question barely dignifies this House. That question speaks entirely for itself; it speaks entirely to where the Labor Party is really coming from. There is no question here about public policy. There is no question here about government integrity. Those matters have been-

Ms O'Byrne - It is your view overriding good public policy.

Madam SPEAKER - Order.

Mr FERGUSON - The member has clearly illustrated that this is all about politics. The whole lot is all about politics,

Ms O'Byrne - This is about your views overriding good public policy on the provision of health services because you don't agree with them. This is about your behaviour.

Madam SPEAKER - Order, please.

Mr FERGUSON - The member will not listen to the answer, she only wants to be heard. The Labor Party has run out of questions and clearly run out of puff. They are upset that their attempts to make this a police matter have been set aside, and their attempts to make this a code of conduct matter have been unfounded. They are clearly trying to escalate a situation when the Government has been trying to de-escalate tensions, encourage reconciliation and encourage people to be supportive and sensitive during a vulnerable time. That is what we have been doing and the member who asked that utterly appalling question illustrates that the Labor Party is all about grubby politics.

Norfolk Bay - Salmon Pens

Dr WOODRUFF question to MINISTER for PRIMARY INDUSTRIES AND WATER, Ms COURTNEY

[10.51 a.m.]

Norfolk Bay residents are outraged by two massive salmon pens sitting off Lime Bay that from tomorrow Huon Aquaculture will begin filling with potentially POMV-infected fish and harvesting on a boat between the evenings of Sunday to Thursday. This is on top of seagrass meadows, home to dolphins, migratory whales, threatened eagles, baby sharks and flathead and habitat for the critically endangered red handfish. It is a lease that has never held finfish, bought over a decade ago, and has been rushed through an internal development approval and an EPA sign-off. The licence to operate is contrary to your own draft regulations, which would require it to go to a full EPA board for proper assessment including public consultation and appeal rights.

How can you say that you are looking into people's concerns when this is the same bad industry practice that caused devastation in Macquarie Harbour, dumping fish into shallow, poorly flushed in-waters and not addressing the impacts on other people's livelihoods and lifestyles? Will you heed Tasman and southern beaches residents' concerns and rescind the lease approval?

ANSWER

Madam Speaker, it is interesting that despite an almost glimmer in the last session that the Greens may have supported the salmon industry, we are now back to where they were before - getting in there trying to destroy jobs in regional areas and trying to destroy economies and businesses that are sustainable. We have seen the Greens again conflating so many issues into one. We know that the Greens have come in here calling for better biosecurity practices across the salmon industry. That is what we are seeing here. This is the clear objective of the proposal we have here. Instead of embracing it, once again the Greens are simply trying to throw rocks and undermine business when we are looking to secure better biosecurity practices for the industry.

As a Government we have a proud history of strengthening the environmental regulations and practices for the industry. It was this Government that transferred responsibility for environmental regulation to the independent EPA. We have increased penalties for breaches of regulation, including a new statutory mechanism for excluding finfish marine farming from areas where -

Dr WOODRUFF - Point of order, Madam Speaker, in terms of relevance. The question was specifically about Norfolk Bay, not a general comment about the whole salmon industry, but whether she will rescind the lease and listen to the residents' concerns.

Madam SPEAKER - The best I can do is ask the minister to consider that question and answer it as best she can.

Ms COURTNEY - No, I am not rescinding the lease because as a Government we support better biosecurity practices, working with the industry to have better environmental outcomes and we are supporting the salmon industry to grow jobs, particularly in regional areas.

We saw in Dr Woodruff's question a spray of allegations about this facility. She talked about the handfish. If we get to the facts, the director of the EPA has advised that a detailed baseline environmental survey of the permit site area -

Dr Woodruff - But done by their own company, by Huon Aquaculture themselves.

Ms COURTNEY - Madam Speaker, I am directly responding to the concerns raised by the member and she is not even interested. It clearly shows that when it comes to salmon, all it is about is playing politics in this place. She does not actually care about the environment or hearing about the processes that are in place to get better outcomes.

With regard to the handfish that was raised by the member, the EPA has advised that a detailed baseline environmental survey of the permit site area has been completed. This included extensive survey work, including the underwater filming of the seabed at 42 sites within the permit area specifically in relation to handfish.

Dr Woodruff - Why didn't it go to the full board? That is your own draft regulations.

Madam SPEAKER - Order, Dr Woodruff, please.

Ms COURTNEY - I am advised that no species of handfish were detected at any of the sites following review of the video surveys by EPA Tasmania. We are taking measures, ensuring good environmental and biosecurity outcomes.

Dr Woodruff talked about orthomyxovirus and the impact on the environment. We know, and you know, Dr Woodruff, that POMV is an endemic disease in pilchards.

Dr Woodruff - Are you going to go to the public meetings?

Madam SPEAKER - Order. I am asking for no more interjections. Please proceed.

Ms COURTNEY - Thank you, Madam Speaker. We as a government have strengthened environmental regulations. We are helping to strengthen biosecurity across the salmon industry because we want a sustainable industry into the future. We understand and will listen to the concerns of the community and we have strengthened environmental regulation through the independent EPA. We will continue to work with industry and community groups because we want to see the salmon industry having a strong and sustainable future in Tasmania.

Minister for Health - Knowledge of Medical Procedure

Ms O'BYRNE question to MINISTER for HEALTH, Mr FERGUSON

[10.57 a.m.]

Precisely how did you find out that Ms Angela Williamson had travelled to Melbourne for a termination of pregnancy? Who told you?

ANSWER

Madam Speaker, I have answered all of these questions. I refer the member to my earlier statement from last week which will provide her with all of the information.

Affordable Housing Strategy - Update

Mr SHELTON question to MINISTER for HOUSING, Mr JAENSCH

[10.57 a.m.]

Can the minister please update the House on the progress of the Hodgman Liberal Government's Affordable Housing Strategy to deliver more homes for Tasmanians in need?

ANSWER

Madam Speaker, I thank the member for his question. The Hodgman Liberal Government has been working hard to address the issues of homelessness and housing shortage in Tasmania. To date, our Affordable Housing Strategy, backed by the action plan, is on track to deliver on stage 1 outcomes to assist over 1600 households by June 2019, including new supply of 941 affordable lots and homes. We know there is more work to do.

Today, I can inform the House that we have now commenced consultation for the critical next stage of our Affordable Housing Strategy -

Ms White - That was a motion passed by this parliament.

Members interjecting.

Madam SPEAKER - Order. I would like to hear the answer to this question, thank you.

Mr JAENSCH - The 2018-19 Budget included our election commitment to invest an additional \$125 million over five years into the second stage of Tasmania's first ever Affordable Housing Strategy. Every Tasmanian needs a roof over their head and the strategy will continue to address the entire housing spectrum.

The Hodgman Liberal Government's 10-year comprehensive Affordable Housing Strategy provides a solid evidence base to deliver additional investment into affordable housing and to recognise the changes we have seen in the market to meet the increased demand and provide additional supply.

Opposition members interjecting.

Mr FERGUSON - Point of order, Madam Speaker. I draw your attention to the constant and incessant interjections from across the Chamber. I cannot hear the minister and I am sitting right behind him.

Madam SPEAKER - I agree that they have been very rowdy this morning but I think they are speaking with great passion. I will ask them to calm down and let the minister proceed.

Mr JAENSCH - Thank you, Madam Speaker. In acknowledgement of this increase in demand, an additional \$25 million per annum investment was brought forward into this financial year. Stage 2 of the strategy will provide an additional 1500 new affordable homes for Tasmanians and assist around 2000 households.

Together with stage 1, it brings the total number of new affordable homes to 2400 with around 3600 households assisted.

Madam Speaker, we have seen a lot of changes across Tasmania since the first action plan was implemented and Tasmanians are more confident about getting a job, with recent data highlighting positive economic direction and business confidence. We have a changing market around us with increasing investment in student accommodation, hotel accommodation in Tasmania, and from what we understand from the Real Estate Institute, a softening in the private rental market as well. The world around us is changing; Tasmania is prouder and stronger and more confident. Our housing market continues to adjust and we need to continue to adjust our strategy to fit with it and the current projections that we have.

As with the development of our 10-year Affordable Housing Strategy Action Plan 1, we are undertaking an extensive stakeholder consultation process as part of the next stage of our Affordable Housing Action Plan. The consultation will proceed in two stages:

- (1) an online survey and submission section to deep dive into the key elements of the strategy and our action plan; and
- (2) a series of consultation round tables.

Last week, the online survey was sent to over 100 stakeholders and addresses all current actions and emerging ideas about addressing housing and homelessness in Tasmania. The survey will be open until Wednesday 29 August. The results from the survey and submissions will then inform a series of roundtable measures. These roundtables will be held across the state in Launceston, Devonport and Hobart. We are finalising the details and a format of these and we will be distributing details to participants shortly.

I look forward to hearing from stakeholders on key elements of the Affordable Housing Strategy stage 1 and their thoughts on progressing new and emerging ideas which provide social housing for those most in need and encourage home ownership programs for low income Tasmanians. I encourage those opposite and all interested parties to engage constructively in this process to deliver outcomes and homes for Tasmanians who need them most.

I also refer the House to the June Quarterly Housing Report, now on the Housing Tasmania website, which provides an update on progress thus far with the first Affordable Housing Action Plan and shows that the Government is on track to meet its targets of providing more social housing, increased home ownership and unlock more land for new homes in Tasmania.

Time expired.

TABLED PAPERS

Estimates Committee A - additional information

Mr SHELTON (Lyons) - Madam Speaker, I lay upon the Table of the House additional information provided to Estimates Committee A by the Premier, Minister for Tourism, Hospitality and Events, Minister for Trades, Minister for Parks and Minister for Heritage, the Treasurer, Minister for Local Government, Minister for State Growth, Minister for Human Services, Minister for Housing and Minister for Planning, Minister for Education and Training, Minister for Advanced Manufacturing and Defence Industries, and Minister for Infrastructure.

Estimates Committee B - additional information

Mr BROOKS (Braddon) - Madam Speaker, I lay upon the Table of the House additional information provided to Estimates Committee B by the Attorney-General, Minister for Justice, Minister for Corrections, Minister for the Environment, Minister for the Arts, Minister for Aboriginal Affairs, Minister for Women, Minister for Sport and Recreation and Minister for Disability Services and Community Development, Minister for Health, Minister for Police, Fire and Emergency Management, Minister for Science and Technology, Minister for Primary Industries and Water and Minister for Racing.

CONSOLIDATED FUND APPROPRIATION BILL (No. 1) 2018 (No. 16)

CONSOLIDATED FUND APPROPRIATION BILL (No. 2) 2018 (No. 17)

Bills returned from the Legislative Council without request.

HOUSING LAND SUPPLY BILL 2018 (No. 19)

Bill agreed to by the Legislative Council without amendment.

STATEMENT BY MEMBER

Conduct of Members in the Chamber

[11.10 a.m.]

Ms O'BYRNE (Bass)(by leave) - Madam Speaker, I feel I am channelling the late Honourable Sue Napier in bringing the House's attention to this matter, but there is a significant reason that we do not stand while the Speaker is on her feet. That is because the Speaker's rule is absolute and it is a sign of disrespect.

There were a number of members, including the Deputy Premier and the Minister for Housing, who walked out as you were on your feet. Members have been doing it so it is probably appropriate that we honour Ms Napier as well by reminding members of the obligation. Ms Napier would regularly raise the issue and we all got caught by it at some stage. It would therefore be appropriate to remind members that the Standing Orders require that we do not wander around the Chamber while the Speaker is on her feet.

Madam SPEAKER - Thank you very much, Ms O'Byrne, for drawing attention to that.

**NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE
(COMMONWEALTH POWERS) BILL 2018 (No. 28)**

First Reading

Bill presented by **Ms Archer** and read the first time.

MATTER OF PUBLIC IMPORTANCE

Energy

[11.13 a.m.]

Mr O'BYRNE (Franklin) - Madam Speaker, I move -

That the House take note of the following matter: energy.

I rise to speak on this matter of massive public importance; in fact, it has been a weeping sore in national community debate for over 10 years now. It is a weeping sore and a shame on this country that we have not been able to build a bipartisan approach to dealing with the impacts of climate change and transitioning our energy businesses, energy production and provision from dirty fuels to clean renewable energy.

We have seen amazing scenes in Canberra this morning with the Prime Minister coming within a whisker of losing his job on an issue he lost his job over as opposition leader many years ago. In the display we have seen in the national debate since the federal minister, Josh Frydenberg, brought together a position to a meeting of COAG ministers around the National Energy Guarantee and the two, three, four, five iterations of public policy as announced by the Prime Minister that could not even get through his party room; first of all it was legislation because it was important ruling out regulation and then he said it was regulation.

This important issue of energy nationally is now in a state of chaos because sadly we have a Tasmanian senator as one of a group of dinosaurs, knuckle-draggers, in terms of understanding not only complexity of the energy provision but also the importance of reducing the impact of climate change on our world. The sad thing is we have a state government that has stumped up and essentially said there is only one plan, one game in town - the NEG - and we have the most senior Liberal in the state, Senator Eric Abetz, weighing into that position and completely selling Tasmania down the drain.

Let us be clear about the National Energy Guarantee. It is not a perfect solution; in fact far from it, but after 10 years of disunity, confusion and disagreement around energy policy, this was an opportunity to at least form some bipartisanship on energy policy that future federal and state governments could get around and manage. Across the spectrum, groups for the environment and industry have been calling out for an approach from the federal government that could lead to significant investment in renewable energy projects and come up with a system to provide certainty for business and the Australian community.

Moving to the COAG meeting recently, Labor's position across the states was very clear. Whilst we accept some of the principles of the NEG, there were a number of things that needed to occur to ensure all states across the country could sign up. These were emission reduction targets

that could only be allowed to increase over time and never go backwards - a line in the sand. Future targets would need to be set by regulation and the targets would need to be set every three years in advance. We also want to see the establishment of a transparent registry with access by regulators and governments to ensure the NEG is working in the best interests of consumers.

The Tasmanian energy sector in our state benefits from Australian government policies which support renewable energy. We do not believe the renewable energy policy in parts of the NEG, supported by some of the Liberal states, would have encouraged any significant investment in renewable energy. A number of renewable energy providers made it very clear that the policy lacked ambition, did not provide for the preconditions for increased investment and would not lead to any increased investment beyond that which has already been announced.

What was most disconcerting being in the opposition and not being briefed on the NEG, was that it became very clear the Tasmanian Government had signed up to the NEG without fully understanding the consequences for Tasmania. It was released and put into the public domain by Mr Holmes à Court, who made it very clear that none of the pumped hydro projects were included in the national modelling for the NEG. If that is the case - and no-one has disputed that, both federal and state - what were we signing up to? This is a state which is a powerhouse -

Mr Bacon - They signed the bottom of a blank piece of paper and handed it over.

Mr O'BYRNE - Potentially that is right, member for Denison, Mr Bacon. We have a government that signed up to a political position on the basis of leadership by Josh Frydenberg. Based on the information on the public record, which has not been disputed, Tasmania and our pumped hydro and the potential for a second Bass Strait interconnector were not included in those considerations, which is very concerning.

The real drama is that we have a Liberal Party in Tasmania that is hopelessly divided on energy policy and that is bad for Tasmanian jobs, bad for the economy and completely undermines our potential to be the national leader on national energy policy and also being able to maximise our position of having significant renewable energy capacity and our ability -

Time expired.

[11.19 a.m.]

Mr BARNETT (Lyons - Minister for Energy) - Mr Deputy Speaker, I am pleased to speak on this topic of energy because the Hodgman Liberal Government is delivering. We have been clear at all times that we will put Tasmanians first in regard to energy. Our Tasmania First energy policy is delivering and if the member opposite was listening today he would have heard we are delivering the lowest power prices in Australia. He would have heard from two independent sources in the last few weeks. In terms of energy prices, why does he not come in here, say congratulations, well done Government, you are doing a good job. You are keeping power prices down.

What is the priority for Tasmanians? Their priority is low power prices. Their priority is reliable power and clean power and we are delivering it in spades. We have had a consistent message with the Federal Government. That will continue. We have got billions of dollars in energy projects on the agenda for our state through renewable energy developments, battery of the nation initiatives which are being progressed in close consultation with the Australian Government.

There is no question the Australian Government supports the work on the second interconnector. There is no question they are supporting the battery of the nation investigations. They are investing millions of dollars. We are standing shoulder to shoulder with the Australian Government, the Hodgman Liberal Government, to help deliver on these projects. It is very exciting. What is at stake is whether the Opposition and all members of parliament can get behind them.

The fact remains that we have what the nation wants with regard to clean, reliable and low cost energy. Tasmania is delivering. With regard to the NEG, the proposal that we had supported, has changed. Our expectation is that the Federal Government will need to consult again with the states and will be looking at it from the point of view of what is good for Tasmania, what is best for Tasmania.

This is the question. Does the Opposition support the Battery of the Nation project?

Mr O'BYRNE - Point of order. In the member's contribution, he attributed comments to us that were not true. He asked a question and we were responding.

Mr DEPUTY SPEAKER - Order. On the point of order, I will remind the minister that the Opposition cannot answer, but you can ask a rhetorical question. It is not up to the Opposition to answer and I would take it as an interjection if you did. You would not flout the rules as far as that goes.

Mr BARNETT - Thank you, Mr Deputy Speaker. The rhetorical question for the Labor Party is, do they support the Battery of the Nation project? Do they support further interconnection? Do they or do they not? What is their position?

That could not have been put better than the editorial in the *Mercury* today which says 'let's lock in investment'. The first paragraph says:

Whatever the future is now for the National Energy Guarantee, all Tasmanians should continue to advocate for the billions of dollars in investment for our state that Prime Minister Malcolm Turnbull had connected with his policy's implementation.

The question is, will the other side support the Battery of the Nation project? What will it deliver? It will deliver billions of dollars, an estimated \$5 billion of investment, thousands of jobs, particularly in rural and regional Tasmania and a doubling of our energy capacity for Tasmania. That is what the battery of the nation will deliver for this state.

That is why Tasmanians come first. We have been consistent in every way. We have delivered the lowest power prices in Australia and we are going to continue to fight for Tasmania.

I want every member in this parliament to come on board and support the Battery of the Nation project and come on board to support further interconnection. I want every member of parliament across Tasmania - federal, state and local government - to support the battery of the nation and further interconnection.

I am delighted to know that the Tasmanian Liberal Senate team support battery of the nation and support further interconnection. They have put it on the record. You have heard them in the

public domain in the last days and weeks. Our advocacy for these projects that put Tasmania first will not diminish. We have seen Infrastructure Australia at the federal level see the further interconnection as a national infrastructure priority. We have seen the Australian Energy Market Operator include these projects in the ISP, the Integrated System Plan, to be delivered by the mid-2020s.

On 10 August, I attended the COAG Energy Council in Sydney and obtained a win for Tasmania. The council instructed the Energy Security Board to undertake a priority review of these strategic projects.

We have had a win for Tasmania and I call on all members of parliament to support it. I asked the media to ask all members of parliament for their position on the battery of the nation and further interconnection. All major stakeholders that I have been in contact with have supported these projects. Does Labor support these projects?

Mr O'Byrne - Rhetorically, I ask if you have seen the business case then.

Mr BARNETT - They know very well that we are spending money on the work, on the business case and the progress towards getting these outcomes. We are resolute in our efforts to deliver thousands of new jobs, billions of dollars in investment, doubling our energy capacity. We had a report - federal and state government funded - that said pumped hydro can deliver 20 per cent better energy cost outcomes than comparable sites on the mainland. Surely you will come on board and support these efforts undertaken by our energy businesses and supported by all of the key stakeholders.

We are so pleased and proud of our Tasmania-First Energy Policy that is delivering the lowest cost energy prices for the nation and there is more work to do. We are going to keep at it. Our resolve remains strong.

Time expired.

[11.26 a.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, we need to put this conversation in context. The context was Tony Abbott as prime minister who signed up on behalf of the Australian people and the Australian nation to the Paris Agreement. This committed us to make our contribution to reducing our carbon dioxide emissions - those produced by fossil-fuelled power - so that we can do our part to stop the increasing warming of the planet and to try to mitigate against the most extreme forms of climate change, which we know to be occurring. Let us not forget that the agreement we struck in Paris was widely condemned by climate scientists who have been working in this field now for decades. They considered the agreement to be far below what is required to protect humans and every other animal and species living on planet Earth from the rapidly changing and increasingly volatile climate system that is occurring through the increasing warming. That is the context.

We have now had a succession of backflips and back steps by the Prime Minister in an attempt not to bring about good policy, not to bring about a delivery on that incredibly important commitment that Australia made, but to shore up his own power base and leadership in the Liberal Party; to shore up the business interests and to try to broker an agreement between the business interests that Tony Abbott represents. His incredibly close and strong lobbying is on behalf of the coal-fired power industries, who are determined to use their operational plants for as long as they

possibly can to extract every bit of the investment that they made 30, 40, 50 years ago and to ensure that they continue to use brown and black coal. This is despite the fact that we know it is reducing the survival of so many species that are already affected by increasing temperatures.

The situation that we have now in the federal Liberal Party is the worst possible situation. We have a microcosm of that in the Tasmanian Liberal Party level. We have a federal senator, Eric Abetz, who is at odds with the Energy minister, Guy Barnett. We have an Energy minister who was prepared to sign Tasmania up to the National Energy Guarantee. If he had put his signature on that document, an agreement that we were a party to as a state, it would have been a disaster for the long-term benefit of our state. It would have committed us to a drastically reduced renewable energy target. Simon Holmes à Court, a climate scientist from Melbourne University, was in Tasmania a couple of weeks ago. He is the key writer in *RenewEconomy*. He knows everything about the renewable energy generation sector in Australia. Simon was one of 23 academics from 11 universities who wanted to see the modelling on which the National Energy Guarantee had been established. They asked for it, Mr Deputy Speaker, and guess what? There was nothing to give them. The best that Mr Barnett, on behalf of Tasmania, only a week before the signing was due to occur, could get was a summary of 10 pages. It was clear in that 10-page summary that the pumped hydro Battery of a Nation scheme, which he has been spruiking as essential for Tasmania, is not a commitment that will occur.

Mr Barnett was signing up to something which was not going to provide what he says we have to have. It was all about, and was only ever about, Malcolm Turnbull coming to Tasmania and trying to get a few more votes for the Liberals at the state election. Let us not forget that is why he went, and the six to seven other pumped hydro promises that the Liberal prime minister made around Australia will also not be included.

The National Energy Guarantee, as it was designed, would keep the poor performing states, such as New South Wales, riding on the coat tails of Tasmania, Queensland and Victoria, other states which are trying to increase renewable energy. At this time, instead of producing more and more renewable energy across Australia, he would have signed us up to a whopping 12 megawatts of renewable generation until the better part of the next decade. We have 8000 megawatts locked in now until 2022, 8000 megawatts versus 12 megawatts under the NEG for the whole country. This is not the future that will secure Tasmania's safety and survival.

Time expired.

[11.32 a.m.]

Mr BACON (Denison) - Mr Deputy Speaker, it gives me pleasure to speak on this matter of public importance. Energy and energy policy has been an issue of great contention around the country. It has been an issue that we have talked about for many years in Tasmania. We know that Tasmania has had a long-running advantage when it comes to renewable energy on the back of work done over many decades to build hydroelectric schemes and then, later on, wind power. The Tasmanian energy sector and the Tasmanian state economy broadly benefits from Australian government policies which support renewable energy.

At the moment the energy policy is a mess in Canberra and that has flowed on to Hobart. Currently, the Commonwealth Government has no energy policy. This morning we almost had no prime minister. He looks like he will lose his leadership on the back of what is a strange commitment he professed to have in tackling climate change in making sure we have renewable energy in Australia. It suits the Prime Minister at times to support tackling climate change, to

support renewable energy, but he cannot drag the dinosaurs in the Liberal Party with him. We know that Senator Abetz has been agitating behind the scenes. When it comes to energy policy in Canberra, we know that he has put the leadership of the Liberal Party at a federal level before the interests of Tasmania when it comes to the National Energy Guarantee.

It is politics, pure and simple. He is using his enormous power in the Liberal Party in Tasmania to get this minister and this Government to sign up to things. They do not even know the final detail of the NEG. We had Mr Barnett rushing off in a state to sign up to something he did not even know the details of. Other people said that we have to see the modelling. The minister just wants to sign up. He does not care what he is signing as long as he rushes off to sign up at his first opportunity. He signs the paper, flees the country; does not care what the detail is and we have an acting energy minister here in Tasmania.

We know that Senator Abetz is driving energy policy in Tasmania. He is driving it in Canberra. He almost got Mr Turnbull this morning; he will probably get him later on tonight or tomorrow and we will have prime minister Dutton. It makes a shiver go down your spine.

We know that the minister for energy in Tasmania used to stand up to Senator Abetz. You only have to go back to see what then Senator Barnett said in 2010, expressing his frustration with the factional nature of the Liberal Party here in Tasmania -

'We do need an independent review, we need a shake up in Tasmania. The alarm bells are ringing' he said. 'In my view his [Eric Abetz] power and influence is very significant, and with that power and influence you have to take responsibility'.

'The Abetz faction is just too powerful and too significant, and that has ramifications for all of Tasmania'.

I could not have said it better myself. Abetz's power has grown since 2010. It now dominates the Liberal Party across Tasmania. We have ministers on that side signing up to national agreements when it comes to energy that are not in the best interests of Tasmania but they think it is in Eric Abetz's political interest. The way this minister has conducted himself is a disgrace. He stood up to Mr Abetz in 2010. Of course, he was dropped down the Senate ticket for daring to tackle Mr Abetz. Mr Barnett ended up in here and now he will not tackle him at all. He kowtows to Senator Abetz who is putting the Liberal Party before the people of Tasmania. It is a disgrace. Mr Guy Barnett said on 10 August:

The NEG is good for Tasmanian jobs and puts more downward pressure on power prices.

