

Wednesday 17 October 2018

The Speaker, **Ms Hickey**, took the Chair, acknowledged the Traditional people and read Prayers.

RECOGNITION OF VISITORS

Madam SPEAKER - Honourable members, I have the great pleasure to welcome to the Chamber staff from the Parliament of Samoa, who the parliament is hosting this week through the United Nations Development Program as part of the parliament's twinning relationship with the Parliament of Samoa. Talofa and welcome to our parliament.

Members - Hear, hear.

Madam SPEAKER - I also acknowledge grade 6 students from Sacred Heart College. Welcome to parliament.

STATEMENT BY PREMIER

Absence of Treasurer

[10.02 a.m.]

Mr HODGMAN (Franklin - Premier) - Madam Speaker, I advise that the Treasurer, Peter Gutwein, will be absent from parliament today from 10.30 a.m. to attend a family funeral. From the time the Treasurer leaves the House I will take questions related to the Treasury, State Growth and Local Government portfolios.

QUESTIONS

Ms Sarah Courtney - Alleged Breach of Ministerial Code of Conduct

Ms WHITE question to **PREMIER**, **Mr HODGMAN**

[10.03 a.m.]

The former Primary Industries and Water minister, Ms Courtney, has breached the ministerial code of conduct which makes it clear that conflicts of interest must be declared immediately. You claimed yesterday you learnt of a personal relationship between the former minister and the head of her department, Dr Whittington, on Sunday. Bearing in mind the ministerial code of conduct's requirement for immediate disclosure when did the personal relationship between the former minister and her department secretary begin?

ANSWER

Madam Speaker, first I will make an important point with respect to the process that I outlined yesterday that will occur and that should occur in circumstances such as these. It is appropriate that not only the process be applied and due process extended in these circumstances but also that that process be allowed to run its course and be conducted independently.

After making a statement to the House yesterday about the process which needs to be independent and needs to run its full course by lunchtime the Opposition was out declaring that they knew the outcomes of that inquiry, that they could prejudge and predetermine the results of that inquiry with not fully understanding the facts or the circumstances behind it. It is very similar to what happened when Labor claimed that Michael Ferguson had breached the code of conduct and was found to be wrong on both counts.

The Opposition might have drawn breath on this occasion and allowed appropriate process to be undertaken and for this matter to be investigated independently by the Secretary of the Department of Premier and Cabinet

Ms O'BYRNE - Point of order, Madam Speaker. I ask you to draw the Premier to answer the actual question which was the time in which the relationship took place.

Madam SPEAKER - As you would be aware I am unable to do so. I am sure the Premier understands the sentiment of your discussions.

Mr HODGMAN - I will address all matters but I want to make the point that it once again demonstrates a lack of substance and a lack of seriousness on the matters that the Opposition raise, that they are not cognisant of the fact that an appropriate inquiry is underway and commenced immediately.

It has also resulted in necessary steps to ensure that a conflict of interest can be handled, in this case with Ms Courtney stepping down and Dr John Whittington also stepping down from his position while these inquiries are underway. That should be allowed to continue independently without the prejudgment that we get from the judge, jury and executioners over there in the Opposition.

With respect to my knowledge of this matter, it is true to say absolutely that the first I knew of this was on Sunday.

Ms O'Byrne - That was not the question.

Mr HODGMAN - It was part of the question, Deputy Leader of the Opposition.

Ms O'Byrne - We want to know how long.

Mr HODGMAN - Second, with respect to the extent of time in which this relationship has been developing, as has been said, it is a recent thing. The inquiry will determine whether any decisions have been made in that time and whether there has been any breach. That should appropriately occur without intervention by or from members opposite.

Ms Sarah Courtney - Alleged Breach of Ministerial Code of Conduct

Ms WHITE question to PREMIER, Mr HODGMAN

[10.07 a.m.]

Can you give an absolute guarantee that the investigations you have ordered into Ms Courtney's very serious breach of the ministerial code of conduct will examine each of the decisions that she

made in her portfolio area for the period since she began her personal relationship with Dr Whittington?

Given that we have reached a point where decisions made by Ms Courtney are at the highest level of government must now be called into question and forensically examined, how can you possibly consider allowing this former minister to continue in any role in your Cabinet?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for the question. In relation to the first part, yes, that is exactly what the inquiry is addressing its attention to and that is appropriately so. Without wanting to have the interventions by members opposite and the prejudgements that are occurring, it is appropriate that the decisions that were made are considered independently as they will be in accordance with the process that I outlined yesterday.

With respect to the second part of the question, I am not going to pre-empt the findings of the outcome either, nor any determination that may be made following it. I have outlined what will happen. I have also informed the House that I will make further statements or announcements with respect to this matter in due course.

Ms Sarah Courtney - Alleged Breach of Ministerial Code of Conduct

Ms O'CONNOR question to PREMIER, Mr HODGMAN

[10.08 a.m.]

Your former minister for Primary Industries and Water was overseas five weeks ago on an all-expenses paid trip to China with the secretary of her department. You revealed yesterday that she told you three days ago she was having a relationship with Dr Whittington. A spectacular fall from grace of the new minister and long serving bureaucrat is the result.

This brings into question every decision Ms Courtney made in her short time as minister and whether she was acting on independent, impartial advice. When will Tasmanians who care about animal welfare, for example, have clarity on the disgraced minister's conduct in relation to the deaths of 16 ponies on the *Spirit of Tasmania*, an investigation with all the hallmarks of a cover-up and without an end in sight?

Do you agree every single decision made by this minister is now under a cloud?

ANSWER

Madam Speaker, I thank the member for the question. I do not for a minute accept or condone the characterisation that the member has placed on what is, in addition to, important matters concerning a conflict of interest and decisions made by the minister which will be inquired into, appropriately so, independently. It will take the time necessary for that to occur and should not be subject to an attempted interference by opposition members.

Ms O'Connor - Will this be like the Brooks email inquiry?

Mr HODGMAN - This is a case that does involve individuals and personal circumstances. I had hoped members might extend some respect or at least an appreciation of that. Given that when the member who asked the question and the circumstances that she previously found herself in, we made a similar call for privacy to be respected - I do not recall anyone else in this House declaring that to be a disgrace, as you have just done.

I can assure members who are interested in the facts and the substance as to decisions made by the minister, they will be appropriately assessed and that is so. That will occur in due course and as quickly as possible. That process needs to be run independently and, I suggest, without the gratuitous commentary from members opposite.

**Department of Primary Industries, Parks, Water and Environment -
Proposed Relocation of Senior Staff to Launceston**

Ms HADDAD question to PREMIER, Mr HODGMAN

[10.11 a.m.]

Your Launceston-based former Primary Industries minister, Ms Courtney, has stood aside over a clear breach of the ministerial code of conduct concerning her personal relationship with the head of her department, Dr Whittington. Can you confirm Dr Whittington has, over the past month, informed staff of his department that he would be intending to spend two days a week in Launceston?

ANSWER

Madam Speaker, I thank the member and the shadow minister and attorney-general and matters related to justice and process who has in the last 24 hours claimed to know what the outcome of this independent inquiry will be or what it should be. That demonstrates a lack of substance, a lack of experience and a lack of appreciation for those portfolios in which she should have a far higher understanding of what process is required to address very serious matters that will be appropriately done.

Mr O'Byrne - It is a bit rich from you. You don't know how to sack your own staff member, \$45 000 for your staffer.

Madam SPEAKER - Order, please.

Mr HODGMAN - I need to take further advice in relation to Dr Whittington's communications to his staff. I am aware that as part of the Government's commitment to relocate 100 staff from DPIPWE to the north and north-west, it would be a sensible thing for senior officials, including Dr Whittington perhaps, to spend some time where so many staff are based.

I am aware there are preliminary discussions about securing office space within existing premises in the north to support the Government's election commitment. The policy to relocate staff from DPIPWE to the north pre-dates the appointment of Ms Courtney to the ministry. In relation to specific communications with staff I need to seek further advice.

We are committed, appropriately so, to putting more public servants and departments into regional parts of Tasmania. We know it has never been supported by the Labor Opposition. They

famously opposed us moving Mineral Resources Tasmania to Burnie and perhaps still do. They have been very critical about the Coordinator-General being established in the heart of Tasmania's commercial and enterprise region in the north, bringing people into that town and providing greater access for those in the north and the north-east and the north-west to have access to state servants.

Members interjecting.

Madam SPEAKER - Order.

Mr HODGMAN - Now they are also having a crack at us relocating 100 staff from DPIPW into an area of Tasmania that is very close to the agricultural heartland of our state and also close to many of our parks, which will also benefit from an additional increase in staff allocation.

The connection the shadow minister tries to make is tenuous. It would be appropriate for senior officials from departments to spend some time where a large number of our staff are based.

GST Deliberations - Status

Mr HIDDING question to **TREASURER**, **Mr GUTWEIN**

[10.14 a.m.]

Can the Treasurer please update the House on the current status of GST deliberations and his efforts to secure a guarantee that Tasmania will not be any worse off under the changes to GST distribution arrangements?

ANSWER

Madam Speaker, I thank the member for Lyons, Mr Hidding, for the question and his interest in this important issue.

Members interjecting.

Madam SPEAKER - Order, please.

Mr GUTWEIN - I sense support from Mr O'Byrne on the other side for our efforts.

The new distribution model put forward by the Commonwealth based on the Commonwealth's own modelling would leave Tasmania \$112 million better off through to 2026-27 while leaving in place the framework of HFE. At face value this is a good deal for Tasmania but we have always said that we wanted to run a fine toothcomb through the Commonwealth's proposal.

Yesterday I tabled analysis prepared by the Tasmanian Department of Treasury and Finance on the Commonwealth's offer, which also included outcomes from the Melbourne meeting a couple of weeks ago. In its analysis Treasury found that under some future economic circumstances Tasmania and other states could be worse off under what the Commonwealth had proposed. This modelling was in accordance with the modelling undertaken by other states and territories, including Victoria. The modelling results clearly demonstrated the need for a legislative no-worse-off guarantee. That is exactly what I and other state and territory treasurers have been calling for

over the last few weeks and it is something that the Premier has been strongly advocating for as well.

I am very pleased to say that yesterday we got a win. We have landed a deal for Tasmania which is a good result. The federal Treasurer, the honourable Josh Frydenberg MP, has agreed to our demands. We welcome the Commonwealth Government's announcement that they will include a no-worse-off guarantee in the legislation.

Members interjecting

Mr GUTWEIN - That side of the House was hoping that we would not get this outcome. They did not want this outcome and are now going off on other tangents. This is a good deal for Tasmania. We got a good outcome. You should be very pleased with that. I understand, unlike this lot -

Members interjecting

Madam SPEAKER - Order, please. I have shown a great deal of tolerance this morning but it is not going to continue.

Mr GUTWEIN - I understand that the Victorian and Queensland Treasurers have welcomed it - unlike this lot on the other side who just want the worst possible outcomes because it suits their aims. We got a good outcome.

Mr O'Byrne - What about the national energy guarantee? The only game in town apparently.

Mr GUTWEIN - They move from one issue to another. They will never be satisfied.

The guarantee that is in place will ensure that there is only upside for Tasmania as a result of this deal out to 2026-27. We will now get our Treasury to review the detail in this new proposal and the subsequent legislation. We will make further comment once we have had the opportunity to consider that.

The Commonwealth Government has also indicated it will have a review at 2026-27 to consider what the long-term outcomes are and how the new system is working.

The Tasmanian Government welcomes this outcome. I acknowledge the important role of our federal Liberal senators - Senator Colbeck, Senator Abetz, Senator Duniam and Senator Bushby -

Mr Bacon - Racists one and all. It is okay to be white.

Ms O'Byrne - Because it is okay to be white.

Madam SPEAKER - Order. We have three warnings: Ms O'Byrne, Mr O'Byrne and Mr Bacon.

Mr GUTWEIN - Madam Speaker, I acknowledge the important role of those federal Liberal senators Colbeck, Abetz, Duniam and Bushby all played in getting this outcome. They argued for the state's position.

Ms O'BYRNE - Point of order, Madam Speaker. Perhaps the Treasurer could take this opportunity to denounce their racist behaviour in voting for an 'It's okay to be white' motion. You cannot praise them without denouncing them.

Madam SPEAKER - That is not a point of order.

Mr FERGUSON - Madam Speaker, I know that everyone can see what just happened. That was a highly disorderly attempt to make a false point of order. I ask you to contemplate that very disorderly conduct.

Madam SPEAKER - I did and I ruled it out. Please continue, Treasurer.

Mr GUTWEIN - As I was saying, we get a good outcome for Tasmania from this side of the House and they want to tear it down. They want to talk about everything else other than an outcome that locks in only upside in the new deal that the Commonwealth has put forward.

Once again, Senators Colbeck, Abetz, Duniam and Bushby worked hard to get an outcome in this case. Tasmania deserves its fair share of GST and this deal will deliver that for Tasmanians.

**Ms Sarah Courtney - Alleged Breach of Ministerial Code of Conduct -
Decision to Allow Salmon Farming in Norfolk Bay**

Dr WOODRUFF question to PREMIER, Mr HODGMAN

[10.20 a.m.]

One of the most controversial decisions made by your former minister for primary industries was to approve a marine farming development proposal for Huon Aquaculture to farm in the previously salmon-free, pristine Norfolk Bay without a chance for the community to voice their views. It is now clear your ex-minister has utterly failed to respect the apolitical role of her most senior public servant, with the obvious power imbalance raising a question about the integrity of all his decisions.

Given your Government's election commitment to double the size of the salmon industry again, how confident are you that Ms Courtney did not induce her secretary to look the other way and hurry through a convenient arrangement for the salmon industry that broke the Government's own draft environmental regulations?

ANSWER

Madam Speaker, whilst it is mildly amusing to listen to the latest kooky conspiracy theory the Greens have cooked up to sustain an argument, it is entirely without foundation. I again reject the assertions with respect to the development of our policy and also in relation to decisions made by the minister, supported by the Government, and in this instance supported by a range of other steps we have undertaken to develop a sustainable growth plan for Tasmania's salmon industry. That has long been part of our commitment and part of the work we have done in this and the previous term of government to ensure the sustainable growth of Tasmania's \$730 million world-class salmon industry. We are committed to maintaining, through strong independent regulation which is supported by many in the community, although not everyone, a sustainable salmon industry.

It is important to remember - and I know it irritates the Greens to accept the fact - that it was this Government that transferred responsibility for the environmental regulation and management to the independent Environmental Protection Authority. It was this Government that increased penalties and improved regulations, created new statutory mechanisms as no-grow zones for excluding finfish marine farming from areas across the state's coastline. It is this Government that has developed a sustainable industry growth plan for the salmon industry which provides the blueprint for what is the biggest single primary industries sector in our state, and we are working very hard to implement the plan.

With respect to Norfolk Bay, on 7 August last the department issued a short-term permit to enable fish harvesting at the Norfolk Bay site under provisions of the Living Marine Resources Management Act 1995. I emphasise it is only a short-term permit that has been provided at Norfolk Bay to facilitate safe harvesting practices of fish grown in Storm Bay and for improved biosecurity risk management. The existing marine farming lease itself has not been activated and under legislative changes made last year under this Government, if there was any move to establish more permanent finfish marine farming operations in what is an existing marine farming lease area in Norfolk Bay, it would be subject to assessment by the Environment Protection Authority under the provisions of the Environmental Management and Pollution Control Act. I note that Huon Aquaculture has clearly stated that it does not intend to farm permanently at Norfolk Bay.

That is a summary of the additional measures we have put in place, the processes required of our salmon industry, the importance we place on sustainable growth in environmental protections, as evidenced by those steps we have taken, and that also provides the member with a clear understanding of what is happening at Norfolk Bay. I utterly reject any attempted connection to what Ms Courtney has done in her time to support the growth of the salmon industry and our primary industries, with the support of her department and the assistance of independent authorities to ensure that decisions made by government are well established and sound, which they are. Minister Courtney has done that with the strong support of all her government colleagues.

Ms Sarah Courtney - Costs of Ministerial Travel on Trade Mission to Asia

Ms BUTLER question to PREMIER, Mr HODGMAN

[10.25 a.m.]

What expenses incurred by your former primary industries minister, Ms Courtney, and Dr John Whittington have been billed to taxpayers, including travel, accommodation and entertainment expenses? Will you commit to asking the Auditor-General to investigate the expenditure of taxpayer funds, including funds expended on the recent trade mission to Asia, including China and Hong Kong?

Government members interjecting.

Madam SPEAKER - Order. I ask the Government members to behave. Thank you.

ANSWER

Madam Speaker, I am not aware of any expenses claimed not of a professional nature or incurred during the course of work, but I can make any inquiries necessary in relation to that. Appropriate disclosures are and should be always made by relevant parties in matters such as these.

I am not aware of any and I am not sure if the member who asks the question is aware of any either or is asserting there to be so.

Ms Butler - Ask the Auditor-General.

Mr HODGMAN - I understand that, but I am a little nervous on the foundation or the basis for the line of questioning and whether there is any substance, because if you look at what happened yesterday to the member who asked the question, it was a little embarrassing to say the least.

I acknowledge that she is a new member of the team and perhaps does not understand what has occurred under former Labor-Greens governments, but yesterday there was a sustained attack by the member who asked the question in relation to the visit of HRH Prince Edward, Earl of Wessex, who came to Tasmania for a day and a half earlier this year. He was in the country to attend the Commonwealth Games and undertake engagements to promote the Duke of Edinburgh's International Awards in Australia and do other things in Tasmania, including supporting the Royal Tennis Club, of which he is a keen player himself. He also visited some local schools. I know he was down at my old school, St Aloysius, and spoke to some students there. He also opened a new mountain bike track. He did a lot of good things while he was here. Whilst it is well known that I am a proud republican, I was very pleased to meet His Royal Highness and see what he did in our state for a short period of time.

Yesterday, a very critical member who tried to claim that she was not casting any doubt or any shadow on the value of such a trip was at pains to ask how much of the Tasmanian taxpayers' purse was being blown on this royal visit from one of the richest people in the world. How much might this have cost? I can inform the member who asked the question that the total cost to the Tasmanian Government was \$1910.

In 2012 - and that was during a Labor-Greens government - there was a royal visit, and if the member who is now responsible for Waste Watch and keeping an eye on government expenditure was concerned, I am sure she would be horrified to hear, given what she said yesterday, that back in 2012 the royal visit cost the Tasmanian taxpayer \$100 000. This again highlights their shallowness, duplicity and hypocrisy, because whilst \$1910 needs to be accounted for, and in this case we got good value for money, back when you and your colleagues were in government it was \$100 000 that you spent.

Ms O'BYRNE - Point of order, Madam Speaker, going to relevance. The Premier is very happy to give us a history lesson from 2012 but the question was whether he will refer this matter to the Auditor-General.

Mr HODGMAN - I have said any appropriate inquiries that need to be made will be made in relation to that matter.

I want to point to the hypocrisy and the duplicity of members opposite. What was raised yesterday, a very relevant matter by the member who asked the question, should be put on the record: \$100 000 was spent on a royal visit when you were in government. The member may like to know that was the time when it was the Labor-Greens government that was sacking nurses, wanting to close down schools, cutting back on our health services, but they still managed to find \$100 000 for a royal visit.

Brand Tasmania - Promotion of World-Class Products and Produce

Mr SHELTON question to PREMIER, Mr HODGMAN

[10.30 a.m.]

Can you please provide an update on the majority Hodgman Liberal Government's policies to promote Tasmania's world-class produce and products nationally and internationally?

ANSWER

Madam Speaker, I thank the member and parliamentary secretary for the question. I am delighted to talk about what is one of our state's greatest assets and that is our precious brand. There has never been a better time to amp it up, to tell our story and to showcase what is so special about our state; the best we have to offer, the products the rest of world is screaming for and to deliver greater economic benefits for our state and the community in the process.

Our brand, along with its very consistent and positive qualities, like in other places, can be a very powerful tool for elevating the strength of our reputation, for increasing the number of people who want to visit here and experience it, and to support greater investment in our state - to open up new markets for our exporters of world-class products that can leverage off the benefit of such a great clean green brand for which Tasmania is renowned. That includes not only our products but our services, which are also an important part of what we export. A strong positive brand is also very important for community development because it helps bring us together. It helps provide a launching pad for Tasmanians to proudly promote what we do to the rest of the world and to be very proud citizens of what is the greatest place to live in the world.

These are the reasons why we are investing more into what is one of our greatest assets to take it to the next level. It is a very important investment in this asset. Tasmania's economy is now one of the strongest performing in the country. In many areas, we are. There are more Tasmanians working now than ever before. Our population is growing; business sentiment has never been as strong with local businesses saying that they are consistently amongst the most confident in the country. We are leading the nation in so many ways, with our world-class products, which are in hot demand. The growth of exporting our products to the rest of the world has occurred at three times the national rate. Almost half of our state is protected and preserved: our precious wilderness areas, our national parks and the World Wilderness Heritage area. Our reputation as well as being an eco-tourism capital is also growing.

I am determined to not take the foot off the pedal as some suggest we might. We cannot assume that this strong economic growth and this positivity that Tasmanians are feeling will continue forever. It will not if we do what some are suggesting.

We need to capitalise on our competitive strengths. That has always been the centrepiece of our plan for the State and our brand is one of those great competitive strengths.

Last year we commenced an audit of our brand strengths. I am pleased to say that the experts reported it is strong and positive. You would not get that sense if you listened to some of the members sitting opposite, but our brand strengths are strong.

We also want to know the best ways to capture and promote it so we have developed the plan for a new body to lead Tasmania's brand promotion, collaboration and coordination. The bill that I

am introducing today establishes that body, Brand Tasmania, as a new statutory authority. This mirrors the move that we took on coming into government to make Tourism Tasmania an independent statutory authority. It has been a clear success, if you look at not only the performance of that agency but the growth and strength in our tourism sector.

We have a fantastic global reputation as a result of the work that has been done to promote our products and exports to the world. This new authority will continue the great work of the Brand Tasmania Council. It will work closely with business and industry, key stakeholders and the broader Tasmanian community to amp up our brand so that all Tasmanians can embrace it and use it.

Under this legislation it is planned for the authority to commence its operation in early 2019. The positions of board chair and CEO will be recruited over the coming months. The work of the Brand Tasmania Council will be continued in the new statutory authority.

I sincerely extend the Government's thanks and strong appreciation to the member of the Brand Tasmania Council, past and present who have made a significant contribution. We expect it will be ongoing because our brand is one of our greatest assets. They recognise that, we recognise that. There has never been a better time to turn up the spotlight that is already shining on our people, our place and our products do all we can promote what is the very best place in the world to live.

**Ms Sarah Courtney - Alleged Breach of Ministerial Code of Conduct -
Answers given during Estimates Committee**

Ms HADDAD question to PREMIER, Mr HODGMAN

[10.36 a.m.]

During budget Estimates earlier this year, your former minister, Sarah Courtney and Dr John Whittington both denied Leonie Hiscutt had interfered in a Crown Lands dispute involving her neighbour. Ms Courtney stood by evidence given by Dr Whittington that there had been no contact between Leonie Hiscutt and Crown Land Services even when presented with clear evidence to the contrary. Will the investigations you have launched consider whether Dr Whittington's judgment and evidence to the Estimates committee was clouded by his relationship and his desire to protect his minister from scrutiny?

ANSWER

Madam Speaker, I have said, it is recent. It does not include the period to which the member refers or the question that relates to matters which are the subject of inquiry.

As the member would know, it has also been considered by the Integrity Commission. I know that may not be a matter of significance or interest to members opposite. I point to the importance of independent analysis and assessment of these matters, clear and due process so that the facts can be determined with respect to any decisions made by Ms Courtney, and appropriately so.

What we are seeing today is a series of disconnected questions pointing to spurious claims and conspiracy theories which do not stand the test of substance nor credibility. All matters that have been determined and decided upon by Ms Courtney will be independently assessed and reviewed, appropriately so, in accordance with good practice, as is my reference to have any code of conduct

breach considered and the actions and the involvement of Dr John Whittington in relation to this matter.

I acted swiftly and decisively in relation to this matter as soon as it came to my attention. I respect the due process of those independent individuals. It includes Mr Damien Bugg QC, AM, who is highly respected member of our community and well capable, alongside the secretary of the Department of Premier and Cabinet, of properly scrutinising these matters.