We had him again say later on the same day,

This important step continues to build the case for increased interconnection and Tasmania's position as the Battery of the Nation delivering clean, reliable and affordable electricity to Tasmanians and the nation.

He went on to say in Estimates,

From Tasmania's point of view a well-designed national energy guarantee can deliver significant benefits for Tasmania. I am working very hard with my COAG energy minister colleagues and the federal minister to ensure that this can occur for Tasmania's sake.

The problem though is not with the state ministers. The problem is in the Liberal Party party room in Canberra where Tony Abbott and Eric Abetz are undermining Prime Minister Turnbull. We are going to end up with a national energy guarantee that does not include things like targets around renewable energy. We have dinosaurs in the Liberal Party, thinking that the future of energy in Australia should be around coal-fired power stations and nuclear energy when, in Tasmania, we know that it should be about renewables. It should be about things like hydro and wind power.

We know that the minister signed up to this National Energy Guarantee before it even got through the Liberal Party room. We will have a new prime minister before there is any more action on this. We know that Senator Abetz and his junior apprentice, I think you would call him, Senator Duniam, visited the Executive Building in Hobart on Friday. Apparently they were there to give the Premier and the Government their marching orders when it comes to the National Energy Guarantee.

This is a disgrace. This is a state government that is being run by Eric Abetz and Tony Abbott. When it comes to energy policy there should be no doubt. The minister said it in his own contribution: everybody here should be supporting renewable energy. The minister should be standing up to Eric Abetz. He used to have the backbone to do that. What has he done now? He has gone to water. He kowtows to Senator Abetz, kowtows to Duniam. It is a disgrace.

This is a policy that is being run by Tony Abbott and the dinosaurs in the Liberal Party. The members on that side, particularly the minister - a man who has shown that he can stand up to this factional warlord in the Liberal Party. He showed in 2010 that he could stand up but he has gone to water since. It is a disgrace and the minister should hang his head.

Time expired.

[11.39 a.m.]

Mr BROOKS (Braddon) - Mr Deputy Speaker, I do not know what that was. I do not know what is in Mr Bacon's tea but it has got to him already. He is not doing a very good job because he did not mention Tasmanian energy once in his so-called contribution.

This is a really important issue for the national market and everyday Tasmanians, the people who live in regional communities. Around the state, in east Devonport, where I grew up, or the west coast or any region around the state, I would say energy gets raised very often, as it would with you, Mr Deputy Speaker, as the member for Lyons. That was missed in Mr Bacon's contribution. I do not even know what it was but it is not worth wasting any time on it, given the time limit on this.

It was a rant about the Liberal Party's workings, but the people in the north-west and in my electorate probably do not care what Mr Bacon thinks about who met with whom in Canberra about something that had nothing to do with them. They want to know what this Government is doing about their power prices. They want to know what we are doing about renewable energy. They want to know what we are doing to deliver for them, something those opposite could not do in 16 years. Even when you had the Greens, when the once-strong Labor Party sold their soul to the Greens and did whatever they said - and even let them storm out of Cabinet if they did not get their

way - they would then come in here and lecture us. They do not even do that anymore because they know they cannot because they have no record. The only record they have is a trashed economy, recession, lost jobs, high power prices and people leaving the state.

We have delivered a cheaper energy outcome for Tasmanians and for businesses. Despite the criticism from those opposite, we had policies in opposition, unlike they, who continue to whinge about everything but do not come up with a solution. We had policies we took to the people and they supported them and we delivered. One of those was to start looking after them with energy because they had been neglected by those opposite.

I can distinctly remember a member of the Opposition, as parliamentary secretary for small business, standing up and saying that small business would not mind paying more for their power. I remember she said that in this parliament when she was in government. We know that is why business confidence under the leadership of Mr O'Byrne collapsed, and it also had to do with the cost of running their business, which was a direct reflection on what they did with energy and power. We have stood beside business and communities and delivered a stronger and better energy outcome for them.

In the few minutes I have left there is one project I would like to talk about and that is the Granville wind farms, the west coast wind project, that delivers 112 megawatts of renewable energy in 31 turbines, a \$280 million project. I had the privilege of hearing the community talk about their concerns when CMT at Mount Lyell unfortunately went into care and maintenance, and one of the identified projects that would help the economy on the west coast was this specific renewable energy wind farm. The whingers opposite did not want to talk about that but this Government has delivered that project. That is important for the National Energy Market for our commitment of more renewable energy in Tasmania which this Government has a strong record and commitment on, led by the competent, very capable and excellent minister and good friend, Mr Barnett.

We have delivered that project and delivered those jobs. It was the work of this Government that delivered that wind farm on the west coast so 200-odd people now have jobs constructing that wind farm for renewable energy, which you would think the Greens would support but they oppose everything so they would not like that either.

This Government delivered that by working with the private sector and helping them work through the challenges they had. I congratulate Alex Simpson and Royce Smith who thought the project up. They got together, did the work, delivered 200 jobs and 112 megawatts of renewable energy to the grid.

They may laugh over there because they think it is funny that people on the west coast do not have a job. We do not mock them. That is why you lost your seat the first time, Mr O'Byrne, because you laughed at people who lost their job or could not afford their energy, or businesses that had no confidence in you or your hopeless government. You can mock people who now have jobs thanks to the Energy minister and this Government, but we will stand beside them. Not only does it deliver jobs for a region like the west coast, it delivers jobs in renewable energy, which you would think would be applauded by the anti-everything brigade but obviously not - they will still complain.

That is not the only project we have backed. The Cattle Hill project is another example of what we have done to deliver renewable energy in this state, something that those opposite, even with their Greenie mates in Cabinet, could not deliver.

Time expired.

Matter noted.

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

Second Reading

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

That the bill be now read the second time.

This bill delivers on the Government's election commitment to prevent outlaw motorcycle gangs that persist in criminal activities from wearing their club colours in public. This Government remains committed to combatting the scourge of methamphetamine and its links to outlaw motorcycle gangs in Tasmania. The 2017 Australian Criminal Intelligence Commission research report on organised crime acknowledged that outlaw motorcycle clubs - or OMCGs - are entrenched in the importation, manufacture and distribution of methamphetamine in Australia, with many of them using legitimate industry to conceal their activities and grant them the appearance of respectability.

Serious organised crime and the illicit drug trade does not just affect individuals but the safety and livelihood of the entire Tasmanian community. In 2015, the Australian Crime Commission estimated the cost of serious and organised crime in Australia to be at least \$36 billion a year. Even more concerning than the financial costs are the devastating social and health costs from the illicit methamphetamine trade.

Tasmanian OMCGs such as the Rebels, Outlaws and Bandidos are part of worldwide gang franchises. These are franchises with significant global criminal histories. Police intelligence indicates that OMCGs are major participants in the importation and trafficking of methamphetamine in Tasmania. This drug trade is an impetus for volume crimes such as burglaries and armed robberies, which are committed to pay off drug debts. Since 2000, senior gang members in Tasmania have been responsible for, and charged with, some of the most significant methamphetamine importations in the state's history.

Equally of concern to the Government is the use and escalation of serious violence by members of rival gangs, or even the same gang, in public places to protect what they view as their 'patch'. This violence is indiscriminate and often puts the public at significant risk. Since what has been referred to as the Milperra Massacre in 1984, when seven people, including a young girl, were killed in a brawl between the Bandidos and Comancheros, fire-bombings, drive-by shootings and public brawls linked to OMCGs continue to occur. For example, in 2009 a violent public brawl between two OMCGs at Sydney airport resulted in several injuries and one death. This year, in the Hunter Valley region there have been six public shooting incidents and two Molotov cocktail attacks since January. New South Wales police attribute all of these incidents to a feud between two rival OMCGs.

In the past Tasmania has benefitted from being an island and has been spared some of the harm caused by OMCGs. However, technological advancements and strong action by other states has resulted in a displacement effect, with members leaving those states for locations viewed as softer targets. In the last decade OMCG membership and the number of national runs in Tasmania have

increased. Conversely, states such as South Australia, which has enacted strong anti-gang laws, have seen a significant decline in membership and violence.

Tasmania Police advise that during the recent Bandidos national run in Tasmania, both the Bandidos and the Outlaws attended a public event in Devonport. Police had to deploy significant resources after receiving intelligence that the Outlaws intended to protect their turf and were prepared to resort to violence to do so. Police were subsequently forced to intervene after members of the two gangs started abusing and threatening each other.

In another example from October 2017, the Rebels chose to utilise Tasmania for their national run. This resulted in approximately 300 members attending our state. Despite being advised they would receive strong police attention, Tasmania Police still seized illicit drugs and weapons from members. Rebels' members also returned positive drug tests for cocaine and methamphetamine while driving. During the run, Tasmania Police believe that a person received significant life-threatening injuries at the Rebels' Hobart clubhouse, and that investigation remains open.

Most organised crime groups seek to hide their existence from the public, but the high visibility of OMCGs makes them unusual. In May 2018, the Australian Institute of Criminology published its Organised Crime Research in Australia 2018 report. In the report it was noted that OMCGs share a similar characteristic to another notorious organised crime group, the Japanese Yakuza. Both groups operate in a manner that is clearly visible in the community - the Yakuza through their tattoos and OMCGs through their patched jackets and apparel.

Worldwide, OMCGs operate publicly, with clearly badged jackets called colours displaying their club logo and accompanying '1%' badge. OMCGs rely on money, power and fear to thrive. Their greatest weapon is publically visible intimidation, which is why they wear their colours when they are debt collecting. Their colours are also used to threaten people and deter them from reporting crime or testifying in court. It is not necessary to utter a specific threat when wearing an Outlaws, Rebels, Black Uhlands, Devil's Henchmen or Bandidos jacket, because the jacket, with its patches and insignia, speaks for itself.

The criminal law has a limited capacity to protect the community from these types of threats. These gangs maintain a strict code of silence and cultivate a brand of intimidation and fear in respect to witnesses that thwarts attempts by law enforcement officials to hold offenders to account. Acting on a matter after the damage is done is cold comfort to the victims. This legislation will stop OMCG members from using their colours to stand over members of the public and create fear in the community.

I turn now to the detail of the bill. Clause 4 of the bill introduces a new offence into the Police Offences Act 1935 at section 6A, banning the wearing or carrying of prohibited items in a public place. The new offence states that a person who is in a public place, or in a vehicle that is in a public place, must not wear or carry a prohibited item that, if another person were in the public place, would be visible to the other person. A prohibited item is any piece of clothing, jewellery, or other accessory that displays:

- the name of an identified organisation; or
- the club patch, insignia or logo of an identified organisation; or

- an image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, an identified organisation.

Importantly, this prohibition will only apply to identified organisations and not law-abiding motorcycle enthusiasts and motorcycle clubs. A number of prerequisites and legislative safeguards have been put in place to achieve this aim. First, an identified organisation must be prescribed in regulations on the recommendation of the Minister for Police, Fire and Emergency Management. These regulations will be subject to the usual scrutiny and oversight of the Subordinate Legislation Committee.

Second, the minister may only make such a recommendation if, having first regarded the advice of the Commissioner of Police, he or she is satisfied that the wearing or carrying of these items in public places may cause members of the public to feel threatened, fearful or intimidated, have an undue adverse effect on the health or safety of members of the public, or the amenity of the community. The minister must also have regard to whether any person has, while a member of or a participant in the organisation, engaged in serious criminal activity or been convicted of public acts of violence, damage or disorderly, offensive, threatening or violent behaviour in public. Finally, defences have also been provided in the bill to allow prohibited items to be worn in public places for genuine artistic, educational, legal or law enforcement purposes.

To become a fully patched member of an OMCG, one starts as a prospective member. To ensure that the activities of these people can be taken into account, a prospective member is included in the definition of a 'participant in' an identified organisation as defined in the bill. It is important to note that a prospective member does not mean just anybody. Prospective members are likely or expected to be fully patched members in the future. Certain thresholds need to be met to become a fully patched member and often this involves the prospective member committing crimes to earn their colours. This allows fully patched members to not only distance themselves from the taint of any illegal activity but also shield senior members from any legal repercussions.

OMCGs on the mainland have demonstrated a resourceful creativity to circumvent laws designed to mitigate the harm they cause. The prescribing of identified organisations by way of regulations is appropriate and allows police to respond to the evolving nature of criminal gangs whilst still maintaining the appropriate balance between an individual's rights and the rights of the community to be safe and enjoy public spaces free from intimidation and brawls between feuding gangs.

The bill will also give a police officer who has reasonable grounds to believe that a person in a public place has committed or is committing a prohibited item offence to stop that person or any vehicle they may be in, search the person and vehicle, and seize any prohibited items found. Again, I emphasise that law-abiding motorcycle enthusiasts and motorcycle clubs are not affected by these changes, as I have heard claimed.

The Government is committed to and will continue to work on modernising Tasmania's consorting offences in line with similar provisions in other jurisdictions to support contemporary preventive policing practices that allow authorities to act at an early stage to prevent or reduce serious crime. This effort is strongly recommended by Tasmania Police and the Australian Criminal Intelligence Commission as necessary steps to be able to deal with the scourge of ice, organised crime and horrific violence. It is anticipated that this matter will be brought to Parliament before the end of this year.

Mr Deputy Speaker, this bill sends a strong signal to OMCGs in Tasmania, or those thinking of expanding their networks into our state, that their illegal activities will not be tolerated. Now is not a time for politicking. This is a time to support Tasmania Police and help us make a safer community.

I commend the bill to the House.

[11.59 a.m.]

Dr BROAD (Braddon) - Mr Deputy Speaker, what we see here today is a bill before us that has some issues. As legislators we all have a responsibility to give the police the best tools that we can to tackle alarming trends, such as the one thing the Government will not talk about is that crime is on the rise. From Tasmania Police's own figures offences rose by almost 20 per cent from 2016 to 2017. Tasmania cannot be allowed to become a haven for criminal gangs, especially when dealing with the impact of drug trafficking. Of that there is no doubt. We support the idea that being able to ban insignia in public places should be part of the tool kit.

The question is how is that best applied? How should we be applying this? How should we do it in a way that will not have potential unintended consequences?

The Police Offences Amendment (Prohibited Insignia) Bill 2018 does not target organised crime and there is the potential for abuse by a rogue police minister. We are fully on board with the move to curb criminal activities of outlaw motorcycle gangs but the scope of the fight against organised crime in Tasmania needs to be much broader, including but not limited to outlaw motorcycle gangs.

This bill does not tackle, does not address the broader issue of organised crime in Tasmania. This bill has been sold as being specifically targeted at bikies. We saw that reference a number of times in the Second Reading speech just given by the minister. However, it surprises people to learn that this bill does not mention bikies. Not once. It does not mention outlaw motorcycle gangs. Not once. This bill is targeted as eliminating the scourge of ice. In fact we saw during the election campaign the Liberal Government's policy document; 'War on ice: Crackdown on outlaw motorcycle gangs' with the idea that banning certain proscribed outlaw motorcycle gang members from wearing colours and banning the display and sale of ice pipes was what you needed to do to keep Tasmanians safe from ice. If we just simply approve the banning of insignia in public places and we ban ice pipes, I guess the drug problems are solved.

That is not the case. Not only does this bill not mention bikies, it does not mention drug trafficking as a relevant offence. We will get to that later.

We cannot pretend that all Tasmania's crime problems will be solved by banning insignia. We do think that it should be part of the tool kit. The idea that we do not support banning of insignia is wrong. We do support that; however, we believe that it should be done in an appropriate manner.

Mr Ferguson - You have changed your position.

Dr BROAD - No, we have not. This is exactly the position I outlined. Minister, what I am doing is reading from my Op Ed. This is public information. You are saying I have changed my position, minister. How can I change my position when I am quoting from something that it is on the public record?

Mr Ferguson - You changed your position last night and, on radio all morning, you had a different position.

Mr DEPUTY SPEAKER - Order. Interjections should cease and comment should be made through the Chair.

Dr BROAD - I am trying to have a sensible conversation about the problems with your bill and you are completely ignorant to the fact that there are any problems in the bill.

We had our briefing yesterday. We were expecting amendments because there are some significant issues with this bill, even drafting issues. From what I understand, the Police Association of Tasmania is also expecting amendments. Minister, are we expecting amendments in this sitting, or are you waiting for that to be fixed up in the upper House?

Mr DEPUTY SPEAKER - Through the Chair, please, Dr Broad. You know the rules of the House. Interjections should cease. Dr Broad, you have an opportunity to make your contribution.

Dr BROAD - It is our job to come in here and provide critique of the Government. Yes, we did consider amendments. The amendment that we cannot insert is proper process. We can fix some of the definitional issues and I will go through them and point out which ones they are but we cannot solve the major issue that we have with this legislation. It puts all the power in the hands of a police minister. There is no due process here. That is the big issue we have. That is not a position that we have changed or come up with.

We were expecting yesterday when we had our briefing for there to be amendments proposed and there were not. The police association was expecting amendments but they have not arrived. We want a bipartisan approach to this issue because it is very serious. We do not want bikie gangs to get a hold here. We do not want all the bikie gangs to be flooding from the mainland. We want the police to have the power of banning insignia but we do not want all of that power to be vested solely in the hands of the police minister. We cannot amend that. We can fix it with an associated bill and I will talk about that in a minute.

We are expecting amendments. Yesterday, we sent a letter to the Government requesting that the bill be withdrawn and re-drafted so that we can tackle these issues, and so that we can have a bipartisan approach to this. However, we have not received any response.

Yesterday before we had even received the briefing from the AFP, the Queensland Police and the Commissioner of Police, the Government had already put out a release saying that we had not accepted the evidence put before us - a briefing we had not had. You talk about politics. It does not really matter what I say here today, unless I am in lock-step with the Government. They already have their press releases ready to go. They are already waiting and they are not interested in sensible amendments. What they are interested in is purely the politics of this. There is no doubt about it at all.

We are saying banning insignia should be part of the tool kit, along with anti-association members which are apparently coming. We think it should go further. We think there should be potential for clubhouse bans, strengthening the asset freezing and seizure powers. But these increased powers - and this is the crucial part - should only be activated once criminal activity has been identified by evidence put before a court, so that people have their day in court.

There is a problem with this bill in that it is potentially unconstitutional because people can lose their freedoms without having their day in court. I imagine the first group to be charged on this will no doubt take this further. The issue is that there is no requirement of evidence. You do not have to put anything before the court. It is wholly and solely up to the minister's discretion. There are workarounds on the so-called protections that are in this bill.

Whenever new laws are proposed it is the job of members of parliament to consider the benefits as well as the unintended consequences. We have seen this in other states, such as consorting laws in New South Wales. These consorting laws were put in place to tackle the hardened, organised criminals in the state of New South Wales, but what a recent review shows is that the consorting laws were being used to target homeless people in train stations.

Now the question is why was consorting law aimed at the real 'hard edge' of criminal activity being used to target homeless people in bus stations? The answer is, because of the way the laws were drafted, it could happen. As legislators we have to be sure that the appropriate protections are in place.

Despite all the rhetoric, this bill does not mention bikie gangs or even list drug trafficking as an offence. If enacted, then the minister has the ability to ban almost any item of clothing or jewellery that displays any insignia logo of almost any organisation, with no due process or evidence required. This legislation has such wide scope it could ban almost anything. We have discussed that. The reason for banning insignia could be as simple as it 'may cause members of the public to feel threatened, fearful or intimidated'. That is a very low bar.

There are other things in the bill that talk about violence, that talk about having an undue health effect and so on, but 'may cause members of the public to feel threatened, fearful or intimidated'? People are fearful of a number of things. Being fearful in itself should not constitute a crime; however, the intention is there.

The other side the minister has to take into account is whether a prospective member or a member or an organisation has committed a relative offence. That relative offence may be 'a public act of violence to a person or persons, a public act of damage to property, a disorderly offence threatening or violent behaviour in public'. If you are disorderly or you commit a public act of damage to property, which is a summary offence dealt with in the Magistrates Court, that is enough for your organisation to be banned from wearing its insignia.

There is no protection in this; there is no reasonableness test here; there is no evidence required. The minister does have to have regard to, and the wording is quite specific:

The Minister may only recommend that an organisation be prescribed to be an identified organisation if the Minister is satisfied, having regard to the advice of the Commissioner, that the wearing or carrying of a proposed prohibited item, in relation to the organisation, by a person in a public place -

(a) may cause members of the public to feel threatened, fearful or intimidated;

The wording there is quite crucial, 'having regard to the advice of the Commissioner'. That does not say a couple of things. That does not say that he has to accept the advice of the commissioner. This is being driven from the minister. It is not the commissioner making a

recommendation for the minister to sign off on, it goes the other way. It is the minister making a representation:

The Minister may only recommend that an organisation be prescribed to be an identified organisation if the Minister is satisfied, having regard to the advice of the Commissioner, that the wearing or carrying of a prohibited item may cause someone to feel intimidated or threatened.

The other thing is that he has to have regard to the advice; he does not have to accept the advice. He could go to the police commissioner and say, 'We want to ban this organisation', and if the police commissioner says no, then the police minister says, 'Thank you. I have had regard to that but I am going to do it anyway'.

The other side is that there is no requirement that the advice from the commissioner has to be honestly or reasonably given. There does not have to be any evidence -

Mr Ferguson - What did you just say? The commissioner does not have to be honest?

Dr BROAD - No, I did not say that. I said that there is no requirement here, there is no evidence required. This is based on opinion, so where is the evidence? It is impossible and once an organisation has had their insignia banned, there is no challenge available. You cannot take this to court.

Mr Ferguson - The bikies would be loving this.

Dr BROAD - We have to do this properly and I will go through that. The only challenge is whether the process has been followed. The bar could possibly be set very low, but it would be virtually impossible to argue that the process has not been followed.

The argument has been put to me, and it is a valid one, that it would be political suicide to ban an organisation that is not a bikie gang or whatever, but the -

Mr Ferguson - The parliament would disallow it but you have not mentioned that.

Dr BROAD - I am getting to that. Once laws are passed they can be used in a number of ways, intended or otherwise. There is a disallowance process -

Mr Ferguson - You said there was unfettered powers before, now you are coming to the truth.

Mr DEPUTY SPEAKER - Order.

Dr BROAD - Just after question time, we saw the tabling of regulations and that process only takes a couple of seconds, then that regulation becomes enacted. Regulations can be disallowed by a vote in parliament and the subordinate legislation committee can make recommendations for a disallowance but it is still down to a vote, still down to the numbers. That gives parliament the opportunity to disallow. There is no doubt about that at all. We know with parliament, and the way that parliamentary numbers work at times, there is the ability for an organisation to be banned with no evidence required. It is up to parliament to disallow. There is no evidence required and that is the key part. There is no test; there is no defence. If an organisation is prescribed and the regulation becomes enacted and that ban takes place, and that could happen if the regulation was dropped at

the last day of a parliamentary sitting, it would take quite some time for that regulation to be disallowed. The damage would already be done. Permanent reputational damage could be done before that regulation has been repealed.

Our approach, and what we think should be done, is that the government should have comprehensive organised crime legislation that does not just target bikies; it targets organised crime on all its levels. There is a way to fix it. Instead of defining an identified organisation simply through regulation, the way to fix it is to have a separate bill which goes through the process of identifying an organisation that goes through the courts, where evidence is tested. In other states there are pieces of legislation that allow in camera evidence for police intelligence to be used, where that process of proscribing an organisation can be done in a way that is defensible. Once an organisation has been identified as being a criminal organisation and this may be Outlaw motorcycle gangs, and there is no doubt Outlaw motorcycle gangs are an organised criminal element, we are not denying that. We think they should be disrupted. We think they should have their insignia taken off them. But we think there should be a process so everybody can have confidence that this cannot be used for other purposes to crackdown on dissent, for example. It does not take much to build a case in the media that there should be a crackdown on an organisation; we have seen it and we continually see it, especially in the federal sphere, tackling organisations and saying they are criminals when evidence does not stack up.

If we have a court process that identifies the organisation, proscribes the organisation as being a criminal organisation, then you should be able to take their insignia from them. You should be able to take their clubrooms from them, you should be able to freeze their assets; you should be able to seize their assets. You should be able to stop them associating and all those disruptive measures. The key part is this should not be a decision of the police minister. This should be a decision of the courts. There are definitional issues here but I will get to that.

The reason we are talking about wanting to do this properly is because we have seen the way other states are tackling this issue. We have heard from the minister in the media and others, saying that Tasmania is lagging behind, that all other states have Outlaw motorcycle gang legislation, and they do. New South Wales has consorting, Victoria has organised crime legislation and South Australia does. The only state that bans insignia in public places is Queensland. The other states have the ability to ban insignia but only in licensed venues, pubs, clubs, et cetera.

Mr Ferguson - Other states are moving that way. You know that.

Dr BROAD - There was a review of the Queensland anti-bikie laws after the Palaszczuk Labor government came into government. Queensland had a series of legislation and you talk about politics, just listen to the name of this act - The Vicious Lawless Association Disestablishment Act or VLAD Act. As well as looking at tattoo parlours, criminal organisations and colours were also part of that.

There was a review of that legislation after the Labor government came into power. That review was done by the Organised Crime Commission of Inquiry. This was not just a bunch of politicians talking about it. There were the various law groups and it was well represented by the spectrum in law enforcement, including lawyers groups and the police association. They found the laws were not successful.

Under the question, have the laws impacted organised crime, the state's Organised Crime Commission of Inquiry criticised the tunnel vision approach of focusing on bikies. This is the key bit: we want this to be across all forms of organised crime.

Mr Ferguson - It does not mention bikies. You criticised us for that earlier.

Dr BROAD - This is your rhetoric.

Mr Ferguson - I do not understand you. You are trying to walk both sides of the street.

Dr BROAD - Why don't you pipe down and let me finish. The focus upon and resources solely dedicated to the threat of Outlaw motorcycle gangs by the Queensland Police Service meant other types of organised crime have not been able to be appropriately investigated. This is part of the issue to focus on.

Tasmania is different. Bikies have a more significant impact on organised crime in Tasmania than places like Queensland, but on any view, they do not suggest that OMCG members were committing a large proportion of serious crimes in Queensland. In Queensland there are other groups such as the Mafia well entrenched. We do not want that to happen here either.

The success or otherwise and the necessity of Queensland's anti-bikie laws can be broken down in a couple of simple propositions. With regard to general crimes, the laws have not affected overall crime trends. It is important to realise that legislation was not necessarily always about conviction, but about deterrents. That is what the former Queensland attorney-general, Jarrod Bleijie, said when it was highlighted that the numbers of bikies in Queensland has not plummeted dramatically; there are still bikies in Queensland. In 2013 there were 920 members in Queensland. In 2015 there were 882 members, which was a decline of only about 4 per cent. We heard yesterday in evidence presented that that decline might have been 10 per cent, so over the last couple of years it may have increased, but police admit that the reduction in numbers has had a limited impact. We also heard yesterday in our briefing that despite not being able to wear colours in public places, bikie groups are still recruiting in Queensland.

This is the whole issue. That is why we are arguing that this whole process should be done properly. We should have proper organised crime legislation where this is one of the tool kits. If you have a proscription process where any criminal organisation, whether that be some of the crime families that are not bikie gangs in Tasmania, could be proscribed as a criminal organisation, we should also have the ability to tackle them with stronger penalties such as asset freezing and so on.

We see that the Government has recognised one issue with this legislation, although they are not willing to put up any amendments. I will be interested to see if the amendments come in the upper House. I imagine they will. In today's second reading there was one change made and that was to recognise the issue of prospective members. Prospective members have not been defined in the legislation so the way the Government is attempting to get around that is by discussing prospective members in the second reading speech.

Mr Ferguson - It is not getting around it. It is for clarity.

Dr BROAD - Clarifying it, whatever. A better way to do that would have been to define 'prospective members', and that is a member who is likely or expected to be a fully patched member

in the future. Before that clarification in the second reading speech, that was definitely a hole. A prospective member was not defined.

Serious criminal conduct or activity is also not defined. In determining whether the regulations ought to prescribe an organisation under proposed section 6A(3), the minister must have regard to whether any person has, while a member of or a participant in an organisation, engaged in serious criminal activity, but 'serious criminal activity' is not defined.

If a police officer has reasonable grounds to believe a person in a public place is contravening or has contravened sections 6A(7) or 6A(8), the police officer may use such force necessary and assistance as is reasonably necessary to - and I will quote from paragraph (c):

seize any item, found during a search under this subsection, that the police officer is of the opinion is a prohibited item within the meaning of section 6A(1).

We have seen this in Queensland so I am sure this part of the legislation came directly from Queensland. In Queensland, in 2013, two officers were left red-faced after confusing a man's *Sons of Anarchy* T-shirt with a real bikie gang's patch. That was rather embarrassing for the police service. For those who do not know, *Sons of Anarchy* is an American TV show about a fictional bikie gang called Sons of Anarchy. The police saw this man wearing a shirt of a fictitious bikie gang and seized it. Under this legislation, if the police officer is of the opinion that that a *Sons of Anarchy* T-shirt is a prohibited item he has the power to seize it. It would have been nice to have a bit more clarification of what 'is reasonably of the opinion' means.

In our briefing yesterday we heard that when tackling organised crime, there needs to be coordinated investigative, intelligence, technical and asset confiscation powers and so on. There is no one solution, they said, and I agree. It needs to be a multilayered approach, and that was certainly reflected in the minister's second reading speech.

Police intelligence indicates that OMCGs are major participants in the importation and trafficking in methamphetamine in Tasmania, and there is no doubt that is true. Senior gang members have been responsible and charged for some of the most significant methamphetamine importations in the state's history. There is no doubt they have, but they are not the only importers of drugs into this state. We need to tackle the whole issue.

The minister references some of the issues with organised crime in that OMCGs on the mainland have demonstrated a resourceful creativity to circumvent laws designed to mitigate the harm they cause. This is one of the issues. We agree 100 per cent that taking insignia should be part of it. However, simply banning colours and ice pipes is not going to solve the problem. We will still have organised criminals. They will still be dealing drugs, they will still be threatening, they will still be undertaking criminal activity; they just will not have a patch on them. We have to tackle this whole organised crime issue, not simply tackle the patches. That is why we think it should be a comprehensive approach. The minister references that on the mainland they have demonstrated resourceful creativity to circumvent laws designed to mitigate the harm they cause. Part of the problem is that they will find a way around this.

What are some of the other states doing? This is quite instructive. Other states have tackled this issue in a number of ways. In the minister's second reading speech there was reference to South Australia, which has enacted strong anti-gang laws and has seen a significant decline in membership

and violence, but South Australia still only bans colours in venues, they do not ban colours in public places.

Queensland banned colours in public places and did not see a decrease in crime. That is why I am arguing that strong anti-gang laws will result in a significant decline in criminal activity. We should be tackling the root cause of the crime, not just the visible patches. The minister highlighted that point in his second reading speech. Once again, Queensland is the only state that has banned them in public places. We see where the Government got the idea of this bill from or put this bill together. It is from two separate acts from Queensland - the Liquor Act 1992 and also parts of the Summary Offences Act 2005. This is where some of the language and definitions have come from.

It also discusses the actual process of becoming a bikie and that is not done in the Tasmanian legislation. 'Participant, in an entity' means a person who has been accepted as a member of the entity, whether formally or informally through a process set by that entity - an example of a process set by an entity is paying a fee or levy - and has not ceased to be a member of the entity; or is an honorary member; or who is a prospective member of the entity; or who is a, office holder of the entity; or who identifies himself or herself in any way as belonging to the entity - and this is something the minister should consider - or whose conduct in relation to the entity would reasonably lead someone else to consider the person to be a participant in the entity. That is a much stronger definition.

In the Queensland Criminal Code there is a definition of 'serious criminal activity'. In that legislation, 'serious criminal activity' means 'conduct constituting an indictable offence for which the maximum penalty is at least 7 years imprisonment.'. I am curious as to why this definition did not get brought across. It is not in the Tasmanian bill before us. Lacking that definition is rather curious.

South Australia only deals with wearing prohibited items in a licensed premise. In South Australia there is a formal process in the upper House to go through:

- (4) A recommendation of the Minister in relation to an entity for the purposes of subsection (3) may only be made -
 - (a) After the receipt of a report of the Committee in relation to the entity ...

Basically there is a committee process ...

- (5) The Minister may, in deciding whether to make a recommendation for the purposes of subsection (3), have regard to the following matters - ...

These are:

- if the minister has received a report from the committee in relation to the entity;
- any information suggesting a link exists between the entity and serious criminal activity;

- any convictions recorded in relation to the current or former participants of the entity or persons who associate or have associated with participants in the entity;
- any information suggesting that current or former participants in the entity have been, or are, involved in serious criminal activity whether directly or indirectly, whether or not the involvement resulted in any convictions;
- any information suggesting participants in an interstate or overseas chapter or branch, however described, of the entity have as their purpose, or one of their purposes, organising, planning, facilitating, supporting or engaging in serious criminal activity ...

This is a far more rigorous process than what we are seeing presented to us today. What we see today is a bill which puts far too much power in the hands of the police minister.

Some of the issues that are not covered in this bill before us today are the ways of getting around the legislation. This is how South Australia tackles the problem - and they are quite specific:

- (7) A change in the name or membership of an organisation declared by regulation to be a declared criminal organisation does not affect the organisation's status as a declared criminal organisation.
- (8) If the members of an organisation declared by regulation to be declared a criminal organisation substantially re-form themselves into another organisation, that organisation is taken to form a part of the declared criminal organisation, that organisation is taken to form a part of the declared criminal organisation (whether or not the declared criminal organisation is dissolved).
- (9) For the avoidance of doubt, nothing prevents the regulations declaring as a criminal organisation an entity that is, at the time of the declaration, based interstate or overseas and not operating in this State.

The report of the Crime and Public Integrity Policy Committee of South Australia goes through a whole process. We do not see that in this legislation. What we see is that the minister has all the power -

Mr Ferguson - On the advice of the commissioner role - you keep forgetting that.

Dr BROAD - 'With regard to the advice of the commissioner.'

Once again, we are not talking about a process where people can defend themselves. If we put this legislation on the books, the minister could have the power. We discussed this in the briefing. The member for Denison, Ella Haddad, went into some detail and asked whether this could apply if there is an organisation and the members of the organisation are not biker gangs but have committed a property offence and may cause people to be fearful or intimidated. Is it possible for this legislation to be applied to them? The answer is, yes, technically it is possible and that is our problem.

If this is used to bust an organisation that is not of a criminal nature, the only defence - and it does through parliament; the regulations are not disallowed or if they are not disallowed for a period - what can happen, they cannot put evidence to a court. They cannot have a review of the process. There is not judgment whether that prescription or banning of their insignia is justified. There is no reasonableness test. There is no ability for an organisation that has their colours banned to defend themselves.

Other states go to some detail. They list a number of bikie gangs in their legislation. It is comprehensive. There is whole bunch here I have never heard of. I understand why they are doing that. In the regulations of the Liquor Act 2007 in New South Wales, they released the names of motorcycle and related and similar organisations. They go through a whole heap: Bandidos, Black Uhlans, Brothers For Life, Comanchero, Finks, Fourth Reich, Gladiators, Gypsy Joker, Hells Angels, Highway 61, Iron Horsemen, Life and Death, Lone Wolf, and there is one which is a bit unparliamentary, Mongrel Mob, Mongols, Nomads, No Surrender, Odin's Warriors, Outcasts, Outlaws, Phoenix, Rebels, Rock Machine and Satudarah. They go through that process and put that in their legislation. That is only in the liquor regulations. That is to stop those members accessing a licensed venue. That is not talking about fines in public places.

The Government has not taken that approach. They have taken the regulatory approach. People do not get their time in court. That is the fundamental flaw with this bill; people do not have the ability to defend themselves. That may raise constitutional questions as may the definitional issues, et cetera.

I know the police association would like to see an amendment regarding the issue of advice from the police commissioner. I was very surprised to see that has not been put to us. That request for that issue was raised by the police association but we do not see an amendment for it today which is curious.

The Government is trying to say that we are supporting organised crime and that could not be further from the truth. We want to tackle the problem. We want it to be a comprehensive approach but there have to be some safeguards. Once there has been that court process to proscribe an organisation, then we should come down on them heavily and go further than the Government is suggesting.

Mr Ferguson - How long does your court process take?

Dr BROAD - You have to make the court process worthwhile. Once you have the court process, then there is a whole bunch of things that immediately get activated.

Mr Ferguson - A couple of years.

Madam SPEAKER - Order. Through the Chair.

Dr BROAD - Why don't we do this properly - this is a request, Madam Speaker - and we can talk through some of these issues. Instead, what we are seeing is a blatantly political response. The Government wants to have the ability talk about a tough-on-crime approach and drop the regulations on the table. But the problem is not going to go away. There is still going to be organised crime. When are we going to tackle organised crime? Why can't we have this all as one package or a series of bills? This bill could work simply with one other, which is what I have suggested, that goes through that proscription process.

Mr Ferguson - You are not willing to move an amendment. It is bizarre.

Dr BROAD - We were led to believe you would be presenting regulations.

Mr Ferguson - I did not have a problem with it. You do, but you are not willing to propose an amendment. It is weird.

Time expired.

[12.39 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, on behalf of the Greens I provide our contribution to this bill. It is something that the Greens have spent a lot of time thinking about. We have spent a lot of time talking to stakeholders. We have spent a lot of time being briefed by the police and people who have flown from interstate to provide us with information about the context for this bill.

We recognise the very serious problem that organised criminal activity poses in the Australian society. We understand that violence, intimidation and criminal actions are undertaken by groups of people for their own benefit and that it leaves people in Tasmania and in other parts of Australia suffering from acts of violence, living with the fear of violence, being intimidated in their lawful right to move about in their own personal life. People who get caught up with criminal groups either through drug trafficking, drug use, money laundering and all the other awful and nefarious activities that people do in these groups for their own personal profit but also because the most vulnerable people get sucked into a system, sometimes and used as pawns, in the game of large criminal organisations. From the evidence of Australian Intelligence we know that some have international links and are connected to similar groups in other countries and around the world.

We recognise the importance of safety to help people not to get caught up in these sorts of activities and to provide justice for people who have been threatened, abused, attacked, raped, murdered - many other terrible things - which criminal outlaw groups perpetrate on innocent people in society.

We wanted to be part of the solution. The Government came to us and spoke about this as a bill which the minister said he would hope it could be a tripartite bill and that we could contribute to supporting the bill. We listened to the minister's concerns. We attended the briefings. We heard evidence from Queensland Police from the Australian Crime and Intelligence Commission. We heard from people from the AFP as well as from Tasmania Police.

We worked in good faith. We spoke at length with our stakeholders. We spoke at length with members of the public who contacted us - people who wrote me emails as late as this morning. I was receiving new emails with unsolicited comments from people who were voicing serious, genuine and reasonable concerns which had not been addressed.

We raised those concerns and we proposed possible amendments to test the concern and the willingness of the Government to amend the legislation as they said they were open to doing. We provided possible amendments potentially to satisfy, or at least consider whether it was possible to satisfy, some of the concerns that stakeholder groups provided to us.

What we found was absolutely no change; not only no change from the Government to the proposals that we made but no comment, no response, and no engagement; just another briefing.

We are in a situation now where we cannot support this bill. It is now a moot point whether we ever could have supported the bill. In our view it has failed to achieve the objectives that the bill ostensibly was established to achieve. There seems to be two bills that are operating here and I will go into this.

All the stakeholders in the civil liberties and justice disciplines agree that the bill has been drafted in far too broad a way. It is extremely wide in its definitions. It is silent in a number of important definitions that ought to be included in the bill, and it provides overreaching powers for a minister, essentially unchecked in the important factors, to severely curtail and inhibit the ability of people to associate and to express themselves.

The only strict limitation that has been placed on the minister to proscribe an organisation is that he must be satisfied that the proposed prohibited items may cause members of the public to feel threatened, fearful or intimidated, or may otherwise have an undue adverse threat on the health or safety of members of the public, or the amenity of the community including by increasing the likelihood of public orders or acts of violence.

The other qualifying factors in the bill are only matters that the minister must have regard to, including only having to have regard to the advice of the police commissioner, and whether or not a member of the organisation has committed a serious criminal offence, or a relevant offence, including public violence, damage to public property or disorderly, offensive, threatening or violent behaviour in public. This is a very weak test. There is a broad range of offences that have been listed and there is no way that they have to be actually linked to the activities of the organization. On top of that, a very important point, is that the minister only has to have regard to those matters and only has to have regard to the advice of the commissioner. The minister may regard the advice of the commissioner, but the minister may also disregard the advice of the commissioner; that is the point.

There has been a stubborn reluctance on behalf of the minister and the drafters of the bill to accept the concerns in the drafting of the bill by legal and civil liberties advocates, as well as to accept the concerns raised by members of both Houses of parliament.

In one of our three briefings on this bill, the officers stated quite conclusively - and I provide this by way of an example of the rigidity of the Government in this process - that they could not think of any circumstance in which it would be acceptable for a minister to proscribe an organisation without the explicit advice of the police commissioner. Yet as the bill itself is drafted, this is in fact what could happen, but this has not been changed. This was a particular matter we pointed out at our first briefing. There has not been any movement on that.

One of the officers at the briefing stated that the intent was for the commissioner - and this is in clause 5 of the bill - to initiate the process and not the minister. We were told yesterday that the recommendation to proscribe an organisation would be after a recommendation from the police commissioner, but the bill leaves it open and this has not been changed. The bill clearly leaves it open - and this has not been changed - clearly for the minister to initiate the process and to then have regard to or seek advice of the commissioner, which is contrary to the advice we received yesterday that practically this is not what would happen. It must be drafted and written down in black and white because we are required to look at a situation where there may in a future government or in a future situation be a minister who chooses not to do it that way but instead chooses to initiate an organisation being proscribed rather than have it as a recommendation from the police commissioner.

Both of those issues could be easily improved in the bill. We have not been provided with any identified reasons why our proposed changes should not be adopted. The only response we had was that it should not need to be changed because practically it would not operate this way, but if it is not the intent of the bill then what is the harm in amending the bill to make those changes? Of course these are the least of the significant flaws in the bill but they are a really perfect illustration of how the Government has been unreasonably rigid in this consultation process, despite a lot of assurances that there is an intention to try to work on this very important issue.

Many submissions were made to the consultation process raising concerns with the proposed structure of the bill, yet the bill we have before us today in no way differs to how it was described in the paper. It seems again that consultation, despite the rhetoric, means nothing to this Government. The minister will probably make some noise today and in the House about opposition to the bill, but throughout the process of the drafting there was no ground given to any of the legitimate concerns raised by stakeholders a long time ago. I would like the minister to put on the record whether in fact there were any changes made to the bill from the consultation draft in relation to submissions and suggestions that were made by the public. Could he please detail the ones that have done if there have been?

The other central issue of concern for us is the very confused message that has been sent out around the need for having this bill. In the initial briefing we had and in the public media releases, the expressed intent of the bill was about the need to disrupt recruitment efforts for serious organised crime and to reduce the attractiveness to Tasmania for so-called outlaw motorcycle gangs. It was expressed to us very emphatically in the first briefing we had that the police only want to target serious criminal organisations and these were described to us as organisations that systemically, methodically and deliberately engaged in acts of serious crime as a deliberate business model.

However, in the last briefing we had yesterday, when I asked why the bill in no way limits the power of the minister to target only serious organised criminal groups, the response I received was that that was not in fact the objective of the bill. The objectives are those that are set out in the bill in proposed section 6A(2):

The objects of this section are, as far as practicable -

- (a) to ensure that members of the public may lawfully use and pass through public places without experiencing fear or intimidation because other persons are visibly wearing or carrying prohibited items; and
- (b) to reduce the likelihood of public disorder or acts of violence in public places.

That is a profoundly different objective to what we were given as the rationale, the motivation, the purpose for this bill, in our first briefing. In the briefing there was no time spent arguing the benefits about reducing public fear, but instead the people who provided information to us talked about the disruptive impact the bill would have on serious organised crime, so you can see there is a very mixed message here. One is the need for the bill being aggressively pushed for generating fear about serious crime, but when we asked why the bill doesn't limit itself to serious crime, the response we had is that it is not the intent of the bill, which is to prevent public fear and intimidation.

They are two very different bills and very different debates before us today. The public face of the bill, the one that will be in the front page of the *Mercury* tomorrow, is about targeting serious organised crime, but the actual bill here on the table before us is about targeting any organisation as long as the minister is satisfied that the organisation's insignia may cause public fear. You can

see why civil liberty groups, justice groups and other groups who are involved in lawful peaceful protest might be very seriously concerned about the contents of this bill.

By way of context, the Tasmanian Liberals committed to resurrecting the controversial anti-protest laws before the election. They had that as an election commitment and they have vowed to fix the measures that the High Court found breached the rights of free speech. The Resources minister, Guy Barnett, said they would rework the legislation to get the balance right to support the rights of workers and businesses as well as protecting the continued right to free speech and the right to protest. He said:

We believe that it is a fundamental right for Tasmanians to be able to go about their lawful work without the threat of protesters intentionally shutting down and harming Tasmanian businesses.

Earlier this month, peaceful protesters held up logging operations for three hours in the state's remote west in the first forestry conflict since the High Court shot down the Liberals' original anti-protest laws after they were challenged by Bob Brown, long-time Greens and activist. Back in February, eight protesters gathered at a Forestry Tasmania logging coupe 100 kilometres east of the Arthur River defending the ancient trees that live in that area of the Tarkine.

This is relevant to today's discussion because when peaceful protesters were at the Florentine protest and at the Lapoinya coupe that was being logged last year, they reported that police officers had referred to them as thugs, as threatening. There were reports in the media that their appearance was threatening, that they were intimidating. If you look at the *Sea Shepherd* insignia on their black jackets and hoodies, they have pirate-style crosses. They go on the high seas, challenging Japanese whaling boats in the Antarctic. They are there ramming the sides of whaling vessels. People are putting their lives and bodies on the line to protect things they care so much about. The Greens will always support the rights of people to non-violent protest.

No doubt a case could be made to a minister of the day that people feel threatened and intimidated and sense fear because there is a group of people - protesters, ferals, hippies - wandering around wearing jackets or hoodies so you cannot see their faces and do not know what they are thinking. They are in groups. The point is that I raised the issue directly with the police yesterday that if this bill is clearly about outlaw motorcycle gangs, why doesn't it use the term 'outlaw motorcycle gang' in the bill to make it really precise that is what this is about? If this is about reducing the threat of outlaw motorcycle gangs and serious criminal activity -

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

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

Second Reading

Resumed from above.

Dr WOODRUFF (Franklin) - Madam Speaker, the point I was making is that there are many organisations with reasonable cause to be afraid because of the contents of this bill which, as drafted, could be used to target them and their nonviolent protest activities. The police and the

minister have argued that they only intend to target five specific organisations. They professed that it will be limited to serious criminal organisations, but the refusal of the minister to explicitly limit the application of the bill to these bodies legitimises the concerns of organisations that have put in strong representations against the bill.

It has been suggested that the organisations that could be proscribed, were this bill to be passed, by a future minister, that those proscribed organisations would first be presented to parliament as a disallowable instrument. They would be presented before a joint standing committee for their assessment, but to rely on the ideological openness and the assessment of that committee and of that parliament misses the point. A number of far lower bars are presented that could be jumped through and, of course, it depends on the makeup of the House.

We were told that the minister would have to present his or her recommendations to Executive Council and would have to go through a joint standing committee. But, should a future parliament not have the numbers to be able to push through proscribing an organisation without suitable evidence of their involvement in serious criminal activity, it leaves open the prospect of not sufficient legislative detail in this bill to prevent that happening. It particularly leaves out the prospect of any appeal rights for a proscribed organisation if such an organisation seeks to exert its right to protest in the courts. There is no opportunity for that to occur as the bill is drafted, as I read it.

Let us not forget that, although it was stated that we should not be concerned about the looseness of the language in the bill and the ability for a minister to make a decision without having to take on the view or the advice of the police commissioner in so doing, the minister can initiate prescribing an organisation.

In the last term of government, we had a parliament that passed a law restricting the right of people to peacefully protest in Tasmania. Parts of that law were found to be unconstitutional at the High Court. If it were not for the work of Dr Bob Brown, Jessica Hoyt and the other people who took that case against the Tasmanian Government all the way through to the High Court, we would still have today, an unconstitutional law, passed by this Liberal Government in the last term of parliament. It is not enough to rest on hoping that it can be disallowed by a parliament in future. If a parliament is willing to pass law in breach of the constitution that restricts the right to political speech, then it is possible that a parliament in the future would allow a peaceful protest organisation to be proscribed under this bill.

The minister flagged in his second reading speech that he intends to bring a consorting bill into parliament later this year, a piece of related legislation. It would appear that the minister, in the process of the consultation on this bill and of the drafting and briefings we have had, has not taken on board the serious comments and suggestions for change made to him.

I strongly suggest, minister, that given the problems with this bill, that when the consorting bill comes around, it should be produced for a final consultation before the final bill is tabled in parliament and that a serious attempt be made in that bill to listen to the concerns of stakeholders and to incorporate their comments.

I will finish up with a couple of specific comments that were raised by stakeholders that have not been presented so far. One of these relates to the use of the term 'amenity':

- (5) The Minister may only recommend that an organisation be prescribed ... having regard to the advice of the Commissioner, that the wearing or carrying of a proposed prohibited item, in relation to the organisation, by a person in a public place -
- (b) may otherwise have an undue adverse effect on the health or safety of members of the public, or the amenity of the community, including by increasing the likelihood of public disorder or acts of violence.

The Civil Liberties Council makes a very important point that 'amenity' means pleasantness which is a very different concept to violence. It has a much lower threshold to satisfy before insignia were to be banned, which is ostensibly the objective behind this. Pleasantness is also much more subjective and difficult to define compared to concepts of violence and fear. It therefore creates the risk of being implied much more widely against groups that in the future may be unpopular for one reason or another. This again contradicts the supposed rationale of the bill, which is about cracking down on serious criminal activity of outlaw motorcycle groups. It is something that we would hope is noted by members of the other place in the assessment of the bill.

I also draw attention to the language of the minister in the second reading speech. It makes reference to outlaw motorcycle gangs. It is important in the context of this material and of this issue to remove the hyperbole. The concern that was raised by the Lawyers Alliance was that the use of the word 'gang' is unnecessarily loaded. It is a pejorative term and that 'outlawed motorcycle activity' would be a much more appropriate term.

I will finish up by saying the Greens will not be supporting this legislation. We support the underlying -

Mr Ferguson - Shame.

Dr WOODRUFF - It is unfortunate that you say it like that, minister, because we have worked really hard to try to come to an understanding on this serious matter and we have done so in good faith. In good faith we will also listen and represent the views of the stakeholders who have not been listened to in the drafting of this bill.

[2.40 p.m.]

Mr BROOKS (Braddon) - Madam Speaker, I appreciate the opportunity to support the bill brought on by my good friend and colleague, Mr Ferguson.

At the end of the day we all know what this is about. This is about gangs of bikies who influence and intimidate people, who break the law and breach the law. It does not matter how you try to spin it or wriggle your way out of it; and how the Greens somehow are now worried that some greenie protest group is going to be outlawed in the same sort of group as well in a bizarre way that only they manage to do. They just make it up. It is just ridiculous. Anyone with any common sense listening to that would know that it was a ridiculous contribution.