If anyone is watching this kangaroo court this morning, they would not be surprised to see the lack of substance. They would be disturbed to see the lack of appreciation or worse, suggested interference by us to involve ourselves in any of these matters which should be properly, independently determined.

Tasmania First Energy Policy - Update

Mr BROOKS question to MINISTER for ENERGY, Mr BARNETT

[10.39 a.m.]

Can the minister update the House on the performance of Tasmania's energy businesses and the future before us?

ANSWER

Madam Speaker, I thank the member for his question. It is true that the Tasmania First energy policy is working and we have a very exciting future. We had the Prime Minister here last Friday week. He referred to Tasmania's Battery of the Nation project as a 'cracker of a project, delivering fair dinkum power'. He is very enthusiastic of our Battery of the Nation proposals. It is on track to deliver the single biggest economic growth opportunity of the future and further interconnection will deliver these opportunities for Tasmania in spades. We are talking about the potential for billions of dollars of investment, thousands of jobs in rural and regional parts of Tasmania and a doubling of our energy capacity: very exciting prospects and I want everybody to get on board Team Tasmania.

The important news I can advise today is that our energy businesses are in a fit and healthy state and they are sustainable and profitable. They are working in alignment with our Tasmania First energy policies and they are delivering lowest regulated power prices in the nation and we have a target to achieve self-sufficiency; fully self-sufficient, fully renewable by 2022 and we are on track. Energy security is critical for Tasmania.

Mr O'Byrne - The national energy guarantee is the only game in town.

Madam SPEAKER - Order, please, Mr O'Byrne.

Mr BARNETT - We know that and Hydro Tasmania is supporting our energy needs. Water storage levels for example, just last Monday were 47.5 per cent, well above our prudent storage levels. Hydro Tasmania is taking an important role meeting our energy needs and operating consistently with our Tassie First energy policy. I am pleased to report that Hydro Tasmania has exceeded its budget targets by delivering an after tax profit of just shy of \$168 million. That has been delivered with a price cap that is protecting the Tasmanian people and Tasmanian businesses.

It is a solid result and it has meant Hydro will return an \$80 million dividend to the Government, \$12.3 million above budget.

Mr Bacon - The money started in 2014. It has taken you all this time to get it.

Mr BARNETT - Madam Speaker, I am trying to inform the House despite the interjections from the other side. What that means is we have more in the kitty for health, for education, and to reinvest where it is needed.

Mr O'Byrne - You are \$100 million short.

Madam SPEAKER - Mr O'Byrne, second warning.

Mr BARNETT - In addition Aurora Energy has played an important role delivering a \$23.3 million return to the Government and the energy needs of Tasmanians sit front and centre with Aurora Energy with the 'Yes' program supporting vulnerable Tasmanians. In fact an estimated 3000 vulnerable families last year benefitted from the 'Yes' program delivering energy saving tips, debt reduction tips and payment plan support.

This is all in addition to the \$125 special energy bonus for 80 000 aged pensioners and those seniors who received it and that cost \$10.5 million. That is on top of all this investment. Then we have got TEELs, the Tasmanian Energy Efficiency Loans scheme, a terrific scheme that is delivering no interest loans for Tasmanians. At the end of September well over 3000 TEELs applicants had been supported, delivering energy efficient appliances and systems across the state at a value of \$28.37 million in loans approved since 2017. We are delivering. We have a plan and the plan is working. The energy businesses are supporting the Tasmania-First Energy Policy. They are acting consistently with that plan as distinct to the other side that has no plans and no policies. They are a huge big vacuum.

We are delivering three things. This is the trifecta: low cost energy, reliable energy and clean energy.

Mr Adam Brooks - Inquiry into Use of Email Account - Update

Ms O'BYRNE question to PREMIER, Mr HODGMAN

[10.44 a.m.]

It is now two-and-a-half years since the member for Braddon, Mr Brooks, was caught lying to the Estimates Committee. As your Government again lurches from scandal to scandal can you provide an update to the House on the member for Braddon's use of his MSS email account whilst he was the minister for mining, which I am sure that even you would agree is now ridiculously overdue?

ANSWER

Madam Speaker, I thank the member for the question. As I have said before in relation to this matter, it was preferred that this issue and the use of the emails in question could have been concluded further. That has not been possible and the reasons for that have been well canvassed. On that basis I am not able to update the House any further, other than to say that until such time as

they are, the member for Braddon remains where he is being a very strong advocate for his region and for his community. He is a very passionate member for Braddon, a very strong contributor to the Government and its policy development and a very fierce critic of the Opposition and their lack of substance, their lack of policy, their lack of the commitment that he has to the community that he serves. I can say that confidently knowing as well that it was only six of seven months ago that the people of Braddon expressed their confidence in the member for the work he is doing and they want him to continue doing, and that he will.

Investigations into Alleged Breaches of Ministerial Code of Conduct

Ms O'BYRNE question to PREMIER, Mr HODGMAN

[10.46 a.m.]

My question does follow on a little to the ongoing investigation into former minister, Mr Brooks. It was conducted by the Crown Solicitor. During the Angela Williamson Cricket Tasmania sacking scandal, the head of your department investigated the Minister for Health, Mr Ferguson, over allegations that he shared personal information which we know led to the Ms Williamson's dismissal. That investigation took, at most, 24 hours and absolved him of any responsibility.

In this case you have instructed former Commonwealth and Tasmanian director of public prosecutions, Damian Bugg QC, to investigate Ms Courtney. Why is there one rule for Michael Ferguson and another for Sarah Courtney? Will you now submit Michael Ferguson to the same level of scrutiny and ask Damian Bugg QC to investigate whether Michael Ferguson breached the ministerial code of conduct?

ANSWER

Madam Speaker, the question itself reveals the muddled state that the Opposition is in in relation to this and other matters. Yes, the question does make the point that some matters can be determined relatively quickly, while others take a lot longer to determine. It is appropriate and necessary that the people who are asked to make these inquiries are not us. These things should be done by independent people such as the secretary of the Department of Premier and Cabinet, who is and always will be independent, but no, that does not stop the Opposition casting aspersions. It is happening now - questioning their independence. It is an absolute disgrace for somebody who claims to support the public service and what they stand for and what they do. They are quite happy to assassinate characters.

Members interjecting.

Madam SPEAKER - Order. It was all going so well. I want to take some time to reflect on some of the behaviour that has been exhibited today. Mr O'Byrne, you are on two warnings; Ms O'Byrne you are on one; and Mr Bacon, you are on one but they are about to be increased. I also remind the Government that you have not exactly been on your best behaviour either today. Are you ready to resume, Premier?

Mr HODGMAN - Certainly, Madam Speaker. I agree that it is a disgrace when you have individuals such as Ms Gale or Mr Johannes being named in this place, with questions being put about their ability to exercise and execute their duties and responsibilities fairly, appropriately and

independently and to serve the state. They have both done as individuals, not only for this Government but for a government you were a member of. It does not stop you now that you are in Opposition from getting down and grubby with people's reputations.

As far as the ministers in question are concerned, these matters have been appropriately investigated. For them now to claim that the other matter which was the subject of this question was not, is again patently false, spurious and ridiculous. The Opposition actually referred that matter to Tasmania Police and within a reasonable time they also came back and said that there was no crime committed by Mr Ferguson, as asserted by the Opposition.

How often will they be allowed to make these baseless claims and get away with it? How often will it be reported as fact that the Opposition have said this, that or the other when they have no basis at all for making such claims? How long will this Opposition continue to stoop so low, as they are now attacking independent and respected members of the State Service and others who are engaged to conduct inquiries and to do so at arm's length and in a time that is necessary for them to make these inquiries, not jump to your time lines.

Health Initiatives

Mr BROOKS question to MINISTER for HEALTH, Mr FERGUSON

[10.50 a.m.]

My question is to the Minister for Health, who is doing a tremendous job repairing the health system wrecked by the Labor-Greens disaster. Can the minister -

Mr Bacon - If this is a job application I think the Premier just said you're not getting it. Maybe read the question out.

Mr BROOKS - Are you still living in your Mum's garage?

Mr Bacon - You are a quality bloke.

Mr BROOKS - Can the minister outline stakeholder responses for the health initiatives announced yesterday, and how will these important investments make Tasmanians' lives even better?

Mr Bacon - Can you see the hospital from your place?

Madam SPEAKER - Order, please.

ANSWER

Madam Speaker, I thank the member for Braddon, Mr Brooks, for his question on health. I know members opposite have lost their interest in health but we have an absolute commitment to health. Yesterday, this Hodgman Liberal Government announced more funding for mental health, more mental health beds, and sooner. We are determined to provide Tasmanians with the care they deserve because this is a government that understands. We have record funding into Health. We have made Health a priority and we are giving it the attention it truly deserves. We are focused on

delivering the improvements we need - more staff, more services and better health infrastructure so we can build a better health system for Tasmanians.

I am delighted to inform the House that the important initiatives we announced yesterday have received strong support from key health stakeholders. Dr John Davis, president of the AMA, has been reported as saying the decision was 'very positive', saying the single ward 'would help the hospital to manage its capacity more easily'. That is a great contribution. Thank you to the AMA.

Dr Frank Nicklason, chair of the Royal Hobart Hospital Medical Staff Association, acknowledged that this is exactly what clinicians have been calling for and said:

It will enable reconfiguration and expansion of the emergency department ...

We all know that at times the ED is very busy. We're trying to operate with increased demand and we appreciate that acknowledgement. Yesterday's announcements prove that contrary to the false allegations from members opposite who left health in a hell of a mess, the Government is listening, working and caring for Tasmanians. We also value and respect the contributions of our frontline staff. Members opposite, who sacked nurses, have a lot to say but they would do well to also value and respect those contributions of our frontline staff because they assist us with our planning process, think about what infrastructure we need in the future and they are doing an incredible job to provide quality care for patients and their families. As Minister for Health, I thank them for their great commitment and their endurance, particularly when the hospitals are overcrowded. They do a great job and we should agree on saying that.

This Government is doing a great job of getting on with the task of implementing our plan that Tasmanians voted for. Now it is not a \$95 million commitment to mental health, four times bigger than Ms White's, it is now a \$104 million mental health plan. The announcements have been thoroughly welcomed by mental health stakeholders who recognise that this is a government that gets it and is taking mental health seriously. It is not a joke. Our plan now includes a brand-new accelerated 12-bed mental health hospital-in-the-home service as well as a better model than our original concept of Mistral Place.

Opposition members interjecting.

Mr FERGUSON - Madam Speaker, how many warnings do they get?

Madam SPEAKER - Order, Mr Bacon and Mr O'Byrne, please.

Mr FERGUSON - This is vitally important. I say to members opposite, do not play merry hell with important material on mental health.

We are building a world-class subacute facility at St Johns Park by 2021. This is on the best advice of the best people we have and we are funding it. With more money it will be an \$11 million development and be better than Mistral Place. We are a government that is happy to say that. Anybody who is familiar with that precinct will know that it is a great precinct. It has those nice outdoor spaces that will better support recovery. We have listened and taken that advice on board. We are not interested in your politics. We are interested in helping people.

Mental health carers know exactly what these services will mean for their community. Let us listen to them. Maxine Griffiths AM, the Mental Health Carers Tasmania CEO, said this about

hospital-in-the-home that was politicked yesterday. She said it brought a 'sigh of relief from many families, friends and carers of people living with a mental illness'. Ms Griffiths gets that these are safe models of care, calling it 'a positive move toward contemporary models of care for Tasmanians experiencing mental illness'.

Connie Digolis, CEO of the Mental Health Council of Tasmania and a strong advocate for the Rethink Mental Health plan, was clear. They got politicked yesterday as well. She said:

The time line for this new community-based and person-centred mental health program is good news for our communities. Evidence shows us that the outcomes are better when individuals are able to remain in their own environment to receive care, and it will provide critical mental health in-home support for individuals and their families, along with other facilities coming on-line over the next three years to support the mental health of all Tasmanians.

I say thank you to our stakeholders for their endorsement and support. They are part of our integration taskforce and are interested in solutions - like this Government and you, Madam Speaker - and we will continue to work closely and constructively with our health stakeholders as we deliver our plan. Tasmanians can be assured that we will continue to focus on delivering that.

I conclude by asking the Deputy Leader of the Opposition and the Leader of the Opposition to stop opposing -

Ms O'Byrne - You don't get to ask questions. It is question time. Stop taking up our time and we will ask you a question.

Mr FERGUSON - I ask the Deputy Leader of the Opposition and the Leader of the Opposition to stop the opposition to the rebuild of the Peacock Centre. It is a part of our plan and I ask you to support it.

Australian Fur Seals - Welfare

Ms O'CONNOR question to PREMIER, Mr HODGMAN.

[10.57 a.m.]

Your former minister oversaw an appalling regime of seal mismanagement, which has seen almost 9000 underwater explosions and at least 1200 seals being shot, injured and blinded with beanbag bullets this year alone. Animal welfare advocates, including the World Wildlife Fund, are deeply concerned. Given the minister was clearly conflicted in her administration of animal welfare, will you acknowledge the cruelty of this regime and commit to undertaking a review to ensure the welfare of protected Australian fur seals is not sacrificed on the altar of industry expansion, at which your Government worships?

ANSWER

Madam Speaker, I thank the member for her question. Again, I have to rebuff the implications about Ms Courtney's performance in her time as minister for primary industries and particularly supporting the growth of our great salmon industry, which this Government has been a strong

support of. It has not been so strongly supported by the Labor Opposition and certainly not supported by the Greens. We recognise that.

I reject the claims made or the implications of the questions this morning that suggest this Government with minister Courtney are not strongly supporting sustainable growth and ensuring it can be done in a way that minimises environmental impacts. That includes mammals and seals, which often interact with the salmon industry. It is an issue of concern and has been for this Government for some time. We ended the practice of relocating seals from salmon farms. We have committed to review and amend the seal management framework to ensure appropriate access to seal management measures. Since then, DPIPWE has consulted with the salmon industry and other relevant stakeholders to update the framework and underlying minimum requirements.

The Seal Management Framework sets the standards of available tools and procedures to manage interactions between seals and the salmon industry staff who work there and farm infrastructure in order to minimise the risks to farm workers, which are not insignificant and cannot so easily be disregarded as they are by the Greens. And also seal welfare. I expect that the updated framework and minimum requirements will be finished soon.

In the interim, salmon companies can still use a range of authorised management techniques when needed. It is important to recognise that the salmon companies have also developed stronger cages to keep seals out and to protect fish and ensure a safer working environment. We are very conscious not only of supporting the growth in the industry but also environmental concerns and animal welfare issues. It is important to note that animal welfare is a very important part of conditions in place for any of the authorised techniques. It is not disregarded as the Greens assert. It is very much an important part of conditions in place for any of the authorised management techniques that salmon companies may use.

I also say, not only to the Greens but to the general public, in keeping with our concern and commitment to animal welfare, if anyone has any information about the inappropriate use of deterrents or animal welfare concerns then they can report them to the authorities to enable appropriate investigation.

Appropriate Standards of Behaviour of Government Members

Ms O'BYRNE question to PREMIER, Mr HODGMAN

[11.02 a.m.]

A fish rots at the head. For almost five years you have led a government that has lurched from scandal to scandal. Former minister, Mrs Petrusma, failed miserably in child protection, misled this House and created a housing crisis with no repercussions. Mr Ferguson created a health crisis over which you are still allowing him to preside. Former minister, Mr Groom, caused an energy crisis by deciding to sell the Tamar Valley Power Station, and lied to this House about selling TAFE and got away with it. We have never got to the bottom of Adam Brooks' lies to Estimates and his email scandals.

Mr FERGUSON - Madam Speaker, I wonder if we could get to the question.

Madam SPEAKER - I believe she is doing that.

Ms O'BYRNE - I am, Madam Speaker.

A highly respected member of the upper House accused Rene Hidding of bullying and he got away with it. Serious questions remain about Leonie Hiscutt and her interference in a Crown Land matter.

You have allowed a culture of corruption and scandal to thrive. Will you finally take responsibility for the chaos that has crippled your Government? Do you acknowledge that your legacy to the Tasmanian people will be defined by your failure to uphold appropriate standards in government?

Members interjecting.

Madam SPEAKER - Order, both sides of the House.

ANSWER

Madam Speaker, I thank the member for the question. It gives me an opportunity to remind the member who asks the question - not asked by the head of that fish I note, interestingly, for some reason; it has come from a member of a government that contained individuals who were relieved of their portfolios, who had to face court proceedings that should, at least, have been the subject of code of inquiry conduct. We had ministers resigning in disgrace and that included deputy premiers who ended up before the court, who misled the parliament. There was a range of matters that occurred under the government of which you were a member. A minister for health who claims to never have recalled such a state of the health system as that which exists now but clearly is not looking at the 27 000-signed petition presented to her when she was the minister about how well she was going, nor the rallies that assembled to protest against the cuts they had made.

No Tasmanian will be surprised at those opposite claiming to be holier than thou, casting that stone.

Suspension of Sitting

Madam SPEAKER - Honourable members, I draw question time to a close. The sitting of the House is suspended until the ringing of the bells for the purpose of the Youth Speak Out event in the Reception Room. I look forward to seeing you all there.

Sitting suspended from 11.05 a.m. to 11.52 a.m.

BRAND TASMANIA BILL 2018 (No. 46)

First Reading

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

SUPREME COURT CIVIL PROCEDURE AMENDMENT BILL 2018 (No. 52)

First Reading

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

SECURITY AND INVESTIGATIONS AGENTS AMENDMENT BILL 2018 (No. 51)

First Reading

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

MATTER OF PUBLIC IMPORTANCE

Integrity

[11.56 a.m.]

Ms O'BYRNE (Bass) - Madam Speaker, I move -

That the House takes note of the following matter: Integrity.

Frankly, I wish the subject was going to be integrity but I am afraid that what we see with this Government is a significant lack of integrity. There is a stench over this Government which comes from its leadership, comes from the Premier in the way he allows this House and his ministers to behave, in the decisions he allows them to make and the stories he allows them to tell in this House and the lack of accountability that each of his ministers has.

Organisations and organisational culture is very clear. The behaviour, the tone and the environment that is set by leadership flows down towards all other decision-making. What we have seen from this Government in less than five years has been a series of dishonest approaches to this House.

In the answer to a question I put in parliament today, the Premier said it was similar as last time because remember, you had a minister who resigned. The minister who resigned was Mr Kons - he was found to have misled the House. He did the honourable thing and resigned. He maintained the level of integrity that ministers are supposed to do. He maintained the reputation of the frontbench and the reputation of government by that honesty.

What have we had time and again from this Government, when it has been shown by this Premier that there is no action that his ministers can take that will require them to resign? No action that he would not forgive but interestingly, different ways of responding to it.

We will never find out what Mr Brooks did. We will never find out about the emails because their way of dealing with that is simply to never have a full investigation. That has been pushed off and we will never know about it.

Mr Ferguson? We will see whether the head of a department who has no responsibility for the ministerial code of conduct thinks there should be an investigation and we will not investigate him. Ms Courtney gets a full independent investigation. Isn't that interesting? We hope it is a full investigation. The Premier said today that all decisions by the minister would definitely be investigated. I am assuming that encompasses going back to March. It will have to be because we do not know how long this relationship was going on and how long it was in its early stages. If it

was a full investigation it would have to cover every decision made by the secretary either in a delegated authority, a secretary's instruction or a ministerial instruction.

Every decision that has been made by the secretary of the department also needs to be investigated for there to be a full investigation. I am sure we are going to see this one dealt with pretty quickly. It will be days before we get an answer to say 'it is okay; we have checked everything, just trust us, everything is okay'.

Ms White - Probably Friday at 5 p.m.

Ms O'BYRNE - Friday at 5 p.m.? That is when you think it might be done by? Now that you have said that it will probably be midnight Friday. This Government has a habit of sneaking things out late in the day. That goes again to their integrity and lack of ethics.

Let us go through some of their ministers to remind the House exactly the kind of standards this Premier allows.

Mrs Petrusma, the former minister for child protection; referrals were ignored. Safe Pathways was a debacle that put children at risk and it meant that Government funds that were meant to care for those children were not spent. When asked about whether those children had been visited this minister did not tell the truth in this House. That is not enough to get you dealt with by this Premier. Attempting to interfere with the operations of the children's commissioner; that is not going to get you dealt with by this Premier either and the lack of resourcing for child protection was a clear dereliction of her duty as minister.

Mr Groom who is no longer with us: Mr Groom would have us think he had nothing to do with the energy crisis because he pretended he did not package up the Tamar Valley Power Station for sale. He pretended he did not actually make all the staff redundant. He pretended that none of this was his problem and there was just a bit of a weather issue that impacted on the energy crisis. We still do not know - and the Premier never wants us to find out - what advice was provided to the responsible ministers that led to that decision, or most importantly the reason we have not got it, what advice was ignored by this Premier's ministers?

Ms White - How could one letter from one minister to another minister be cabinet-in-confidence?

Ms O'BYRNE - Cabinet-in-confidence when ministers write to each other? I imagine their texts are as well. It is interesting to see how cabinet-in-confidence might apply. I wonder if that applies to advice given to Cabinet on matters that are brought in under the line or matters that are circulated towards Cabinet secretaries, to secretaries of departments. That will be an interesting investigation which I am sure the Premier will be producing for us.

Mr Groom also deliberately misled the parliament over the disposal of public assets to UTAS. He later admitted that as he walked to the dispatch box he knew what he was going to say to be untrue but he said it anyway. There is no repercussion for that. You can apparently walk up here and tell a lie and everything is okay.

The Ruth Forrest bullying scandal. There is incredible respect for Ms Forrest around our community. She raised a genuine concern that the investigation into Mr Hidding, that supposedly cleared him, did not even speak to her about her side of the events, her concerns and what she felt happened. That is the way the Government deals with bullying in this Government.

Mr Brooks: let us go back. We had the misleading of parliament; we had at least three lies that were told in the Estimates Committee. It is not disputed that there were three lies. The conflicts of interest have not been resolved with the emails with his MSS account. That is never going to be resolved and his behaviour in China is still substantially under question.

The former Speaker, when there was a significant series of important questions around the Damien Mantach affair, significant issues that went to decisions that she may have had an involvement in, refused to absent herself from the Chair. Her behaviour in the Chair would always give rise to whether or not it was a question that was raised in the House.

Mr DEPUTY SPEAKER - Order, Ms O'Byrne. I am letting a fair bit of latitude on this, but we need to be wary about specific allegations and including ones that may have been resolved by the House already. I ask you to be cautious on how you put things.

Ms O'BYRNE - Yes, I will. I will refer to a debate that took place.

Mr DEPUTY SPEAKER - I am not ruling that it is out of order at all. I am just suggesting.

Ms O'BYRNE - I am referring without reflecting to a debate that took place in this House where members on this side of the parliament thought it would be appropriate to speak in order to give clarity to the situation in order to protect the parliament from allegations that the Speaker should not have presided at that time, and that certainly was not done.

We then get to the issue of Mr Ferguson and his involvement in the Angela Williamson sacking, which was investigated by the Deputy Premier's former Chief of Staff and now secretary of the Department. Not somebody else; it was not sent off independently. A ministerial code of conduct cannot be investigated by police, cannot be investigated by the secretary of the department but why was that not subject to an independent investigation?

Time expired.

[12.04 p.m.]

Mr HODGMAN (Franklin - Premier) - Mr Deputy Speaker, I was hoping to conclude the last question I was asked this morning with a reflection on the very holier than thou attitude that members in the Opposition ranks have been displaying in question time and quite nauseatingly in that last contribution.

I do so to make the point that I believe most fair-minded Tasmanians would say, 'Let those without fault cast the first stone'. There is a lot more to what was the story of the Labor and Labor-Greens governments past than the very fleeting reference that the member who last spoke referred to which I am not going to go into now.

I can read out an equally long list of their transgressions, breaches, poor behaviour and conduct and a lot more shifting of ministerial responsibilities. Indeed, there were five different Cabinets in the last four years of that government up to 2014 because of a range of circumstances. That is most likely always to be the case, and when matters arise it is appropriate they be dealt with in a way that ensures they can be resolved.

A number of the matters that were erroneously and misleadingly referred to in the last contribution have indeed been resolved in this place or through other processes, which I would strongly advocate, and with foundation have been done in a way that is independent regardless of

the personalities of those individuals who may be involved in those processes but with the independence required, whether it be through State Service officials or other agencies to have these matters determined where able.

As I said this morning, sometimes these things take a little longer than we would like and sometimes they can be done swiftly. It is not for us to demand when they should occur and in what time frame, nor even presume to know how they might be best resolved. That is best left to those independent processes. If you want to restore or improve public confidence and ensure integrity in process, it should not be for us and the kangaroo court opposite to interfere in these processes, as they so often do. We have had all sorts of bizarre suggestions from members opposite about how we should interfere in the inquiries of the Integrity Commission or the Police Service or other agencies. Tasmanians would think that is patently ridiculous and so off beam. How is that going to improve integrity in government, whether it be from opposition or in government, if you would have members of parliament interfere in those processes, as you have suggested we do? Or worse still, as you are doing in relation to the matter currently before us and as you have done recently in relation to another minister, arrive at a conclusion, pre-judge and pre-empt the findings of that independent process, simply so you can get that story up on the news, out there into the public arena, and hope that some of the mud sticks.

There is no integrity in that. There is no respect for good process. There is no respect for getting to the bottom of matters and understanding their background and ensuring that we have the best possible processes in place, all of which we inherited from former governments and in some instances have added to to strengthen those processes, but-

Ms O'Connor - The Right to Information Act, anyone?

Mr HODGMAN - That is another example of where we have improved transparency and accountability. We more frequently release public information and push it out so that Tasmanians know what Government is doing - and here is another great example of where the Opposition asks us to interfere in good process. Not a week goes by in this place where they do not demand or assert that there be some interference in the RTI process. That is a process that is assessed independently by people who work for this Government or in this Government, as they did in yours, and now suddenly they are called into question too in the discharge of those responsibilities. Again, where is the integrity in that?

I had a number of examples today where individuals were named in this place as being, it would have seemed to the Opposition, impossible for them to discharge an independent inquiry into these matters, notwithstanding their station and status in this Government, and indeed in a previous government when they worked for you, but now they are fair game. You can trash their names and their reputations in this place without a care for them or the responsibilities they been given to determine these matters free from the politicians. Where is the integrity in that?

These people worked for your government too but now they are fair game, as indeed are our Police Service, the Integrity Commission and anyone else who, when we separate the politicians from inquiring into these matters where it is appropriate and necessary to do so, they are the next in line for criticism.

We take these matters seriously. Time today will not allow me to repeat to the House the many steps we have taken to improve transparency and accountability, not just for members of Cabinet. There is the work that is underway to improve the codes of conduct for all of us, what role the Integrity Commission can and might play in that regard, how we have strengthened RTI processes

and other accountability measures, and how a serious matter of a conflict of interest can arise in circumstances where there can be no sinister motive applied or suggested. I am sure it would not stop members opposite, but there are circumstances where conflicts can arise where they are disclosed.

I am sure other members who have been in Cabinet have had experience with this, where they are appropriately disclosed and mechanisms are in place to ensure that those conflicts can be appropriately handled. In a situation such as this that has suddenly arisen, it was appropriate for me to take swift action to have this matter assessed, decisions made and reviewed independently. It will be done as swiftly as possible. There will be no time frame set by me or anyone on this side of the House as to how long that should occur, but it will occur. We will also, as I have said, engage the assistance of a respected member of our community, Damian Bugg, to contribute.

Time expired.

Mr DEPUTY SPEAKER - We will go to Ms O'Connor but as I have said consistently, it is easier when you seek the call if you verbally seek it so I can hear.

[12.11 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Thanks, Mr Deputy Speaker; the Premier was talking at the time.

This is not a particularly edifying debate to be had but it has been the subject of debate in this place over the past five years on a consistent basis because, as the Deputy Leader of the Opposition outlined that litany of crimes against integrity, there have been a number of instances and a number of ministers, policies and practices where there is not a commitment to accountability or transparency and where the code of conduct often seems, for ministers, not worth the paper it was written on.

In the Premier's contribution just then he was trying to persuade the House yet again that the way they conduct themselves in relation to right to information requests is the same as the previous Labor-Greens government. That is completely, 100 per cent untrue. We have talked to the Premier at the Estimates table and asked him questions in here about continuing to use the loophole in the Right to Information Act that ensures decisions made by ministers' delegates are not subject to internal review which therefore cannot be reviewed by the Ombudsman. We have pointed that out to the Premier a number of times but it continues to be used. We saw it at the Estimates table this year when Mr Gutwein had delegated a decision to his secretary, Mr Evans, and it was clear that that RTI request which related to the expressions of interest process, a corrupted process for development in protected areas, was not able to be reviewed and therefore the people of Tasmania are no wiser.

We have the question of integrity before us, and as I was listening to the contribution before I was thinking about the state election campaign. If you ever wanted an example of a government that has a problem with integrity, it is the policies they took to the election on gambling, the money they accepted from the gambling industry and the money they knew was flowing to other backers of the Liberals. That is what points to a hollowness inside the Liberals in government. As Ms O'Byrne pointed out, we have had Mr Brooks three times tell an untruth at the Estimates table. We had the former minister, Mr Groom, in that short space of about four metres between his ministerial chair and the dispatch box, decide to tell a lie.

This Government has a problem with integrity. There is an evasiveness about them. There is a lack of respect for parliamentary processes. There is a degree of contempt for the public's right to know. We have seen that at the Estimates table, going right back to 2014. We see it in the sneakiness around right to information applications. We see it in the opacity of the process to allow commercial exploitation of the Tasmanian Wilderness World Heritage Area and other protected areas.

We see it in that quango, the Office of the Coordinator-General, which rolls out the red carpet for private developers, hawks public assets on behalf of the Liberal Government, refuses to be open with the people of Tasmania about its negotiations, the leases and licences that are signed through that office. It is an entity which has huge potential for corruption. When you have conversations happening behind closed doors between big business, big private developers and government and the result of those conversations is hidden behind commercial-in-confidence every single time, that is a recipe for corruption.

We have an expressions-of-interest process which requires proponents do not speak about the development they have put forward. They cannot speak about it unless they have the approval of the minister. We are talking about public protected areas, public Crown lands - we know they are being hawked - public resources funding the Office of the Coordinator-General, public resources funding the minister's salary and that of his advisers and yet, on every count, those decisions and negotiations hide behind commercial-in-confidence.

We are here talking about integrity because of the spectacular fall from grace of the former minister for Primary Industries. As I said in front of the cameras yesterday, we need to acknowledge people make mistakes. We do not always think about the consequences of our actions when we are in the middle of making a mistake. This goes to every decision that was made by the previous minister, whether it was on the basis of independent and impartial advice. When you look at the ministerial code of conduct, which may or may not be worth the paper it is written on, the section that relates to conflicts of interest says:

Any material conflict between a Member's private interest and his or her official duties which arises must be resolved promptly in favour of the public interest.

We do not know when this relationship began but it would appear there was not a resolution promptly in favour of the public interest. The Code of Conduct for Ministers says:

So as to protect and uphold the public interest, Ministers must take reasonable steps to avoid, resolve or disclose any material conflict of interest, financial or non-financial ...

Ministers must declare any such conflict of interest in writing to the Premier as soon as possible after becoming aware of the conflict.

Ministers are individually responsible for preventing conflicts of interest.

Did the former minister for Primary Industries inform the Premier in writing? That is an important question for the House to know the answer to.

Time expired.

[12.18 p.m.]

Ms BUTLER (Lyons) - Mr Deputy Speaker, I rise to talk about this very important issue of integrity. I notice the Premier has returned and I am going to keep asking questions about the spending of the Government. It is my role as the chair of the spending scrutiny committee.

Sometimes the answers will show the Government is spending correctly and that is perfect. Sometimes the answers will show you have overspent. I am not embarrassed at all. I asked for you to investigate the actions of your minister. I asked whether the Auditor-General could investigate those. That is protocol; that is a correct procedure. Your patronising comment about my newness does not have anything to do with the fact that is a correct process and protocol.

Mr Hodgman - Just that you were not aware of how much your government spent on the last royal visit and you may not have been.

Ms BUTLER - We are talking about integrity. I am so disappointed. I speak to many people throughout the electorate. They are losing trust and faith in this Government.

You think we are having a go to, as the Minister for Health keeps repeating, politicking. It is not politicking; it is the truth. There is so much going on. Time and time again, there is no proper investigation, no proper procedure or accountability for so many actions this Government is undertaking.

I was raised in a family with high integrity. If you are lucky enough to be elected as a member of parliament, you are representing the people of your community. That is an honour and privilege. You do not take advantage of that situation by not being honest with them. You do not take advantage of that situation, or by compromising process or your integrity and your morals.

I spoke yesterday in the House about how my Facebook site was hacked during an election campaign by a director of communications. That person was given quite a large payout, yet my Facebook had been contravened by this staffer quite a few times. I was enticed into an entrapment of sorts by this person. Luckily I did not participate in that exchange with that person. That person was head of communications for the Premier's office during an election campaign. Where is the integrity in that? There is no integrity in that. That is another example of the lack of transparency for this Government.

It has been two and a half years since Mr Brooks' scandal, where he was forced to resign from his mining portfolio. That is still not resolved. The public needs to know answers to these questions. Mr Ferguson was investigated by police under a code of conduct breach. Once more, there was no proper investigation. This keeps happening time and again with, deny, deny, deny.

The Premier was sitting in the middle of a Liberal Party conference where a vote was undertaken to sell the ABC, which I completely disagree with. At the time the Premier said that he did not participate in the vote. It was only when photographic evidence was provided of the Premier sitting in the room during that vote that he had to say 'Actually, I was there'. That is the deny, deny, deny. This is integrity that I am talking about.

Mr Hodgman - I hope you never make a mistake in your life. If you do, will you hold the same standard?

Ms BUTLER - Please do not ever think that I am going to stop asking questions because I will. It is my job.

Mr Hodgman - Don't worry, it is coming back to you. Remember the standard you are setting yourself here.

Ms BUTLER - I am elected by the people to keep asking these questions, Premier. I will keep asking these questions because that is what I have been elected to do by the people of Lyons.

The Auditor-General's report found there was \$850 000 in unspent funding by Safe Pathways. That was a big scandal as well. A lot of money, wasn't it? Leaked emails from the Deputy Secretary of Health in 2016 showed they could not guarantee that children under the organisation's care were safe. The minister at the time, Mrs Petrusma, provided the wrong information to parliament on that day. She provided information that the children were safe but then had to correct herself. Again, deny, deny, deny. 'I didn't mislead parliament'.

The quality of being honest and having strong principles is not adhered to in a manner that the public are expecting. The public need more from their Government. They require integrity and honesty.

Members interjecting.

Mr DEPUTY SPEAKER - Order, Ms Butler has the call.

Ms BUTLER - They require integrity, honesty and more respect than what is happening in this Government. We could possibly go on to talk about the poor culture as well, but I would like the former minister for primary industries' expenses whilst travelling to be looked at by the Auditor-General. You know that is a completely appropriate practice and it is an independent process as well. I am allowed to ask the questions and you as a government should be providing answers to those questions. It is a fair and very just line of questioning and do not ever think that I am going to stop asking these questions because that is my job. That is what I am here to do and I really do not appreciate being patronised in this House.

We can talk about Mr Groom and the energy crisis as well -

Time expired.

[12.26 p.m.]

Mr ROCKLIFF (Braddon - Minister for Education and Training) - Mr Deputy Speaker, I welcome the opportunity to speak on this matter of public importance. For the record, no-one expects the member who just resumed her seat not to ask questions and no-one has ever said that at all. That is an important role of the Opposition and we welcome the scrutiny.

The Premier has clearly outlined the process which is the subject of the matter of public importance and has been the subject of questions particularly today. That is the proper process which has been endorsed by Richard Herr, a commentator, who said the Premier has acted swiftly, if I recall exactly Mr Herr's commentary around this. Of course the Premier expects all his ministers to manage any potential conflicts in accordance with the ministerial code of conduct and, if in the conduct of a minister's duties it could be perceived that any decisions could lead to a conflict,

ministers are expected to take appropriate action to avoid such conflict, and they do. This is exactly what Ms Courtney has done.

The Code of Conduct for Ministers and associated guidelines provide very clear guidance to ministers and how to deal with potentially difficult accountability issues, including conflicts of interest and any pecuniary interests. The code of conduct has been in existence, as members would know, for a number of years and forms a very important part of the machinery of government framework and supports public trust in ministerial decision-making. Incoming governments are requested to either endorse the code, adopt a different code, or approve a specific code as required. Supporting the code are guidelines that provide further guidance to ministers to understand the code's requirements and offer assistance in how to comply. They are guidance notes and guidelines on the receipt and giving of gifts policy.

What we have seen in question time today is a clear example of a kangaroo court. There is a very clear process underway and until that is complete we cannot speculate on the outcomes of the various investigations. As political analyst Richard Herr has said, the Premier has acted quickly and responsibly in this matter. The minister has understood very clearly that a conflict had arisen as a result of a developing relationship, declared to the Premier, and that is a demonstration that the ministerial code is working. Aside from the conflicts, we are dealing with relationships which are a very private matter.

In the contributions of others I could not help but appreciate the irony of those opposite, particularly in a number of examples in the Labor and the Labor-Greens governments over the course of a number of years. I am not going to mention those examples. That has been debated in our parliament a number of times, particularly when those circumstances arose, and appropriate questions were then asked by us as an opposition, appropriately. I do not need to go into the detail of that except to say that there were a number, and while those opposite might want to bring up examples, in some circumstances those examples pale into insignificance when you compare what happened in the Labor and the Labor-Greens governments over the 12 years I was in opposition in this House between 2002 and 2014.

I support the Premier 100 per cent for how he has acted decisively and quickly with respect to this matter. It demonstrates that the ministerial code of conduct is working. There are investigations underway and we will not partake in any kangaroo court of those opposite, as much as they wish to throw mud. Proper processes must take place.

In the meantime we will, as every single minister does, get on with the job of improving the lives of Tasmanians. Whatever mud those opposite may throw at ministers and this Government, clearly Tasmania is a better place than it was before 2014 as a result of the very strong policies, budget management and targeted investment this Government has made under the leadership of our Premier, Will Hodgman, between 2014 and 2018.

There is no denying the facts; they speak for themselves. Unemployment is down and 15 300 jobs have been created. A total of 10 000 jobs were lost between 2010 and 2014. In our schools we have better educational outcomes and more teachers, in our health system more nurses and doctors -

Time expired.

Matter noted.

FAMILY VIOLENCE REFORMS BILL 2018 (No. 39)

Second Reading

Resumed from 16 October 2018 (page 89)

[12.34 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Deputy Speaker, before debate on this bill was adjourned on the adjournment yesterday, the currently absent from the Chamber Minister for Resources said something quite extraordinary. On behalf of women and girls everywhere I feel it is really important to highlight how alarming his statement was. When you go back and have a look at the uncorrected proofs, I was talking about gender inequality and the fact that for women and girls the world over we realise we have come some way but we have a long way to go. This was highlighted by the fact that an accused sexual predator has been appointed to the Supreme Court of the United States, despite the testimony of Dr Christine Blasey Ford.

When I was talking about this, Mr Barnett accused me of being a disgrace, said it was 'only an allegation' Dr Ford had made and demanded that I apologise. Mr Barnett should apologise to women and girls everywhere, actually. Mr Barnett should apologise, even though she cannot hear it and is undoubtedly not interested in what is happening in the Tasmanian Parliament. Mr Barnett should apologise to every woman who has experienced sexual abuse, sexual assault and sexual discrimination.

Mr Barnett disgraced himself yesterday. It was a case of the patriarchy rearing its ugly head again, where you have a situation where a male minister instantly backs another powerful white man - he has been appointed to the Supreme Court - and ignores the voice of the victim.

I will point out to Mr Barnett, who is not here, some of the things that Dr Christine Blasey Ford said in her incredibly powerful and moving testimony to the United States Senate Committee on the Judiciary committee. She said -

I am here today not because I want to be. I am terrified. I am here because I believe it is my civic duty to tell you what happened to me while Brett Kavanaugh and I were in high school.

She talked in detail about the assault. She goes on to say -

Brett's assault on me drastically altered my life. For a very long time I was too afraid and ashamed to tell anyone these details. I did not want to tell my parents that I, at age 15, was in a house without any parents present, drinking beer with boys. I tried to convince myself that because Brett did not rape me, I should just move on and just pretend that it never happened. Over the years I told very few friends that I had this traumatic experience. I told my husband before we were married that I had experienced a sexual assault. I had never told the details to anyone until May 2012, during a couples counselling session.

The Minister for Resources is a disgrace. We had 1550 Catholic sisters, priests and church leaders sign a letter expressing concern about Judge Kavanaugh's nomination to the Supreme Court. We had hundreds of law professors from around the United States say in a letter that they sent to the judiciary committee that he is not fit to sit on the Supreme Court. We had 2400 legal experts

sign a letter. If Mr Barnett will listen to anyone, the historically influential Christian umbrella group, the National Council of Churches, a legacy Christian organisation, said Brett Kavanaugh must step aside immediately.

Mr Barnett should apologise to women and girls everywhere.

We were talking yesterday about the key provisions in this legislation. This bill has three specific provisions that will, in our view, better protect the victims of family violence. We will hopefully have some measure of preventative effect. When we talk about the victims of family violence we need to acknowledge we are talking about partners, invariably women, and children.

I note that clause 4 of the bill inserts section 170A into the Criminal Code. In terms of the feedback only the Australian Lawyers Alliance appears to have any issues with these changes, and the Law Society to some extent, which have come about as a result of the royal commission's recommendations.

In subclauses (a) and (b) the provisions for maintaining a sexual relationship with a young person are amended to clarify that each jury member does not have to agree that the same three or more sexual acts occurred, instead each member only need to be satisfied that three or more occurred. We have a new subsection (6B) in the legislation to provide that in sentencing a person for an offence under subsection (2) the sentencing judge is to make his or her own findings as to the nature and character of the unlawful sexual relationship and sentence the accused accordingly.

We have the section 170A amendment, providing that this offence will only be proceeded with if the Director of Public Prosecutions consents. As I understand it, the DPP will be issuing guidelines in relation to this legislative reform. Perhaps the Attorney-General could give us some feedback on whether that statement of intent has satisfied any of the concerns put forward by the Tasmanian Law Reform Institute, Dr Therese Henning, and also put forward by the Law Society and the Australian Lawyers Alliance. If the Attorney-General could respond to the Law Society's comment that they believe this constitutes bad law that would be appreciated.

In the feedback on the consultation, there is agreement that a broader review of the Family Violence Act should be undertaken, particularly in relation to acknowledging that it is not just a spouse or a partner who can be a victim of family violence. There are other significant relationships where domestic violence is a factor and they can involve children. We know that children are often the collateral damage of violent relationships but there is also the potential for older people, as Ms Haddad pointed out yesterday, to experience elder abuse in the form of family violence.

As a state we do not yet have the legislative architecture in place to make sure that when we talk about elder abuse prevention we not only have those helpline services and training and more awareness across agencies and the community sector but that we have legislative provisions that acknowledge the vulnerability of older people to family and close relationship violence. Could the Attorney-General tell the House whether there is a broader review of the Family Violence Act 2004 being contemplated? I believe it is also a concern that has been raised by the Women's Legal Service and other stakeholders. It is timely to have a look at the legislation in itself.

Proposed section 170A(2) of the amendment bill sets out the offence of persistent family violence and reflects the recommendations of the royal commission in part. Proposed section 170A(3) sets out that the offence constitutes three or more unlawful family violence acts.

Attorney-General, does this section only apply if the family violence offences occurred against the same individual? It says 'person' rather than 'person or persons'.

Another question: why was the choice made to apply this offence to a repeat perpetrator against a single victim but not a repeat perpetrator against multiple victims? Could the Attorney-General answer whether this offence was modelled off 'maintaining a sexual relationship with a child offence' but the 'maintaining a sexual relationship with a child' requires each discrete offence to be an offence of a sexual nature. In this case the offences that can be included are much broader.

Was there any thought given to refining the scope of a family violence offence?

Proposed section 170A(4) mirrors the provisions of maintaining a sexual relationship with a child. It requires that -

- (a) the prosecution does not need to prove the dates, or exact circumstance of, the offences which make up a persistent family violence offence;
- (b) the offences can all be different types of family violence offences; and
- (c) that each jury member need only be satisfied that three or more offences occurred and that they need not all agree on which three offences occurred.

I acknowledge the concerns that have been expressed by the Australian Lawyers Alliance and some others about this. When you go back into the Royal Commission's work and look at the recommendations this is a really critical change of approach. It is not always possible for a victim to remember the precise time and date details of an instance of abuse. It is not always possible for a jury to be reassured beyond reasonable doubt that these instances happened at this time. This is a significant and important provision to acknowledge that maintaining a sexual relationship with a child is something that can happen over a relatively long time and there will be some challenges in obtaining evidence under the current framework that acknowledge victims cannot always remember with precision, times and dates of abuse.

Ms Archer - Sorry, do you mean under the amendments proposed, or the current performing amendment?

Ms O'CONNOR - I am saying it is a good thing. I am talking about how it is hard for a jury now to be satisfied with precision in order to convict. It acknowledges young children may not have a good understanding of dates, times and locations. It acknowledges delays in reporting may cause problems with memory. It acknowledges that repeated and similar events may make it difficult to describe or distinguish between distinct events, and it also acknowledges the trauma children experience in these circumstances.

The third significant reform in the bill we are debating today can protect children. It amends the Evidence (Children and Special Witnesses) Act 2001 to acknowledge that appearing in court can be an intimidating experience for victims of family violence. I note the effect of the proposed amendments is to ensure that in circumstances where an application is made for a family violence order, or an interim family violence order, or an application to vary, extend or revoke a police family violence order, or a family violence order, and in relation to applications for bail that cross-examination of a witness who is the alleged victim of the family violence offence can only be undertaken by counsel. This deals with the fact that a self-represented defendant has been able to

cross-examine a witness and that is putting the victims of family violence and sexual abuse in an untenable position in my view and in the royal commission's view.

With those few comments and questions, I reiterate we will support this legislation. We acknowledge the feedback of stakeholders and urge the Attorney-General to address some of those criticisms that came to the consultation and remain because proposals to change the draft bill were not accepted and that would be for a range of reasons. It would be good if the Attorney-General could detail those reasons, and if the Attorney-General could acknowledge that her colleague, Mr Barnett, in his ill-thought interjection yesterday, insulted the women of this parliament and also survivors of sexual violence the world over. I strongly encourage Mr Barnett to come in here and apologise.

[12.49 p.m.]

Mr HODGMAN (Franklin - Premier) - Mr Deputy Speaker, I do not in any way delay the further scrutiny of this important legislation but to speak briefly in support of it and to do so, noting it is another significant step forward in the implementation of our Family Violence Action Plan we commenced in 2015.

Its first stage is scheduled to conclude in 2020 but work is already underway to put to good use the funding contained within this year's Budget to develop our responses to family violence in the areas outlined in the initial plan. This has been enhanced and added to over recent years to follow through on our commitments in those key areas contained within the plan of which legislative reform is a very important one.

Legislative reform not only allows courts and the criminal justice system and processes to appropriately deal with perpetrators but better assists victims and provides a more contemporary and effective response to what has become an increasingly better understood phenomenon and social ill that is family violence in its many forms.

In many respects it is neatly captured in this legislation because it reflects the fact that family violence against one's family members can constitute physical and emotional abuses. It can include sustained conduct that in isolation might appear relatively minor or of a lesser significance than it should but in combination, often over extended or even over shorter periods, sadly can have a compounding impact on the victim. That is why this bill does capture that better understanding of what family violence is and what is too often a sustained or repeated course of conduct. That was highlighted by the Royal Commission into Institutional Responses to Child Sexual Abuse and sadly is a characteristic of family violence that exists prevalently throughout our community.

This is significant legislation in not only providing that better support to victims, to providing a more contemporary and effective response to this sort of activity and horrendous behaviours occurring in homes across our state, but also to increase people's understanding and awareness of what family violence means.