This is about making sure that we do not continue to have illegal groups, or groups that are named as outlawed motorcycle gangs such as the Rebels, the Outlaws and the Bandidos, going around and intimidating people in the street, wearing their colours around, walking into pubs and clubs and doing those sorts of things. That is what this legislation is about. It does not matter how many times you try to wriggle out of it on that side, and it does not matter how bizarre a contribution

Dr Woodruff makes, the fact is that this is the intention and this is what it will do. We even had Dr Broad attack the police commissioner in part of his contribution. It was quite outrageous. It is typical of those opposite to do that.

He also raised the issue of what happened in Queensland where some police officers did not understand the difference between a *Sons of Anarchy* T-shirt and a Rebels or a Bandidos patch or jacket with '1%' written on the front.

We do not want those sorts of gangs in Tasmania. We do not want outlaw motorcycle gangs setting up or continuing to operate, pushing drugs, using intimidation, breaching the law, breaking the law, ignoring the law and then using violence and on occasion murder to get their own way and to intimidate people. We will never apologise for standing up for the community safety and for standing up and saying that we do not want those types in Tasmania.

We have heard the Greens are going to oppose this legislation. They oppose everything so that is nothing new. We have heard the Opposition has concerns and we look forward to seeing their amendments. No doubt they have gone away and done a lot of work to improve it and they will bring them back in committee and put their amendments up and they will be considered by the Government. Given how lazy they normally are I doubt they have any amendments but we look forward to seeing them, whether they make any sense or not.

In his second reading speech, the minister articulated not only the reasons for this but also the outcomes that it can achieve. Even in Dr Broad's contribution where he spoke about our policy on the scourge of ice and drugs - and we all would agree that we do not want any of that in the community and that we also accept that it is there - there is nowhere in this bill as far as I am aware that the minister for police and emergency services said this bill will fix that problem absolutely. No-one said that. The only one that has claimed it is Dr Broad. It is not about that. It is about using every tool available to the Government to reduce crime, reduce intimidation, to stop gangs and groups of people and organisations that are named from intimidating those in the community.

I have friends who ride Harley Davidson motorcycles. They have nothing to worry about with this legislation. I have heard some of the scaremongering and fearmongering that has gone on from some in the community of what this legislation might or might not do. We heard an extreme example from Dr Woodruff as to how far this legislation might reach. People who abide by the law, who like to ride Harley Davidson motorbikes or whatever bikes they like to ride, have a good time, go for their summer afternoon rides, go down to the Forth pub and have a drink - of course, they would not then ride home over the limit - have absolutely nothing to worry about within this legislation. This legislation does not change one thing for them.

Some have promoted that even groups such as the Vietnam Veterans Motorcycle Club are impacted by this legislation. That is factually incorrect. It is completely ridiculous. It is not about people who like to ride Harley Davidson motorcycles and are members of groups or organisations that do not partake in criminal activity. It is the ones that do that this legislation targets. It is the ones that do intimidate and bully and murder and use violence and sell drugs and deal in weapons and use weapons and have weapons on the street. They are the ones this bill targets. As a Government we will never apologise for standing up on behalf of the Tasmanian community and telling these organisations that they are not welcome here, we do not want them and we will do whatever we have to do to make sure that they cannot continue on with their illegal activities of pushing drugs, of intimidation, of violence, of threats and all of those things that we see.

In no way is this going to have an impact on groups of people who ride motorcycles for a hobby, for friendship, or for whatever reason, or because they are a part of an organisation that just like bikes. There is no problem with that at all. This legislation ensures that they will not be impacted one way or another.

This is targeted at what I would call the scumbag outlaw motorcycle groups that break the law, use violence, intimidate people, flout the law, ignore it and then use intimidation and fear amongst the community. I congratulate Mr Ferguson for standing up and saying, we are not going to put up with it. We are not going to put up with this. We are going to stand up on behalf of the community and on behalf of the people.

For those such as the Vietnam Veterans Motorcycle Club, and for other organisations and clubs that ride bikes, this bill will not impact them in any way whatsoever. There is nothing at all in there that will have any effect on them. It is just fearmongering spread by some who are either soft on crime or want to stand beside those outlaw motorcycle gangs.

We even heard Dr Woodruff say she does not like the word 'gang'. That is what they are. That is how deluded these Greens are. First she says, 'I do not call them a gang, you can't call them that.' That is what they are. They have a whole initiation process to get into the gang, from what I understand. From the research I have been able to do online I know the patches they wear, their colours, are there for a reason, and I am pretty sure it is not because they just filled in the application. Dr Woodruff was laughable in her representation that now there is going to be a bunch of greenie protestors locked up under this law or whatever she was going on about. It is quite frankly laughable. This is about outlaw motorcycle groups, such as - as read by the minister - the Rebels, the Outlaws and the Bandidos. We do not want them here.

I support the bill and congratulate the minister for continuing to work on behalf of the Government on legislation that is designed to make Tasmania a safer place.

[2.51 p.m.]

Ms HADDAD (Denison) - Madam Speaker, Labor has several reservations about this bill. They have been well articulated by my colleague, Dr Broad, and were raised and put on the table with the Government some time ago. We put the offer on the table to work collaboratively with the Government. We alerted them early that we would not be supporting this legislation as it was drafted.

Ms Archer - Before your briefing.

Ms HADDAD - We had briefings and we flagged the fact we would be opposing the bill much earlier than that. We offered to work collaboratively. It is interesting that the Attorney-General interjects. When coming into this Government and into the position of Attorney-General, the Attorney-General made it very clear to us that she intended to collaborate and work constructively with the Opposition on legislation, and she has done that. It seems quite galling that in this instance, with this bill under the Police minister, those offers to collaborate have been roundly refused.

I am glad to follow Mr Brooks because he gave quite a colourful description of what outlaw motorcycle gangs allegedly are and most likely involved in around Tasmania. We do not deny that. We want laws that will target criminal activity. We want laws that will target intimidation. What we are arguing for is robust organised crime legislation that gives the police the tools they need to target organised crime at all levels.

In the briefing yesterday we expected Government amendments. We sent a letter overnight offering to speak about proposed amendments. In the Chamber today we expected the Government to move amendments, but none of this has been seen. The Government can move amendments to their own legislation but that has not happened, despite our offers to work collaboratively.

Labor is not playing politics here. We have serious reservations about how this bill is drafted. They have been put on the record by Dr Broad. The bill has gaps and holes in it that are open to abuse by a future government. I am glad Mr Brooks is content with the intent of the bill and can make remarks in *Hansard* today and tell us that legal organisations have nothing to fear. I am not satisfied the drafting of the bill gives us that comfort.

I will not stand by and see legislation passed in this place, while I have a say in that legislation, that is not watertight. If it is about targeting outlaw motorcycle gang organised crime, then name it up in the bill. That is what we are saying. We will support robust, detailed organised crime legislation that will ensure police have the tools at their disposal to deal with organised crime at all levels. In the way this is drafted, it is not targeted. Name them up in the bill. That is the sort of legislation we are talking about.

We are told it is based on the Queensland model. I am going to give the Chamber an example of how the Queensland laws have been applied. They were introduced in 2013 and some of what the Queensland laws provide include that if a member of a bikie gang commits a criminal offence they have an extra 15 years added to his or her sentence. The laws create control orders, public safety orders, and prohibit bikies from associating with each other and gathering in public. They also reverse a presumption in favour of granting bail.

One example of how they were used and the consequences that the legislation was not watertight and robustly crafted is the case of Sally Kuether, a librarian, mother of three, multiple sclerosis sufferer and community award service holder with no criminal history. She was arrested when she went for a drink in the local pub with her fiancé. Her crime was that she was wearing the insignia of a bikie gang to which her fiancé and his friend belonged. The police arrested all three, opposed bail, raided Kuether's home and she was detained for six days at Pine Rivers watch house and had to pay a fine of \$150 although no conviction against her was recorded.

We want to see robust organised crime legislation that cannot be abused but also does not infringe upon the rights of people who are law-abiding citizens. Mr Brooks tells us that organisations that are legal have nothing to fear. I am not satisfied that the way the bill is drafted does that.

Madam Speaker, on that basis, I move -

That the motion be amended by removing all the words after the word 'That' and the following words be inserted:

- (a) Labor supports giving police the tools they need to effectively target and disrupt organised crime, including OMCGs. With the right checks and balances, that includes giving police the ability to ban colours from identified organisations.
- (b) While Labor supports the intent of the bill, they have reservations about the powers of the Minister and the lack of an appeals mechanism.

- (c) Labor remains concerned that the bill puts the power to prescribe an organisation solely in the hands of the Minister for Police, Fire and Emergency Management (the Minister), who only needs to give regard to the advice of the Police Commissioner. There is nothing to prevent the Minister from disregarding the advice of the Police Commissioner.
- (d) Labor attempted to engage with the Premier prior to debate on this bill to seek sensible amendments, but to date the Government has not responded.
- (e) Stakeholders, including the Police Association of Tasmania, have acknowledged the need for amendments to the bill.
- (f) Rather than attempting to move amendments on the floor of the parliament in an ad hoc way, withdrawing and redrafting the bill will provide the opportunity to develop a more comprehensive and bipartisan approach to targeting organised crime.

I have copies of the motion that I will hand to the clerk.

Mr Ferguson - It's a hell of a way to support a bill.

Ms HADDAD - We tried to do this earlier; we were willing to do this weeks ago. Why would we support a bill that is badly done?

Mr Brooks - Why would you not amend it in Committee?

Ms HADDAD - We will not amend it in Committee, Mr Brooks. We could consider that but it would result in some kind of a Frankenstein bill where we go through clause by clause and try to insert judicial oversight and robust processes around a bill that this parliament is considering. That would not produce good law and I will not stand here and defend something that is not good law.

As we have heard from Dr Broad, Queensland is the only state that has banned wearing certain clothing in public in this way. The other jurisdictions have done that through their liquor licensing legislation. As it is drafted, this legislation could feasibly apply to any group. As I said in my opening remarks, if it is designed to target outlaw motorcycle gangs only, then name it up in the legislation.

In making a decision to ban clothing or logos, the minister must have regard to whether any person has, while a member or a participant in the organisation, engaged in serious criminal activity or committed a relevant offence to which the person has been convicted. 'Serious criminal activity' is not defined in the bill and could mean anything - as low as property crime or other crimes - and does not rely on evidence or convictions.

What we are talking about here is ensuring that in dealing with organised crime, be it outlaw motorcycle gangs or other organisations involved with organised crime, there is due process and independence in decision-making: not a decision that is based simply on the opinions of either public officials or ministers of the crown.

In considering Labor's position on this bill, we have consulted with many stakeholders in the community, including the legal fraternity and they do not support this bill. Stakeholders we

consulted with have grave concerns about the lack of due process embedded in the bill and, in particular, the lack of judicial review. To quote from a letter from one member of the legal fraternity who wrote to the Government. I am not sure if they received a response. He asked the following questions:

Organisations will be prescribed as an identified organisation only after the minister has regard to the advice of the commissioner. Will there be a right of review and, if so, to whom, available to those organisations prescribed as identified organisations?

I dare say the answer to that is no. The second question he went on to ask is:

Given the Government's concern is with motorcycle gangs why are the powers available under the bill broad enough to include any organisation?

Those are not my words. Those are not Labor's words. They are words of practising lawyers who defend people who are involved in all sorts of crimes around Tasmania. They are concerned that, as drafted, this bill will not simply target outlaw motorcycle gang organised crime. We can take the words of this minister at their value, we can take the words and comfort that Mr Brooks has at their value: that the law if passed would not be abused. The fact is there is the opportunity that the law, as drafted, could be abused and could be misused.

To step out the process as provided in the bill, the organisation would be prescribed when the minister believes someone -

Members interjecting.

Madam SPEAKER - Order.

Ms HADDAD - We are not soft on crime, we are asking for stronger laws that equip police with the ability to deal with organised crime.

Mr Ferguson - This is the mess you created.

Ms HADDAD - I do not think you are in a position to talk about 'our mess'. We are arguing for stronger organised crime laws, not laws that could be willy-nilly applied to just about any organisation.

There are extremely low bars peppered throughout this legislation. It is simply not good law. When we were in the briefings, we suggested that administrative review could be inserted into the bill; that there could be due process, including administrative review of decision-making. This should not be any surprise to members of the Government that we might argue that there would be due process and review of administrative decisions. I hope the Government would not suggest that administrative review should not be available to members of the public who have decisions made on their behalf or about them by members of the Government at any level. Administrative review is a vital part of our legal system and I will not apologise for standing here and defending that fact.

We were told in the briefing that there are appropriate protection mechanisms in the bill. As Mr Brooks told us, 'We have nothing to worry about'. I was interested to know what those protection mechanisms were and they were in fact the usual processes of getting any bill into law. They were votes in this Chamber and the Legislative Council, disallowing regulations through

committees, Cabinet approval, Executive Council approval, and Royal Assent. I might be new to this Chamber, but in my mind those are not protection mechanisms that could be described as unique or particular to this proposed law. First of all, government numbers mean that in the normal course of events legislation will pass the parliament and receive Cabinet and Executive Council support. Finally, refusing Royal Assent is not a protection mechanism. It would be so unlikely that a bill would be refused Royal Assent that to call it a protection mechanism is disingenuous.

I went looking for when this might have happened last. One description described Royal Assent as a formality, saying that today if Royal Assent were ever refused in an Australian jurisdiction blocking the will of the parliament there would be parliamentary and public outrage. I went looking for the last time Royal Assent was refused in United Kingdom law. In fact, it was in 1707 when Queen Anne refused a bill for settling militia in Scotland.

What the Government told us to give us comfort about protection mechanisms in the bill - which is not politicking, which is not Labor being soft on crime; it is about us arguing for strong and robust legislation which is our job in this place - is that refusing Royal Assent is a protection mechanism for this legislation. In essence, what they told us is it would take a constitutional crisis to trigger what the Government calls safeguards in this bill.

We cannot support this bill as it is drafted. We will support robust, well-structured, organised crime legislation that includes protections, rights of appeal, and judicial review, and which is drafted in a truly collaborative way, liaising with the community and with the Opposition. This bill simply does not do that.

[3.06 p.m.]

Mr FERGUSON (Bass - Minister for Police, Fire and Emergency Management) - Madam Speaker, I cannot tell you how disgusted I am with the Labor Party's behaviour on this.

Mr Brooks - Outrageous.

Mr FERGUSON - It is outrageous. It is a pretty poor headline grabber, if it is a headline grabber. That is a most appalling and ill-informed contribution from the member who is put up as the state's shadow attorney-general. To me, as a non-lawyer, with a science teacher background, I am hearing alarm bells ringing about an attempt to interface parliamentary empowered regulations to interface with a court of law. It is one of the most basic issues of separation of powers between the legislature and the judiciary. I must say I find that a fascinating contribution and an ill-informed one at that.

Ms Haddad - Maybe you should take your own advice or direct your Justice minister.

Mr FERGUSON - I am astonished that we are even having this conversation.

The bottom line is that Labor is soft on crime today. It has been proven. Not only will they oppose this legislation, they have taken themselves down a track of playing politics with public safety. You want to give an exclusive drop to the media that Labor will oppose this legislation. I do not know what you said, but you have obviously gone to Fairfax and said, 'Would you like an exclusive? We are opposing this legislation. It is an exclusive, so you cannot tell anyone so that we get the drop and there is no Liberal Party government comment'. You get your exclusive with Fairfax: Labor standing with the outlaw bkie gangs. Blow me down if you didn't go to the *Mercury*

at the same time and say, 'Would you like an exclusive? It comes with an op-ed from me and you get the drop. There can't be any government comment in it'.

The whole thing has been a media strategy from the start. It is the most appalling playing of politics with public safety. Not only will Labor oppose this important legislation, they are going to try to get this House to not even look at it today. That is what has just been moved.

Dr Broad - We do not want it in your hands. You are not up to this. We are not going to give you all that power. We don't want to give you that power.

Madam SPEAKER - Order.

Mr FERGUSON - I will pick up on that interjection. 'We don't want to give you ...', says Dr Broad. If that isn't the biggest calling out of playing politics, I cannot think of one.

Dr Broad - You are the police minister. You are the one in charge.

Mr FERGUSON - That is appalling behaviour. Public safety has traditionally been bipartisan.

I want to set the record straight on the claim that has been made here by the Labor Party. We never expect the Greens to help us out when it comes to tough on crime and protecting the public. We never expect the Greens to be there; that is understood. That is where their sectional interest lies. But we do expect a responsible opposition that would put itself up as an alternative government in this state, to stand with victims of crime and to stand against those people in our community, fewer than 300 of them, the '1%', who are causing misery in our communities. They are peddling drugs. They are getting young people hooked on drugs. They are taking people into a life of crime.

Members interjecting.

Madam SPEAKER - This is a very important debate. I expect everyone to behave in a parliamentary fashion.

Mr FERGUSON - They are taking people down a life of crime: addicted to substances, caught up in drug debts, having to steal in order to feed their habit. They become the victims then of the higher-ranked patched members of these OMCGS. They are the ones who get caught because the higher-ranking patched members can claim that they had nothing to do with it. This is a real issue.

I am hearing the shadow attorney-general and reading this mealy-mouthed motion to withdraw it and pull it all out which says that Labor supports giving the police the tools they need. No, Labor supports giving police what we think they need. That is what Labor stands for, because police having been very clear about what they need, which is to be empowered to deal with these outlaw gangs. They have been very clear. The Labor Party has been offered -

Dr Broad - Where does it mention bikies in this?

Mr FERGUSON - I find this appalling. I do not want to be distracted. I will come to that. You have laid this trap for yourself, Dr Broad. You are caught in your own snare.

The police could not be clearer. The Australian Federal Police's National Anti-Gangs Squad could not have been clearer with you yesterday. A Queensland Police representative took the time to come all the way from Queensland to inform you, Dr Broad, about the importance of these laws

to the state of Queensland, which this bill is based on, but you say, 'We want to give police the tools they need'. The Australian Criminal Intelligence Commission travelled all the way to Tasmania maybe two or three months ago at my request to spend time with the Opposition and other members of this parliament to give you the information you need to make a responsible decision to protect the public of Tasmania from the crimes that are occurring and the way in which they behave, the way in which they set out, the way they set up their prospects to take the fall for the day-to-day crimes and the way they hoover up money in big multinational businesses and render misery upon our public.

As to the issue of consultation, as I am making clear, this Government has worked very hard to provide an environment where members opposite could feel they can support sensible, good legislation. To all these armchair critics around here let me say that this Government has worked very hard to give every member of this parliament - in the House of Assembly and Legislative Council - opportunities to understand those background issues and to tell us what they need from us.

Dr Woodruff - Hello? The Greens did and you did absolutely nothing. You never got back to us. Your office never got back me. You had no response. You had our amendments for months.

Mr FERGUSON - These are mealy-mouthed criticisms. The bill has not been drafted by this person here. The bill has been brought forward by me. It has been designed by Tasmania Police with the support of the Australian Criminal Intelligence Commission. It has been drafted with the specialist knowledge that sits with Australian Federal Police. It is largely based on the Queensland Labor Government's legislation.

Dr Broad - No, it was brought in by Campbell Newman.

Mr FERGUSON - Dr Broad, you are in a mess. You are not contributing. You have it wrong. The Newman laws were revised. This bill is based on Queensland Labor's revisions.

Dr Broad - You haven't been listening to us.

Mr FERGUSON - Dr Broad, you have laid for yourself a snare and you have fallen into it because you wanted to play the politics. You thought you could play a political game on a critical issue of public safety. You have falsely alleged that the Government claims this bill will take out organised crime from Tasmania, that it will fix all organised crime. You cannot locate such a claim. It has never been said.

Dr Broad - I can. Here it is. This is your policy. That is what it says. If you do those two things, no more ice. That was your policy.

Mr FERGUSON - Dr Broad, you have no credibility because you are just verballing things that have not been said. You are in a mess.

On behalf of all of those who are concerned to have a safer state, I am offended at the rhetoric I have heard, particularly from the Labor Party. Dr Broad has said that they support the idea. Dr Broad has said that it does not target organised crime. Ms Haddad says it should be described as being for motorcycle gangs only because it is too broad, yet Dr Broad says it is not broad enough in his op-ed to the *Mercury*, which was not exclusively dropped.

This is what police tell me and if you will not believe me, well, it is just politics. Police have indicated to me that in another state there is a gang called the Mongrel Mob who are up to the same usual tricks of the gangs that we have been talking about, but they do not ride motorcycles so they would be outside of the -

Dr Broad - That's why we need organised crime legislation.

Mr FERGUSON - If you just listen I will critique your false argument. If we restricted this legislation to people who ride two-wheeled vehicles we are missing the opportunity to deal with serious and organised crime groups. The Labor Party could have just offered improvements and amendments but no, just opposition for opposition's sake. There is a price for this because if the Government or this House were to agree with the motion you have just put on the table, that would mean we do not debate this legislation and it cannot pass into law. You have already made the decision to vote against it in one of the most bizarre decisions I have ever seen from an opposition, and you are unwilling to even take the time to think through a sensible amendment you could argue for from that side of the Chamber regardless of whether it is supported but that you could argue from. It is a very lazy opposition that cannot be bothered doing that.

This is really a case of Rebecca White, the Leader of the Opposition, and Dr Broad, who have a media strategy on this, not a public safety strategy. I think this motion from Ms Haddad does three things - delay, delay, delay. Delay what you know is important, delay what you yourself have said is a good idea, and delay what you have said is a tool in the toolbox that police require from us - a change to the law in Tasmania, the last state to take action in this area. All of us have been told that Tasmania, this beautiful island state, is at risk of becoming a safe haven for outlaw motorcycle gangs and organised crime. Dr Broad, your own home area has been identified by the senior leadership of one of these five groups. I will not tell you which, but one of these five groups is planning to relocate to your community, to Braddon in north-west Tasmania, because our beautiful island state is currently seen - correctly, I say - as being at risk of being a safe haven for these groups because the pressure is moving south as each other state has managed this issue better than we have.

Rather than put up sensible change, sensible amendments - 'If we were elected we'd do it this way' - there is none of that, just opposition for opposition's sake. You were caught out this week when you declared your opposition to the legislation and said you would not even move amendments. You declared you would stand in the way. I think the headline in the *Mercury* was 'Bikies Block' and you knew you had a briefing on Monday, just yesterday, and you were not even prepared to wait for that before declaring that oppositional decision you made.

I note in this motion calling for this whole thing to be scrapped and delayed that it says Labor supports giving police the tools they need. That is a mealy-mouthed - I would say 'lie' - excuse for the mess you have found yourself in along with the ridiculous letter you attempted to send to the Premier last night with another media strategy, I hasten to add, saying, 'Let's all play nice, let's work it out - can we come and meet you behind closed doors?' No, because this is a meeting where you get the opportunity to express how you would do it better or how you think the Government should accept your amendment, and you cannot be taken seriously.

It is bad enough that Dr Broad and the Labor Party have opposed the loyalty payment to Tasmania Police. It is bad enough that Dr Broad has claimed it is unfair the Government revisits step-down provisions for Tasmania Police. It is bad enough that the member for Lyons, Ms Butler, has questioned the New Norfolk Police Station and said it is potentially a waste of money.

Dr Broad's ill-informed comments are galling and an insult to Tasmania Police and our drug squads, in particular, who have been desperately calling for action in this area. I go to that point right now.

There was a reference earlier to the Tasmanian Police Association of Tasmania, Mr Cashion. I want to read to the House what he actually had to say, which will come as some disappointment to Dr Broad. This is dated 15 August 2018:

Today, the Police Association came out in support of the proposed legislation relative to outlaw motorcycle gangs. These laws are designed to target the criminal underworld, specifically that of Outlaw Motor Cycle Gangs.

The PAT are calling on the Labor Party stop playing politics on this matter and work with the Liberals and upper House to get this legislation passed

The comments in the media today attributed to the opposition spokesman for police Dr Shane Broad are ill informed.

The reference to organised crime in this state is a catch all. In fact, apart from OMCG's and a couple of criminal families, we have relatively low level organised crime. Tasmania Police can deal with the 'criminal families' using our current legislative frameworks and resources.

What we are not equipped to deal with is the growth of OMCG activity in this state.

The PAT and its members have 100% faith in the Minister to exercise the powers bestowed upon him. At the moment we can't say the same for Dr Broad and the Labor Party.

To refer to the legislation as 'appalling' is an insult to our members who have assisted in its development. It is based on comprehensive intelligence driven research and data.

It is also hypocritical to advocate that it is the Labor Party's position that 'Tasmania cannot be allowed to become a haven for criminal gangs' yet openly oppose legislation targeting the problem. This legislation is the starting point and many parts of it are modelled on other jurisdictions.

There are currently new national unexplained wealth laws on the table and a new national intelligence database that will allow tracking of all criminals from state to state.

The government don't need to develop a raft of new state laws, just support the national laws that are coming.

It is also disappointing to hear the views of Civil Rights Groups and the Australian Lawyers Alliance who see these issues as a violation of human rights. OMCG's, whom these laws target have been demonstrated to violate the human rights of law abiding citizens time and time again. They are well organised businesses with well-funded legal advisors.

I wish the Labor Party could have used the word 'victims' just once in any of their contributions, which they did not. Not one mention. I do this every time we have a bill to do with improving the laws of this state around crime and supporting victims of crime. I always write down the word 'victim' on a piece of paper with an opportunity to put marks next to how many times they say the word. Not once - no care, no focus on the victims of crime. The great majority of people with an interest in this issue are hurt by these OMCGs. All they hear is interest in the so-called rights of the perpetrators of these crimes.

There is a place to balance the rights of individuals and to ensure the law is a fair and steady hand. Why the predominance of a focus on the rights of the people who are killing, murdering and bringing drugs into this state and taking other people into a life of crime from which many do not recover? If you are offended by that, I say, 'too bad', because you do not give enough time or focus or attention to the people who suffer from these dangerous criminal organisations.