It is true to say, as the member for Clark has rightly acknowledged, that there has been an increase in the reporting of family violence occurrences, responses from police and other relevant agencies and additional need for our Family Violence Action Plan, everything else that governments and the non-government sector are doing in this area and the community more broadly. This is a community problem we have to respond to. As Ms O'Connor noted, it is true to say that there are now more people who are being better supported to report and who are becoming more empowered

and better known to government and non-government support structures. Sadly in the past, we know too often we have lost these people or let them slip through the cracks.

Whilst it is distressing to see any number - and also an increasing number of reports - I can be confident in saying and in knowing that we are better supporting these people and better able to do so as a result of the Family Violence Action Plan and the work that governments across the country are doing and typically in a very non-partisan way.

If there is anything at all we can be doing better or in a different way, I am more than prepared to hear that from members of this parliament or the broader community and it is very much an evolving piece of work for government that is captured within our budgeted actions over the next four years and beyond.

Supporting families affected by violence has been one of the cornerstones of the plan from day one and rightly should be perhaps our most important focus. I have seen from personal experience the uncomfortable reality of people who are victims of family violence and violent circumstances being expected to convey their experience in a court setting or to prosecutors or, worse still, be subject to cross-examination. I am a strong believer in the nature of our court processes and the importance of due process, but there is a heavy imbalance that disadvantages a victim and places them under further stress and I worry it can result in if not miscarriages of justice, due process and the course of justice not being completed or, worse still, people - and they are more often women and children - saying they do not want to go through this.

There have been very well-reported cases where women and their children simply say they cannot go through the court system and the processes of giving evidence or even a statement about what has occurred and it has often been needed to be done in the presence of the perpetrator or their supporters. It has been done in a most unfamiliar and uncomfortable environment that is a courtroom and it is a very unpleasant experience that can, I think, too often lead to a miscarriage of justice and a failure of the system to properly support families affected by violence. To expect a victim to recall explicitly and without any error every incidence of family violence to sustain a charge is entirely unreasonable and inappropriate. This legislation goes to that point and a number of other ways that will support the court processes.

I take on board the observations of opposition members who have contributed and acknowledge the shadow minister making some quite pertinent points. I know the Attorney-General has taken on board, as do I, how things might be improved. Even if it is the renaming of an offence or something that better represents the sort of conduct that is occurring, that is also a very important part of our Family Violence Action Plan and matters that we will take on board. This legislation will ensure that the perpetrator is held to account and not able to perhaps benefit from a system that can, in my view, favour at least or make it harder for a victim to play their part.

I will conclude my remarks by reminding the members of the next phases of our Family Violence Action Plan. As members would well know from previous statements in this place, through our efforts we are delivering on all 23 actions of the plan. We have provided thousands of hours of additional support to children, young people and adults who have suffered family violence - counselling services, legal assistance, recommendations from the Safe Families Coordination Unit and referrals to the Safe Choices service as well as other supports into the court system with prosecutors and counsellors on hand.

The next phases of the Family Violence Action Plan are being developed and we welcome the significant and ongoing contribution of those who were part of the first five-year stage of the Family Violence Action Plan and note the importance of involving the broader community and all members with an interest in these important reforms which are, and always will be a critical area for this Government. It is a major area of reform and improvement that we have undertaken, recognising there is so much more to do, but this is another important step forward in this process and I am very proud to commend the bill to the House.

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

WAIVER OF GOVERNMENT PRIVATE MEMBERS TIME

[2.30 p.m.]

Mr HIDDING (Lyons) - Madam Speaker, in accordance with standing order 42(d), I indicate that the Government Private Members' time is waived for this day's sitting.

FAMILY VIOLENCE REFORMS BILL 2018 (No. 39)

Second Reading

Resumed from above.

[2.32 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Madam Speaker, I thank all members for their contributions and their detailed consideration of this bill which everyone has indicated they support.

I note that there have been some comments made in relation to some stakeholder feedback. Where asked, I will address some of those issues so that we can place on the record how those things may have been dealt with or indeed in some cases, with some stakeholders perhaps misinterpreting parts of the bill. I disagree with some of their comments but value them nonetheless. It is always an opportunity to clarify and to ensure that everyone does understand the impacts of the legislation.

In relation to some issues that were raised by the shadow attorney-general Ms Haddad: there is an issue in relation to the use of prior convictions she raised in the context of the new crime of persistent family violence. I will address some of these issues in detail around that.

The family violence offences relied upon for this charge will not draw on previous family violence offences where a perpetrator has pleaded guilty or been convicted and the matters have been dealt with by the courts.

For a charge against this new offence to be considered there needs to be at least three occasions of serious criminal conduct. That is, three separate occasions of family violence offences. I stress that it is serious offences so therefore indictable offences.

The provisions of the new crime provide that the Director of Public Prosecutions is to consent to a charge under this new section. This is an important and an appropriate safeguard. There are

other crimes under the Criminal Code such as section 125A of maintaining a sexual relationship with a young person and section 196 dealing with criminal defamation that also require the written authority of the Director of Public Prosecutions so it is nothing new in that regard.

Further, the requirement that the DPP provide written authority ensures consistency in charging decisions and that charges are not erroneously laid, ensuring that in future that we are as consistent as possible.

In relation to the issue of sentencing, prior criminality may be relevant for some offences which have penalty provisions that provide for increased penalties for subsequent offences or convictions such as contraventions of family violence orders under section 35 of the Family Violence Act 2004. However, as this new offence is in the Criminal Code, it does not have an individual penalty. Rather a court has a general sentencing discretion to impose a term of imprisonment of up to 21 years and/or a fine and that is at the discretion of the judiciary.

In relation to sentencing for offences, any sentence must be commensurate to the gravity of the offence for which the perpetrator has been convicted otherwise a sentence can be open to appeal. Antecedent criminal history of a perpetrator is a factor that may be taken into account by a court in determining a sentence to be imposed as it may be justified on the basis of deterrence and protection for the community.

Ms Haddad also raised an issue about the issue of no double punishment. The intent of this new crime is to recognise that a family violence perpetrator can maintain an abusive relationship with a spouse or partner for a long time. The proposed new crime provides another option or way of dealing with family violence offences. Normally the law requires that a count on an indictment allege one specific identified occasion where it is alleged criminal conduct occurred. This new offence is a continuing offence and like other existing continuing offences avoids the need to provide particulars of each offence where there are multiple offences alleged over a long time.

As a number of members have noted in their contributions, it is often difficult for a complainant to recall in specific detail each individual occasion where they were subjected to family violence offences. Under subsection (5) of this new offence an indictment for the prosecution of this crime against an accused person is to state the period during which the alleged unlawful family violence acts were committed. During the period identified on the indictment, the prosecution will have to prove to the requisite criminal standard - that is, beyond reasonable doubt - that on at least three occasions the accused committed an unlawful family violence act.

The new crime states that the indictment is not to include a separate charge for an unlawful family violence act during that same period. This avoids the issue of double punishment as the accused person cannot be charged with a number of overlapping offences arising out of the same unlawful family violence acts that form the basis for the charge of persistent family violence. It is a rule of law that a person cannot be punished twice for the same act or omission. We know that as double jeopardy.

Section 11 of the Criminal Code provides where a person is punishable under the code and under any other statute or under two or more sections of the code or of any other statute, he may be tried -and I say, 'he' in the generic sense- and punished under the code or such other statute or under either of such sections as the case may be, but he shall not be punished twice in respect of the same act or omission unless his act or omission renders him guilty of unlawfully causing the death of any

person and such death occurs after he has been once punished. I identify that is a quote direct from the code.

The issue of alternative convictions and why alternative convictions are available in law and that they are not unusual: the Criminal Code provides that in certain circumstances a person charged with one offence may be convicted of another similar offence instead of the one charged provided the offence establishes the alternative offence has been committed. Examples include a person accused of murder may be convicted alternatively of manslaughter, concealment of birth, causing the death of a child before birth or infanticide, which is section 334. A person accused of committing an unlawful act intended to cause bodily harm may be convicted in the alternative of wounding or grievous bodily harm or assault which is section 334A. Or a person accused of sexual intercourse with young person under 17 years of age may be convicted alternatively of sexual intercourse with a person with a mental impairment, indecent assault or assault at section 336.

Under the proposed section 337A, as a person cannot be punished twice for the same act or omission, the alternative conviction provisions provide for a jury to return a guilty verdict on an individual unlawful family violence act rather than the persistent family violence charge. For example, under the new section 337A, where an accused person is found not guilty of the crime of persistent family violence, they may be convicted of an alternative crime or offence. For this example, the family violence acts of assault, wounding and rape were identified by the prosecution. To find the accused guilty the jury must be satisfied beyond reasonable doubt that during the period of the indictment while the accused was in a family relationship with the complainant and the accused committed an unlawful family violence act in relation to the complainant on at least three occasions. Those three things need to be satisfied.

In determining whether the jury members are satisfied that the accused has committed an unlawful family violence act on a particular occasion alleged by the prosecution, the act need not be the same as the unlawful family violence act committed on any of the other occasions. It is not necessary for the jury to be satisfied of the date on which the act was committed or the exact circumstances in which the act was committed.

If a jury is not satisfied beyond reasonable doubt that the accused has committed an unlawful family violence act on at least three occasions during the period charged in the indictment but is satisfied that he or she has committed one or two of those acts, then the jury must return a verdict of not guilty of persistent family violence but guilty of the crime or crimes constituted by the said unlawful family violence act or acts.

Therefore the possible verdicts are: guilty; or, not guilty of persistent family violence but guilty of assault, wounding or rape; or, not guilty. To be convicted of one of the alternative offences or crimes listed in the proposed section 337A the trial judge must be satisfied that sufficient evidence was produced at the trial to try or convict the person of the alternative crime or offence. I hope that has detailed the exact circumstances where that may be utilised.

Ms Haddad also referred to comments regarding the need for investment in services. I will make some general comment about that. It is important to emphasise that the Government's commitment to strengthen Tasmania's legislative framework to address family violence is part of a broader plan to respond to family violence. This is one component of our family violence action plan.

In 2015 the Government introduced Safe Homes, Safe Families: Tasmania's Family Violence Action Plan 2015-2020. Safe Homes, Safe Families committed an additional \$25.57 million to the \$16 million in direct funding and \$24 million in indirect funding already provided to address family violence in Tasmania.

My department has been a key partner in the development of Safe Homes, Safe Families. There are a number of different departments involved, not least of all the Department of Education, Communities Tasmania and the like, as well as DPAC. Under the plan the Government has extended legal assistance to people experiencing family violence. The Department of Justice receives \$300 000 per annum to deliver this action. From this the Legal Aid Commission of Tasmania receives \$100 000 per annum to employ an additional Safe at Home legal practitioner dedicated to the service. The Women's Legal Service Tasmania receives \$200 000 per annum on top of its other funding to deliver legal assistance to victims of family violence in the north and north-east regions of Tasmania.

Importantly, we are supporting perpetrator programs for low- to medium-risk perpetrators of family violence. The Department of Justice receives \$2 million to deliver this action over four years, which funds Relationships Australia Tasmania to: deliver a men's behaviour change program to low- to medium-risk perpetrators; and to deliver an education program to non-specialist service providers who may come into contact with family violence clients; the men's referral service to provide a telephone and web-based counselling and referral service to male perpetrators of family violence; and the Defendant Health Liaison Service to employ a third defendant to the health liaison officer. An additional \$250 000 over three years is also allocated to Community Corrections to assist with the delivery of more family violence offender intervention programs for high-risk family violence perpetrators.

I have dropped into a number of different Community Corrections locations statewide with still a few to go, and I know that these programs are heavily utilised and subscribed to with a high success rate.

There is also the important Keeping Women Safe in their Homes grant. The Australian Government, through the Women's Safety Package, allocated \$814 248 to Tasmania to provide security upgrades to the homes of family violence victims.

In short, the Government is progressing our comprehensive action plan to reduce the appalling incidence of family violence over the short, medium and longer term. I wanted to assure members of the House of other initiatives that are ongoing and constantly being reviewed.

The final issue I need to cover was raised by Ms Haddad about specialist family violence courts. In consultation with the courts, specifically the Chief Magistrate and the Chief Justice, the Government is considering in the future needs of the court for the delivery of the administration of justice in Tasmania for those types of matters. In relation to our family action plan, work is continuing across departments. Within my department, we are constantly reviewing how courts may be able to better dedicate resources to dealing with matters; for example, our court mandated diversion program which has been really successful to the point where we have increased the allocation of places from 80 to 120 statewide. I can assure you these things are reviewed on an ongoing basis.

The member for Clark, Ms O'Connor, asked me to address some matters throughout my summing up. I will attempt to capture them all.

The first was in relation to whether the DPP's guidelines address the concerns of stakeholders in relation to whether or not to proceed with this offence. A number of stakeholders raised concerns about the new crime catching relatively minor offending. It was in this context that the Law Society referred to the new crime as 'bad law', I believe. The DPP has drafted and will publicly issue prosecution guidelines in relation to the charging of this offence, which will provide that there needs to be at least three occasions of serious indictable offences to enliven this crime. I am satisfied that the guidelines address the concerns raised regarding this issue. I stress serious indictable offences. It is not minor offending that this intends to capture. This new offence is only to be considered for charging where there is serious criminal conduct.

All offences listed in the criminal code are indictable offences, not summary offences. For example, contraventions of family violence orders, police family violence orders or interim family violence orders issued under the Family Violence Act will not be captured by this new offence. They are summary offences. The new offence is indictable crime that will be handled by the DPP, not police prosecutions.

Ms O'Connor also asked me to address the general concerns of the Law Society and their general concerns about the new crime.

Ms O'Connor - And the Law Reform Institute.

Ms ARCHER - Yes, and the Law Reform Institute.

I was disappointed with the submission from the Law Society. To say, as the Law Society did, that:

There is simply no comparison that can be appropriately, logically or sensibly drawn between the facts and circumstances that give rise to a charge of maintaining a sexual relationship and the proposed amendments to create the crime of persistent family violence.

I think that shows a lack of understanding of the impact that family violence can have on its victims. I say that regrettably, because I do not wish to criticise them in any way, but it was certainly in stark contrast to some of the other stakeholder feedback we had, which was far more on the mark.

Family violence can have short- and long-term physical, emotional, psychological and financial effects. I am preaching to the converted in this Chamber. We all acknowledge that the impacts on victims can be devastating and long-lasting. In such circumstances, victims can find it difficult to recall specific details on individual offences, as we have all acknowledged in our contributions. This can make it very hard for prosecuting authorities to prove individual offences and can lead to charges being greatly reduced. In such cases, sentences do not reflect the true gravity of an offender's conduct. This is why we are introducing this ground-breaking national-first law; it has not been done anywhere else.

From other submissions received on this bill, it is clear that the Law Society is out of step with prevailing views on this subject. I do not like saying that because I do not like to be critical and I make this as a constructive criticism. I question if their views on this subject represent the views of all members of the legal profession because, as we know, both the Bar Association and the Community Legal Centres Tasmania have provided support for the new crime of persistent family violence, with the Bar noting - and I know this was a quote both members acknowledged:

The new offence will more appropriately reflect the gravamen of the criminality engaged in by perpetrators of persistent family violence, rather than ad hoc prosecutions for repeated specific offences.

Though this offence aims to address the difficulties of proving the particulars of each offence in cases of serious ongoing family violence where multiple offences are alleged, it remains the fact that this is a course of conduct crime that makes clear the focus should be on the nature of the abusive relationship itself, not on individual acts, and will allow courts to take into account the full extent of an abusive relationship.

I will come back to the TLRI because I omitted to have a quick look at that, which I will endeavour to redress at the end of this contribution. There was a question put as to whether we should expand the definition of 'family violence' and whether a review of the Family Violence Act was needed. In response to that, Tasmania's family violence legislation is currently limited to spouses or partners within a significant relationship or marriage, which includes ex-spouses and partners, because often that is the case.

A spouse or partner within a significant relationship or marriage, including an ex, can obtain a protection order to prevent the commission of family violence against them. The order may also protect any affected children. An affected child is a child under 18 years of age whose safety, psychological wellbeing or interests are affected or likely to be affected by family violence. Other relatives, such as an uncle or grandmother, although family in a general sense, have the option of applying for a restraint order under the Justices Act 1959.

It is noted that any change to expand the definition of 'family relationship' would need to be evidence based. Extending the definition of 'family relationship' in the Family Violence Act to a broader number of family members who are victims of family violence was one of the matters identified in the consultation paper titled 'Family Violence: Strengthening our Legal Responses', that was released in 2016. Submissions received in response to that paper show - and this is usually the case - that this is a complex area with a number of competing views. Having carefully considered all of the views expressed in response to the paper, the Government is not proposing to extend the scope of family relationships covered by our family violence legislation at this point in time.

Ms O'Connor - How is the Government going to respond to the growing body of evidence that there is a need to slightly redefine what a family member is, in the way Victoria has?

Ms ARCHER - In the context of what we are looking at, I hesitate to use the term 'infancy stage', but with a lot of these things we are in in the earlier stages of ongoing reform, I believe. Family violence is something we are constantly reviewing as a government in terms of how we are dealing with it across departments, and Justice is one of those areas that evolves in any event with respect to every law. I am not completely ruling out in future that we would look at that. We need to see how this persistent family violence offence works in operation as well, dealing with the immediate need of what are the common abusive relationships that we see and protect those. I have just outlined what is available by way of FVOs and other restraint order type applications.

With regard to the need for a review of the Family Violence Act, one of the three priority areas for action under our Safe Homes, Safe Families action plan is to strengthen legal responses to family violence to hold perpetrators to account for their violent behaviours. In 2016 we released a consultation paper that covered a range of matters relating to our family violence legislative

framework. As a result of that paper, a number of the reforms we have already made to the Family Violence Act have already occurred and more are being considered on an ongoing basis. We are constantly monitoring whether the state's laws are having the desired affect and will continue to respond accordingly. I would like to see how this operates and am certainly not ruling out any further changes in this evolving area of law.

The other question was about how the new crime applies to repeat perpetrators or multiple victims. The new crime is designed to address circumstances where a perpetrator is alleged to have committed multiple offences of family violence. This includes circumstances where the perpetrator has multiple family violence relationships, current or former, and circumstances where there are different victims, so it will apply in those circumstances.

Ms Haddad - Would that be able to be multiple victims on the same indictment, or would it mean multiple charges?

Ms ARCHER - It would be part of the same charge, therefore on the same indictment.

The other question from Ms O'Connor was whether the new crime for persistent family violence was modelled on section 125A. I believe I have captured that. There were a few things she went through quite quickly. The new crime for persistent family violence is modelled on section 125A. The Royal Commission into Institutional Responses to Child Sexual Abuse affirmed the importance and utility of what we call relationship offences. It is important that we draw upon the existing provision to ensure the outcomes we are seeking so the existing jurisprudence is relevant. This is one of the reasons we have maintained the terminology of 'relationship', even though we can all agree that the title is not something we are all totally comfortable with but it is a legal term in this sense and has a legal meaning.

I know Ms Haddad is going to move an amendment and I am amenable to reviewing that but will explain that in more detail in Committee. This will assist the courts and the legal profession to have certainty on the operation of the new offence.

The other question was what consideration has been given to the scope of the persistent family violence offence. Family violence offences can take the form of many individual specific crimes. Unlike the existing crime at section 125A, it is not possible to restrict this crime to a specific class of matters such as sexual offences. Family violence offence, as defined in section 4 of the Family Violence Act, means any offence, the commission of which constitutes family violence. From the definition of family violence in that same act and for the purposes of this new crime, this might include the following offences: assault, sexual assault which might consist of one of a number of sexual offences including indecent assault and rape - and unfortunately that is all too often the case - threats, coercion, intimidation or verbal abuse where such conduct constitutes assault as defined in the Criminal Code at section 182. Abduction, stalking, assault on a pregnant woman or attempting or threatening to commit such offences. There is a whole raft of the types of offences that can constitute the definition of family violence.

It is clear the catalogue of offences is not closed and any offending which occurs in circumstances of family violence may be classed as a family violence offence. For example, the wounding or murder, where the victim is the spouse or partner of the accused, will constitute a family violence offence as would an offence such as arson, if the conduct otherwise satisfied the definition of family violence in section 7 of the Family Violence Act.

Of the behaviours listed above, assault, including sexual assault, abduction, stalking, threats and property damage, are already unlawful, but when directed at a spouse or partner of the perpetrator they become family violence. We all know the maximum penalty at which there is discretion by the judiciary is 21 years. If there is a murder, the gravity of that offence would be dealt with accordingly at sentencing. It means if all these things are captured in the context of this family relationship, it will be a family violence offence.

In response to the TLRI concern, the court will need to sentence on acts most favourable to the accused person as well as the need to expand the definition of family violence. I have already addressed the latter. With the former issue, the bill amends sections 125A to clarify that the crime is the unlawful relationship and not the individual underlying acts. The same is incorporated into the new crime.

The inclusion of the new subsection 6B means where a jury has found a person guilty of maintaining an unlawful sexual relationship with a young person, it is the sentencing judge who is to determine the nature and character of the unlawful sexual relationship. To be clear, this new provision clarifies that for the purposes of determining the appropriate sentence, the judge will determine the nature and character of the unlawful relationship based on all the evidence heard in the trial about that relationship where the judge is satisfied a positive finding can be made. I believe that captures the TLRI concerns and all other issues raised.

The ALA submission also was the characterisation of section 125A as an umbrella crime and not a course of conduct crime. I can clarify the Australian Lawyers Alliance was wrong when it suggested section 125A is an umbrella crime and not a course of conduct or relationship crime. The nature of this crime has been considered at length during the development of this bill and it is considered to be different from the crimes in other jurisdictions described by the ALA. We are confident the advice received in this regard is correct. The crime itself established by subsection (2) of section 125A is what we are dealing with. That is, a person who maintains a sexual relationship with a young person who is under the age of 17 years and to whom he or she is not married is guilty of a crime. To prove the relationship maintained with a young person is unlawful, sexual acts on at least three occasions must be proved. This is a definitional part of the section and does not create the crime. For even more certainty the bill inserts subsection (6)(a) which reiterates that the crime is the relationship maintained and clarifies that the relationship is the crime which is the subject to sentencing on conviction, not the individual acts.

The ALA submission also; I am probably backtracking a bit now but I am not sure if Ms Haddad raised the issue of jury deliberations regarding the three acts? Did you need me to go into that or were you satisfied with that?

Ms Haddad - Personally I am satisfied with the intent of the bill. The reason I raised that was for the purpose of the public record for future legislative interpretation that it is three. Each jury needs to be satisfied of three individual instances.

Ms ARCHER - I might run through what we say about the ALA submission then. The Royal Commission into Institutional Responses to Child Sexual Abuse considered the construction of persistent sexual abuse crimes in detail. The royal commission recommended that the approach adopted in this bill to the jury's deliberations and verdict. The ALA has provided an example voting pattern in its submission on this bill. It suggests that the voting pattern described the results in an acquittal on the current law and conviction in relation to the amendments it passed in the bill.

It is unfortunate that the ALA has misrepresented the effect of the bill so significantly. They say that the bill would result in conviction because the jury would have to convict the defendant because each juror has found at least one underlying crime proven beyond reasonable doubt. This is wrong. It is incorrect. Each juror must find three underlying, unlawful sexual acts obviously proved beyond reasonable doubt to find that the crime has been so proved. That is, either all 12 jurors must make that finding or 10 jurors must make that finding if a majority verdict is accepted. On the record I clearly state that their submission was incorrect in that regard.

With that I believe I have captured those issues. During the Committee stage I will respond to the proposed amendment and why we are not in a position to agree to it today but willing to look at it further.

Bill read the second time.

FAMILY VIOLENCE REFORMS BILL 2018 (No. 39)

In Committee

Clauses 1 to 3 agreed to.

Clause 4

Schedule 1 amended (Criminal Code)

Ms HADDAD - I will start by putting on the record my thanks to the Attorney-General for those very thorough summing up remarks on the bill. As I said in my second reading contribution, I came to this Chamber very happy to support every clause of the bill but it is extremely important, particularly when introducing new offences into the Criminal Code, that legislative interpretation tools are given to the public and to the people working in the legal fraternity, including the judiciary. Thank you to the Attorney-General for that.

As she alluded, I flagged with the Government and with the Greens my intention to move this amendment today.