I find it passing strange and unacceptable that we continue to listen to these mealy-mouthed arguments and I do not accept it whatever.

I call on the Labor Party to cease the politicking on public safety. As a Government, we expect to be scrutinised; we expect to be called out when we get it wrong; we expect to be chastised or rebuked when we have not quite got it right or where we could reach higher. I am not a bit concerned about Dr Broad's wish for us to have a broader look at organised crime and I will take that away with me today, no problem. If we can do more in this area, bring it on and let us look at it, but why shoot down one of the first important steps that this state is being asked to take by Tasmania Police.

This is a rubbish motion and should be kicked out of this House by every single member. Labor should withdraw this motion and we should just get back onto the bill because it is disgraceful that Labor on the one hand claims they do support the idea of dealing with outlaw motorcycle gangs. We should crack on and get on with it. There is nothing wrong with this bill. We have advice that you would expect us to have, that it is constitutionally valid. I am not sure if anybody has asked me that yet, but it is, we have checked.

A comment was made by one of the speakers and I think it was Dr Broad.

Dr Broad - Yes, I did ask that.

Mr FERGUSON - I heard the double talk that it should mention motorcycles and then I heard that it should be broader. I also heard a suggestion that one amendment would fix it and that was the end of Dr Broad's contribution earlier. He said that one amendment would fix it and I think he said it would make it workable. Where is that amendment? That is the rubbish that Labor has brought itself to.

Madam Speaker, I will conclude on this point and I hope we will get back onto the bill. We are having this juvenile, puerile debate because of the politics that have been played and I want to support Tasmania Police and what they have been doing in helping to develop this legislation. They have been the engine within this legislation. It has been drafted by professional, experienced drafters in the Office of Parliamentary Counsel who actually know what they are doing. They have considered the issues around definitions and the legal process of how regulations are made, which I might come back to when we have the summing up time. They have dealt with these issues that Labor is trying to use to confuse and confound people and there is no doubt in my mind that the bill

adequately protects everybody outside those five groups. I know Labor has been dog whistling to all of the law-abiding motorcyclists that they are going to get caught up in this legislation when they will not be.

The Labor Party has made a sticky mess of this and I will not stand for it. I will not have it. The Government does not support delay, delay, delay, because the longer this legislation is stymied, held up, delayed, caught up in political processes, the greater the chance, the greater the risk that somebody else in Tasmania will be damaged by these groups because police did not have the tool in their toolbox that you so maliciously pretend to actually want to give them, but today are trying to hold up.

[3.26 p.m.]

Ms O'CONNOR (Denison - Leader of the Greens) - Madam Speaker, I do not usually agree with the Leader of Government Business in the House but there are a number of points that he made there that are unarguable. We will not be supporting this amendment and it is clear that it was not written and presented to this House in the true desire to have it passed. We know that from the wording; we know that from the first clause: Labor supports giving police the tools they need to effectively target and disrupt organised crime, including OMCGs. Labor attempted to engage with the Premier prior to this debate - blah, blah, blah. Labor supports the intent of the bill? Well, Madam Speaker, do they? We do not actually know that.

Ms Woodruff made a strong contribution that laid out our reasons for not supporting this bill after close to three months of engaging with Tasmania Police in good faith - and thank you for those briefings and engaging with the minister and his office and suggesting some amendments, which were not accepted. We have the courage in here to stand by our position.

Labor again does what they do so often, and it is galling. They speak out of one side of their mouths and then do something entirely different. It happens all the time. We see it at the federal level on asylum seekers. The hypocrisy of Labor on refugees and asylum seekers is vomitous. The bleating of the Labor left - they go, 'Just let us get into government and then we'll do something about the poor people trapped on Manus and Nauru', and only last week voted to support the deportation of 1600 desperate asylum seekers who were caught up in a legal trap that started 10 years ago. Every single time Labor is given an opportunity in the federal parliament to do the right thing by desperate people on Manus and Nauru, they vote with the Liberals because so often it is just about the politics.

I picked up the paper today to see that Labor will not support the outlaw motorcycle gang bill. That is interesting. They must have got caught by the last group of stakeholders they were talking to, so they are not going to support the legislation but they do not even have the courage to come in here and vote against it or take it into Committee. If you support the intent of the legislation, which we are being asked to believe, take it into the Committee stage and put up some amendments. It is so spineless. This amendment is not designed to make sure the bill goes off for improvement. It is not written to get the support of the House. It was not presented to the Greens. Ms Woodruff did not see it until about 15 minutes ago.

Dr Broad - She wasn't in the Chamber at the time.

Ms O'CONNOR - Oh, Dr Broad, give us a break. Debate on this legislation started at 11.45 a.m. today. It has been the subject of briefings for close to three months now. We know what you are trying to do here. You are trying to cover your backsides. You did not have the

courage to move amendments and you did not have the courage to stand by your position in the paper this morning. You have come in here in your flaccid way with your copy motion, which we will not support because it was never intended to garner our support, so how could we support it? What is the intention here? It is not to improve the legislation, we know that; 100 per cent it is not to improve the legislation.

If they are serious and they support the intent of the bill, why aren't we going into Committee and debating amendments? It is because they do not have the courage to take this bill through and put their amendments up and potentially have them voted down and then be faced with a vote. They probably will be faced with a vote. The whole thing is so cack-handed, I am embarrassed for them, but because I am so accustomed to the cynicism of Labor I have no sympathy whatsoever for the mess they have made for themselves.

I feel for Tasmania Police, who put a lot of time into this legislation and into briefing us and I acknowledge that hard work. I acknowledge that the intent of this bill comes from a good place, and that it is an effort to make Tasmania a safer place. There is nothing noble about Labor's position here. We will not be supporting this motion because it is garbage, it is political, it is not designed to get the support of the House and it will not have the support of the House. Labor is going to have to nail their colors to the mast at some point. They should be embarrassed.

Unfortunately, Ms Haddad, I feel you have been used, because if you really wanted to have this bill withdrawn and redrafted you would have spoken to us. If you had really wanted it, you would not have made it about a Labor position. You would not have talked about a bipartisan approach to targeting organised crime. We were not in this equation and therefore for a whole range of reasons, we will not be supporting this amendment. Do better next time.

[3.35 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, although this is technically a correct amendment and the Leader of the Tasmanian Greens has said almost everything that needs to be said on this subject, I rise to say how insulting it is to be provided with an amendment like this which has clearly never been designed to broker anything like a cross-Chamber agreement on the motion, tossed on my desk moments before it was being debated, when there has been months and months of hard work by Tasmania Police and briefings with people from interstate seeking to wrestle with a difficult problem and find a solution.

The Greens do not believe the Government has got the solution right. That is why we will not be supporting this bill, but we worked in good faith on this and like many other Tasmanians, I was really shocked and surprised to hear the Labor Party come out with a firm position against this bill last week before they had the final briefing. I held out hope to the end. Call me idealistic but I thought there was a possibility the minister might have listened to something we had suggested and there might have been some movement just to see what the possibilities could be for members of the upper House to look into those issues, but we got nothing. Maybe I will learn but I continue to hold out hope that when there is talk about sincerely working together, really trying to work together, the minister might have listened to something that we said, but he did not. I did not expect Labor to shut the door before they had had the final briefing.

This is a press release. It is here today and we will see it somewhere on the Labor Party's website. Tomorrow it will go out to stakeholders, they will hold their hand on their heart and say they are seriously concerned. What an absolute disgrace to put up such an amendment to a motion in this House rather than attempting to move amendments on the floor of the parliament in an ad hoc way. That is the work of parliament. It is the work of parliamentarians to do the work. The Greens

did the work. We proposed amendments, we wrestled with serious definitional problems and we sought advice. It got us nowhere because this Government is deaf to the real issue and this is a bill that had two conflicted objects - the stated object of the bill and the public object, which is about creating a sense of being tough on crime and fear. That is not what the bill would do.

This is the work of the parliament. You should go into Committee if you have a sense that you would make those changes. We have not heard what Labor would propose and we are clearly not going to. I find it offensive that I have been handed an amendment that talks about a bipartisan approach. What a joke. I will leave it there.

[3.39 p.m.]

Dr BROAD (Braddon) - Madam Speaker, in my contribution earlier I discussed a way to make this work that solves many of the problems, apart from the definitional issues and so on which can no doubt be fixed through amendment. We have a fundamental problem, as Ms Haddad pointed out, about lack of judicial oversight. As we have stated before, and there has been some debate about it, this puts too much money in the hands of the Police minister. We are arguing that this needs an overarching bill which cannot be put in place via amendments, which is why we have moved this motion. It would be a bill to identify an organisation - the actual process. Instead of defining an identified organisation through regulation, there is a bill that goes through that process of identifying a criminal organisation - any criminal organisation - including outlaw motorcycle gangs. That overarching bill, once there is an identified organisation, then this Police Offences Amendment (Prohibited Insignia) Bill works because there is judicial oversight in that process. Instead of it just being up to the Police minister to decide who should and should not wear colours or any insignia - and it gets right down to jewellery, et cetera - that there is a judicial oversight. There is a process then from here when it comes to the consorting or the anti-association legislation that is no doubt going to be coming before this place.

Instead of pushing something out purely as a political wedge, which is what we have seen time and time again, we would see that the overarching mechanism of identifying an organisation is already put in place. Then when it comes to the anti-association parts, the organisation is already identified. That identification framework bill could then also describe the criminal organisation for which the anti-association laws apply to. We could have a series of legislation that follows once that bill is drafted with a judicial oversight that can identify an organisation as being predominantly a criminal organisation. As I said in my contribution, in that bill you could insert various clauses to allow police to provide intelligence. There are all sorts of things you could put in place so that the police would not have to identify their sources, but it would have judicial oversight.

However that is not a simple amendment. That is not something to be debated in the Committee stage and that would also constitute good organised crime legislation. You have this overarching legislation that identifies an organisation. Once an organisation is identified as being a criminal organisation, then you ban their colours. Then you go after their associations. Then you ban their clubrooms so these other pieces of legislation fall in behind. The crucial part is the judicial oversight. In this model there is no judicial oversight. As the member for Denison, Ms Haddad and I have said before, if this is used inappropriately there is no judicial oversight. If this goes to court, the court could only determine whether the process has been followed, not whether it was appropriate, not whether it was justified, not whether the evidence stacked-up and not whether indeed there had been overreach. None of that is in this legislation.

What we have is that missing link and that missing link is the overarching legislation. Now you can call it what you like. We can call that the organised crime identification bill or whatever,

but it requires a separate piece of work that cannot simply be made through amendments. That is why we are asking for this bill to be withdrawn so that we can work together to make this work. We are not asking for bikies to be protected. We understand and we respect the police in terms of the information that they have provided to us. Bikies are bad people - there is no doubt about it. They have committed some horrendous crimes. There are victims in this, as the minister is looking for us to say. The other side of it is that we have to have appropriate legislation that provides protection so that it cannot be simply used as a political tool to stifle dissent or to target groups that were not the intention.

As I said in my earlier contribution, we have seen that when laws are drafted in a way that can apply to other people then sometimes they can. We saw that with the consorting laws in New South Wales being used to target homeless people. That was not the intent of that bill and yet that is what that bill was used for. That is why we are seeking for this bill to be withdrawn and redrafted so that we can get the identification mechanism right. That is our position. We want the same thing. We want to target these people. We do not want them wearing their insignia but we want a bill that is not going to be applied to anybody else, which this bill could be applied to. The minister has all the power in this. What we are after is that judicial oversight and that requires an overarching bill.

Amendment negatived.

[3.46 p.m.]

Mr FERGUSON (Bass - Minister for Police, Fire and Emergency Management) - Madam Speaker, I thank members for their contributions. I have a few things to say in summing up this debate. The question has been resolved and I am glad it has been well and truly despatched. I note that the Labor Party had no conviction in this and could not even be bothered calling for a vote. This was a missed opportunity for our parliament to unify and to agree on something that will keep people safe.

I will sum up on a number of things that have been offered by different speakers and I will also give some other indication about government thinking on progressing.

From the outset, I reject all of the claims that have been made by members opposite where there has been an attempt to criticise the bill as not performing the purpose for which it is designed and intended. Any suggestion that it is not constitutionally valid is rejected and any suggestion that the bill itself suffers from being too narrow is rejected on the basis that the proposal that has been articulated by Dr Broad would cause the very constitutional issues that have been a problem for other jurisdictions.

I have had advice that if we were to follow Dr Broad's advice that has been articulated, we would be going back to more the Queensland LNP model which would be a huge mistake for reasons of constitutionality and effectiveness and the very criticisms that have been attempted to be made about how it might more broadly apply to people. For example, declaring an organisation a criminal organisation, suffers from the problem that you are then facing; a problem that every member of that organisation is declared a criminal. You have a huge problem there, Dr Broad and Ms Haddad, a huge problem.

This bill that I am bringing on behalf of this Government is in line with, and consistent with, the Queensland Labor Palaszczuk Government reforms to OMCG legislation. That is why we are in the most bizarre situation. The Labor Party has arrived at a completely muddled mess on this.

You ought to go back and do your homework and reflect on how you got to this point and avoid it in future.

It is also rejected that the bill should be narrowed to only canvass motorcycle riding groups. Let us remember, it is not the motorcycle that is the problem. It is the person on the motorcycle, it is the gang member, it is the organisation. Those relationships are the problem. It is the preying on other people that is the problem. The motorbike is not the problem. That might be one of the better parts of an OMCG, the hardware, the engineering. That is not the problem.

To narrow this bill, to only canvass OMCGs, would be a huge mistake. Think about that for a moment. With the empire that some of these organisations represent, all they have to do is stop riding motorbikes. They can carry on their business model. Think that through. Are you seriously suggesting to me that that would not happen if this bill were narrowed to organisations that associate on motorbikes? It is a joke and a laughable suggestion that has been made by Ms Haddad and Dr Broad. While I do not pretend to be any kind of expert on these gangs, I have given you an example of a group that has come from New Zealand, has made its way into Queensland and has made its way into Victoria. They do not drive motorbikes; they drive cars - Mongrel Mob. We will not be taking that advice.

Dr Broad - That makes no sense. They are street gangs and they have bikes.

Mr FERGUSON - It is making perfect sense, Dr Broad. It is a problem for you because it is calling out your mess.

Without wanting to sound in any way insincere, I thank Ms Woodruff and Ms O'Connor for their contributions. I have seen their amendments, not just as drafted amendments but as marked up changes to a bill. I do not agree and the Government does not support those amendments. I will explain in a bit more detail in a moment. The Greens are not going to vote for this bill and I am disappointed about that. I would like them to vote for this bill. You have to give it to the two Greens members; they have attempted to do the work of parliamentarians and at least, at one stage, were willing to try their hand at moving those amendments in Committee.

Dr Woodruff - No, we never said that. We proposed changes to the bill. You are going an extra step that we did not say.

Mr FERGUSON - I am saying, at some point you were contemplating moving those amendments. Maybe I am wrong about that.

Dr Woodruff - We were contemplating having a conversation with you about adjusting the bill.

Madam SPEAKER - Through the Chair, please.

Mr FERGUSON - I am probably not completely correct as to what they would have done with those amendments but they had done the work. I do not know where they received their advice but good on them. They have made an attempt of doing the work of parliamentarians. Police have had a look at those, you will not be surprised, Dr Woodruff. My main adviser on this is our service. The advice I have is those amendments are not necessary. There are some issues with a number of them that I will explain shortly.

Mr Brooks - At least they did the work. They are not lazy Labor.

Mr FERGUSON - They did the work and they did not avoid being able to articulate the reasons for their opposition to the bill as it stands.

I am willing to hold a little hope on this and I will come back to that later. The question was put during the debate about what changes, if any, had been made to the bill, based on the submissions from the public during the consultation process.

Nationwide, the department received 103 submissions in response to the position paper during the public consultation phase. Most of the feedback came from OMCG members, wholly opposed to any attempts to regulate their behaviour. However, the suggestions received were utilised to draft various iterations of the bill. I can inform the House and you, Dr Woodruff, changes from the first draft to the current include adding an objective to the bill, changing the manner in which groups are prescribed by regulations and changing the number of prerequisites having to be met in order to prescribe, including the seeking of advice of the Commissioner of Police as a hardwired requirement in the bill.

Dr Woodruff - But not regarding to?

Mr FERGUSON - I accept the point you are offering. There were changes made to this bill and I am presenting those that differ from the original.

On the matter of if the law is intended to only apply to groups whose members have been convicted of serious crime, why is it not explicitly drafted this way? The bill is not intended to only ban the insignia of gang members who have been convicted of a serious crime. Instead, the bill requires the minister to holistically assess the danger presented by a gang or criminal group. This includes assessing how many members have committed crimes, what those crimes were and the likelihood of a gang's members committing public acts of violence or intimidation. The other 99.9 per cent of the community who are law-abiding citizens will not be negatively affected by this legislation but will see the benefits in reduced victimisation.

The concern expressed about the advice of the Commissioner of Police, required under the proposed section 6A(5), in regard to advice provided, we would ask that it be recognised that police intelligence into organised criminal groups is often protected to safeguard informants, ongoing investigations and the privacy of individuals. Nevertheless the bill provides this House and the other place with every opportunity to disallow a group being listed if the majority of members in that House felt that a case had not been made.

In relation to the bleating of the Labor Party on the process for making these organisations to be listed, it is false to say that it gives the minister too much power. It is not the minister who makes the regulations. Anybody with any experience around this place would know that the proposed section 6A(3) of the bill says that: 'Regulations may prescribe an organisation to be an identified organisation'. However, the existing section 74 of the act provides that it is not the minister but the Government that makes regulations for the purposes of the act. The Government cannot do this unilaterally, but only on a recommendation from the minister. That is the language in the bill, proposed section 6A(4).

The role of the minister, whether it is me or a future minister, is limited to making a recommendation to the Governor that regulations be made. By the way, that is how all regulations

are made. Before the minister may make such a recommendation, he or she needs to be satisfied of the requirements set out in the proposed section 6A(5) and section 6A(6). This, in turn, requires advice from the commissioner. It is good, robust and conventional processes, completely in keeping with the way regulations are made under other legislation in this House, made by this Government and previous Labor governments. Following the recommendation, the draft regulations will go to the Government to be made at Executive Council. The Executive Council constitutes the Governor plus the Cabinet.

Members opposite who have been quibbling over this can ask themselves how likely it would be that the Governor would make regulations if there were some concerns from someone in the Cabinet that they should be made.

Ms Haddad - How is that a protection mechanism? That was my point.

Mr FERGUSON - We have a system in this state and in this country which protects individuals and protects the rights of Tasmanian people. The making of regulations is part of that. This bill is entirely consistent with the way regulations are made under many other acts of this parliament and have been made in our more than 160 years of this House of parliament.

I also inform members opposite who seem ignorant of the other rights of citizens to have their interests heard if they feel a regulation is unfair, and the rights of members of this House and the other House in relation to that. This puts on its head the suggestion that regulations made under a head of power provided for by the parliament should undergo judicial review by a court, which is a very muddy puddle that Labor had walked into.

I will explain what happens when regulations are made. Following any regulations being made, two processes occur in parallel, which the Labor Party either does not know about or has not asked about. The regulations must be tabled before both Houses of parliament within 10 sitting days of being made. That is under the Acts Interpretation Act. Certain material must be submitted to the subordinate legislation committee of our parliament within seven days of the regulations being made, again under the Acts Interpretation Act. The subordinate legislation committee can inquire into regulations, call witnesses as part of that process and report to parliament. There are other provisions for when parliament is not sitting. Considerations for the committee are set out in section 8(1)(a) of the Subordinate Legislation Committee Act 1969. One of these, paragraph (iii), includes whether the regulations unduly trespass on personal rights and liberties.

Either independently or on the advice of the subordinate legislation committee, either House of parliament is empowered to disallow the regulations, under section 47(4) of the Acts Interpretation Act 1931. If regulations are disallowed - get this, Dr Broad - subsection (7) then prevents new regulations of the same effect being made in the following 12 months without first being tabled in the Houses, 30 sitting days, unless the House allows them sooner. The issue here is that while this might seem technical and right down to the nitty-gritty, it addresses the false claims that have been made that somehow this is too much power in the hands of a police minister. Absolute garbage.

I have dealt with the matter of why there is no reference to motorcycle gangs themselves. I want to make a point that the way this bill addresses this is consistent with what other states have done, in particular the Queensland Labor Government in putting forward the legislation. In other jurisdictions OMCGs are not the sole type of organised criminal groups in operation. It is important that the bill remains flexible to cater for other organised groups that may come to Tasmania.

Imagine if we had a bill that restricted it to motorcyclists. It would be a welcome mat to the other groups.

This bill is not aimed at law-abiding clubs, as I have falsely seen asserted by Dr Broad in the press. A number of bike clubs exist for people who love to ride motorbikes. To name a few, the Ulysses Club, the Vietnam Veterans, the God Squad and Satan's Riders are examples of clubs that are not proposed to be listed and would not be affected by this legislation. Clubs that are not proposed to be listed have nothing to fear from these new laws, which will not apply to them for a number of reasons. The Government has no intention of hindering the activities of motorcycle clubs that do not present a danger to the public. It is not what they look like; it is what they do. Unlike OMCGs, these clubs do not wear a '1%' badge or other insignia indicating that they are outside the law. They do not use their club uniform to scare and intimidate the public, they do not commit large-scale serious crime, and they are not involved in frequent public brawls or drive by shootings or worse.

I now come to a couple of comments that have been made in relation to improving the bill. In defining an identified organisation, it is not appropriate to define a criminal organisation. Groups are not charged by police, only individuals are. That is why the wording 'identified organisation' as opposed to 'criminal organisation' has been chosen. It is important that the flexibility exists should other organised criminal gangs that are not OMCGs expand into Tasmania.

There was some questioning from Dr Broad around defining serious criminal activity. OMCGs commit high-volume damage and violence offences which do not necessarily always meet the criminal threshold, just the summary offence one. As an example, 100 summary assaults in 12 months still needs to be viewed as serious criminal activity. Again, OMCGs use their colours to intimidate witnesses and avoid prosecution. It is important that activities such as brawls, as opposed to convictions, can also be captured.

There were questions regarding the use of the application of this approach in licensed premises versus all public places. By the way, some things have been said about this that are not entirely accurate because it overlooks the fact that those states that have not gone with the Queensland approach are in fact looking at doing exactly that. It makes no sense to protect people who are drinking in pubs and licensed venues but not families in other public places. The deaths by brawling bikies in Milperra and Sydney Airport were not in licensed premises. Either you protect all the public or you do not, and no case has been made by Dr Broad or his Labor colleagues as to why it should be restricted to just places where you can drink a beer. No case has been made whatsoever, but the distinction has attempted to be made as a criticism.

There was also discussion regarding the power to seize prohibited items. This is a standard power in most laws. A police officer can only have an opinion. They will always think it is reasonable. It will be up to a court to determine if it was reasonable. There is judicial review in regard to the application by a police officer in an individual case. That is not walked away from; that is a standard of our law. The use of the word 'reasonable' is in the bill. One contributor failed to pick that up or suggested otherwise.

Finally, I will conclude by informing Dr Woodruff and Ms O'Connor that I am prepared to have a further look at this matter. It is not about the appropriate level or person to identify an organisation. I have made the arguments about why this is in keeping with tradition. Ministerial level is the only appropriate level. It is needed to keep up with the gangs adapting. A court or an amending act is not responsive enough to keep the public safe and the arguments around divvying

it off to the courts is a nonsense and we would probably hold up a listing for years and probably never re-emerge from a court.

This process does not ban the group itself. It bans individuals from any public place from what they wear. It only bans people wearing the group's insignia and then only in public places. This is no different from a minister having the power to ban Wicked Campers logos for their offensive language - another Hidding achievement and a good one too - or the power given at a lower level to police officers to ban or move on disorderly persons from being in a public place. That is a power that is already provided and vested in a trusted police officer. The penalty is a fine. You are not suggesting that should go off to a court before that could be acted on. It is not appropriate that this decision be delegated to a member of the judiciary, such as a magistrate. The judiciary is there to interpret legislation and decide if a person has breached the law. It is not the role of our courts to make laws. A grade 8 social science student would know that.

No courts in other states make this determination to ban colours, so I do not know how the Labor Party invented this concept. It is done by various ministerial mechanisms. Not to be precious, but let us be clear - it is only when a minister makes a recommendation to form a regulation and then it goes to Executive Council. How are you going to hold anybody else to account? Are you going to hold the Government to account? How? Are you going to hold the Police Commissioner to account? How? Parliament holds ministers to account. That is how there is an accountability for the decisions that are made by a government. No mealy-mouthed comments? Labor is looking pretty shabby today, Mr O'Byrne. You are the bloke that sacked 108, so I would not pipe up if I were you.

Mr O'Byrne - That is your cliché line you come back with. I don't pick up the phone and have a crack at someone's employer.

Mr FERGUSON - The issue right now is that those are nonsense arguments that have been made.

Mr O'Byrne - You're wafer thin.

Mr FERGUSON - We know you are here. I will say to Ms O'Connor and Dr Woodruff, clearly I now have to negotiate this bill through the Legislative Council. If the Labor Party upstairs is going to act in any way like they have done today, it is going to be a circus. I will be willing to look at things that do not compromise the bill and its intent. I do not want to amend the bill at all, but if the Government has to because the Labor Party is being bloody-minded and political on a public safety issue, I will have a further look at the suggestion that you have made in good faith, only on the proviso that it does not weaken the bill.

The last thing we will be doing is taking any advice from the Labor Party, who have been utterly irresponsible and let our police and the Tasmanian community down, and themselves down, in the process. This bill should have unified this House. It has not and that is down to the silly personal political games that have been played and the disingenuous 'exclusive' that has been dropped to two different media organisations. The whole media strategy around this has been only to bring down and damage and criticise the Government. It has no public interest whatsoever.

I thank other members who have spoken. I commend this bill to the House as a robust, safe, mainstream and effectively proven method of taking one important step to deal with those who are

damaging our community, hurting families and bringing ice and drug dependence and violence into our communities in a way that is very damaging for our state.

I thank the former minister for taking the first steps in committing to this process. I particularly thank our beloved and trusted Tasmania Police for the role they have played in not just helping to develop this legislation, but also the incredible investment of time they have made into informing members of parliament to ensure this is an informed and reasoned debate.

The House divided -

AYES 11

Ms Archer
Mr Barnett
Mr Brooks
Ms Courtney
Mr Ferguson
Mr Hidding
Mr Hodgman
Mr Jaensch
Mrs Petrusma
Mr Rockliff
Mr Shelton (Teller)

NOES 11

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

PAIR

Mr Gutwein

Ms Houston

Madam SPEAKER - The result of the division is 11 Ayes and 11 Noes. I therefore have to use a casting vote. In accordance with standing order 167 I cast my vote with the Ayes.

Bill read the second time.

Bill read the third time.

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

First Reading

Bill presented by **Mr Ferguson** and read the first time.

TERRORISM (RESTRICTIONS ON BAIL AND PAROLE) BILL 2018 (No. 20)

Second Reading

Ms ARCHER (Denison - Minister for Justice - 2R) - Madam Speaker, I move -

That the bill be now read the second time.

This bill is Tasmania's contribution to nationally consistent reforms to bail and parole laws designed to better protect the community from the threat of terrorism.

At the 9 June 2017 meeting of the Council of Australian Governments - or COAG - first ministers agreed to ensure there will be a presumption that neither bail nor parole will be granted to those persons who have demonstrated support for, or have links to, terrorist activity. A special meeting of COAG to review laws and practices directed at protecting Australians from violent extremism was held on 5 October 2017. At that meeting, first ministers agreed that the 9 June 2017 decision should be underpinned by nationally consistent principles to ensure there is a presumption against bail and parole in agreed circumstances across Australia.

The Australia-New Zealand Counter-Terrorism Committee - or ANZCTC - subsequently developed nationally consistent principles in consultation with each Australian jurisdiction. They are:

- principle 1 - the presumption against bail and parole should apply to categories of persons who have demonstrated support for, or links to, terrorist activity;
- principle 2 - high legal thresholds should be required to overcome the presumption against bail and parole;
- principle 3 - the implementation of the presumption against bail and parole should draw on and support the effectiveness of the joint counter-terrorism team model; and
- principle 4 - implementing a presumption against bail and parole should appropriately protect sensitive information.

Under the first principle, there was agreement that, at a minimum, the presumption against bail and parole should apply to those people who have been convicted of a terrorism offence, or who are the subject of a control order. In addition, it was agreed that a further minimum standard should apply to those seeking parole, with the presumption against parole applying to people who have made statements or carried out activities supporting, or advocating support for, terrorist acts.

Several jurisdictions have already legislated to give effect to the principles developed by the ANZCTC, and it is likely that by the end of 2018 all jurisdictions will have introduced such legislation.

Tasmania's bill will affect existing bail laws by amending the Bail Act 1994. Existing Commonwealth legislation restricts bail for people charged with, or convicted of, certain Commonwealth terrorism offences. Those existing laws affect the operation of bail in Tasmania, meaning that a person covered by those Commonwealth provisions cannot be granted bail unless exceptional circumstances exist to justify bail. That Commonwealth legislation does not cover the situation where bail is being determined for a person charged with an offence against a Tasmanian law.

This bill provides that where a person has a prior conviction for a terrorism offence, or where the person is subject to a control order, the person is not to be granted bail unless there are exceptional circumstances. In addition, only a judge or magistrate will be able to grant bail to a person with a prior conviction for a terrorism offence, or a person who is subject to a control order.

This bill also provides powers for police officers to arrest people with actual or suspected terrorist links who are on bail, and provides judges, magistrates and courts with procedural powers in relation to certain bail applications.

As well as the amendments to bail laws, the bill amends the Corrections Act 1997 in relation to parole. The bill will limit parole for prisoners who have a conviction for a terrorism offence, who are subject to a control order, or who have promoted a terrorist act. The Parole Board must not release a prisoner who falls into one of those categories unless satisfied that there are exceptional circumstances.

There are also provisions in the bill designed to ensure that relevant information in relation to a prisoner can be shared with the Parole Board. New subsection 72(1A) requires the Parole Board to notify the Commissioner of Police at least seven days before the board considers whether to release a prisoner on parole.

The bill also provides that the board can take into account certain relevant information provided by state, territory or Commonwealth agencies or bodies.

There are also powers in the bill for the board to revoke the parole of a prisoner and for police to arrest prisoners who are on parole in certain circumstances. The bill provides powers to restrict access to information and proceedings in relation to parole.

Mr Deputy Speaker, the Government is determined to do its part to protect the community from terrorism. This bill, as part of similar reforms across the country, will play an important part in ensuring that Australians remain safe from terrorism.

I commend the bill to the House.

[4.23 p.m.]

Ms HADDAD (Denison) Mr Deputy Speaker, I put on the record in my contribution to this bill that governments and parliaments around the nation, while making these types of changes do need to proceed with caution when they pass laws like this. When laws such as this are proposed that significantly alter the way that our criminal law has previously operated, it deserves considered thought and analysis. This law seeks to do that by removing presumptions on bail and parole, albeit in very serious circumstances.

Because of the way the world has changed since the event of 11 September 2001, which is when we started to see anti-terror laws introduced in Australia and elsewhere, there are arguments that can justify changes to law that deal with terrorism crimes in a different way to other crimes in our community. For this reason and in recognition of the fact that this is Commonwealth reform led by COAG, we will be supporting this bill.

The bill does a number of things, including reversing the presumption for bail and that means jail time before a finding of guilt. It also increases detention without charge periods to 14 days which is a significant jump from where we are at the moment in our criminal law.

In explaining some of the reasoning behind our decision to support this bill, I will quote a colleague, George Williams, a well-renowned constitutional lawyer, from an article he published in 2011 in the *Melbourne University Law Review* -

Australia's anti-terror laws were enacted as a response to September 11 and subsequent terrorist attacks. As such, the laws are often cast as a temporary emergency reaction to these attacks and the possibility that such indiscriminate violence might be repeated at home. However, it now is clear that Australia's anti-terror laws can no longer be cast as a transient, short-term legal response. This reflects the assessment of the Australian government and its agencies that terrorism remains a persistent threat to the community. The National Terrorism Public Alert System has since 2003 has set its threat level at 'medium', indicating an assessment that a terror attack 'could' occur. In 2010, the Australian government reiterated that [t]he threat of terrorism to Australia is real and enduring. It has become persistent and permanent feature of Australia's security environment.

What he tells us in the article is that it is worth being cognisant of the fact that while anti-terror laws are seemingly going to be retained for the long term, there are important implications to that fact. It means such laws cannot be cast as short-term aberrations within the Australian legal system. Instead they must be assessed on the basis they can alter the way in which our legal system is understood. Such laws create new precedents, understanding, expectations and political convention when it comes to the proper limits of government power and the role of the state in protecting human rights.

This is understandable legislation. I recognise it has been replicated through COAG work around the country.

[4.27 p.m.]

Mr SHELTON (Lyons) - Mr Deputy Speaker, I support of the bill and congratulate the Attorney-General for bringing it forward. It is, as has been mentioned in the second reading speech, in support of a COAG agreement which is about making all of us much safer in our home environments and wherever we are in Australia.

Unfortunately, we do not live in the world we once lived in. From my position, at my age, I can say I believe I have lived through a very privileged time frame in Australia's history. In saying that, I am very thankful that has been the case. Unfortunately, it no longer seems to be that way. We have this terrorist element out there in the world: hopefully, not too many in Australia but we are not immune to the dangers faced in other countries. Boundaries do not make any difference to extremists and terrorists. We have to be forever vigilant to protect our own communities. As lawmakers and leaders of our community, we need, although reluctantly, to bring in these laws and we do to protect our citizens.

It is critical this bill be enacted as quickly as possible because you never know what is around the corner. There is the heightened threat over time now and it does not seem to disappear. We have had the situation in this parliament where we have had to change our security processes. We can never guarantee anything in this environment but you can only make it as safe as possible and do all we can to protect us, in this parliament, and all our citizens, wherever they may be.

What has been demonstrated is, the bigger the crowd you are in, the more risk you are in a terrorist situation. This bill develops the consistency that was mooted by COAG. The bill will strengthen the state legal framework by legislating to ensure that our laws reflect the national consistency principles, outlined by the Attorney-General in her second reading speech.

With all jurisdictions moving to make amendments to their respective laws, I am comforted to know that Australia-wide soon bail and parole will not be granted to those linked to terrorism. It is

critical that people who have definite links with terrorism are kept off our streets if the police pick them up.

What amazes me is where you hear nationally, when they talk about the terrorism threats they have averted over time. The police go about their business and they avert these terrorism acts. As ordinary citizens, we find out that in the last 12 months - and this is a figure I am plucking out of the air - there have been five events that have been curtailed through the wonderful work of the different jurisdictions, state and federal police and so on.

It is fantastic. In order to do that, we must have nationally consistent legislation and that was passed back in June. I will read from a communique that COAG ministers put out. It reads:

Our security and law enforcement agencies are among the best in the world. To support national consistency and interoperability - and **boost the powers and effectiveness of our security and law enforcement agencies** - leaders agreed to a range of legislative measures.

In the current terrorism threat environment, plots develop quickly and there is often little time to detect and disrupt plots. Our Joint Counter-Terrorism teams (JCTTs) in every jurisdiction, made up of state and territory and Commonwealth law enforcement and ASIO, are national assets in our fight against terrorism. They often need to make arrests very soon after becoming aware of the threat and this relies on the interoperability and consistency of our pre-charge legislation. To this end, leaders agreed to the **enhancement of the existing Commonwealth pre-charge detention regime** under part 1(c) of the Crimes Act 1914.

At their last meeting, leaders agreed to ensure there will be a presumption that neither bail nor parole will be granted to those persons who have demonstrated support for, or have links to, terrorist activity. Today, leaders agreed that legislation implementing the 9 June COAG decision will be underpinned by nationally consistent principles to ensure there is **a presumption against bail and parole in agreed circumstances** across Australia.

This is nationally consistent legislation. It is making all our communities safer. There is no more to be said. It would surprise me if people spoke against this legislation because there is no doubt in my mind that the threat of terrorism is out there. It has substantially changed over my lifetime and unfortunately my children and grandchildren will not have the benefits of my lifetime. Things are different for them and whatever we can do in this parliament to make my grandchildren safer as they move through their adulthood, I fully back and commend the Attorney-General for bringing this legislation forward.

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, I will speak to the Terrorism (Restrictions on Bail and Parole) Bill which seeks to amend the 1997 Bail Act and also the Corrections Act 1994.

Today we are presented with a bill that seeks to keep people in prisons after their sentences have been served because they might commit a crime. This is an essential principle of our justice system which is offended by what this bill seeks to do. This bill seeks to bring inconsistency within Tasmania, which has occurred in other states of Australia, to bring us in line with the decisions that were made by the Australian Government, the very controversial decisions that were made by the

Australian Government on this legislation which was the Criminal Code Amendment (High Risk Terrorist Offenders) Bill 2016.

The Australian Greens spoke passionately against the parts of the bill which seek to restrict a person's right to post-sentencing release, or the options for that, simply on the basis that a crime might be committed. Imprisoning somebody because we believe they might do something, which is what this legislation seeks to do, is an unacceptable continuation of the erosion of civil liberties and of human rights in Tasmania in the name of counter terrorism, as we have seen in other states. The architect of this legislation and the prime mover of that was the former federal minister, Peter Dutton. He is already cooling his heels on the backbench.

The fact that we have progressed as far as we have down this path is a sign of the disturbing trend in Australia towards police state-type powers. These give undue ability to the state to be able to withhold a person's liberty on flimsy evidence, or in this case, on no evidence at all, that a crime may be committed. Whilst it is incredibly important -

Mr Shelton - So you would let them out, let them blow someone up and then put them back in jail?

Ms O'Connor - Can you tell us how much the threat level has increased over the past five years in Australia, Mr Shelton? That is right, not at all.

Dr WOODRUFF - Thank you, Ms O'Connor, for reminding me that this tranche of increasingly draconian and authoritarian acts which we are living under, that have been imposed on us at the federal level, have come in the last five years, a period of time in Australia where there has been no change in the terror threat level at all. There has been no change, but as a nation within that time we have suffered an increasing erosion of civil liberties and rights.

It is one of the points that the Greens want to make in this debate. We need to ensure that bills like this do not take us a significant step further down the road to the draconian legislation which we already have in place. The Greens are the only party that is standing up against that legislation. The Labor and the Liberal parties voted together on this federal legislation. Today, this bill seeks to bring Tasmania into consistency with this legislation.

This bill raises a number of human rights concerns. Mr Shelton, you make the point that we ought to be concerned about the threat of terrorism. You are absolutely correct. Of course we should and it is a primary responsibility of parliament to act to keep Tasmania safe and for the federal parliament to do the same at the federal level. I do not think there is anyone in this parliament who would disagree with that statement. The question is always about where we find the balance. There is a balance that needs to be struck between the threat of terrorism and the absolute protection and enshrining of our civil liberties which is such an important part of the western society we are fortunate enough to be born within. We have a democratic system. We have freedoms in this country that many people on the planet could only dream about, and they are things that have been fought for for hundreds of years and ought not to be lightly let go.

One of those freedoms means that the thought of committing a crime is not the same thing as actually committing a crime. We have deep concerns with the possibility of being able -

Mr Shelton - The planning of a crime -

Dr WOODRUFF - No, that is not actually what this says. In clause 7, proposed new section 83AA(6) says a reference to a terrorist act includes a reference to 'a terrorist act that has not occurred, that may not occur or that will not occur'. We are talking about hypotheticals here and it is important to understand that talking or thinking of a threat is not the same thing as a crime occurring.

The erosion of civil liberties and human rights that has occurred in Australia has occurred without governments making a robust case for the evidence, or putting solid and constructive arguments before parliaments about the requirement for doing that. We have introduced catch-all legislation in Australia which provides less and less ability for people to protest against governments for political, ideological or religious reasons. In a submission to the Parliamentary Joint Committee on Intelligence and Security, in 2016 Professor George Williams said on this matter, amongst other things:

[this legislation] ... captures within the definition of a 'serious Part 5.3 offence' not only the commission of a terrorist act but also a broad range of preparatory conduct. This includes, in the first place, the five preparatory terrorism offences in Division 101 of the *Criminal Code*. These go beyond the traditional inchoate offences by criminalising activities which are merely preparatory to the commission of a terrorist act.

... For example, it is an offence to attempt to possess a thing connected with a terrorist act or to conspire to do an act in preparation for a terrorist act. These offences 'render individuals liable to very serious penalties even before there is clear criminal intent' to engage in a terrorist act.

By contrast, the scope of the serious sex offence and serious violence offence post-sentence detention regimes have been carefully confined to circumstances where a particularly serious offence has actually been committed or where a person has attempted or conspired to do so.

The point is that we have state schemes in Tasmania that are directed at high-risk sex offenders and high-risk violent offenders that will continue to keep them in detention. They are directed at people who have committed serious sexual or violent offences and have a much higher bar than this bill would seek to bring in for people who are alleged to have thought about but not committed a terrorist act.

We will discuss the details of this bill in Committee. We would like to hear the minister's responses to some questions about the clauses we have raised, particularly in terms of revoking parole and the definitions of 'terrorist offence' and 'terrorist act'. In summary, we do not support the broad-ranging restrictions to liberty and human rights which bills like this and the federal legislation, which they bring us into consistency with, have made. We do not accept that we should lower the bar in the way we are doing, which is bringing us down a path further away from the freedoms of expression and the ability to mount differences of opinion and protest against governments or people who have different ideologies and be able to mount a defence of our position when people hold strong political views and strong principles.

[4.46 p.m.]

Ms ARCHER (Denison - Minister for Justice) - Madam Speaker, there is not much for me to say because the member for Franklin, Dr Woodruff, has indicated we are going into Committee and

various questions will be asked, and I am very happy to address those questions at that point. I note that she has already indicated questions in relation to what constitutes a terrorism offence and a terrorist act. I am happy to deal with those as they are asked according to each relevant clause. Suffice it to say I know there was some debate about the need for this legislation, all parties recognising that it has come out of a decision of COAG.

I noted that Dr Woodruff, in particular, made reference to the fact that the terrorism alert has not changed over the last few years.

Dr Woodruff - Five years, I think.

Ms ARCHER - Yes, but that does not mean there have not been terrorism offences committed in that time. It is a dangerous link to say that just because we have not altered our terrorism alert status that there have not been any terrorism convictions. What I can highlight and is relevant to point out - and I note that the member keeps interjecting but it does not seem we are permitted to make interjections - that in relation to how many people have been convicted of terrorism offences in Australia, there has been a Victorian expert panel on terrorism and as at late 2017 there were 39 people throughout Australia who had been convicted of terrorism-related offences with 21 of those people serving a prison sentence. One of those was a youth.

I am not suggesting that the member was suggesting we do not have an issue, otherwise she would not be supporting the bill. I am very thankful that all members are supporting the bill but just because our terrorism alert status has not changed does not mean these things are not occurring. For obvious reasons they do not get publicised so Australians may not be aware of the full extent of the issues, and nor should we to a certain extent because we want Australians to go about their daily lives as normally as possible. It is for our law and order agencies to ensure we are safe and secure and laws like this ensure that we remain a safe community.

Ms O'Connor - No, they don't ensure community safety.

Ms ARCHER - By way of interjection Ms O'Connor has just come into this. I was speaking in the context of what Dr Woodruff was saying and was agreeing and not being argumentative at all but just saying that a legislative framework around what law and order agencies are doing helps to keep our communities safe. That is not an outlandish thing to say at all. As there were no specific questions, I address any questions on each of the clauses as we go through Committee, as has been indicated.

Bill read the second time.

TERRORISM (RESTRICTIONS ON BAIL AND PAROLE) BILL 2018 (No. 20)

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -

Part 1A inserted.

Dr WOODRUFF - In clause 4C, the arrest of a terrorism-linked person admitted to bail, can you provide us with some details of what 'reasonable grounds' might include under subsection (1):

A police officer may arrest a person who is admitted to bail by a person other than a judge or magistrate, if the police officer suspects on reasonable grounds that the person admitted to bail is a terrorism-linked person.

Further, in subsection (2)(a), police officer may arrest a person if the person was not admitted to bail because a judge or magistrate found, under section 4B(3) that there were exceptional circumstances in relation to the person.

Can you detail what exceptional circumstances might include? I do not see where that is defined and it might have a meaning in law. If you can explain what 'exceptional circumstances' might be and if they would relate in any way to political views or artistic expression?

Ms ARCHER - In relation to the first question, dealing with what constitutes reasonable grounds in 4C(1), the bill permits a police officer to arrest without warrant a person who has been admitted to bail in the following circumstances - if the person has been released on bail by a person other than the judge or a magistrate and the police officer suspects, on reasonable grounds, the person is a terrorism-linked person. For example, the person's name may have changed and police may have changed and police may have been unaware at the time that they granted the person bail that the person had a prior conviction for a terrorism offence. That is an example of what would constitute reasonable grounds.

What are exceptional circumstances? That phrase is not defined by the Bail Act 1995 or the Corrections Act 1997 but it has been interpreted many times by Australian courts. We are dealing with common law in that regard. 'Exceptional circumstances' potentially encompasses a broad range of circumstances. The word 'exceptional' describes something which is out of the ordinary in the course of events or unusual or special or uncommon. It does need to be unique, unprecedented or very rare but it cannot be a circumstance that is routinely or normally encountered.

Factors that courts have considered in determining whether there are exceptional circumstances for bail applications include youth, strength of the prosecution case, seriousness of the offence, delay, custodial conditions, effects on family and employment, and any intellectual disability for example. They are the types of cases.

The member was alluding to political beliefs and things like that. Exceptional circumstances are there for the court to determine at their discretion, utilising these principles set down in common law.

I have attempted to outline some of the cases to date. What matters are determined? Again, it is for the court to determine the exceptional circumstances.

Dr WOODRUFF - I am seeking to understand the circumstances in subsection (2) where a police officer may arrest a person who is admitted to bail by a judge or magistrate if the person was not admitted to bail because a judge or magistrate found that there were exceptional circumstances in relation to the person. Then, part (b), the police officer suspects reasonable grounds that the person is a terrorism-linked person. Is it the case that the exceptional circumstances in part (a) refer to matters which have nothing to do with terrorism or so called terrorism-linked offences? They are simply the common law meaning which you have provided?

Would it be the case, as I read it, that if there were some exceptional circumstances, then paragraph (b) would not be allowed? Is that what it is saying?

Ms ARCHER - If the person is admitted to bail by a judge or magistrate and the person was not considered by a judge or magistrate to be a terrorism-linked person and admitted to bail because of exceptional circumstances and the police officers suspect some reasonable grounds that the person is a terrorism-linked person, then that applies. For example, a prosecutor may not have made a court aware that a person was subject to a control order at the time that the person was bailed. That is what that section is intending to capture.

If a person is admitted to bail by a judge or magistrate and the person is not at the time of being admitted to bail a terrorism-linked person, and the person has become a terrorism-linked person while on bail, that is another scenario. For example, a person might become subject to a control order while he or she is on bail. It attempts to capture a few situations. I am not quite sure if that has directly answered the question but they are the examples I have been given in relation to how the bill permits a police officer to arrest without a warrant a person who has been admitted to bail in all of those three circumstances I have already outlined.

Clause 4 agreed to.

Clauses 5 to 6 agreed to.

Clause 7 -

Part 8, Division 2A inserted

Ms HADDAD - I wanted some clarification about the parts in that definition of clause on page 11 of the bill under the definitions. It is the part of the bill that is introducing proposed new section 83AA of the Corrections Act and I am talking about subsection (2). Can you give some examples about what things such as 'making statements supporting' in (b) or 'advocating support for' in (e) or 'advocating the making of statements' in (f) might constitute? I can think of some fairly straightforward examples of what making statements supporting a terrorist act might be, but I seek clarification about how that might be interpreted.

Ms ARCHER - Obviously that identifies where we can have a terrorism offence when we can have a terrorism act. If you are dealing with paragraphs (d), (e), and (f) -

Ms Haddad - It was (b), (e) and (f), so 'making statements advocating support for' or 'advocating the making of statements'. I wonder how strictly or broadly that could be defined in your view at this stage in terms of people making statements on social media versus outwardly advocating for terrorist acts to occur.

Ms ARCHER - It is for the court's interpretation. I think the making of statements supporting a terrorist act is quite clear. If you are blatantly making a statement that supports a terrorist act it is going to be obvious. In relation to advocating support for a terrorist act, it is more like an instruction, even to someone else, and advocating the making of statements is encouraging someone to make a statement, so it going to be pretty clear whether you are making it yourself or are advocating for someone else to do it.

However each of them relates to a terrorist act which has been defined as having the same meaning in section 100.1 of the Commonwealth Criminal Code. That is defined as requiring three

things: an action or threat of action; motivation to advance a political, religious or ideological cause; and an intention to coerce or influence by intimidation a government, the public, or a section of the public. The action or threat of action must include one or more of the following: serious harm to or death of a person; serious damage to property; or a serious risk to the health or safety of the public or a section of the public. That is paraphrasing the section that deals with that definition.

Dr WOODRUFF - Regarding proposed section 83AE, we are extremely concerned at the way this bill has been drafted which means that a substantial amount of the evidence is provided in a closed court. While clearly there are times that is necessary and required for people's safety, it is also deeply concerning and has to be considered in the context of the public's right and need to receive information to make sure justice is done and is seen to be done.

Proposed new section 83AE(4)(c) says:

that the publication of a report of all or part of any of the following is prohibited:

- (i) the proceedings;
- (ii) any information that is disclosed in, or referred to in, all or part of the proceedings;
- (iii) any reasons given by the Board for a decision to which the proceedings relate;
- (iv) any earlier proceedings in relation to the making of a decision referred to in subsection (1) in respect of a prisoner.

The average person can see that there is no way to be confident that justice is done in this situation when there is no ability whatsoever to have access to any part of the proceedings and therefore to mount a defence for any of the reasons that were provided, including the veracity, reasonableness or evidentiary basis of the reasons that were provided to the board for the decision to not grant bail for a person.

This is a deeply disturbing situation for people who care about justice being done. I would like the minister to explain whether there are any other situations she is aware of where this occurs. What is the mechanism for a person receiving justice in this situation? How can we be confident that all the decisions that are being made are reasonable, fair and well evidenced?

Ms ARCHER - It is completely discretionary for a court or the Parole Board to apply these restrictions in relation to the information. If a court or the Parole Board feel it is necessary to divulge that information, then it is at their discretion. That is the mechanism. I trust the courts and the Parole Board in that decision, knowing and seeing the information before them as to what is appropriate in that regard. I imagine that it would be used fairly sparingly because it is in the interests of someone's rights that they not be imposed. Again, I remind members that we are dealing with terrorism offences. These provisions are felt necessary in those circumstances and those circumstances alone.

The protection, to answer your question directly, is completely at the discretion of the court or the Parole Board. For example, if we are talking about access to proceedings, in a closed court situation, which occurs where any part of a proceeding is heard in the absence of the public, it is well established at common law that superior courts such as the Supreme Court of Tasmania and

inferior courts such as our Magistrates' Court have powers to close courts. This may be done to secure the proper administration of justice. It has been done, for example, to protect the name of a blackmailer's victim in a prosecution, to protect the name of a police informant, or to protect the identity of an undercover police officer. There are also statutory powers to closed courts.