Mr Chairman, I move -

To insert a new clause A to follow clause 3 as follows:

(A) Section 125A is amended as follows:

- (1) Section 125A is renamed: Persistent sexual abuse of a child
- (2) Section 125A(2) is amended: To omit the words 'maintains a sexual relationship with a young person' and replaced with the words 'persistently sexually abuses a child'
- (3) The Charge is renamed: Persistent sexual abuse of a child under the age of 17 years

- (4) Section 125(6)(a) is amended: To omit the words 'sexual relationship between the accused and the young was maintained' and replaced with the words 'sexual abuse of the young person by the accused occurred'

The Attorney-General and I have had discussions about this amendment. I take on faith her commitment to consider the intent and the spirit of this amendment. I recognise the comments that she made around law reform in this area being an iterative process and note that much of this law reform is done one step at a time. I also note her comments on the importance of the name of the offence at the moment relates also to the use of the word 'relationship' in other instances in the Criminal Code and possibly in other legislation.

I still thought it was relevant to move the amendment and give my reasons for doing so. That is something that would pass many lawyers test of logic and also would pass the man or woman in the street test. Currently the name of the crime relating to sexual abuse of children in the Criminal Code of Tasmania is 'maintaining a sexual relationship with a young person'.

This wording is used in other states and territories but so is the wording that I have suggested in this amendment. All states and territories do have offences relating to sexual abuse of children. The wording used in New South Wales, Victoria and Western Australia is 'persistent sexual abuse of a child'. The Australian Law Reform Commission notes that the impetus for the enactment of these offences was recognition of the practical difficulties encountered in successfully prosecuting child sex offences and the requirement, particularly in child sex offence, to use precise details of single instances fails to capture the multiple repetitive experiences of many children, particularly in the context of sexual abuse by family members.

These issues were also canvassed by all the speakers on this bill, recognising that child sex abuse is an abhorrent crime; one that should be rejected at all levels. It is an extremely sensitive crime. That is why the way that these offences operate in Tasmania and other states is intended to protect children.

I understand some of the criticism of the words 'persistent sexual abuse of a child' but I do not agree with it, which is why I have decided to move this amendment regardless. By naming the offence as something that sounds a little gentler - maintaining a sexual relationship - provides a veil over the seriousness and the reality of what that crime is, which is sexual abuse and often rape of a child. Using the word 'relationship' lends a form of legitimacy to what are criminal acts perpetrated by adults against children. In my view that is not the way that we should portray sexual abuse of children in our community. We should call each crime what it is.

There has been some comment by the Sentencing Advisory Council and legal professionals in Tasmania that the more gentle naming of 'maintaining a sexual relationship with a young person' leads to more pleas of guilty, therefore not putting the victim through the trauma of a trial.

There is some speculation that if the crime were to be renamed 'persistent sexual abuse of a child', there could be the unwanted effect of putting more victims through the trauma of a trial because offenders may be more likely to plead not guilty to an offence named in that way.

I have consulted with some of the stakeholders who raised the possibility of renaming the offence, either in their submissions to the Government or in my own consultations on this bill more substantively.

The Tasmanian Bar Association shared with me that if a crime named in this way produces more pleas of guilty, then the provision is operating opposite to how it should. That is of itself unfair to the victims because it does not say what actually occurred to them. They give an example that if a persistent child sex abuser can say, 'I was convicted of maintaining a sexual relationship. It is not like I was convicted of raping her or anything like that', it sends the entirely wrong message to the victim and to the community about the seriousness of the crime of maintaining a sexual relationship with a young person or persistently sexually abusing a child. They note that the Macquarie Dictionary definition of the word 'relationship' includes the words 'an emotional connection between people, sometimes involving sexual relations'. Members in the Chamber would agree that implicitly gives the impression that there is consent. Legally, a young person under the age of 17 is unable to give consent to a sexual act. That is precisely why this crime exists in the first place.

Using the word 'relationship' in the charge implies that there was consent, agreement or acquiescence on the part of the victim and an ongoing emotional connection with the abuser. As people in this Chamber know, in cases of child sex abuse nothing could be further from the truth.

Renaming the crime, whether it be today or after some research and work in consultation, would be a positive step forward for victims of child sex abuse to more accurately describe the offence as precisely what it is. I am hopeful that it would not lead to more people pleading not guilty. The reality is that the Crown would still need sufficient evidence to establish the underlying offences. That wording exists in other states and territories which gives me the hope that there is not a disproportionate number of not guilty pleas in those states and territories simply because of the way that the crime is worded in their statutes.

I am appreciative of the Attorney-General's consideration of the amendment. I take on faith her comments in summing up. To me, there could be some future work done to consider such a change.

Ms O'CONNOR - Mr Chairman, we strongly support this amendment as a matter of principle because the law should be as plain as it is possible to be about the nature of the offence or the crime.

At the moment, the term 'maintaining a sexual relationship with a child' is a euphemism embedded in the law. For all the reasons Ms Haddad laid out, to rename the offence as the 'persistent sexual abuse of a child' is to make sure that the law accurately reflects what we are seeking to deal with here. When you look at the wording 'maintains a sexual relationship with a young person', as Ms Haddad said, the word 'relationship' of itself implies some measure of consent, when what we are talking about here is sexual abuse of a child over a period of time. The concerns raised by - was it the Law Society in relation to fewer guilty pleas?

Ms Haddad - No, it was the Sentencing Advisory Council.

Ms Archer - The TLRI and the Sentencing Advisory Council.

Ms O'CONNOR - I would be really interested to see whether that concern is based on any quantitative information because it sounds like informed speculation to me and I would have thought making sure the law accurately reflects what we are talking about here has to be a priority. On that basis we support this amendment and even if today it does not get up - and it should - this is a change to law which will have to be put into place.

Ms ARCHER - I thank both members for their comments. I will lay out what I have here. As I said in my summing up, I understand precisely why this has been put. I have a similar concern and fully intended to look at this in the context of getting the persistent family violence offence up today and trying to look at this other issue, because there are very real concerns about this and terminology and there are legal reasons as to why it should stay, not least of all that rather than just support an amendment today in principle, we really need to look at the impact it may have on other legislation. For good law reform we always have to do that. If we make amendments without fully considering the impact on other legislation it can create difficulties later on and then we have to come back with amending legislation because we have not looked at it holistically. We always need to be careful when we are making law reform on the hop that it is thorough and has been properly looked at.

Today the Government will be opposing the amendment because such an amendment is beyond the scope of this bill. A review of Tasmanian legislation would need to be undertaken to determine where else the relevant language is used. The intent behind the amendment is understood but this is a complex legal issue, as is always the case. I note at the outset that there is no consistency between Australian jurisdictions, as Ms Haddad has pointed out, as Tasmania, Northern Territory, Australian Capital Territory and Queensland all still use the term 'relationship' in the name of the crime. The Royal Commission into Institutional Responses to Child Sexual Abuse discussed this issue at some length during its work and chose not to recommend this reform. Specifically in their criminal justice report, the royal commission stated:

Although we are uncomfortable with the language of 'relationship' we are content to adopt it in the interests of achieving the most effective form of the offence.

The royal commission recognised that the jury needs to be satisfied of the nature of the relationship, not the underlying acts, which I stated in my summing up. There was the concern that changes as proposed by this amendment may lead to confusion on this point. In recent years, both the Tasmanian Law Reform Institute and Tasmania's Sentencing Advisory Council have also considered the appropriateness of the name of the crime of 'maintaining a sexual relationship with a young person'. Both bodies recommended against changing the name of this crime. In doing so, the TLRI stated:

... the laudable aims of giving the crime a label that better reflects the gravity of the offence is trumped by the concern not to discourage guilty pleas.

While both the TLRI and SAC accepted concerns that the name of the crime may be seen to understate the seriousness of the crime, they warned that a name change had the real potential to discourage or even reduce the rate of pleas of guilty for the crime. I would have to go back and look at the context of all their report to see how they arrived at that conclusion but I know they are very detailed in their consideration of these matters, so I assume they have not based that on mere conjecture.

This is a view also held by both the former and current Directors of Public Prosecutions. The TLRI quoted the then DPP as saying:

... although renaming the crime might give the legislature and indeed the community a pleasant sense of having struck a blow against child abuse, if the result is fewer pleas of guilty and more children being cross-examined at trial, that satisfaction would be misplaced.

The need to denounce such conduct must be balanced carefully against the real concern that a change in name may lead to more charges being disputed by offenders, which in turn would mean more young victims may be required to give evidence in court.

However, the Government and I, as Attorney-General, recognise there is concern over the language used in the name of this crime. As I said, I am personally concerned about this also so I am willing to undertake to consult on possible changes in the context of future law reform arising from the work of the royal commission. I note the time frames involved will not allow it to form part of the current consultation process already occurring on the Criminal Code and Related Legislation Amendment Bill 2018 but we can certainly look at it as a separate amendment bill should that be necessary. I believe I have made it clear that we are not opposing this for any other reason than we need to have a look at this.

Amendment negatived.

Clauses 4 to 12 agreed to and bill taken through the remaining committee stage.

Bill read the third time.

MENTAL HEALTH AMENDMENT BILL 2018 (No. 43)

Second Reading

[3.29 p.m.]

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

That the bill be now read the second time.

Section 47A of the Mental Health Act 2013 provides for a patient to be involuntarily admitted to an approved facility if the treating medical practitioner is satisfied on reasonable grounds that the patient's health or safety, or the safety of any other person has been, or is likely to be, seriously harmed. The medical practitioner must also be satisfied that admitting the patient is the only way to adequately address that risk.

Section 47A applies to a patient who is subject to a treatment order and has complied with that treatment order. In that respect it can be distinguished from section 47 of the act, which may be applied to admit a patient who has failed to comply with their treatment order.

By virtue of sections 181(1)(d) and 42 of the act, whenever a patient is admitted to an approved facility pursuant to either section 47 or 47A, the Mental Health Tribunal must be notified and must review the patient's treatment order within three days of notification.

Debate adjourned.

MOTION

Crisis in the Health System

[3.30 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Deputy Speaker, I move -

That the House -

- (1) Agrees with the Premier Hon. Will Hodgman MP's frank admission that the health system is 'not good enough'.
- (2) Congratulates the Member for Clark, Hon. Sue Hickey MP, for her call for an apolitical, long-term approach to fixing the health system.
- (3) Calls on the Premier to include representatives from all sides of politics in a statewide roundtable discussion with health professionals, unions and stakeholder groups between now and the end of 2018.
- (4) Further agrees that the best way to tackle the crisis in the health system is by working together.

This is an opportunity for the parliament to come together as has been called for by clinicians, the AMA in a statement that they have made to the media and the general public who want us to work on addressing the biggest problem in Tasmania right now and that is the state of our health system.

I wrote a letter on Friday to the Premier outlining a number of solutions that I encouraged him and his Government to adopt in order to address the crisis in the health system. That letter is important because not only were we offering to work with the Government but we proposed solutions at the outset that we hope they might consider. I was disappointed to hear over the weekend that the only response the Government was able to make was that they labelled it a stunt. Following very strong comments from the President of the AMA, Dr John Davis, where he explicitly called for members of the parliament to work together, following very strong comments from commentators in the media, patients particularly who have been asking members of parliament to work together to solve the problems in the health system, it was disappointing that that was the only response I have received and unfortunately continues to be the only response received to date.

The letter I wrote to the Premier asked him if he could get back to me urgently. I realise the Premier has had a fair bit on his plate lately. He had the member for Clark, Ms Hickey, speaking out last week because of her concern about the state of the health system. Over the weekend it was revealed to him that one of his ministers would have to step down from her position. There has been a fair bit going on.

All of that aside, nothing is as serious as the state of the health system and the impact it is having on patients and staff. I had hoped that by today I might have had the courtesy of a response from the Premier to a letter written to him in good faith. Members may not have seen the content of that letter so I will read it so you can understand exactly what it is we are seeking here. We are seeking to work across the parliament.

It is a very straightforward motion before the House for a vote today. It is simply calling on the Premier to include representatives from all sides of politics, including health professionals, unions and stakeholder groups between now and the end of the year to sit down in round table discussions to consider how we can improve the health system. It is very disappointing that the Minister for Health does not think this matter important enough to be in the Chamber. Health is important enough for us to be here. In fact there is only one Government member in the Chamber right now. It is extraordinary that they care so little about health that they have all run off. I can

only wonder what scandal is evolving as we speak for them to be all absent at the same time. I would not be surprised by anything given the events of recent days. We will wait with bated breath to see if any Government members bother to come into the Chamber to hear this contribution and to vote on a motion about working together to solve Tasmania's health crisis.

I know that our side is committed to working to ensure we solve the problems in the health system, supporting our staff. We have been attending the industrial action that they are taking outside hospitals, walking off the job, because they are so concerned about the number of staff they are working with who are doing overtime and double shifts. At the Royal Hobart Hospital one nurse worked 24 hours straight. Nurses are regularly working at least 16 hours straight, sometimes 18 hours straight, and this is done routinely right across our hospital system at the moment. We have more than 200 vacancies in the nursing workforce, vacancies that the Government refused to fill and rosters that are not being properly staffed meaning that staff continue to do enormous amounts of overtime and double shifts.

This motion is significant because it is calling for us to work together. No-one could have a problem with that but obviously members of the Government do, including the minister, because they are not even here to listen to the debate. It is as straightforward as anything that this parliament might consider.

The solution that I proposed to the Premier - which I still wait for a response to - included things such as releasing in full the KPMG and Deloitte reports so health professionals and the broader Tasmanian community can be fully informed about the current state of the health system. Surely that is not too hard. The RDME Consulting Report which reviewed the KPMG report was released. It was leaked because somebody cares enough about the state of the health system and knows that this government is so busy trying to hide the true state of what is going on, they exposed that. They exposed the fact that there is a \$100 million black hole in health funding, continual and chronic underfunding of the health system, confirmed yesterday by the Treasurer in his contribution on the ministerial statement that the Health minister gave. He said, and this is in regard to the health system, and I quote:

We will spend more this year than what was budgeted, as we did last year.

There you have from the Treasurer an admission that he is chronically underfunding the health system. He has chronically underfunded it, not only this year but last year. The only way they are able to pay their staff and make ends meet and get through every financial year is with a cash injection because their budget is not enough and we know that. Not just because the Treasurer said so yesterday but because the secret KPMG report commissioned by the Government and provided to them in March last year tells you that too. The secret report you will not reveal but the RDME Consulting Report that was revealed, that was provided to the Government in March this year, confirms that.

On Wednesday last week, independent analyst Martyn Goddard released his State of Health 2018 Report. The picture he paints is even more alarming. He analyses that the underfunding in health is even worse than \$100 million. This is at a time when apparently Tasmania is in a golden age, when we have had more GST come to this state than what the Government forecast in 2014, greater than \$1 billion worth of GST. Yet the allocation to health has declined over that period as a percentage of GST to this state. That is a matter of fact. The Commonwealth Grants Commission can testify to that in their work and you can see that in their reports.

The other point we raised with the Premier in the letter I wrote was to convene the statewide round tables which is the reason for this motion today. It cannot have been a surprise to the Government, given we flagged it with them Friday of last week that we want to sit down, around the table, listen to the front line and understand how we can address the problems in the health system. There have been some terrific suggestions put forward by those at the front line. They work in the system and see where improvements can be made. They know how they can make adjustments so they can provide safer and better care to patients. They have offered those solutions but unfortunately they feel they are not being heard by this Government and particularly by this minister.

The minister will regularly say that he is listening. He might say that but he is ignoring every single thing that he hears. Note that the minister is now in the Chamber. He has bothered to find his way into this place where we are debating this motion.

These meetings are really important and we have asked for the Premier to lead them. It is such a big issue and he noted that health is the number one issue. The Premier noted at the state conference that things were not good enough and we agree that it is not good enough. That is why the Premier needs to take a role here and be the leader, as the Premier, and convene these roundtables as per the motion before the House.

We were hoping with the ministerial statement provided to this House yesterday that there would be the cash injection of funds to address the chronic underfunding, but alas that was not the case. That does need to be remedied urgently. The only way that our staff is going to be able to provide safe, adequate and timely care to patients in Tasmania is if they are resourced to do so.

We also propose that the Government listens to the very sensible ideas that have been put forward by those at the front line, particularly the unions, who are representing their members incredibly well right across the state, and take on board some of the solutions they have identified to handle some of the problems that have been pointed out even by the Australian Institute of Health and Welfare that demonstrates that Launceston has the worst bed block in the country. Out of 287 like public hospitals in 2016-17 Launceston had the worst bed block in the country. I believe from memory the Royal Hobart Hospital was ranked eighth, certainly in the top 10. That is not a ranking you want or one to be proud of. You do not want to be ranked in the top 10 of the worst hospitals in the country for bed block - completely the opposite.

The ANMF has proposed a number of opportunities to increase permanent capacity in the wards 14 and 4K and open or currently close beds in the intensive care unit to be used as high-dependency unit beds at the Launceston General Hospital to try to take the pressure off their bed block. The minister has not adopted those sensible suggestions that have been put forward by the ANMF. We have written to the Premier on this issue, bypassing the minister, because we think these are sensible and need to be considered. Launceston has the worst ranking in the country so surely they should be listening to their workforce and implementing the solutions they have suggested.

We also suggested in our letter to the Premier that provisions be made to employ staff seven days a week at the Royal Hobart Hospital to ensure that discharge can continue over weekends at the same rate it occurs through the week. This would require staffing of pharmacy, radiology, medical imaging and allied health after hours and on weekends, which is what we took to the election as part of our policy to reduce bed block. It would help to make a difference.

Analysis of the data of discharge rates at the Royal Hobart Hospital shows there is a marked decrease in discharges on Saturday and Sunday compared to the rest of the week, approximately half the number, which contributes to bed block because those beds are not freed up. Those patients are ready to go home but they cannot because they have not had those services and therefore they cannot leave the hospital. That would be one way to help take pressure off bed block at the Royal Hobart Hospital.

Another opportunity for the Government is to dramatically ramp up investment in preventative health measures and programs. We talk routinely in this House and other places about hospital care but it is about the health system and acknowledging that we need to therefore focus more effort on prevention and primary community health care. People need to be able to access the support outside of hospitals where it is appropriate so they do not end up in hospital. This initiative to invest more in preventative health care, adopting many of the recommendations from the joint select committee report on preventative health care tabled in 2016, would help to ease the pressure on our hospitals.

We would also like to see the establishment of a health communities commission tasked solely as a statutory authority with the delivery of programs on preventative health care across the community with a budget that cannot be stolen by other elements within the department. We know that to deal with the pressure the Health department and the acute health system faces, those other programs are often neglected in order to fund emergency treatment, emergency medical care and urgent surgery.

We also wrote to the Premier about revealing the plan and time line for the post mental health beds at Mistral Place and the Peacock Centre. We have had resolution to part of that. The minister now acknowledges he cannot keep the promise he took to the people of Tasmania at the election to open beds at Mistral Place, but is still unable to declare a time frame for when the Peacock Centre will be able to accept patients for care, which we find believable given that no works have commenced on site just yet.

We also asked for more funding for capital works at Millbrook Rise which would provide treatment to mental health patients as a step-down facility from the acute setting and to also provide more accommodation in communities to assist Tasmanians with mental ill health into recovery. We remain convinced that Millbrook Rise is a wonderful location. It is on the banks of the Derwent River and has wonderful aspects. There is a service already offered at that site that can be expanded to provide more support for patients recovering from mental ill health. The minister made another announcement this week regarding facilities at New Town which are welcome, but it does not mean we should take our eye off the ball. Increasing demand, as has been pointed out, requires us to look at other options, and Millbrook Rise should be on the Government's agenda.

We also proposed at the election to build 12 homes in communities for people recovering from mental ill health. This is quite different from the Government's hospital-in-the-home program because we know many people have no home, so to provide care to them in their residence is not actually possible in some cases. We acknowledge that there is a necessity for government to invest in appropriate accommodation to support people in their recovery from mental ill health.

We also called on the Government to invest in 10 public mother and baby unit beds, a subject very close to my heart. When I was pregnant and undertaking my antenatal classes, one thing the midwives repeatedly asked me for as a member of parliament was to advocate for access for more women to mother and baby unit beds. We only have one public bed in the state, here in the south. That means there is a waiting list and if parents, mothers particularly, need to access that bed from

the north or the north-west, it is extraordinarily difficult for them, so we would like to see beds provided statewide.

We would also like the Government to appoint permanent psychiatric emergency nurses to help assess, care and treat mental health patients in conjunction with psychiatric support at the LGH and the North West Regional Hospital in Burnie. I know that the ANMF have been asking this minister for a quite a while now to support that initiative and it would help make a difference to support staff in the emergency department to assess patients who are presenting as acutely unwell with mental health issues, to triage them and provide appropriate treatment.

I hope the Premier will provide a response because when you look at the annual report that was tabled in this House on Tuesday for the Tasmanian Health Service, it is a very sad and sorry state of affairs for the state of the health system. We know there is a big black hole in the funding of Health. It has been shown through the RDME Consulting report, an independent report commissioned by the Government itself, an analysis of the KPMG report and also the work that Martyn Goddard released on Wednesday.

I will point out some of the issues that I see in the annual report. On page 45 you will see performance against the service agreement. I will point out as well that the service agreement for 2018-19 is not on the website. The last one published is from June 2017 for the 2017-18 financial year. It would be good to see a published service agreement for the 2018-19 financial year given we are now in October.

Let us have a look at how our hospitals are performing. This is the Tasmanian Health Service's own annual report, so these figures are indisputable. If you look at the percentage of all emergency department presentations seen within the recommended time, the KPI target was 80 per cent for all specified facilities - the Royal Hobart, the Launceston General, the North West Regional and the Mersey Community. You can see very clearly that we are failing, particularly at the Royal Hobart Hospital and the Launceston General Hospital, which never once met that 80 per cent KPI target.

For the percentage of all emergency department presentations seen within the recommended time, the Royal Hobart Hospital was as low as 48.5 per cent at one point - that is a third quarter result - and the Launceston General Hospital second quarter result was 63.6 per cent. The best either of those hospitals recorded was 65.8 per cent in the fourth quarter for the LGH, remembering the target is 80 per cent. We know our emergency departments are under a huge amount of pressure, but the data here backs it up. Our nurses are under a huge amount of strain and if the minister had bothered to go along to the industrial action, the stop work meetings that were called, he would have heard from Tom, an RN who works in the ED at the Launceston General Hospital who was obviously distressed at the fact that he and his colleagues are working in that environment without the support they need. For 104 days they have been protesting outside the Launceston General Hospital ED. The staff at the Royal Hobart Hospital ED have started to take industrial action, as of yesterday. They will be doing that weekly because they are fed up. These statistics bear out their concerns. They are under huge pressure and patients are not getting timely treatment.

If you look at the percentage of all emergency patients with an ED length of stay less than four hours and note the target is 80 per cent, across all facilities for all quarters, only one hospital met the target. That was the Mersey Community Hospital; fourth quarter result 80.7 per cent. They only just met their target. Every other hospital failed to meet the target for every single quarter of the target of the percentage of all emergency patients with an ED length of stay less than four hours.

We know patients are waiting hours in the ED. We know patients are waiting days in the emergency department. It is not the place you want to wait around if you are sick, particularly if you are suffering from a mental health issue. Our staff are under a huge amount of strain. We see what is taking place. We see what is happening with ambulance paramedics ramped at the hospital because of the bed block in the hospital.

It is not good enough. That is why we all need to put our heads together with the unions and those on the front line and come up with solutions we all agree on. That is what this motion is calling for this Parliament to do. It is as simple as that.

When you look at the percentage of patients admitted through the ED with an ED length of stay less than eight hours, and 90 per cent is the KPI here. For 90 per cent of the time, we want our patients to be staying in the ED less than eight hours. Surely, you would think we could meet those targets. Unfortunately we did not. Not at the Launceston General Hospital, the Royal Hobart Hospital, the North West Regional Hospital, the Mersey Community Hospital - not a single hospital, not a single quarter at any of those hospitals.

The comment from the department in its own annual report for this measure says:

Target not achieved in any quarter across all facilities.

This is shameful stuff.

Look at the percentage of all ED patients with an ED length of stay less than 24 hours. We are talking about someone who has been waiting in the ED a whole day. The target is 100 per cent. The hope from the Tasmanian Health Service and the KPI set in the service agreement by this minister is that every single person who presents to the ED should be seen that day. They need to be able to go home or be admitted to the ward. The target is 100 per cent. Did we meet it? No, not in one hospital and not in one quarter.

The worst result was at the Launceston General Hospital, which backs up what the staff have been saying and why they have been protesting for 104 days on the pavement. The best result they achieved was 95.8 per cent of the time. Somebody who presented to the ED went home within 24 hours. But that still means on average, on about 5 per cent of occasions, people were in the ED longer than 24 hours.

A KPI has been removed about elective surgery average and overdue days. It has vanished; you do not want to report against that one anymore. I wonder what that could mean.

It goes on. For elective surgery category 1, admitted within the recommended time frame, the target was 100 per cent, 75.9 per cent for the first and second quarter, 74 per cent for the third and fourth quarter. That is statewide. These are category 1 patients who should be seen within 30 days. The target is 30 days. Do you know what the actual is? This is statewide for category 1 patients who should be seen: 340 days. It does not get any better if you are a category 2 patient. The target is 100 days; 621 days statewide is the actual. Category 3 patients are the most concerning of all because if these people are not seen, they get sicker. For Category 3 patients, the wait should be 400 days but the actual wait is 1214 days.

We see from the last health stats update that the number of patients waiting on the elective surgery wait list has grown under this minister. It has grown by 846 patients statewide over all

categories. The urgent category is up by 48, category 2 is up by 350 and category 3 is up by 448. There are 7933 people on the waiting list for elective surgery.

Members interjecting.

Mr DEPUTY SPEAKER - Order.

Ms WHITE - The minister has gone on in the past about how elective waiting lists have declined. People cannot get on the elective surgery waiting list. The outpatient waiting list continues to grow under this Government.

There was also a register of ministerial directions from 1 July 2017, which demonstrates that performance escalations were placed against following service agreement KPIs:

- Percentage of all Emergency Department presentations seen within the recommended time
- Percentage of all of emergency patients with an ED length of stay less than four hours
- Percentage of patients admitted through the ED with ED length of stay less than eight hours
- Percentage of all ED patients with an ED length of ED stay less than 24 hours, and
- Ambulance off-load delay, 30 minutes.

I did not even get to Ambulance off-load delay when I looked at the performance data. I will come back to that.

The reason the Government has in place performance-escalation KPIs for these areas is because they are performing so badly, as I have outlined. Without support from government, without adopting some of the solutions from the workforce and without more money to fill the \$100 million black hole, I do not know how the minister thinks that these areas are going to improve. He puts more pressure on the system and on the staff to improve the figures without supporting them. I would like to see whether or not they met the objectives of these plans. Each of them had to submit improvement plans for all of the KPIs to the Minister for Health, outlining the strategies that would be implemented to remediate performance in a time frame for the achievement of KPI targets specified in the 2017-2018 Service Agreement.

It would be great to see those documents. It would be better to know how they went meeting those objectives of the documents and, better still, if the Government actually listened to the solutions being put forward by those at the front line who are trying to work within this system and are incredibly stressed.

Ambulance off-load delay is 15 minutes. The KPI target is 85 per cent of patients in ambulances to be off-loaded within 15 minutes. The Royal Hobart Hospital was not close to meeting that target. The worst performance was the fourth quarter result of 68 per cent.

The next performance KPI, Ambulance off-load delay is 30 minutes. That is 100 per cent patients within 30 minutes, all facilities. The Royal, again, did not meet the target. It was not close. For patients off-loaded within 30 minutes the KPI is 100 per cent. The best they got was 81.7 per cent and the worst was 73.2 per cent. Across all facilities, in no hospitals, in no quarters, was this

target met. Zero. The target of 100 per cent patients off-loaded in 30 minutes, was never once met at any hospital across any quarter for this period of reporting.

I note that hospital-initiated postponements increased. That is because of the pressure on hospitals. They have had to cancel appointments for people because they are responding all the time to the pressures in Emergency and the Urgent.

There is a KPI in finance which is a variation for funding fully projected. Its KPI target is expenditure within funding allocations statewide. There are no results for that. It is strange; it is completely blank. It is because they cannot meet the budget that the minister and the government has set for them. It is not enough for them to meet the demands, to treat patients and to do their job.

It would be interesting to see that particular finance performance measure detailed, and I am surprised that it is not.

When you have a look at the budget, the 2018-19 budget shows that health spending at \$1 806 000 000 is \$4 million less than the actual outcome from 2017-18. We already know then that the health system is starting behind where it needs to be because there is not enough money to even meet last year's demand, let alone this year's demand. We know demand grows year on year. It is \$4 million less, and the minister should be doing more to make sure that his colleague, the member for Bass, funds the health system properly and does not keep carving out parts of the GST to the state - that has been increasing - for other reasons.

Mr Deputy Speaker, the state of the health system and the woefully inadequate way this minister has handled his portfolio is well known to everybody. It is why we have brought this motion to the House. Along with letter I wrote to the Premier which offered constructive solutions to some of the challenges we see in the health system, we as parliamentarians all have a lot to contribute. We could all work together across parties with unions, key stakeholders and those at the front line who actually know what is going on, and come up with solutions.

In the past when we have done this, whether it be parliamentary inquiries that have resulted in committee reports, it has been a useful endeavour. Indeed the Joint Parliamentary Committee report into Preventative Healthcare that was handed down in 2016 was a consensus report across the parliament. This House, the other place and across parties, its recommendations were sound and it is a shame the Government has not picked up more of them. That is the sort of work the people elect us to do. It is to work together, put our heads together, join with the best brains, join with experts at the front line and come up with constructive ways to fix the problems we are seeing occurring in our health system. No-one can deny there are huge problems in the health system, and no-one can deny the fact that there are structural deficiencies with the way it is funded, even if the Government refused to release the secret KPMG report.

We know that things have worsened under this Government. They might bluff and bluster and spin and try to propose that is not the case, but the data speaks for itself. If you do not believe me, look at the data. Read your own annual reports, compare them, and see for yourself that patients are not getting the care they need. The fact that patients are speaking publicly, that doctors are speaking publicly, that nurses are fronting the media and speaking publicly to express their concern about their ability to do their job safely and care for patients should be enough evidence for this Government that they have to listen and take action.

The ministerial statement yesterday was not enough. There was not enough in that that is going to provide solutions to the problems we are seeing in the health system. In fact, the only new initiative is at least a year away. The 12 hospital-in-the-home positions the Government has proposed are at least six months away. The new facility is 12 months away. The rebuild that is happening at the Royal Hobart Hospital, the reconfiguration of those wards and levels, is 18 months away. That is not going to take pressure off the emergency department today or tomorrow.

Moving APU into a different part of the hospital and freeing-up space for the emergency department to grow ignores the fact that they need inpatient beds, not a bigger emergency department. They have to admit patients in the emergency department who need to be in a bed on a ward, not in a bigger emergency department. We need to make sure that we have solutions that can address the immediate and urgent problems we are seeing in the health system, and unfortunately yesterday's announcement did not cut it.

The Premier is quite right when he says the health system is not good enough. We agree. We want to work to find solutions to address the problems we see because as members in this House we are elected to represent our constituents, to represent our electorates and to make sure their voices are heard. Right now they are not being listened to. The Government might be hearing what is going on but they are certainly not paying attention to it, and the health system is feeling ignored. That is why unions have been forced to take industrial action because their members, the workers, the nurses the allied health professionals, they are the ones that are taking the action. They are the ones that are stepping out the front of the building and saying that somebody has to do something because what is going on right now is unacceptable. They are speaking for themselves. This Government needs to start to listen.

I have five minutes to go but given that we also have other members on our side of the House who want to talk on this I will wind up.

There have been independent reports, there has been the Government's own annual report; it all paints a very damning picture. We have the stories from patients; we have the stories from staff. We have the Treasurer yesterday admitting that we will spend more this year than what was budgeted as we did last year admitting that there is not enough funding provided to the health system each and every year.

There is a chronic underfunding of the health system. The Government did not fix it yesterday when they made their announcement. I have not had a response to my letter that I wrote to the Premier on Friday asking for an urgent reply and I have not even had anyone come around and just have a little chat to me. Considering we have all been in the same building for a couple of days now I thought there might have been an opportunity for that to occur.

I commend this motion to the House. I hope all members can vote for it because what Tasmanians expect of us at this time of crisis in our health system is to work together to find solutions and do it in a way that is truly bipartisan rather than what the minister calls bipartisan which is where he tells us the answers and if we do not agree with all of them then we are not being bipartisan. That is not bipartisan. Bipartisan - or tripartisan - is where you all sit around together and work on joint solutions to the challenges we see.

Just because we do not agree with everything the minister says does not give him the right to say we are not being bipartisan. We have every right to hold this Government to account. That is also why I have written to the Premier because I want to work with him as leaders of our respective

parties to find solutions to the problem that is the biggest problem in Tasmania right now and that is the state of our health system.

[4.07 p.m.]

Ms STANDEN (Franklin) - Mr Deputy Speaker, I support the motion we have before the House put so well by the Leader of the Opposition Rebecca White outlining a terrible track record in relation to the current state of the health system culminating in his own Premier's assessment recently that the health system is not good enough.

The member for Clark bravely spoke out to say that it is high time for an apolitical long-term approach to addressing the woes of the health system.

This minister has had nearly five years to address the ongoing and escalating issues within the health system and on his watch things have gone from bad to worse to worse and even in the six months or so that I have been in this place it has been dreadful to see almost every week a new catastrophe emerging within the health system.

I have worked as a health professional, albeit not at the coalface for some years, but over 30 years I am accustomed to understanding the pressures within the health system and have come to realise that it is a vexed issue. It is always going to create budgetary pressures and it is a dreadful conundrum for every government to try to balance the demands of the community with what can realistically be allocated in terms of resources.

In the last term, this Government has had extraordinary luck with the rivers of gold in relative terms flowing through from the Commonwealth in GST revenue that it could have used to address systemic issues within this health system. Instead, we have this extraordinary situation of staff working overtime and double shifts, 200-plus vacancies in nursing jobs alone, staff on stress leave - they are overworked and short-staffed - ambulance ramping. We have hospitals regularly at their highest level of escalation. At the end of July it was reported that waiting lists were at their highest level in recorded history, and yet this Government and this minister has the gall to reflect back on Labor's time in government and has the hide to accuse us of mismanaging the health system in the past.

The figures speak for themselves. In March 2014, the waiting list at that time was 2415 and as at the end of July 2018, 4068 patients were on the waiting list.

Ms White - That is at the Royal.

Ms STANDEN - At the Royal, yes. That is an almost 200 per cent increase in waiting lists at our largest teaching hospital. We have an extraordinary situation with a desperate department producing an over-capacity protocol, allocating patients assigned with bells to cupboards and alcoves in hidey-holes across the hospital, which really fails to meet any test of common sense. You cannot tell me that this would be the clinicians' plan A to tackle this dreadful situation.

If only this minister would listen to his clinicians and allow them time. Even recently this mental health announcement was a white-knuckled, rushed approach to addressing an escalating issue with mental health patients waiting for five-plus days in our emergency department - hardly an appropriate environment for patients suffering mental ill health. Sure, some of the measures announced within the package are welcome, but think what could be achieved if he sat down with those clinicians, adopted a tripartisan, long-term approach, and listened to some of the great ideas

outlined by Labor leader, Rebecca White, in the letter to the Premier to address some of the issues. Just think what could be achieved.

This is a case of once a teacher, always a teacher. His natural inclination is to stand at the front of a class and tell people how it is and what should be done. His inclination is not to sit down with people. My natural inclination is to sit down with people, objectively and analytically look at the situation, what some of the solutions to complex problems might be and how we can go about addressing the situation. We have an arrogant, out-of-touch minister attacked by his own clinicians like Dr O'Keeffe, who gatecrashed his announcement on women's health services and accused him and said straight out that an injection of funds in this area may address the issues in women's health but without addressing the bed block that is endemic across the institution, it is like putting petrol in a car on blocks.

We have a ludicrous situation where the Government is rushing to make announcements, which I believe are well intentioned, but without adequately and properly consulting with the health professionals within the minister's reach. Good ideas like Labor's policies leading up to the last election were outlined very clearly by the Labor leader to the Premier in correspondence at the end of last week. What is not to be gained by holding statewide round-table discussions with these people? This minister is attracting criticism from within his own party, including his Premier. The member for Clark was saying that the minister effectively needs a break or a major investment in the health system to address this situation, but what do we have? We have neither.

Mr Hidding - You've got nothing.

Ms STANDEN - I am a backbencher in opposition, Mr Hidding. You are in government and you have had nearly five years. I will stand up against you any time of the day, any day of the week, and I bet you my ideas on health would trump yours.

Mr Hidding - Well, let's hear them.

Ms STANDEN - Oh, for goodness' sake!

Mr DEPUTY SPEAKER - Order.

Ms STANDEN - You have independent assessments from KPMG and RDME, reports to the Government that highlight a structural deficit of a \$100 million black hole now, and increasing, you have an admission there have been cash injections propping up the health system both this financial year and last. You have independent experts like Martyn Goddard saying that the situation of underfunding could be even worse than that \$100 million per annum. We have a critical shortage of beds in the mental health space, with an announcement this week that will only scratch the surface; there will be no improvement in the next six months, that is for sure, and more like 18 months in terms of the acute care beds. Why can't this minister wake up and realise that by speaking to staff members, the two opposition parties, unions and those at the front line, he can only gain from the ideas that would be put forward in those sorts of exchanges? He should be welcoming the Labor leader's outlined ideas in the letter to the Premier. Think what could be achieved if he was to stop this arrogant approach of just not listening.

Mr Ferguson - What you have just said to Rene Hidding is arrogant. You were very rude to him, but that is okay.

Ms STANDEN - Once a teacher, always a teacher.

The letter to the Premier says, and I agree, that it is incumbent upon elected members of the parliament to work together in the best interests of Tasmania. Ms White simply requests an urgent meeting with the Premier to discuss opportunities to support doctors, nurses and health professionals in ensuring that the community has access to the best possible care. What is not to be gained by an approach like this? The letter outlines a 10-point plan of a number of actions available to the Government to reduce waiting lists, to ease pressure on emergency departments and holistically benefit the health of the Tasmanian community.

That starts with full and transparent release of the KPMG and Deloitte reports. Despite repeated questions within this place, the Government continues to cover up those reports. If there is nothing to be covered up then why not release them so that health professionals and the broader Tasmanian community can be fully informed about the current state of the health system? Why not convene those statewide round-tables with stakeholders? Why not immediately commit to addressing the structural deficit in Health funding identified by KPMG? In a so-called golden age where this Government has so fortunately benefited from strong GST receipts, it really is time for a rethink in terms of funding priorities for this Government.

Why not listen to the solutions proposed by frontline staff to address the bed-lock at the LGH? Instead there has been staff picketing outside that hospital on their breaks for more than 100 days just wanting an audience with the minister to listen to the terrific ideas they have in order to improve the permanent capacity and wards across that facility. Why not work with the staff at the Royal Hobart Hospital to meet the demand by looking at seven day discharge from the Royal?

There is a call here to dramatically ramp up preventative health measures and programs, which is an area close to my heart. The minister's report aims for this to be the healthiest state by 2025. He knows this is the poorest, unhealthiest state by most measures in chronic disease and so on, yet there is a very small percentage of the Budget, some \$8 million to \$9 million only out of three-quarters of a billion dollars allocated for preventative health measures. Less than \$2 million is allocated to over four years for quit smoking measures. Healthy eating and physical activity measures are allocated only \$3.5 million. A healthy community's commission could be one of those ideas that encourage at the clinician level and across community groups and so on, a healthy, robust exchange of ideas like the Tasmanian Chronic Disease Prevention Alliance I was involved in some years ago.

Even now after this week's announcement, the plan and the time line for the proposed mental health beds is still unclear. It was a white-knuckle announcement this week, with a failure to consult with stakeholders other than the Chief Psychiatrist, from what we can gather. It defies logic.

It was a terrific idea to provide funding for capital works at Millbrook Rise to provide treatment to mental health patients as a step-down facility. Once again this could be actioned within the six month period that I am talking about. It is under extreme pressure at the moment.

Investing in more public mother and baby unit beds statewide and appointing permanent psychiatric emergency nurses, particularly at the Launceston General Hospital and the North West Regional Hospital, would be a way to address long-term mental health issues and our escalation within the emergency department environment.

An apolitical long-term approach for fixing the health system is beyond due. In the nearly five years this Health minister has had to address these issues, the health system has become worse, not better. Independent reports and annual reports from his own department show that. It is high time that he considered a consultative, considered, long-term approach, which is apolitical, tripartisan, with health professionals, unions and peak bodies.

[4.23 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, I will make a short contribution to give the minister a chance to speak to this motion.

The Greens agree with the general tenor of this motion. It is a bit of a political motion because it has an internal contradiction which does not make sense to me. It has become a political issue because this Government has failed so consistently to come into office and grapple with what needed to change, given everything the minister said in 2014 and beyond about the things that needed to change in the health system. He has set about doing the opposite of what is needed.

It has become a political situation. We have seen front page news in newspapers, in headlines and on the news at night for years now, far beyond the normal course of events that you would expect to see on health systems in other states.

We all accept that health is a very challenging portfolio, particularly in modern Australia. Nonetheless, the way the minister and this Liberal Government have chosen to prioritise cuts to the budget over the last five years has led to this devastating situation in Health.

It has been hugely exacerbated by the minister hiding information in the last term of government, particularly leading up to and just after the state election. They were not upfront about reports that had been done on the access to emergency care. A report the minister sat on for about five or six months had to be retrieved under a right to information request. Information was passing within the THS and beyond, formal and informal information, about the real concerns about the CEO of the THS, his terrible performance and the impact it was having. Subsequently, he is no longer in that position.

The restructure of the THS happened after 2014. The minister did not listen to comments from his own health staff about how it was too centralised, too rigid and how it cut the hospitals out of having any voice at all. Therefore the pendulum swung hard over to try to counteract what this Government and other people saw, in their view, problems in the management of health that was there from the previous period.

In doing that they did not listen to people's concerns along the way. There was an arrogance about how things should be managed. Unfortunately, the chickens came home to roost. They have done so in a very distressing way for people waiting in an ambulance, ramping for hours and hours and hours outside the Royal Hobart Hospital, and sometimes the Launceston General Hospital. Patients in mental health distress are forced to wait for hours or days in the emergency department in places that are clearly unfit for a person in their situation.

The contradiction in this motion, however, is that Ms White congratulates the Speaker, Sue Hickey, for her call for an apolitical approach to fixing the health system but then wants the Premier to include representatives from all sides of politics in statewide round table discussions with health professionals, unions and stakeholders. That is a political response. It is a political situation but I do not believe it demands a political response. In principle, we do not have a problem with that

call. I am not sure the Greens would feel the need to be involved in that conversation. We believe we have called for and we ourselves have run a health stakeholder round table because this Liberal Government failed to do that.

We support a call for a statewide round table discussion with health professionals, unions and stakeholder groups between now and the end of 2018. It would not be an advantage to have all sides of government there. What would be an advantage would be for the minister to clear away the wreckage of his reputation of not listening to stakeholders and start on a new foot.

Let us believe that Mr Ferguson has really grappled with the situation now, we are in a second term and we have four years. It is an opportunity with lots of things changing. Some things are changing for the worse but that is the time to take stock. I hope that the minister has learnt that stone walling, hiding information, refusing to listen to people when they say things that are unpleasant is not the way to run a health department; it is not the way to get people on board, and it is not the way to solve intractable problems.

Having a stakeholder round table, inviting people and making the information about what they say available - let us face it, this is Tasmania. There is not point hiding it, because it will come out eventually. Stuff comes out. It is much worse when you hide it in the first place. Have confidence in your convictions. If you know where to go, be proud. You can do it, minister, I know you can.

There is a systemic problem here which is a really difficult one. It is difficult for the Liberals in government to do what needs to be done in this situation. It is not that the minister is not capable. We have a really obvious problem with way too much workload happening in the Liberal Government, and with a Premier who now has 10 portfolios. It is a totally ludicrous situation. We have a minister who has too many portfolios. Health is a massive responsibility. Looking from a bird's eye view as though you were an alien looking down, why would you give Police, Emergency Services, Fire and Health to the same person to manage, especially when you have a health system like we do? Clearly that is a problem.

The other problem is the Liberal philosophy, which is that things are individual responsibilities and if people take individual responsibility and we focus on the individual then we can get outcomes. That is clearly going to continue to take us down the path of more ambulance ramping and more money spent in the health system and the acute area. It will prioritise focus on the medical model. It drives the ambulance to the bottom of the cliff and requires us to continue to focus in that way at the acute situations and crises which will continue to get bigger and more extreme.

The minister had an inkling of that in 2014 with the idea in 2013 of having the best health in Australia by 2025, but the issue is you cannot do that without a systemic response. It was not an accident in Australia when we had a Liberal Prime Minister like Tony Abbott refusing to remove junk food advertising from children's television, and John Howard before him said the same thing - 'It is the responsibility of parents to tell their children how they should eat. It is not our job as a government to get junk food advertising off children's television. Parents should just educate their children better.' I mean, really? It is not surprising we live in a society with the highest levels of obesity when we have companies like Coca-Cola Amatil and Schweppes coming in and making damn sure we do not introduce container deposit legislation to make sure there is nothing at all that impinges on their bottom line. It is no surprise that we have chronic diseases increasing all the time because of the stranglehold of the big food industry on our labelling and packaging of food at the federal level.

We have a situation where we do not systemically push down on alcohol or talk about the impacts of alcohol and do something about the volumetric amount of alcohol in drinks and price it relative to the percentage of alcohol. We do not do that because we want to allow a free market for the alcohol industry to make as much profit as they can, but it is at our expense and the expense of individuals who, for a whole range of reasons, are not able to control ourselves as much as they would like to.

It is the role of government to put money into health and all policies that go across the whole Government so that when we design roads and footpaths they are designed to make sure they give us the opportunities for exercise as we need it.

It is something that the minister can do in looking at putting the money, over the next couple of budgets, into the amazing voluntary resource that we have in the community of people who work for free to support the people who live with their families who have mental health illnesses, their friends who need to be cared for and all of the organisations that do essentially free voluntary work. They are the backbone of this community. They are the backbone of the tuckshop and fresh food schools movement. They are the backbone of the carers' organisations and they get an absolute pittance out of the Health budget. Typically that money has not even been increased beyond CPI year on year. They are expected to be able to cope. I have been around and talked to them and many of those organisations cannot do it much longer. They may not be able to do it any longer. Some of these people are held together by only one or two amazing people but they are getting burned out. They need a bit of support. Almost all of the work they do is voluntary. It is such an incredible resource relative to the billions of dollars in the Health budget. They do massive lifting and they need that support.

If you were to increase their budget by 100 per cent it would be a tiny part of the budget and make such a huge difference. It would have a multiplier effect which would go a long way to the distributed health system that we need so it is not all focused around the Royal Hobart Hospital, the Launceston General Hospital and the North West Hospital and on a medical model and an acute health model but it is looking at, way upstream, preventative health and community health.

The Greens are happy to support this motion. We do not feel the need to take up a round-table discussion with health professionals, unions and stakeholders. We would be demanding that the outcomes of those sorts of round-tables be made public and no longer be done behind closed doors. Everyone understands we are on a pathway to increasing the problems we have had in the past and we can turn that around now. We should work together on this issue, as on all issues. We have our state's best interests at heart and we have the people within Tasmania that we all care about in every part of the electorate we represent.

[4.38 p.m.]

Mr FERGUSON (Bass - Minister for Health) - Mr Deputy Speaker, I am grateful for the opportunity to speak about the Government's plans in Health and listen to what other members of the House have had to say. I can indicate from the outset that the Government will not support this motion today. I had a good look at the motion and had a good look at the letter from the Leader of the Opposition to the Premier that I have to hand which indicates to any objective reader that Labor is not really interested in bipartisanship at all. This is Labor pretending to the voters, having been running their own medi-scare campaign before and since the election. It is fairly apparent that people must have been giving their feedback to Ms White that they are being very negative and unhelpful and they have come to a latter realisation that maybe they need to be seen to be more supportive and helpful for Tasmanians who are at times having trouble getting access to health care.