What I am demonstrating is it is not uncommon to utilise this type of principle. The statutory powers example I have just referred to could be where it is only prescribed people can be present in proceedings in the Youth Justice Division. That is a closed court situation. Again, it is at the discretion of the judge that some proceedings relating to unexplained wealth under the Crimes Confiscation of Profits Act 1993 can also be heard in a closed court. It is not unusual to have closed court or, in this case Parole Board hearings, and the information not be released to the public domain.

Dr WOODRUFF - I appreciate the circumstances. I understand it is at the discretion of the board. Is that decision made with the agreement of the person who is seeking bail and their legal representative? Is there an opportunity for them to disagree with that decision? When you say the decision is made by the court, is it made taking account of the views of the defendant or their legal representative? What is their ability to appeal a decision if, for example, they wanted to have the reasons given by the board or the decision to which the proceedings relate - if they wanted to be able to discuss those outside of the court, for example, or to refer to the judgments and the rationale for the judgments? It is assuming a set of circumstances where everybody is in agreement that the matters should not be disclosed widely for security of people but there may be other reasons. Is there an opportunity to appeal the decision to close the court and not provide proceedings?

Ms ARCHER - I know the member referred to bail but this provision deals with parole. I am not quite sure whether you meant bail.

Dr Woodruff - Parole.

Ms ARCHER - The bill restricts the circulation of information in relation to court and Parole Board proceedings. The first part of your question did not make sense because you referred to bail and perhaps you meant parole.

Dr Woodruff - I meant parole.

Ms ARCHER - It deals with court and Parole Board proceedings relating to terrorism-linked prisoners and prisoners who have promoted a terrorist act and related decisions. Courts are included because parole decisions can be reviewed under Judicial Review Act 2000. These new powers permit the board to proceed in private, to limit who can be present during the proceedings, and to prohibit the publication of a report or information in relation to the proceedings.

In addition, courts can close the court, limit who can be present during proceedings, prohibit the publication of a report of all or any part of the proceedings, information disclosed in proceedings and briefings of the board.

The powers in the bill in relation to parole proceedings are in addition to the existing power in the Corrections Act for the Parole Board to withhold from a prisoner its reasons for refusing parole where the board is of the opinion that it would be in the interests of the prisoner or any other person or the public to withhold from the prisoner any or all of the reasons. This is the Parole Board's decision to make.

If a prisoner applies for judicial review of that parole decision, he or she would ordinarily be entitled to see documents relating to the Parole Board's decision. However, public interest in unity, that is, the principle we are dealing with here, allows courts to determine the various information that it is in the public interest not to disclose to parties to a proceeding. That is for the court to determine when it is not in the public interest to know that information.

Public interest immunity could apply to any document that would disclose matters that are sensitive to national or state security, the identity of the informers, police or correctional intelligence information. That is the guiding principle for them and that is the principle surrounding public interest immunity.

These are matters of national and state security. All members are aware that is what terrorism is about. Again, this is why it is up to the court's discretion to make those determinations. I have every faith in our judicial system that they will make these decisions in the best interests and applying those principles.

Clause 7 agreed.

Clause 8 agreed to and bill taken through the remaining stages.

Bill read the third time.

ANZAC DAY OBSERVANCE AMENDMENT BILL 2018 (No. 23)

Second Reading

[5.18 p.m.]

Mr BARNETT (Lyons - Minister for Veterans' Affairs - 2R) - Mr Deputy Speaker, I move -

That the bill be now read for the second time.

In 2015, as part of the Tasmanian Government's red-tape reduction policy, the Treasurer requested WorkSafe Tasmania, the agency responsible for the Shop Trading Hours Act 1984, to undertake a review of the Anzac Day trading restrictions. The Shop Trading Hours Act regulates shop trading hours, including on Anzac Day.

The Anzac Day Observance Act 1929 provides for how Anzac Day is observed. It particularly provides for those activities that cannot be undertaken before 12.30 p.m. on Anzac Day. The act restricts a range of activities including sporting events, race meetings, entertainment, agricultural shows, markets and fairs from being undertaken before 12.30 p.m. on Anzac Day. The purpose of the restrictions is to recognise the significance of Anzac Day and to enable people who would otherwise be required to work or participate in certain events to attend dawn services and other commemorative services later in the day. The act is, however, silent regarding shop trading on Anzac Day.

The review undertaken by WorkSafe Tasmania identified the need for an exemption to be requested by some shop traders to enable them to trade on Anzac Day. These shops could include those that deliver essential services in regional areas, such as the local grocer who sells bread and milk. The review also found that there was benefit in including shop trading provisions for Anzac

Day in the Anzac Day Observance Act. This would enable all legislative provisions relating to how Anzac Day is observed to be in the one piece of legislation.

Prior to the review, shop traders had reported that it can be confusing and frustrating for them to have to refer to two acts, the provisions of which can appear contradictory. The Shop Trading Hours Act, for example, does not apply to activities like regattas, race meetings, sports meetings, agricultural shows, markets and so on.

A reading of the relevant section of the Shop Trading Hours Act may lead shop owners to believe that they may trade at a regatta, race meeting, sports meeting, agricultural show or markets on the morning of Anzac Day. On the other hand, the Anzac Day Observance Act identifies these activities as not being able to be held before 12.30 p.m. on Anzac Day.

The Anzac Day Observance Amendment Bill 2018 seeks to transfer the provisions of the Shop Trading Hours Act that relate to Anzac Day to the Anzac Day Observance Act. The Returned and Services League Tasmania Branch supports the amendments, as do the Tasmanian Independent Grocers. The effect of the provisions will not change as a result of these amendments. The existing powers and function of WorkSafe Tasmania Inspectors as they relate to shop trading on Anzac Day will continue.

I note to the House that the only change that will be made as a result of the amendment is that exemptions to the provisions will be made by notice rather than Order.

Under the current provisions of the Shop Trading Hours Act, exemptions are made by Order. This requires drafting of the Order by the Office of Parliamentary Counsel, ministerial approval and gazetting between the date the applications close - usually the end of March - and Anzac Day. This can be challenging in any year but particularly so when Anzac Day falls within the Easter period. Approving exemptions through notice has the same effect and approval process but a shorter timeline.

I commend the bill to the House.

[5.23 p.m.]

Ms DOW (Braddon) - Mr Deputy Speaker, Labor will be supporting the Anzac Day Observance Amendment Bill 2018. I thank those staff, particularly those from Workplace Safety who met with me and my colleague, Mr David O'Byrne, to discuss the contents of the bill at the completion of the last sitting week we were here in this place.

It is straightforward and from reading through both pieces of legislation I can understand, from a layman's point of view, how people would have found the different clauses confusing and how that applies. As the minister has alluded to, this was picked up during the red tape reduction work that is being undertaken by the Government. It makes sense for the two to be clearly combined and for that requirement on shop trading hours to be clearly articulated within the Anzac Observance Act.

As the minister has said, the Anzac Day Observance Act restricts a range of activities from taking place before 12.30 p.m. on Anzac Day and that is important because it enables people to participate in this special community day. Around the state more and more people are choosing to turn out to their local Anzac Day service to support their veterans and partake in the activities that

happen within that community during that special commemorative service and also after at local RSL clubs, which is important for local RSL clubs.

The current act is silent on shop trading hours and they were previously outlined in the Shop Trading Hours Act 1984. It is a simple transfer of information between the two. It is pleasing this amendment bill has the approval of both the state RSL and the IGA because they are both significant stakeholders who could be affected by changes to this legislation and should be consulted about any changes.

I also note the inclusion around a person not to work in certain circumstances and this is important because it means that an employer must not require a person to work before 12.30 p.m. on Anzac Day in those shops open before 12.30 p.m. unless that employee agrees in writing to work on that day. That is a really important opportunity to be afforded to an employee who may wish to participate in a local Anzac Day service and that they be granted the opportunity to do that. That will be enabled through this legislation.

There is always a complaint mechanism which is important to be included and that has been appropriately included as well around body corporates and like if that right of that individual employee is breached.

As the minister has said the major change to the amendment is really around process and notice rather than order which does allow for a shorter approval process and feedback. That was discussed with us. Feedback from stakeholders and those seeking exemption is that this will certainly make that process much easier for those people as well as being aligned in the one act.

It makes great sense to have the information on shop trading hours included in the Anzac Day Observance Act. I acknowledge the role of Worksafe Tasmania in the review and the work that they undertook. We are pleased to support the amendment.

[5.26 p.m.]

Ms O'CONNOR (Denison - Leader of the Greens) Mr Deputy Speaker, the Greens will be supporting this legislation. I note that it amends two pieces of legislation - the Anzac Day Observance Act 1929 and the Shop Trading Hours Act 1984, and that the current Anzac Day Observance Act 1929 is silent on the matter of shop trading on Anzac Day. I am a little bit surprised that it is silent on it, to be fair, and commend the minister for seeking to consolidate the legislation around shop trading in line with Anzac Day so that people who wish to commemorate Anzac Day are able to do so. I also think it is a wider issue than that. It is about respect. To have that quiet time on Anzac morning is very important.

I note that the RSL Tasmania branch supports the amendments, as do Tasmanian Independent Grocers.

I have a couple of questions for the minister in relation to some of the exemptions if you like for trading that are contained within the legislation. In new clause 5A4(a), it states that:

Notwithstanding subsection (1), a shop may be kept open before 12.30 p.m. on Anzac Day if the shop -

is a shop, or belongs to a class or group of shops, that the Minister, by notice in accordance with subsections (5) and (6), has declared may be kept open before 12.30 p.m. on Anzac Day;

Could the minister tell the House what category of traders might fall within that specific provision?

I have to say it is a bit challenging to understand why we would be formalising that most businesses are required to be closed before 12.30 p.m. on Anzac Day but it is okay for bottle shops. I wonder why the operator of a bottle shop who owns a liquor licence or has a liquor permit granted under the Liquor Licensing Act 1990 is able to trade before 12.30 p.m. on Anzac Day when small business operators are not able to trade? I would not have thought that was necessarily in the spirit of the Anzacs.

Mr Jaensch - You need a drink for two-up.

Ms O'CONNOR - Sure, Mr Jaensch, you need a bit of rum to play two-up well. I understand that, but there is nothing preventing the procurement of beverages the day before Anzac Day. It is hard to argue that the primary purpose of keeping a bottle shop open before 12.30 p.m. on Anzac Day is to service people participating in Anzac Day commemorations. Most of us who commemorate Anzac Day as Australians showing our respect for those who fought and died at Anzac Cove would not be attending a bottle shop before 12.30 p.m. on Anzac Day. It seems to me a strange provision and it would be good if the minister could explain why liquor licensing operations are able to be open at a time when most other businesses are prohibited by law from opening.

Can the minister confirm that takeaway shops and fast food outlets are able to open before 12.30 p.m. on Anzac Day? Does that include, for example, McDonalds and KFC? The wording at the moment is 'a shop in, or at which, the only principal business carried on is that of providing meals or cooked food, with or without the accompaniment of any beverage, being either meals or cooked food that are ready for immediate consumption either at the shop or elsewhere'. Is this provision to accommodate the corporate fast food outlets? At the moment the legislation requires most businesses to be shut before 12.30 p.m. on Anzac Day but allows fast food outlets to be open. What happens to a person who is working at McDonalds or KFC who wants to commemorate Anzac Day? While the law we are looking at here makes it unlawful, as I understand it, for an employer to require someone to work before 12.30 p.m. on Anzac Day, it puts people who work in those establishments under a measure of pressure.

In closing, I remind the House that while this is not a political bill, Anzac Day has been politicised in Tasmania. It was politicised just this year on 31 January when the Glenorchy RSL made the outrageous claim that if the pokies were removed from their venue and that revenue stream taken away from the Glenorchy RSL, Anzac Day would 'no longer exist'. To give the manager of the Glenorchy RSL at the time - who I will have the respect of not naming - the benefit of the doubt, I suspect he was coerced, persuaded and cajoled into making that statement, but it showed terrible disrespect to the memory of the Anzacs, their families and those Australians who every year on 25 April stand up and pay respect. That was a very shameful episode and I hope that never again in Tasmania, no matter what the political debate or the issue, is the memory of the Anzacs tarnished in such an overtly political way.

With those few comments I commend the minister on the legislation and indicate we do not wish to go into Committee. I believe the minister will be able to answer the questions I have asked, but we certainly support the legislation.

[5.30 p.m.]

Mr BROOKS (Braddon) - Madam Speaker, it is a significant day for many Australians and people overseas as well. I believe I am the only one in the lower House, maybe even the upper House now, who has served in the military. I do not say that to compare anyone or anything. I have worn a military uniform in a foreign country on Anzac Day for an Anzac Day service and I can assure you, Madam Speaker, that it is taken extremely seriously in other jurisdictions. The first time I wore the uniform overseas was in Singapore at a service. The naval police, and I probably did not get on the best foot in my early navy days, but the policeman said, 'Right, if anyone faints they're going to be charged or court-martialled', which is a military charge but it is not that serious. It is not like the movies; you might get a fine or have to do a bit of extra duty. The only one to faint was the naval policeman, so we thought that was pretty funny. The Singapore military did a jet flyover for the Anzac Day Dawn Service when I was there.

I also had the privilege of being the parliamentary representative on the Frank MacDonald Memorial Prize a couple of years ago, where I laid the wreath at the dawn service on behalf of the Tasmanian people at Villers-Bretonneux. It is a very special place for Australia and more importantly for the French for the deeds of the Anzacs and those fighting on the Western Front in that war for that little town and the little school where I have been. I had the privilege of going with grade 9 and 10 students and talking to them about it. There is a sign that says 'Remember the Australians' above their school courtyard. It is an important aspect of remembering what they have done.

I speak on this bill not to diminish any other contribution because I am not doing that. It highlights it is not important just to Australians and Tasmanians but is respected and reflected on around the globe. The queues and the ticket or ballot system to get a seat at Gallipoli for the dawn service on Anzac Day reflects the respect those Australians earned on that day, where they were sent to slaughter by the British Crown. When you understand what happened in that conflict and what they were required to do, even on the Western Front, and the tactics that were employed that might have worked okay in the Boer War but were not effective against the opposition in the First World War, they were standing up to pretty much a certain death. Through that adversity they still stood firm but they also went out of the trenches into machine-gun fire they knew was probably going to end their life.

For so many people in our community to stop, pause and reflect on something like that is vitally important and I, as a privileged elected member of parliament, and all of us who are elected by the community to the parliament have a duty and responsibility to remind the community of what those people did back then. As we go through the other conflicts from Second World War and others and through to the conflict of Afghanistan, we see time and again where Australians have paid the ultimate price.

At the most recent Anzac Day service - and I have spoken about this on the adjournment previously - the contribution made by the guest speaker at that service reflected on what the Australian Defence Medal is. Effectively it is a service medal. It is the red and white ribbon medal that you see many people wearing. What that means is that they have served for four years in the military.

He said that anyone who has that medal has effectively written a blank cheque to the country that they will give up their life for the defence of it. That is something we need to commend and respect. As we see the continued attendances at dawn services and Anzac Day services across the state, the nation and across the globe, it reinforces the importance of what the Anzac spirit is about but also what the Anzac Day reflects.

It is not only about what those heroes did on the beaches of Gallipoli, but it is about what every single man and woman who has ever pulled on the Australian Defence Force uniform, knowing they could be posted or sent anywhere and they don't have much of a say in it.

The warships I got posted to, or battalions that the army guys get posted to, are effectively decisions made by others and they will go and no doubt with honour. It is an important aspect to reflect on, not only the importance of that day, but it has its own specific legislation to ensure people have an opportunity to attend those services.

There are some limited exemptions. When I was the minister for Consumer Affairs it was my responsibility to approve exemptions in communities where essential services were needed and we understand that.

The minister is an authority on military history and military conflicts. He understands completely the sacrifice people make. We can make it simpler for businesses to understand, simpler for everyone to know what they can and cannot do. No-one does it deliberately. What it does, is basically make it simpler to be understood. It is a vital subject.

Ms O'Connor raised alcohol consumption, not in a bad way at all. I am not reflecting on that. I have been to an Anzac Day service in Cairns where a bottle of Bundaberg Rum was being handed around and had a drink at the grave sites of those who paid the ultimate price. That was their Anzac Day service. I have been to Bowen's Anzac Day service when I was on the HMAS *Townsville*. We attended their dawn service and then their ceremony. Again it was filled with pretty much the whole community, respecting and reflecting on the sacrifice that was put on there. I have had the privilege of marching in the Sydney Anzac Day parade, one of thousands in uniform. I have also had the privilege of going to an Anzac Day and dawn service in Singapore while I was there on a warship.

The heartening thing is that there is a better recognition among our young people about the fact that these young people paid the ultimate price for the freedoms that we enjoy. Even the conflict in Vietnam - I have spoken on this before - where our veterans were treated terribly on their return. They did not go by choice; they were told to go by the government of the day. We owe a debt that can possibly never be repaid to the veterans who returned from Vietnam for the treatment that some in the community gave them when, really, their anger should have been directed at the government that made the decision to send them. I have been in the military and it is not a democratic workplace. We used to say, 'we are here to protect democracy not exercise it, so get on with it'.

I always have had an interest in legislation that surrounds our Anzacs, but also the observance of Anzac Day. It is important we reflect on what it means to others. Bills like this are a red-tape reduction bill, but there is so much more underneath. It impacts so many communities. Every community, every town and every city in this state has lost sons and daughters because of Australia's involvement in conflicts. It has been to protect and stand up for those who either cannot defend themselves or to protect and stand up for the freedoms we have that gives us the ability to stand up and debate bills like we have done today, rather than turning to other areas where they do not have that democracy. It is a shame.

Madam Speaker, I support the bill. It is a simplification or to make it easier. It is a very important aspect of what not only this parliament but what every Tasmanian and every Australian should stand up for.

[5.47 p.m.]

Mr SHELTON (Lyons) - Madam Speaker, I will make a short contribution on this bill, and generally about Anzacs and Anzac Day and what it means.

Over my lifetime I have seen that spirit of Anzac wane somewhat. Through the efforts of government, local government and the RSL, we now see huge numbers at Anzac Day. We have to honour those men and women who have served in the Australian forces and have put their lives on the line. Some lost their lives in the protection of our lifestyle. In my previous contribution, I mentioned the time I have been on this Earth. It is a fantastic time that I have seen in Australia and post the Second World War. When I was younger, the Vietnam War was on the go, but never have I been involved in that conflict where my siblings and my relations, et cetera, have been called to war.

I recently had the privilege of travelling to New Zealand to attend a conference, part of which was in Wellington, and going to their celebration to acknowledge the centenary of Anzac Day. I can assure everybody in this House, and in the rest of Australia, that the New Zealanders are very proud of their forces that joined with Australia. We have this unique situation where New Zealand and Australia, when it comes to rugby and Australia playing the All Blacks, or whether it is Australia playing the crickets, we are fierce competitors as two countries but through the First World War we had this unique coming together of the Australian and New Zealand Army Corps and forged this solidarity that still exists today within our and the New Zealand communities that brought the two countries together. It is always difficult to explain that camaraderie, the 'old school tie' thing, where you go to school with your mate and so on and then all of a sudden you find yourself Bracknell versus Cressy in a football game and you are all mates but then you are hard at it in combat, although it is on the sporting field. That is part of our society and in the deliberations with the bills that have gone through today, wouldn't it wonderful to live in a world where that conflict and aggression can be sorted out on the sporting field and not in other areas of our society?

In support of the whole bill and the Anzac movement and where it has come from over the years and the effort that has been put in, I congratulate everybody. This bill is a part of keeping that momentum going and we must continue to recognise the efforts through our forebears. On that comment, I had two great-uncles who went to the First World War. One came home and lived out his life, while the other one never came back from France. They are the losses that took place. I acknowledge the Minister for Veterans' Affairs and this bill he has brought before the House.

[5.52 p.m.]

Mr BARNETT (Lyons - Minister for Veterans' Affairs) - Madam Speaker, I thank all members who shared their contributions this afternoon and I concur with their remarks and heartfelt concerns. One of those of course is a veteran, the member for Braddon, but each member has contributed in a special way and has expressed absolute delight in the rising numbers of those attending Anzac Day services around Tasmania. We now have 10 500 veterans living around Tasmania. We want to pay respect and honour to them and their families and, of course, all those who have gone before to acknowledge the service and sacrifice of those who put their lives on the line for our sake so we can live in freedom and enjoy this beautiful state of Tasmania for our generation and the generations to come.

As has been acknowledged by my counterpart, the member for Braddon, and indeed the member for Denison as well, they are supportive of the RSL and IGA supermarkets around Tasmania for this effort in cutting red tape and putting it all into one bill to make it easier to remove confusion, as my counterpart, the shadow minister, noted. A key objective in the bill is to remove that confusion, streamline the process, and make it easier for the RSLs, communities, small businesses and retailers, so they know exactly what is involved on Anzac Day.

In response to the member for Denison and her concerns, I make it very clear that the intent of the bill is to make as little change as possible to the existing arrangements. For example, there was a reference to bottle shops which are excluded from the provisions of the Shop Trading Hours Act and are able to open before 12.30 p.m. on Anzac Day and that is preserved in the bill. Diggers enjoy their rum on Anzac Day. There might be a gunfire breakfast and what is referred to as a hot toddy, and they enjoy and appreciate that, so there has been no change in this bill from the previous legislation. We are replicating what is already there. I think that responds to that part of it. I reiterate that the intent of the bill is to make as little change as possible to those existing arrangements which account for those provisions.

In relation to the member's queries with regard to the class of shops in proposed new section 5A(4)(a), the shop is a shop or belongs to a class of shops that the minister approves can open before 12.30 p.m. This exemption by the minister must be done in accordance with proposed subsections 5A(5) and (6). That makes it clear that exemptions can be made. I wanted to indicate that in the past there have been very few exemptions made, a very limited number. My advisers here indicate less than a handful. In terms of those that have previously been categorised as a class of shops, newsagents have previously been exempted and they are now covered in proposed section 5A(4)(c). In terms of that class, that has now been covered.

It is hard to envisage, but there may be a class of shops for which an application is sought in the future. It will have to go through due process and well in advance of Anzac Day. The application would be made in March and then a determination made and a notice given, as indicated in the discussion. We are pleased to have been able to streamline the process, cut the red tape and that is what we have done.

In terms of the definition of café or restaurant, there was a question about Macca's or KFC. They are covered and are within the definition of a café or restaurant as they are takeaway shops and small shops. They are covered under clause 5A(4)(g). On Anzac Day you might feel a bit hungry halfway through the morning and need a feed to give you strength to continue on to get to the service.

People in this Chamber go to the morning service. There may be a 9 a.m. or 9.30 a.m. service and then an 11 o'clock service. Many veterans and their families go to both the dawn service and the 11 o'clock service. Good on them; that is fantastic. I admire their efforts to acknowledge and pay respect to family members who fought and died in past conflicts, so that should be acknowledged and it is noted.

In the time available, I note that this has been a very encouraging debate. It is not always the case where we have general consensus and clearly this afternoon we have. It is nice to be involved in a debate where we can concur. As I often say, there is much more that unites us than divides us and this is a very good example. I thank all members around the Chamber for their contributions and support. I know we will all be out there supporting our veterans and their families wherever possible and upholding the values they fought and died for.

We need to remind ourselves of the service, sacrifice, mateship and courage they have demonstrated in the past. The question for us is how we respond to that service and sacrifice. How do we respond as a generation in Tasmania and looking forward to the future, what can we do to acknowledge and repay that respect and honour they devoted for our sake and the beautiful state we live in and the freedoms that we enjoy?

I also thank the officers from Worksafe Tasmania for the review that was undertaken that started in 2015. It has been quite a long process. I also thank the members of the Department of Premier and Cabinet for their support. It has been a bit of a team effort across departments and agencies. We have come through with a bill which is broadly supported and I thank all members for their support for this bill and commend it to the House.

Bill read the second time.

Bill read the third time.

ADJOURNMENT

Hellyer College - Careers Expo

[6.00 p.m.]

Mr ROCKLIFF (Braddon - Minister for Education and Training) - Madam Speaker, tonight I congratulate the Beacon Foundation and Event Management students at Hellyer College for a tremendous career expo at Hellyer College, based in Burnie, which I was fortunate enough to attend earlier this month.

There was a tremendous turnout; 300 year 11 students took part, along with 40 volunteers from businesses and industry right across the north-west coast who gave their time to provide support, advice and guidance to the students. This was a different type of careers expo, which was named a Speed Career event and reflects how students and young people engage with the world around them. Each student chose four industry representatives from a wide range of job sectors they would like to talk to and spent a short amount of time with each, learning about the industry, the skills needed, what opportunities existed and what they would need to do now for a career in that sector in the future.

I am informed after each conversation - and I was witness to some of these conversations as well - the students rotated around their choices to build their knowledge of career options, and expand their networks. This was a great way to focus conversations, maximise those discussions and promote engagement between students and the volunteers from industry.

The organisers did a remarkable job in drawing together the volunteers from industry who talked to the year 11 students. They arranged a varied group to take part with representatives from health, education, retail, trades, law, media, engineering, tourism, the defence forces, emergency services, IT, agriculture, banking, disability services and fashion design. It was a very diverse list that surprised many of the year 11 students in attendance, one that also reflects the ongoing opportunities of the north-west coast of Tasmania and beyond.

My thanks to the Event Management students from Hellyer who coordinated and managed the event as part of their course, along with the guidance and support of the Beacon team of Mel Blake,

Business and Engagement Manager for the north-west, Sonia Hodgetts, Growth Industry Pathway Coordinator, Ebony Bridle, and school liaison and industry officers. Beacon received very positive feedback from the students, many of whom I am informed were unaware of the range of career options available to them in the region.

Events such as this are very important for our young people who need those first step connections and who are not yet aware of the job market that exists outside the job advertisements. It is important for the community, through businesses and industry, to reach out and demonstrate that there are many, many options in the north-west and that the students have a big future in their local area.