I had a good look at the motion itself with a view to wondering whether there would be some amendments the Government could move to make it more workable. Frankly, if you look at each one of them that was quite a challenge. On the one hand in part one, Ms White gives the Premier all of three words from his address to Liberal members at state council a couple of weekends ago. They have isolated three words where the Premier had said that in this government's view the health system is not good enough in terms of providing access to care for Tasmanians.

He also said a lot of other things. For example, our record investment, the reforms that have been engineered by this Government without any scrap of help from the Labor party to make services safer in Tasmania. The Labor Party told us that they would support those reforms but whenever they got hard, the Labor party went political. The Premier also made clear that we will do more and the Leader of the Opposition has not had the grace to quote those words. It is difficult to do much with part two because the Leader of the Labor Party has brought our Speaker into the debate. I bring to the notice of members of this House that there has been a correction made to the original motion here to make it more reasonable. We are not supposed to bring the Speaker into the debate.

Number three calls on the Premier to include representatives from all sides of politics in round table discussions, et cetera. That is what we have been doing; we have been the most openly consultative government in health, ever. People might be forgetting that the government led the most extensive public consultation in 2014 and we have continued it on each year. Every year I have gone back to the community, in person, live in forum in every region of Tasmania, and I will be doing it again next week. Everyone is invited. I will also take note of what Dr Woodruff had to share in her contribution about that; I do agree with her that there is a bit of doubletalk going on in there. Further in number four, Rebecca White, the Leader of the Opposition, wants to reach for the frightening language of crisis in health. Who does that help? How is that bipartisan? It is not helpful, it is not bipartisan.

I will go through a few points here. Labor is just politicking on health. We saw it yesterday in the House because Labor was aware of the Government's planned update for how we are going with our implementation of the plan that Tasmanians voted for. Tasmanians voted for a health policy and a health plan with \$200 million more in commitment than the Labor party at the election. Who could forget the Labor Party's advertisements on television during the election campaign with big, unattractive photos of the Premier, black and white of course, telling people that they would die if they voted Liberal? That is the positive campaign from the Labor Party. That is their history because they saw Bill Shorten with his appalling 'Mediscare' campaign in 2016.

Who could forget Labor's petition to get rid of the health minister? How is that bipartisan and how does that help anybody? That is right, heads down - how is that bipartisan? How is that speaking to your point four, 'further agrees that the best way to tackle the crisis in the health system is by working together'. How is that working together? Ms White was asked who she would like to have as the health minister if not Mr Ferguson, who by the way was asked by none other than the Premier to continue delivering the government's agenda.

The Advocate called you out, and there is a good reason why Rebecca White would not nominate an alternative Government member to take Michael Ferguson's job. If the Labor leader did so, and she named a Liberal she would prefer to see as health minister, she would effectively be expressing some degree of confidence in that person which would extend to whatever job they were doing now.

It is not in the political interests of the Opposition to give the impression that it believes anyone on the Government benches is in anyway competent. What Ms White's non-answer does show is her party's campaign for Mr Ferguson's head is just more politics as usual, and lazy shallow politics at that. For Labor, ousting the incumbent health minister is not an objective that comes from wanting to see a more capable, suitable individual in his stead. Rather it would help to paint a picture of a government in crisis that was not able to manage our health system.

There would be no honeymoon for his replacement either, with the Opposition merely turning its sights on the next person to take on a role that has long been said to be a poisoned chalice.

That is what *The Advocate* editorial had to say about Ms White's stunt. As for the next stunt, Ms White's letter to the Premier, it might have been sent on Friday and yes, sure enough out on Sunday Labor doing negative media politicking on it. It is not all rubbish. I do not mind some of their language in here around helping discharge and supporting our staff but let us be very clear, this is not a 10-point plan, Ms White. It is not. There is a lot of language in here around political positioning. There is getting involved in politics. You are getting involved in the language of division. You have actually bought into industrial action during EBA discussions and negotiations. I do not mind your point five on ensuring that we can do effective discharges through the week. That is just sensible - no-one argues with that. But then we get into six, seven, eight, nine and 10.

Basically what you have there is a collection of policies that you took to the election that the voters rejected. That is what you have done.

Ms White - You don't like any of them?

Mr FERGUSON - See, you are not hearing me. You are not listening because what you have actually done here is you have said just like you did on election night where you said to the voters of Tasmania 'Up yours; we do not accept your judgment'. That is what you are doing here again. You are basically saying to the voters again you should have voted for me. That is what you have done. You want us to invest \$15 million I think, was it not? No, it is \$20 million because it is over four years. So \$5 million a year you want us to spend on a healthy community's commission separate stand-alone government department or statutory authority, call it what you will. You want us to set up a bureaucracy for \$5 million a year. No, we do not agree with you on that. You have actually said in point seven that you would like to see a time line -

Ms White - That is not the policy. You are a joke.

Mr FERGUSON - Oh you say it is a joke.

Ms White - I say you are a joke.

Mr FERGUSON - I say it is not a joke. It is not a joke - it is serious. You say in number seven -

Ms White - You are a joke. You cannot even represent policies truthfully.

Mr FERGUSON - I am happy for you to get that on *Hansard* and we can all see how bipartisan you really are.

Ms White - You are not representing things truthfully.

Mr DEPUTY SPEAKER - Order.

Mr FERGUSON - Under your skin because the voters rejected your policies; all seven of your health policies. Now to the point, on number seven in your letter you call for detail on a plan and time line for the proposed mental health beds at Mistral Place and the Peacock Centre. What could be fairer than that? An Opposition asking for that kind of detail. It was provided yesterday but the problem here is this: the Labor Party is politicking around Mistral Place. They have rejected yesterday - I hope they are recanting - the advice to do Hospital in the Home, which means more beds and sooner than either Mistral Place or St John's Park could come online. You played your politics with that yesterday and as far as I am aware, you are still opposing the Peacock Centre.

Ms White - Just build it.

Mr FERGUSON - Now you say 'just build it'. Your Opposition spokesperson was out the front of Peacock Centre looking over the handrails longingly at it and told the media it can never work. You are opposing it and if you are not willing to say that on *Hansard* I find that very interesting doubletalk. You see this is political for you. Number eight, number nine, number 10 - you are trying to get your policy implemented when you know that our mental health policy is now more than four times as substantial as Labor's.

We expect scrutiny. This is not a Government that is arrogant. This is not a Government that thinks we have all the answers - we know we do not. We have been saying that for four-and-half years as well. In fact the goodwill from stakeholders that we have enjoyed for our reforms has been fantastic and there are a lot of good things in the health system that time will not allow me to talk to, where you do not get a lot of praise for it because people think it is good. They accept it but they would rather you focus on the areas of challenge and is not that just the truth in politics. That is life. We accept that, but Labor opposed Hospital in the Home yesterday.

You send your stunt letters and you wonder why the Premier does not trust you when you then use it as a media campaign. You get yourself involved in industrial action when you know that there is a Government wages policy. You have been unwilling to have your own wages policy and yet you are trying to get in between the bargaining parties. You move motions of no confidence. You had graceless behaviour on election night. You walked away from the Health policy twice. During the election you said you would not be the Health minister, and you also said Michelle O'Byrne would not be allowed to, and then after the election you walked away from it as the shadow. You used language around urgency for more support for our health system and yet when the Government does bring in supports that will be brought in the next small amount of time, you describe it as 'white-knuckled'. You have that doubletalk again. You were on the budget cuts committee when Labor was in office and yet you disagree with our extra investments of \$76 million for elective surgery, for example.

Ms White - That is not true.

Mr FERGUSON - It is on the record. You also use abusive language and the language of belittling people. Your colleague just belittled every schoolteacher in Tasmania with her previous contribution. Schoolteachers should be honoured and supported, and I exclude myself from that; I have not taught for a long time. You belittle people because you are trying to belittle the Government. How unhelpful and unsavoury that display was. That was quite offensive.

Schoolteachers should be admired and respected and yes, often they know what they are on about, but why use that device in a political argument? Does anybody still think Labor is trying to be bipartisan? Have a listen to them.

Labor is opposing our plan. Labor is opposing Hospital in the Home. They have opposed our work on meningococcal vaccinations programs - which by the way is on clinical advice. They have opposed our Peacock Centre rebuild. They have opposed the over-protocol capacity, which is not my work, but I back the doctors. They have belittled and opposed that. They have also opposed our escalation policy. The escalation policy is not always very attractive and none of us want to see our hospitals in escalation during periods of high demand, but staff wanted that. We will never know how many level 4s there would have been had that policy been properly evidence-based and implemented under Labor's time in government. That is ancient history but we will never know. It would have happened.

When I became the minister, I found out the Launceston General Hospital was performance escalated, not a patient flow escalation, where at the ninetieth percentile patients were waiting 45 hours. It is unacceptable when it happens now and it was unacceptable when it happened then, but why do we always try to revise history around what suits the Labor Party? They have not produced an alternative budget.

Ms White - They hypocrisy of that statement is galling.

Mr FERGUSON - There is hypocrisy. Where is the alternative budget when Labor is alleging there is an underspend, when we have increased the Health budget by nearly \$2 billion?

Ms White - Where are the reports? Release the secret reports.

Mr FERGUSON - I say release your alternative budget like a responsible opposition would. It is deeply hypocritical from the Labor Party.

I will continue listening and working with clinicians and the Tasmanian people because their opinion is, to me, as important as anyone else's. We want to keep listening. I want to understand what people's hopes and fears are. That is what next week is all about and everybody is invited.

The Government has a strong plan. I say to members opposite, I know you do not like the fact you got a very low vote at the election and I know you do not like being reminded that you had to write your health policy seven times. We understand that, but at least have the grace to support us to implement the plan the people voted for. That is what Jay Weatherill said on election night of new Premier Steven Marshall. Jay Weatherill, who was defeated as well, said, 'We've got to get behind Steven Marshall to support him implement his plan and support the South Australian people with what they want.' It would have been very hard for him to say that, I suspect, but that sounds something more to me like the kind of bipartisanship that might help get some stuff done. I would have liked to have seen something more like that.

Instead, what we have had from the Labor Party is more or less a grievance debate. This is really a grievance debate if we are honest about this. They have cherry-picked areas where we are struggling in Health, where the Government says we know we are struggling. We get it. You do not have to prove it to us that at times particularly patient flow is our real challenge, and when patient flow is challenged the EDs are flat out and it is not fair on the ED staff, but there are no simple solutions. If there were it would have been done already.

One important solution is building the capacity of our hospitals. A couple of my colleagues have been saying to me lately to get out more about this because people need to know that Labor messed up the redevelopment of the Royal. They have been talking about it since 2006 but they did not lay a single brick or foundation stone. Under the project Labor left behind it should have been finished in 2016. It was a mess. We have fixed it. We have saved it. We have made improvements to it. We have put a helipad in. Who could believe that was not already there? It was taken out by Ms O'Byrne. We have improved the mental health facilities there with six times more outdoor space. We have accelerated the replacement of the hyperbaric chamber. I have stood there and had a look at it; it is amazing. We have made improvements to the decanting plan so it is safe. We have more recently announced some improvements around 10K so it can be better from an operational perspective.

The Government is building right now and we are in our final year - an inconvenient truth for Labor. We are just a year away. Nobody - not I, not anyone - is saying just hang on for a year. We need to work on solutions. For example, the Labor Party is talking about a seven-day discharge. I have been talking about that for a fair while and we have been working through it.

Ms White - Do it.

Mr FERGUSON - You say do it - thank you for that - and we are. It is more or less a sensible comment from the Labor Party to promote more seven-day discharges. That is basically a good thing.

Ms Haddad - How is that not bipartisan? You said it was stunt.

Mr FERGUSON - I have singled it out as your best idea, have I not? You do not want me to say anything good about your letter but I have picked that out as something we are working on. It is commonsense. By the way, it is not as simple as you make out. That is reasonable but we are building the capacity that will include for the first time in the state's history facilities for children and adolescent mental health, something we know we need.

At the LGH we are building a 4K expansion where Ms White wanted to give away the land for a private hospital. We are building into that space, with more car parking, an expanded children's ward, and adolescent mental health. I know Labor is embarrassed about what they tried to do. They would have killed it.

In the north-west we have opened the cancer centre. Labor started building it, and good on them. We finished building it, and good on us, but Labor did not go to the election with a budget to staff it. We did. We have staffed it and it has been a great success. We have put a helipad at the North West Regional and are about to build one at the Mersey. We are linking up our hospitals. I want to say, particularly to Dr Woodruff and before her Ms O'Connor, who had been the shadow health minister, I get more enjoyment from listening to the Greens' contributions on Health. I find them more constructive and interested in what the people of Tasmania need and want than the alternative government, I have to tell you that.

Dr Woodruff - I hope you're listening and will take it on. It is no point just enjoying it but taking it on would be great.

Mr FERGUSON - I have already told you I will. I do not agree with the way you characterised our efforts in preventative health; you have definitely underplayed our investments there, but I find

that is the kind of constructive approach that assists. We are not supporting this motion today, it is pure politics, nor will we be wasting the time of the House by drawing the Speaker into the debate or the vote. That is not what this should be about. I say to Ms White, why don't you have a look at supporting our positive investments? Do not keep focusing your election policy that was rejected. Support us in our work that is consulting, listening and working with staff and clinicians as well as consumers and stakeholder groups.

We will never stop listening and working. The fact that far too often this becomes a personality game for the Labor Party shows that Labor is all about the politics and not at all about the interests of Tasmanians, otherwise they would have come on board and been promoting good policies a lot sooner and not trying to scare people with death ads on television and turning up to industrial meetings which, as they know, are happening during a bargaining period.

Time expired.

Motion agreed to.

POLICE OFFENCES AMENDMENT (BEGGING) BILL (No. 44)

Second Reading

[5.00 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens - 2R) - Mr Deputy Speaker, I move -

That the bill be read a second time.

It is hard to believe that in 2018 begging remains an offence in five jurisdictions in Australia, including Tasmania. This is an antiquated offence that has no place in a contemporary, informed and just society.

The introduction of begging crimes has traditionally been justified as a mechanism to prevent more serious crime. Historically, begging has been suggested to be associated with laziness and moral shortcomings, which would inevitably lead to criminal behaviour or so the thinking was at the time. This legal provision is ripe with the judgment of a classist society. It clearly is no longer relevant in our society and it is clearly no longer a prevalent view in our society that begging leads to other criminal behaviours.

Further arguments such as the broken window theory have also been put forward. The theory suggests that begging contributes to a place's disorderly appearance. This signals to potential offenders that law enforcement has weak control and thus elicits crimes. This theory has also been widely debunked.

Mr DEPUTY SPEAKER - Sorry, Ms O'Connor, as it was a bill I forgot to ask whether you wanted a vote. Do you require a vote?

Ms O'CONNOR - Yes, I can confirm that. Yes, we do. Thank you, Mr Deputy Speaker.

The final rationale for having the crime of begging in place is one that is less often spoken aloud but is most likely the true objection of those supporting begging and other vagrancy laws and that is community amenity.

Historically, it has been suggested that begging is a public nuisance. That is an unfortunate, selfish and elitist attitude. It also holds no empathy for those so destitute they feel they have no choice but to ask strangers for money.

It is worth noting that the provision that this offence falls under is titled 'drunkenness, vagrancy, indecency and other public annoyances'. In the past couple of decades, offences relating to vagrancy, public drunkenness, prostitution and games of hazard have been struck from the act. This Government, when questioned on whether they would repeal this law, replied in the negative. The only rationale put forward at the time was 'we believe there are sufficient measures in place to ensure that disadvantaged people are not unduly caught up in the legal system'.

In the Magistrates Court last Thursday there was a Tasmanian person on five counts of begging. This law is capturing the destitute. The fact that the offence of begging exists and is being enforced is entirely contrary to this statement made by the Liberals in government in the last term. We also know as a broad rule, it is not true. Disadvantaged people are decidedly more vulnerable to being unduly caught up in the legal system as they are more prone to profiling, more likely to be in situations that passively expose them to criminal activities and less equipped to provide a legal defence. Clearly, this evasive response was provided because there is no legitimate basis to support these laws. None. The crime of begging exists today. It should not but impoverished Tasmanians are being captured by it.

Even if we accept arguments that have been put forward as factual and look at these laws with cold hard pragmatism, the realities do not stack up with the intent. If we accept the argument of public amenity as legitimate, these laws still do nothing to prevent begging. Begging is a last resort. People will continue to beg through lack of available options.

If anything, financial sanctions only further impoverish people and drive people to seek financial aid for the same reason that even if the broken windows theory was accepted as factually sound the offence of begging does nothing to resolve the situation.

As the law currently stands someone who is found guilty of begging faces a fine of up to \$815 or six months in prison. The lack of logic there is quite breathtaking. If a person is so destitute they are asking strangers for money, how are they going to find \$815? Are we not then saying to that person if you cannot find the money you can spent some time at Risdon? That is no response to poverty.

Finally, even if we do accept that begging naturally predisposes people towards crime, it does not justify the inclusion of begging as an offence. There are many socio-economic and behavioural factors that can predispose people towards crime. We do not as a society prosecute people based on these factors for preventative reasons. Even if we were so inclined, incarceration for minor offences increases the risk of reoffending in a more serious manner. The inclusion of this offence in statute is a relic of an unjust society. There is no public safety, moral or practical justification for begging to remain an offence.

The Police Offences Amendment (Begging) Bill 2018 will amend the Police Offences Act 1935 to ensure that begging is no longer an offence in Tasmania. The bill is straightforward and simply

removes subsections 1 and 1(a)(a) in section 8 of the Police Offences Act of 1935. Sections 1 and 1(a)(a) set out the specifics of the offence and the penalty respectively.

Fortunately prosecution for begging appears far less prevalent than in other states such as Queensland, which has seen between 179 and 293 cases each year since 2009. In Tasmania, in our understanding, there have been three cases resulting in sentencing since 1 July 2013. Of these cases, two received probation orders and one received a partially suspended sentence of imprisonment. All the individuals involved faced multiple charges. It is unclear what other offences may have occurred. However, due to all individuals being issued with multiple charges, it is clear that other offences exist in circumstances where the police feel that a charge needs to be issued in order to protect the public.

Regardless of the circumstances of any of these cases it is contrary to both the public interest and public sentiment to criminalise the begging element of their behaviour.

It is not a matter of public record however how many cases there have been that have not resulted in sentencing nor is the limited number of charges an excuse for inaction and our failure to remove a cruel law from the statutes.

In 2017 the homeless person's legal clinic Law Right published a paper on the crime of begging in Australia which found that the criminalisation of begging has a disproportionate impact on the most vulnerable member of society. There is a strong correlation between the practice of begging and several complex and interrelated individual factors. People who commit the crime of begging do so out of desperation and because their basic needs are not being met. Failure of government services contributes to incidents of begging, including inadequately funded welfare services, health care, housing and social security. Fraudulent or aggressive begging is rare and can be more appropriately prosecuted under other criminal offences, and individuals charged are often poorly equipped to defend themselves.

That is the evidence of legal experts and we must heed this, take it seriously and deal with this anachronistic law.

Of these points put forward by LawRight, failure of government services to provide for the financially and socially disadvantaged should resonate strongly in the current climate. We currently have a situation where hundreds, if not thousands, of Tasmanians have been priced and squeezed out of the private rental market and a public housing waiting list at a record high of more than 3000 people. The average time to house priority applicants is nearly one-and-a-half years.

We can all agree that housing is the foundation of contemporary society and critical for mental wellbeing, acquiring or maintaining work and earning a living wage. Right now we have a situation where the Government has categorically failed to ensure that enough residential affordable housing, both public and private, exists to house our people. This is a government which has shown itself to be willing to fine or imprison people for begging. Every member of this House will be familiar with correspondence from people who have not been able to access government services and who are desperate, lately often in relation to housing availability and affordability. Likewise, every member of this House would have experience with people who feel that nobody cares about them or their circumstances.

In this place it is not unusual for all parties to support a bill in order to send a strong message to society - that is when we are at our best. One such example is the tripartisan action on family violence. In 2015 a message was sent to the community that the parliament and leaders of all

political persuasions and genders do not accept family violence and that we stand alongside the victims of family violence.

I want to read into the *Hansard* a very strong letter of support that has come from Community Legal Centres Tasmania and Anglicare Tasmania, which I believe was sent to all members of parliament yesterday, 16 October, and I have a copy of the letter here that was sent to the Premier. It reads:

Dear Will

Community Legal Centres Tasmania (CLC Tas) is writing to urge all members of the House of Assembly to support the *Police Offences Amendment (Begging) Bill 2018* (Tas). We strongly believe that homelessness and poverty cannot be addressed through the criminal justice system and call for the adoption of a more humane approach.

Police Offences Act 1935 (Tas)

Currently, section 8 of the *Police Offences Act 1935* (Tas) ('the Act') makes it an offence to beg, relevantly providing -

that a person shall not, in a public place, beg or expose wounds or deformities, or place himself or herself or otherwise act so as to induce or attempt to induce the giving of money or other financial advantage, or instigate or incite another person to do any of those things.

The penalty for begging is a fine of up to \$815.00 or imprisonment for a term not exceeding 6 months.

The case for abolition

The use of fines and imprisonment as a response to begging fails to address the underlying cause or causes of the behaviour. Research carried out by a number of Australian organisations indicates that people who beg are among the most marginalised, disadvantaged and disenfranchised in our society. For example, Justice Connect interviewed 30 persons over 2016-18 who beg or have begged and published the following results:

- 77 per cent were experiencing homelessness;
- 87 per cent had a mental illness;
- 80 per cent had been unemployed for 12 months or more;
- 33 per cent had experience family violence;
- 37 per cent reported childhood trauma or abuse.

Importantly, the research points to begging being an action of last resort, meaning that people beg rather than resorting to more serious criminal offences such as stealing, drug dealing or prostitution.

Finally, an argument often raised for the criminalisation of begging is the need for public safety, namely that some persons that beg engage in standover tactics or threatening speech or behaviour. However, the research finds that the incidence of aggressive begging is very low. It should also be noted that there are other offences currently provided in the Act that could address violent or abusive conduct.

Our current criminal justice approach disproportionately impacts on persons who are without adequate food, shelter and health care. In criminalising begging we are also denying them the right to communicate their need for assistance.

We urge you to support the passing of the *Police Offences Amendment (Begging) Bill 2018* (Tas) which will also bring us into line with Western Australia, New South Wales and the Australian Capital Territory who have all decriminalised begging.

If you have any queries, please do not hesitate to contact us.

Yours faithfully

Benedict Bartl
Policy Officer
Community Legal Centres Tasmania

Dr Chris Jones
CEO
Anglicare Tasmania Inc

I thank the Community Legal Centres Tasmania and Anglicare for their support for this amendment bill.

Mr Deputy Speaker, today we ask the parliament and leaders of all political persuasions to send a message that we do not victim blame, we do not consider begging an immoral or criminal activity and we care about people in extremely difficult circumstances. Today we ask that a message be sent that we will tackle poverty instead of attacking the impoverished. I commend the bill to the House.

[5.16 p.m.]

Ms HADDAD (Clark) - Mr Deputy Speaker, on my first occasion of debating a bill in private members' time I thank the member for Clark, Ms O'Connor, for bringing on this important piece of legislative reform. I advise the House that Labor will be supporting the bill to remove the crime of begging from the Police Offences Act. I stand here in lieu of my colleague, Shane Broad, and am happy to bring Labor's position to the House on why it is important that this part of the Police Offences Act is changed.

Ms O'Connor expressed very cogently the moral implications of the crime of begging and the ethos that the creation of those kinds of crimes a very long time ago came with. In my mind the offence of begging is in that same cluster of crimes that have been removed in recent times, such as vagrancy and public drunkenness, but also very recently in this parliament we have removed the offence of associating with reputed thieves. That was a very recent piece of law reform brought on by the Police minister. While I have put my views on the way that was replaced on the record very clearly, nonetheless in the way it was written that crime needed to go.

This is another in that series of crimes. It is a crime that criminalises desperation and poverty, which is something none of us should stand in this place and defend. In preparing my thoughts on the bill I decided I would give some information about some of the root causes of why people might be led to the decision to have to engage in begging, asking others in the street and strangers for support.