I thank all the organisers of the Speed Career Event at Hellyer College and the students who took me around the event and all of the industry volunteers who gave their time for the benefit of their future workforce. I gained a very good understanding of the event, which was terrific. It was a good investment of time.

I congratulate all those involved.

Drought Conditions - Support for Farmers

[6.04 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Madam Speaker, I want to recognise those farmers in New South Wales and Queensland who are suffering through drought and doing it really tough. I acknowledge the tremendous generosity that has been shown by the Tasmanian farming community who have been donating hay and delivering hay to those farmers to support them.

I acknowledge another family-run farm business in Marion Bay, the Daly Potato Company, which is seeking to donate seconds of their potatoes to support a farmer in Orange to feed his cattle. Cattle love potatoes and these are seconds that cannot be sent through their normal supply network so they are looking to donate 80 tonnes of produce.

I am pleased the Minister for Infrastructure is in the Chamber because, minister, I will read for you their ambition and ask you if you can intervene with TT-Line. They have sought to have the cost of freight waived - it is about \$3000 - but that has not been achieved. I understand the cost of freight has been waived for the transportation of hay. They have started a GoFundMe page and I just checked and they have raised \$990 so far. The community has been generous. I want to read the post made by Ruby and Nathan Daly, the daughter and son of farmers Susie and Gerard Daly. It is a family business, as I have described. They have written:

Feed For Farmers - Daly Potato Company and Quinns Transport are raising money to send over 80 tonnes of potatoes to struggling farmers in Orange, New South Wales and Queensland. The farmer in Orange has just run out of the last of his feed and now has nothing to feed his livestock. We are urgently trying to get our potatoes over to him asap to hopefully save these animals.

We are donating the potatoes, Quinns Transport is donating the truck and the time and Tas Petroleum are helping out with the fuel. We just need some help to cover the cost to send these trucks over on the *Spirit of Tasmania*. This money will continue to help us to donate more potatoes to struggling farmers.

We know firsthand how tough farming can be but with your support we can all do our bit to help them out. Honestly, any little bit helps.

Thank you so much, Ruby and Nathan Daly.

I ask the Government and the Minister for Infrastructure if he could speak with TT-Line and see whether the cost for transporting those goods, the 80 tonnes of spuds, can be waived, given the Tasmanian Government is covering the cost to freight hay. I hope that issue can be rectified quickly so those farmers in Orange they have contacted can be supported.

Mr Rockliff - You are correct in terms of the hay, and carrots as well, have been offered. My understanding is John Duigan can play some role of assistance here but I will read your *Hansard* again and check it out for you.

Ms WHITE - I would be happy to provide the information to your office. If you can give support, that would be terrific. I appreciate that.

East Coast Alliance and the Freycinet Action Network

[6.07 p.m.]

Ms O'CONNOR (Denison - Leader of the Greens) - Madam Speaker, I wanted to give the House an update on the Town Hall meeting today which was organised by the East Coast Alliance and the Freycinet Action Network in response to increasing development pressures on Tasmania's beautiful east coast. We went there not long after the bells rang at 1 o'clock and we could not get in the door without having to move people aside. It was an absolutely packed Town Hall, standing room only. I found that incredibly inspiring to see so many people from so many walks of life, no doubt from across the political spectrum, many of whom had travelled far to come to the Town Hall to stand up for Tasmania's east coast.

The catalyst for this meeting is the largest private development, residential tourism development Tasmania has ever seen, which is the proposed Cambria Green mega development at Dolphin Sands and Swansea on the east coast.

For members for Lyons who are not aware of the details on this proposal as they are known to date, it proposes for the Dolphin Sands estate of 3185 hectares, a luxury hotel of up to 200 rooms, 240 units, 70 villas, 80 apartments, two golf courses, a health palliative care centre, a conference centre, art gallery, gymnasium, a village, artificial lake, shops, cafes, restaurants, pharmacy, medical and dental services and an airstrip which the proponent told the ABC's *7.30 Report*, is not proposed to carry any more than up to 20 flights a day. In the *Mercury* today there was an article from one of the proponents, Mr Ronald Hu, who stated, and expects some people to believe, that this is a sensible and sustainable development.

That did not wash with the more than 1000 people who came to the Town Hall today and they are people who came there out of love for this island, love for the landscape, love for the east coast, love for the scale of this place and for the communities that they live in; and fear because they are afraid of the threat that this proposal presents to Tasmania's east coast but also to Tasmania itself. To this island.

It was very clear from the people I spoke to that everyone supports good developments in the right place, but people are increasingly feeling that the public is being shut out of having any say in shaping the future of Tasmania: that the planning system changes and the open for business mantra have sent the message to any and all developers that anything goes. Tasmanians are feeling frustrated and shut out of having a say and they rightly feel that the level of opacity, the lack of transparency, and the lack of engagement with local communities is undermining good planning decisions and good land use planning in Tasmania.

We know that the proponent applied to amend the local planning scheme and to have a specific area plan declared. That decision which was waved through by council on a vote of 4-3 led to more than 400 submissions coming into council. The vast majority of them -

Mr Jaensch - You just said they did not have a say and they were shut out, but there were 400 submissions. How can you be talking about the same thing.

Ms O'CONNOR - It is interesting that you say that. I am glad you asked, Mr Jaensch. Author Martin Flanagan pointed out the master plan proposal was with the mayor and council officers long before it went to the full council. At no point did the community know other than a couple of days before it was decided on by council what the scale of this development was. This is three years after the proponent went to see the Premier and presented him with a gift.

The council had not engaged with the local community before they made a decision, Mr Jaensch. Not at all. Then they waved it through. The reason they waved it through, Mr Jaensch, is because all they saw were the dollar signs - \$100 million, we are told. They did not ask where the money is coming from. They did not ask about the signing ceremony in Beijing four days before council made a decision. Do you know what was on the table at that signing ceremony in Beijing, Mr Jaensch? Two flags were arrayed across the table. The People's Republic of China flag and a Chinese Communist Party flag. That was pointed out to me by an academic at ANU. I had not seen that in the image of the signing ceremony. Something is afoot here, Mr Jaensch, and you are a fool if you do not see that.

Mr Jaensch - You are misleading if you say there is no public process because you have just said there is one.

Madam SPEAKER - Order, please.

Ms O'CONNOR - Yes, but the problem that we have is that the public, the people of Tasmania, the local community were the last to know about this proposal. It had been cooking away behind closed doors for some three years. Then council makes the decision based on scant information, no detail about what the proposal actually is in any meaningful sense, no detail on where the money would be coming from and no understanding of the geopolitical realities which author Martin Flanagan rightly talked about today.

The call from the community who were represented at Town Hall today was that it is time the Liberals in government started listening. This proposal is the direct result of the Liberals coming into government and saying we are open for business and then spending nearly five years grovelling to the Chinese communist government. That is what has happened.

Time expired.

**Breast Screen Tasmania - Ulverstone
Wynyard RSL - Military Dinner**

[6.14 p.m.]

Mr BROOKS (Braddon) - Madam Speaker, I am a little loathe to bring this up at the risk of leading with my chin but it is an important issue given that Ms O'Connor mentioned China. I want to promote something about not missing the bus.

As I said, at the risk of leading with my chin, this is actually a very serious issue. It is about the Breast Screen Tasmania bus being in Ulverstone from 16 July to 14 September, adjacent to the Ulverstone Civic Centre in Victoria Street. It is an opportunity for people to call 132050 to make a free appointment.

Madam Speaker, I obviously did not write the advertisement because I would not have said, 'Do not miss the bus' on it. I am still a bit twitchy about it. It is a really serious issue. It is important that all members of the House promote the importance of breast screening, and the fact that the bus is there on the north-west coast. It is there for another three and a half weeks, or so. All people need to do for a free appointment is ring the number and get that organised.

I had the privilege of attending with my colleagues, even people from Lyons, and the recently elected member for Prosser, the honourable Jane Howlett, and Rene Hidding and Mr Shelton. We went out to Dip Falls near Smithton. It is a tremendous area. It is easy to access and not that far off the main road, just before the turn off to Stanley. The Government made a commitment to fund a new viewing platform and walking access for visitors. I pay tribute to my good friend and previous Liberal colleague, Mrs Joan Rylah, who fought for funding for that project and received the funding. It has been delivered by the Government because of the work of past member, Mrs Rylah. I commend the work she did on that.

Finally, Madam Speaker, I did not have the opportunity to speak on the past bill. Without reflecting on the vote of the House, the Wynyard RSL, through the leadership of Gavin Pearce, who does a tremendous job in his community work for the RSL, put on a tremendous evening. It was great to hear from Senator Jim Molan AO, DSC, who was a major general in the army. He left the forces in Afghanistan. Retired Major General, now Senator, Jim Molan, gave the address and spoke about preparedness for conflicts and what is required for that.

The great thing about that evening was that it was more about the cadets, the kids that are a part of the Army cadets throughout the state. They were partnered with or sat beside a past member of the defence force, or a retired member. It was an event to celebrate the Armistice centenary but also to recognise what the cadets do for Tasmanian kids and also what the RSL does for its current and serving members, and veterans, but also our engagement within the community of our more recent veterans and current members serving in the Australian Defence Force. There was so much on that I would not be able to get through it in seven minutes. Those three things are really important, in particular the last one that reflects on the previous debate without reflecting on the bill.

It was interesting to hear from Senator Molan on his experience as a major general and talking to kids - one has been accepted to the Australian Defence Force Academy in Canberra - and also to other young cadets who, rather than playing their X-Boxes or whatever they do these days. My kids are a bit older so they are all driving and I do not know what they are playing these days, the

new ones, but they are out learning some really important survival skills and looking at a potential career in the army or the military.

I believe Tasmania pulls more than its weight in representation of the Defence Force and it is initiatives like that from Gavin Pearce at the Wynyard RSL that promote opportunities for careers within the Defence Force but also I think brings together the younger and older generations to share their stories and experiences but also reflect on what they possibly did not get right as well.

Planning Proposals - Public Reaction

[6.21 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, I rise tonight to celebrate the power of the community of people in Tasmania who have risen up from the east coast but much more broadly than there to declare their love for the place they live in and their determination to resist this massive development being proposed for the east coast which we know from what the developers have announced will completely change not only the experience of living on the east coast for all the people who live there and those who go there on holidays, but the wildness, the beauty, the unbelievably clear water and beaches and a lifestyle which Tasmanians are incredibly happy and fortunate to have. It is a lifestyle that people are saying they want to keep because they recognise it is special and it is ours and they want the future for their place to be on their terms with their formal involvement in the conversation about what that would look like.

I also attended today's meeting at the Hobart Town Hall and I have never been in that hall when it was so packed. People were flowing out the doors, down the stairs and were jammed into the back section standing all around the edges. It was a tribute to the determination of people to come together and work as one on this issue.

I also want to pay tribute to a couple of other communities in Tasmania who have celebrated such important wins over the last couple of months. Last night the Clarence City Council knocked back Cricket Tasmania's proposed changes to Blundstone Arena's operational hours. This was something the community had no idea was coming. It was presented as just some minor amendments. When it was advertised residents were not given information about the fact it was a change to the operational hours of Blundstone Arena, just that it was a development application in respect to a particular street number but not the fact that it was affecting the oval.

There were traffic changes which would have been drastic for those streets that are already clogged during any event that is held at the oval, an increase in operating hours and length of operations of events, changing it to concerts - a whole raft of changes which have been a steady erosion of what was once a publicly owned and publicly managed piece of land that has since seen the historic trees on the edge of the beach steadily taken away and all of the parking in the local area and the lifestyle and amenity of people who cannot live during a game without having bright lights and ads blaring into their lounge rooms. People rose up. They had a public meeting and made their concerns known to Cricket Tasmania and our local councillors and they were successful. It was unanimously knocked back.

Those people did not really want to have to do that, but they all recognised the value of fighting for the place they have and speaking up for other people in their neighbourhood who do not have the ability to do that, such as older people and people who do not have the time - so good on them.

Likewise, especially good on the people of Dover, good on the people of the far south of Tasmania who, likewise, had no idea they were being hit with such a massive development application until it was announced that James Neville Smith would be looking at setting up a woodchip export facility in their beautiful bay of Port Esperance, proposing to truck every five minutes by B-doubles along roads 800 000 tonnes a year of woodchips to export the highest volume, lowest-quality forestry product you could imagine into their beautiful bay, putting at risk the biosecurity of the area for other businesses but especially putting at risk the future they are carving out for themselves.

Again, it was people with no experience, who had never been to a rally or done any form of organising, but were united by the love for their place and a fierce and passionate determination that they were not going to let this happen. It ought to be the residents of an area who get to have a say first about what happens to their future. Yes, other people get to be part of that conversation, but first and foremost it should be the residents who get to have a proper say before the development application is stitched up for years in the making by this Liberal Government, either in a secretive expressions of interest process, such as the Rosny Hill development and the Kangaroo Bay development, neither of which have had a public consultation with the Bellerive and Rosny communities about what happens on crown land - their land, their place.

The Greens stand with every community in Tasmania who demands a say about what happens in their place and formal appeal rights to be able to challenge decisions that are unfair. The people of Norfolk Bay, the southern beaches and the Tasman Peninsula demand to be able to have a say about their livelihoods. It is not just about Huon Aquaculture shoring up their profits, production volume and flow of their business in Storm Bay. What about Mr Flathead? What about his business? What about him? He goes out every day taking people on recreational fishing tours. That is his business. Why does he not get asked what happens in his bay, to the area he takes people to fish and to look at the eagles, the dolphins and migratory whales? What about the people who have been trying to protect the red handfish? What about all those researchers who have been working hard to protect those newly found colonies of red handfish? Do they get a say?

Why does the company get to do its own impact assessment? Why is there not some independence to our system? Why let the big end of town just go for broke? Why is 'open for business' good for Tasmania? It is a mantra that people across Tasmania are realising is not good for us for the future. People are rising up around the state. The expression of people power today from the east coast and everyone else supporting the east coast bid to rid it of that noxious development is just one example of what is happening all around this state to protect forests, agricultural land, beautiful marine life and the places people love to live, just because that is what they have always done.

The Greens will be working and continuing to support those communities in their community activism to have their voices heard.

Time expired.

Anglican Churches - Proposal to Sell

[6.29 p.m.]

Ms BUTLER (Lyons) - Madam Speaker, I rise on the adjournment to talk about three community meetings I attended last week: one in Jericho and Lower Marshes, one in Ouse and one in Bothwell. One was held by the Central Highlands Council and the other two were held by the

Southern Midlands Council. It was all to do with their churches and graveyards. All three were very well attended.

Ouse had more than 100 people attend that meeting. Ouse has a population of around 500 so it gives you an idea of the percentage of representation in these communities.

I have been attending many of these meetings now and it is getting bigger and bigger. I have attended meetings in Kempton, Pyengana and Bagdad. Some are not as well attended as others but in all of them, there is a general consensus from these communities that there is a real problem with the communication that has come from the diocese. A lot of the communities are not sure what is going to be happening to their churches and graveyards.

The graveyards have raised all different kinds of issues with deficiencies in the Burials and Cremations Act 2002. We know that the 30 years protection from the last interment is not enough for communities. This has raised a real issue with a lot of community members who assumed there was some form of perpetuity rights on their graveyards when they had purchased interments as well, whereas in actual fact, there is only 30 years from the last interment at a particular grave site.

You can imagine the distress this has caused in a lot of these communities, communities where World War I veterans are buried, such as Pyengana where we had five generations of a particular family buried in the graveyard. The uncertainty about whether or not the family would be able to be buried with their family or what would happen to the remains of the people who are buried in those graveyards is causing distress.

There is much uncertainty and this is causing distress in the rural communities across Lyons. There will be a large community meeting in Campbell Town beginning at 2 o'clock this Sunday. Different local government representatives have formed a group to express the distress of their communities. They call themselves the Save our Community Soul group. They are well organised. There are some good ideas and good ways of building community connectivity through that group. I will keep fighting to represent those communities. This is probably one of the biggest constituent issues or community issues in Lyons at the moment and it is only getting bigger.

It is important that we, as representatives, make sure that we do listen to the concerns of our communities. There are a lot of anxious people out there.

Tasmanian Hospitality Association Awards for Excellence Eveline House - Devonport

[6.33 p.m.]

Mr JAENSCH (Braddon - Minister for Human Services) - Madam Speaker, last night I had the honour of attending the Tasmanian Hospitality Association Awards for Excellence annual evening, sponsored by Drysdale.

It was a very well attended event and they always put on a very good show. People who for a living, feed and entertain others tend to go all out when it is their turn to be on the receiving end of hospitality. I left relatively early but I expect that the rest of the night kicked on. Several colleagues and members from this place were there in attendance and recognised at the event.

I want to make special reference to some of my constituents who travelled there to represent their businesses and our north-west coast and took home awards. Strahan Village took out the best guided tour experience. The River Arms Hotel took out best gaming venue in Tasmania and the Formby Hotel, also part of the same Goodstone Group of hotels who took out the best bistro dining and the best hotel pub/tavern of the year, interestingly listed as hotel/pub/tavern of the year metro - this is the Formby Hotel in Devonport. Devonport is now producing Metro Hotel of the Year and congratulations to the Goodstone Group and Formby Hotel for taking home gold in that most prestigious category.

I was sitting at a table with my friends, John Dabner and his wife, Jackie, and their marketing manager, chef and their partners from Tall Timbers in Smithton who had possibly travelled further than anybody else to be there on the night. Very proudly, they were nominated in many categories, short-listed in several and took home best marketed establishment for the 2018 THA awards for excellence and best sports bar in Tasmania. Congratulations to John and Jackie and their team who travelled all the way from Smithton to be there and took home gold to the coast, adding to their extensive trophy cabinet at the Tall Timbers Resort in Smithton.

Last Friday I visited a place now called Eveline House. This is the brand new youth supported accommodation facility in Devonport and speaking as Minister for Housing and also as a north-west coaster, I was very proud to be there to participate in the opening of this magnificent facility.

It is a 25 bed accommodation complex for young people aged 16 to 24 who are either homeless or at risk of homelessness. It is somewhere they can live for around two years, on average, so it is a longish term home for them, not just a crisis shelter or a transitional house.

Under the ABS survey rules, these residents will still be counted as homeless, technically, because of the format of the way they define that but for these young people this is a stable, secure accommodation where they are a tenant, they pay rent. They have their own self-contained unit, they have their own cooking facilities, shared entertainment, laundry and other spaces. They live in a small community of people together as young adults living independently where they have no other options.

This is a project which has been in development over the last two or three years. I attended the announcement of the project on a vacant site with my predecessor in the role, Mrs Jacquie Petrusma. We met Mead Con builders on site who have since put the facility together. We spent time with Peter White and Richard Gilmour from Housing Tasmania who project-managed this from the Government's side of things. We worked with Royce Fairbrother and Andrew Hillier and the other members of Action Against Homelessness, a local not-for-profit community organisation which has been set up and which is now leasing part of the Eveline House complex to operate a social enterprise called Loaves and Fishes. It has a commercial kitchen and produces frozen packaged nutritious meals that are distributed at a rate of 4000 a week. They are distributed right up and down the north-west coast through Neighbourhood Houses, Meals on Wheels and other services, attending to people who, for various reasons, cannot provide their own meals for themselves.

The fantastic arrangement with this is that those young people who are residents in Eveline House have the opportunity to get work experience, gain certificate 11 or certificate 111 in food handling and preparation as part of this social enterprise and continue or augment their studies going to the TAFE which is right next door in Devonport.

It is an amazing set up. It has the capacity for 25 young people, including five units that are set up specifically for people with a disability. When I visited last Friday there were 20 residents in place. There were 21 but the first person who had been placed there has now got a job, has moved out and is in the private rental market on the north-west coast, which is a fantastic result.

I was asked to come and open the facility so I gave a little speech but I handed over the opportunity to open it to two young people who were residents there, Rowena and Kyle, who both spoke about their experience of coming from couch-surfing and from living in shelters in the area to being full-time residents, having their own place in this small community, feeling safe and secure and having opportunities for the first time.

Eveline House was named through a process involving the very first residents of this facility. They decided to name it after the street it was on, Eveline Street. I understand that street was named after a 67-ton schooner built in 1873 on the banks of the Mersey River in Devonport by a fellow called John Griffiths, who named the ship after his sister, who may have been called Evelyn. When that name passed through the records and ended up on a road map and the young people looked at it and they said 'Eveline' and they launched their new home and gave it the name of Eveline, so that is what we are going to call it.

Jodi Dack - Tribute

[6.41 p.m.]

Ms O'BYRNE (Bass) - Madam Speaker, I will take a few moments of the House's time to pass on the sympathies of all members of this House to the family of Jodi Dack, whose husband is a serving federal Labor MP, Brendan O'Connor. Jodi passed away last Thursday after having battled a vicious form of cancer for six years. Jodi also used to work for Candy Broad, the Victorian Labor MP, and was a woman of great courage, great humour and great decency.

I want to put on the record our thoughts, sympathies and care to those who loved Jodi, in particular to Brendan and their daughter Una, but also to note that in typical Jodi style, in lieu of flowers, donations are to be made to Feed Melbourne, an organisation that ensures soup kitchens and emergency food is provided to members of the community. Typically Jodi, typically Brendan and Una. I put on the record our great sympathy to Brendan and all those who loved Jodi so much. She was an amazing human being and we are all a little lost in our world without her.

Mr O'Byrne - Hear, hear.

Vietnam Veterans Day

[6.42 p.m.]

Mr BARNETT (Lyons - Minister for Resources) - Madam Speaker, I take the opportunity tonight to recognise Tasmania's Vietnam Veterans. Last week, 18 August, was Tasmanian's Vietnam Veterans Day when we remembered the service and sacrifice of Australian servicemen and women during the Vietnam War. Services were held in Hobart, Launceston, St Helens and Wynyard. We heard tonight of a speech presented by the former member for Braddon, Joan Rylah, a good friend and colleague, and attended by other members for Braddon, as well as Gavin Pearce from the Wynyard RSL. It was very encouraging to hear that report and also to note that this year is the Centenary of Anzac and also the 50-year anniversary of the Fire Support Bases Coral and

Balmoral, significant battles that occurred in Vietnam. They were two of the largest battles of the Vietnam War. A total of 26 Australians were killed during the fighting of the Fire Support Bases, Coal and Balmoral, an action which resulted in more Australian casualties than any other series of engagements in Vietnam. It has been 50 years since those battles took place.

On 14 May 2018, the Governor-General approved the awarding of the Unit Citation for Gallantry to the First Australian Task Force Group and all those associated units that participated in the battles of Coral and Balmoral. The Vietnam War lasted more than a decade and was longer than either World War. It marked a sea change in Australian culture, being the first conflict to be beamed nightly via television news into lounge rooms across the nation. In the war's duration from 1962 to 1975, more than 60 000 Australians served in Vietnam, including 2323 Tasmanian-born soldiers.

Sadly, 521 Australians, including 16 Tasmanians, made the ultimate sacrifice for their country. Many troops returning from the conflict were treated like pariahs, suffering abuse and even assault. The hostility that was demonstrated to Australia's involvement in the conflict gladly came to an end in 1987, when the welcome home parade in Sydney finally gave the Vietnam Veterans the honour and welcome they deserved. Vietnam was the last conflict where anti-war protesters would single out troops with their wrath.

Vietnam Veterans Day marks the Battle of Long Tan, where 108 men from an outnumbered D Company, Sixth Battalion Royal Australian Regiment - 6RAR - held off a three-sided attack, numbering close to 2500 Vietcong and North Vietnam regulars. Tasmanian Lieutenant Colonel Harry Smith, born in Hobart, was the commanding officer of Delta Company 6RAR during the battle on the afternoon of 18 August 1966.

The battle started after a group of Vietcong soldiers walked into the right flank of the Delta Company 6RAR whilst on parole along a rubber plantation near Long Tan. Conditions during the battle were difficult, with combatants fighting in torrential rain and thick mist, causing some confusion in identifying enemy or friend. At the battle's end, 17 Australians lay dead and 24 had been wounded, including one who died nine days later. Among the dead was a Tasmanian, Private Albert Frederick McCormick, 21, a clerk from Launceston. I know one of his family members, Tim McCormick.

Enemy losses were significant, with over 100 Vietcong buried the day after the battle and up to 800 enemy believed killed in total. After the battle Lieutenant-Colonel Smith was recommended for the Distinguished Service Order, today the Star of Gallantry, but instead received the Military Cross in 1967 for his leadership and command of Delta Company during the battle of Long Tan. Nine men from Delta Company were also recognised with gallantry awards, however some of these were later downgraded. The downgrading and limited recognition of actions later received considerable criticism at the time. The imperial honours system was based on a quota system, which resulted in many awards being downgraded or not awarded.

In 2008 Lieutenant-Colonel Smith's military cross was upgraded to the Star of Gallantry. Two others were awarded a medal for gallantry, the Distinguished Service Medal, while D Company 6RAR was presented a unit citation for gallantry on 18 August 2011. Hooray.

The acknowledgement of actions during conflicts through awards from our Australian honours system has evolved through this recent history. There have been many disputes and claims of recognition well after the action has taken place. Many Tasmanians believe that the extraordinary

heroism of our very own Edward or Teddy Sheean during World War II should be acknowledged with a Victoria Cross or something significant.

During and after the Vietnam War the veterans of this conflict have faced many battles and it is important that we remember them and reflect on the recent history and important contribution Vietnam veterans are making to our community. It will be an honour this week to host a special lunch event in honour of our Vietnam veterans and the Vietnam Veterans Association representatives, committee and executive members, including state president Terry Rowe, and I look forward to doing that later this week and giving honour and respect to our Vietnam veterans. The troops who survived to return home deserve to be remembered for being prepared to put themselves in harm's way and to protect our national interests and the freedoms that we enjoy today.

The House adjourned at 6.48 p.m.