I used to work in the community services system, a system that is designed to support people, but not everybody has the capacity or the ability to seek that support. There are hundreds, if not thousands, of Tasmanians who fall through the cracks of those services and the services are heart-breakingly aware of that. I doubt you would find a community service organisation in Tasmania

that does not have some policies and strategies in place of trying to extend their work in the sense of outreach and to do their best to bring into their service the people who are falling through the cracks. These are the people we talk about in removing the offence of begging from the law in Tasmania. The strongest links between why people beg and the root causes are unemployment, poverty and homelessness and we know that many of those things have been on the rise in Tasmania, in Australia and around the world in recent decades. That is very sad.

Some of the research also indicates strong associations between begging and complex multiple needs or co-morbidities such as mental ill health, drug and alcohol dependency, family violence, problem gambling, physical or intellectual disability. Sadly, one of the more heartbreaking statistics that I found in my research is that the primary purpose of begging when people have been asked for that primary purpose is to fulfil immediate subsistence needs. Food - 88 per cent; accommodation - 53 per cent; and healthcare - 29 per cent. That is heartbreaking and I am sure that most people in this House would agree that the fact that we know we have community members in our state, in our towns and in our cities who are forced into a situation where they are begging to fulfil those immediate subsistence needs of food and accommodation and healthcare - the base of Maslow's hierarchy of needs. It is so important not to lose sight of that.

It is not a career choice to ask others in the street for immediate support. It is not something that people would ever start out in life thinking that they might aspire to. It is a case of desperation and by criminalising it we are criminalising poverty and we are criminalising social need.

Why do people get to that point in the first place? It cannot go by without comment on the appallingly low rates of Centrelink and social security payments in Australia.

Ms O'Connor - Hear, hear.

Ms HADDAD - The single rate of Newstart at the moment is \$278 per week. That is about \$175 per week below the aged pension and it means that 55 per cent of people on Newstart live below the poverty line. The rate of the Disability Support Pension is also considered to be about 10 per cent below the poverty line. It is not this parliament that looks after the rate of Centrelink payments but our federal parliament is ensuring that people in Australia, including in our state of Tasmania, are living significantly below the poverty line. Single people on Newstart can receive an extra \$67 per week in rent assistance if they rent privately but Anglicare's housing affordability snapshot released at the end of April this year showed that there was not one property anywhere in Tasmania that was affordable for a single person on Newstart. That is really concerning.

We all know there is a housing crisis. There was a housing boom that has been very closely followed on the heels of a housing crisis in Tasmania and the fact that a single person on Newstart earning \$278 per week with a possible rental boost of \$67 per week could not afford any house in Tasmania. All of those people are not homeless but they are living in acute housing stress. I had some comments about housing stress - it is a big number. I will get to it.

There are other frustrations for people who are receiving social security benefits. The serious problems with the way that the social safety net is administered also pushed people into poverty, into homelessness and in some instances to begging. These include difficulties in accessing Centrelink via telephone - the cost of calling, the waiting times, the hours that people spend on the phone, the high call disconnection rate, i.e. people can wait for hours and then have their call cut off and often difficult interactions.

I have the utmost respect for people who work in Centrelink. As an advocate, I have worked alongside people who work in Centrelink for many years and I understand the difficulty of the job they do. I also understand the difficulty of the clients who walk into those offices or phone those call centres who so often have given every piece of information they could to Centrelink - every payslip, every piece of information about their expenses, every bit of information about the ages of their children, their partner if they have one and their income and yet they can still find themselves having accrued a Centrelink debt through no fault of their own. Those debts are often immediately due and often go into the thousands of dollars and that is a frightening situation for any person on a low income to find themselves in.

Income and wealth inequality is at historic highs in Australia and it is also above the OECD average. People in the top 20 per cent of income earners receive on average five times as much as the income of the people in the bottom 20 per cent. The top 20 per cent of wealth holders have 100 times as much as the bottom 20 per cent and approximately 3.5 times as much as the bottom 50 per cent combined. Income inequality has sharply increased since the 1980s and continues to rise. Wealth inequality, which has increased markedly in the four decades, also continues to rise.

Between 2003 and 2016, the average wealth of the highest 20 per cent in Australia rose by 53 per cent and the average wealth of the lowest 20 per cent declined by 9 per cent. In other words, not to fill people's heads with statistics and numbers, the rich are getting richer and the poor are getting poorer and that is not a community any of us should aspire to continue living in and supporting.

Ms O'Connor - Inequality. It is exponentially worsening.

Ms HADDAD - It is. The other thing people often lose sight of is, it is expensive to be poor. Things cost you more when you are on a low income. If you get to the point where you have not paid a bill and you have a premium hit on top of that bill, it costs you more than it does if you can whip out your credit card and pay that bill the minute it hits your post box. It is heartbreaking that we have people earning some of the lowest incomes in the OECD but that distance between the rich and poor continues to grow.

In light of that, when I was reading I found out that one in eight Australians - that is about just over three million people - live below the poverty line. One in six children live below the poverty line. We know in Tasmania we have some of the worst poverty rates and some of the worst social outcomes as a result of those bad poverty rates. On those national figures, I would dare say that could be higher for Tasmanians. Many of these people are classified as living in deep poverty. That means, on average their weekly income is \$135 a week below the poverty line. The poverty line is already depressingly low. I challenge anyone in this Chamber, myself included, to be able to live their life and deal with their day to day expenses on the poverty line, let alone earning \$135 a week below the poverty line. The proportion of people affected by that is higher in Tasmania because we have the highest proportion of low income households in the country. One-third of Tasmanian households live on less than \$600 a week.

I have friends looking for a rental properties right now and if they are a family of two, three or four people, it is hard to find a rental property anywhere in the greater Hobart region for less than about \$400 to \$450 a week. If those households are living on less than \$600 a week, they are going to be in acute housing stress if they can find a place to rent at all.

I spoke about some of the key reasons people beg and we talked about food and housing and health care, that bottom layer of the hierarchy of needs we all need to fulfil in our lives. We know that having access to secure and affordable housing is a key determinant for all other areas of our social wellbeing. Having access to affordable housing affects our health and our mental health outcomes, our opportunities for employment, our opportunities for education and our opportunity to access community support networks and government support and social services.

For children, the lack of a sense of security and a settled identity of having a roof over their head has negative effects, such as early childhood brain development effects, social development through an inability to participate in some activities with their peers, and often poor educational outcomes. That has nothing to do with those kids. That has nothing to do with those kids' parents. It is simply down to the fact that they have been born into a time where they are experiencing poverty. That is not something any of us should be proud of.

Some 10 per cent of Tasmanians are classified as living in housing stress. It is not unusual for Tasmanians who receive income support to spend more than 75 per cent of their income on rent. While it might be 10 per cent who are classified as living in housing stress, 75 per cent of your income is acute housing stress.

I believe the national ACOSS figure is something around 30 per cent or 35 per cent. If you are spending more than that on your rent, you are deemed to be in housing stress. If it is not unusual for Tasmanians to be spending 75 per cent of their income on their rent. That is acute housing stress. On any given night, there are approximately 1500 homeless people in Tasmania, many of whom are sleeping rough. That includes 300 children.

As I said at the beginning of my contribution, a number of social support agencies are funded to provide services to people who need them, including people who are experiencing extreme poverty, but so many fall through the cracks. Despite the best efforts of agencies to outreach to communities that are slipping through the cracks, sadly there are still many who do.

The latest Australian consumer community sector survey showed that 80 per cent of frontline agencies are unable to meet demand with their current level of resourcing. Cuts imposed by the federal government in the now infamous 2014 budget have not been reversed. The survey also found that 87 per cent of providers were expected to deliver services under a contract or funding agreement that was yet to be finalised; 62 per cent reported that they had not extended staff contracts due to funding uncertainty; 35 per cent had delayed recruiting staff; and 34 per cent had delayed filling vacancies. What this tells us is not only are people slipping through the cracks in not being able to even start to seek support from social support services but of those people who manage to seek support, so many of those people are being turned away because 80 per cent of those front-line agencies are unable to meet demand for service under their current funding arrangements.

People who beg describe the experience as humiliating, degrading and isolating. Nevertheless, they feel they are forced to do it as a last resort. In many cases the only alternatives they can see are too unappealing to describe. This is why people who beg report that whether it is illegal makes no difference to whether they will continue to do so because they feel they simply have no other choice.

Research shows that almost no begging activity is aggressive and it is therefore not the case that others are harmed as a result of begging for money. I am told that the police want to have this offence retained although it is rarely used. When it is used, it is usually when there has been a case

of severe harassment and chasing and the like. I argue that it is our job as leaders in parliament to assist those people on the front line to find other avenues to charge that kind of behaviour. If there are instances of severe harassment, chasing people through the streets, unappealing and aggressive conduct then of course that needs to be dealt with by police but it should not be dealt with through the offence of begging.

Whether people are actually prosecuted is only part of the problem with anti-begging laws. The threat of prosecution is enough to give police sufficient coercive power to ask people who are begging to move on. As one person described in a recent media report:

I would rather have an assault charge to be honest. Imagine going for a job interview and having to tell them you have a criminal conviction for begging.

Anti-begging legislation does not address the reasons that force people to beg for money and it does nothing to reduce that. It does not address the root causes of what drives people to the unappealing decision of having to beg for money. It does nothing to address those root causes that I have talked about like poverty and homelessness. What it does do, however, is push some of the most marginalised people in our communities even further to the edges of those communities.

How about, instead of that, we work towards providing a fairer and more accessible social safety net, reducing poverty, reducing inequality, reducing homelessness and find the money to properly fund the services that support those of us who are most in need?

[5.36 p.m.]

Mr FERGUSON (Bass - Minister for Police, Fire and Emergency Management) - Mr Deputy Speaker, I am grateful to Ms O'Connor, the member for Clark, for bringing this bill to the House for consideration. The Police Offences Amendment (Begging) Bill 2018 proposes to amend the Police Offences Act 1935, for which I am the minister responsible, to remove begging as an offence in Tasmania.

We will not be supporting this legislation today. I will explain why. I will also pay a compliment to members who have brought the bill in for consideration and I propose a way forward.

To amend the Police Offences Act in the way that is proposed by Ms O'Connor is without a doubt with the best of intentions and the right reasons. No doubt the same, for why Ms Haddad, member for Clark, has agreed with the bill. Currently section 8(1)(a) of the Police Offences Act 1935 provides that a person shall not:

in a public place beg or expose wounds or deformities, or place himself or herself or otherwise act so as to induce, or attempt to induce, the giving of money or other financial advantage, or instigate or incite another person to do any of those things.

The maximum penalty for this offence is five penalty units, which I am advised equates to \$815 currently or to imprisonment for a term not exceeding six months.

Plainly, people can see that the current section 8(1) of the act is more than begging. It is a broader set of descriptions than the simple act of begging of a very poor and potentially homeless person. On advice - everything that I am about to say is on advice - begging remains an offence in Queensland, Victoria, the Northern Territory and South Australia, together with Tasmania.

Ms O'Connor - Does that make it all right?

Mr FERGUSON - Please hear me out. Tasmania Police rarely use the offence of begging.

Ms O'Connor - They still use it though.

Mr FERGUSON - Indeed, and I will give you a broad canvas of information which I know you will be grateful for. Police generally respond to complaints from members of the public who are confronted by beggars. My advice, and I am pleased to receive the advice, Tasmania Police are not actively investigating this offence. I suspect, Ms O'Connor, you are not surprised at that news. Neither was I. I was pleased at that news. I am sure that other members of our House here are pleased at that news because that is a more compassionate approach of our time.

Ms O'Connor - Yes, but we leave dud law on the statutes.

Mr FERGUSON - It is on the statutes and I will continue.

Occasionally, people who may be called beggars position themselves in a location or behave in a manner that does interfere with the enjoyment of public spaces for everyone. This can include deterring the public from entering retail premises or intimidating the public in an effort to obtain money, with such intimidation on occasions escalating to violence. Police may either take action in relation to the begging offence or, as is more often the case, provide a direction to the offender to leave that public place for a specified period with the power to issue such direction being dependent on the person having committed an offence or being likely to commit an offence.

I have listened to some of the arguments already and I know that data is vitally important here to support our argument. I have good advice from police. In the past five years since 1 July 2013, Tasmania Police has only taken action for the offence of begging on eight occasions, importantly with charges and one youth caution in relation to five specific individuals. That speaks to the rarity and the sparing nature that they -

Ms O'Connor - One person a year dragged through the courts because they are impoverished.

Mr FERGUSON - Hear me out and let us not pre or post-judge cases that we might not be personally familiar with.

With regard to penalties for the offence, courts have significant discretion. Magistrates have regard not just to the circumstance of the offence, which is what a lot of our debate so far has been looking at, but also to the personal circumstances of the person appearing before them, which includes their financial position. Our debate has been characterised around a concern for an individual person; I share that and the Government does too.

Further, magistrates are not limited to imposing just the fine or a term of imprisonment as a simple reading of the act might suggest. The reason I say this is because of section 7 of the Sentencing Act 1997 which provides the court with a range of other sentencing options. Additionally - this is important and I think I will be the first person to bring this to the debate - people charged with begging, if eligible, can have their charge dealt with by way of a Magistrates Court, mental health and cognitive disability diversion list. The intention of the diversion list is to deliver a therapeutic justice approach, not the heavy hand of the law. It seeks to address the issue

underlying the offending rather than just focusing on imposing a penalty. The diversion list allows the court to assist persons appearing before them to engage with support services best placed to help in the circumstances.

I have described the charging of or taking action against people in regards to this specific offence as being very rarely applied, indeed five individuals in five years. In the rare instance that begging comes before the court, the most common sentence is a good behaviour bond, or other lesser penalty. I have some more breakdowns here: of the eight matters dealt with for begging only four proceeded to sentence, and the charges only related to two individuals due to repeat offending. I will be clear about that: two people in those five years proceeded to sentence.

I am picking up on your earlier interjection, Ms O'Connor, where you asked if we feel happy that people are being dragged through the courts. No, but we need to get a handle on the acts. In October 2014, an individual received a global sentence for begging and other offences; it was part of a group of offences that were being dealt with. The global sentence applied was one month imprisonment which was partially suspended; I do not have to hand what other offences that person was also being sentenced for but begging was one of those. In our roles in parliament here we can only say that we would respect the decision of the court.

Ms O'Connor - It is Dickensian.

Mr FERGUSON - You might be on to something there but I want to come back to that. In November 2016, another individual received a global sentence of 12 months' probation for three counts of begging, so a repeating situation. Remember that police have told me, and I am sharing it with you, it is very rarely applied and it is not actively investigated so they do not go out looking for beggars to charge and drag through the courts, as perhaps once upon a time in the Dickensian era. That second case that I have summarised is for somebody who had been a repeat offender in a way which was disrupting the public peace and safety.

I also have other data, Ms O'Connor, going back a longer period of time, about 15 years. I am advised that the Magistrates Court has finalised 40 charges of begging in the last 15 years since 1 July 2003. This involved 21 separate individuals. I will depart from my notes and point out that you can see a massive deceleration of active charges in the latter five years.

Ms O'Connor - So let us strike that provision out.

Mr FERGUSON - Of these, 33 charges were finalised with the charge being proven and the offender sentenced.

You are a good debater, Ms O'Connor and you say, 'Let us deal with the last bit.' With respect, I submit to you that might be an argument for not doing that because these are the very rarely applied cases of charging under this specific offence where you do see problematic behaviour that is disturbing the public peace and safety.

This is not intended to sound anything other than sincere. We understand the legitimate concerns the member for Clark has on this issue. Had she not brought it before the House it is a reasonable belief we might not have given thought to whether it is appropriate in this time. We have picked up on other offences that have been swept away by contemporary law making in this House over those 80 years since the Police Offences Act was commenced.

We are fortunate to have a very good resource in the law. It is www.legislation.tas.gov.au and I am sure we all consult it often. As far as I have been able to read from that and a bit of quick extra research, there have been a range of subsections under section 8 that have been repealed over the years. They include, being a common prostitute in a public place; being a male person in a public place at any time between sunset and sunrise dressed in female apparel; to pretend or profess to tell fortunes or use any subtle craft, means or device by palmistry or otherwise to defraud or impose on another person; or even to wander abroad and lodge in any barn, outhouse or shed or deserted or unoccupied building in the open air; not having any visible means of subsistence unless he or she should give a good account of himself.

I am not being flippant about those. Many of these areas are picked up under other forms of the law. You say Dickensian and I tend to agree. We are dealing with an amendment to an act that has been in place for more than 80 years. Language in it is always open for review. We have dealt with consorting and it was a pleasing outcome to see we have retained offences against consorting but we have modernised it and we have used a more contemporary set of expectations around how it works.

Ms O'Connor - Are you going to tell us you have a solution here?

Mr FERGUSON - Yes. I share the concern though because my advice is that the current language is a current construction and even though it is used in a very small number of cases - very small and rarely applied - it is still needed by police and police have advised me it is not to be rushed to be repealed.

The Hodgman Liberal Government is committed to alleviating poverty in our community. We believe investment needs to be made in services to ensure there are fewer people in the community who find themselves in impoverished situations that might lead them to feel they need to beg.

The Government tackles poverty head on by addressing the underlying causes while ensuring support and safety nets are in place for those in need. We did take a strong suite of commitments to the election to support health, education, those in need and to support our community sector. We believe every Tasmanian should be able to have a roof over their head. The Government is working hard to reduce the causes of homelessness and to ease housing stress across our state. The Government is actively responding through our Affordable Housing Strategy, supported by our current action plan and that is about assisting over 1600 vulnerable Tasmanian households by June 2019, including the supply of more than 900 affordable lots and homes.

We know there is a lot still to do. That is why we are investing \$125 million into stage 2 of our strategy, taking our total investment into affordable housing to almost \$200 million over eight years, something I know to be a record.

Together with stage 1 this is delivering to 2400 homes and assisting 3600 Tasmanians into safe and affordable accommodation. This is about the supports that prevent people falling into hard times that could be avoided. The Government has also funded the delivery of a winter support package, which is secured cabins and rooms for people in need, as well as enabling Housing Connect staff to visit and engage people at a number of sites across Hobart. I am sure we are all aware of those efforts and they are to be commended because while it was not a particularly harsh winter, every winter in Tasmania is cold and unsafe for people to be sleeping rough.

Each case is unique and Housing Connect works hard to provide options and assistance to those in greatest need. While the investment we are making is intended to target the entire housing spectrum from crisis accommodation to social housing to helping Tasmanians buy their own home, the Government also recognises a major factor here. I am not sure if anybody has mentioned it, I guess they would have, but there is one issue that underlies homelessness and financial stress which is very real and must be acknowledged, and that is mental illness.

Under our Rethink Mental Health plan we are developing an integrated mental health system that provides support in the right place at the right time and in a connected way, not the siloed approach that has been the case in our state for too long. The mental health of Tasmanians is a top priority for the Hodgman Liberal Government. That is why we have listened to the experts to develop our now \$104 million mental health plan which has the support of all the right people, our key stakeholders. It is being rolled out right now and we are working hard to deliver a mental health system that Tasmanians deserve that incorporates the right mix of acute community and preventative care.

To the point, while we would like to today say that we support the intent of the bill -

Ms O'Connor - You're not going to.

Mr FERGUSON - Please do not verbal me. While we support the good place you are coming from in bringing this bill to the parliament, please also respect what I am saying. We ask you to also respect, as we do, the advice from Tasmania Police -

Ms O'Connor - I have been a minister.

Mr FERGUSON - We ask you to support and respect the advice from Tasmania Police, as we do, that while the offence is rarely used operationally it is still nonetheless considered important. Were it not to be the case, then those small numbers of people who are charged would not be being charged. We do not want to see -

Ms O'Connor - What about the advice of Anglicare and the CLCs, the advice of the social services sector?

Mr FERGUSON - Let us get everybody's advice - that is the point.

Ms O'Connor - What are you proposing?

Mr FERGUSON - I have just told you what the Tasmania Police advice is, which you did not bring into the debate.

Ms O'Connor - Fine, but we need to hear what you're proposing.

Mr FERGUSON - We are not supporting this bill today. We do not want to start seeing begging in our streets, which is against the interests of all concerned. We do not want to see imposition on the increase. We do not want to damage public safety and amenity and we do not want to see people who may feel they need to beg to start begging and compromise their own safety. We are actually concerned for everybody involved here. Unless I could persuade Ms O'Connor to withdraw it and not proceed with it, if we are having a vote today, we will not be supporting it for the reasons that I have outlined.

As I have said previously, we share the concern of the member for Clark on the motivation for this issue. We understand it would need some careful policy work, just as we have done with other reforms that have modernised old language and old-style laws from the Police Offences Act that is over 80 years old.

We are not supporting your bill today, Ms O'Connor, but I make a commitment to the House to review the current offence of begging and imposition, because we have talked all about begging but it is begging and imposition. I will commit to reviewing the current offence of begging and imposition in the Police Offences Act and I also make a commitment to reporting back to the House at the earliest possible time, which I would envisage would be in the first half of 2019. While we may not agree today, Ms O'Connor, I invite you to not react because we want to consider what we can do in this area that is a reform. Had you not brought it to the House we would not be having this debate and I would not have made that commitment because you are the first person to bring it to my attention. With those words, I commend the mover, but cannot support the bill today.

[5.15 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Minister, I see what you did there. It is Anti-Poverty Week. We have had acknowledgement from the three parties in this place that there is entrenched poverty in our community. We have had acknowledgement from Labor that the current law punishes people for being poor and we have at least had an acknowledgement from the minister that there is potentially implicit unfairness in this provision. Am I verballing you unduly?

Mr Ferguson - I think it needs modernising.

Ms O'CONNOR - Okay. Minister, in the spirit of good faith, because at the very least the parliament will deal with this issue again in this term, when the minister reports back, I understand that in this context his advice comes from the excellent people at Tasmania Police, but I encourage the minister to make sure he engages with Anglicare, the community legal centres, TasCOSS and organisations such as the Salvation Army who are working at the front line of poverty.

I have just heard a cross-conversation and the minister has agreed to consult with those key stakeholders. We have all touched on the human dimension of this issue. It is really important that we hear the voices of people who are experiencing poverty and homelessness, the people who are working at the front line and Tasmania Police.

I acknowledge what you said, minister, about 40 people being captured by this provision in the last 15 years and only five in the last five years, but it points to a dreadfully outdated provision which is also manifestly unfair because it punishes people for poverty. I acknowledge that Tasmania Police do not want to be arresting people for begging. What decent police officer would want to do that? There are a number of areas of law where Tasmania Police make informed judgments about how much human resourcing will go into examining potential criminal offences or breaches of the law. One of them is young people smoking cannabis, for example. Tasmania Police are not going looking for young cannabis users but the law still punishes those people as well and ultimately potentially makes criminals of them under the Misuse of Drugs Act.

It is disappointing that we cannot deal with this today because the minister referred to those areas of section 8 of the Police Offences Act 1935 that have been removed and some of them, as we know, are quite colourful. This is the section of the Police Offences Act that criminalised cross-dressing men who were transgender people and for offences, charges and convictions under this provision, this Parliament has apologised for those past convictions.

Mr Ferguson - Ms O'Connor, I put on record that we would do target consultation in line with the names of the groups you have mentioned.

Ms O'CONNOR - Thank you. We had hoped the bill would pass today and that the Speaker might use her casting vote to get this across the line, given that we knew Labor supported it, but it has not panned out that way. I look forward to the next time the parliament debates this and commits to not punishing people because they are poor through punitive and outdated provisions on our statutes.

I continue to commend this legislation to the House. I thank Ms Haddad for her support and all the work you put into your contribution. I hope you are the next minister for police, fire and emergency management.

The House divided -

AYES 11

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

NOES 11

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

PAIR

Dr Broad

Mr Gutwein

Mr DEPUTY 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 Noes. Therefore the motion is lost and the bill will not be read a second time.

Motion negatived.

ADJOURNMENT

Violence against Women

[6.07 p.m.]

Ms O'BYRNE (Bass) - Mr Deputy Speaker, before my contribution commences I give this contextual point. Needles were found in strawberries and we had a national crisis, proposed legislative reform, increased penalties and offered a reward fee. Two people were attacked by sharks and we commenced a cull.

Today I stand in this House only months since I stood here when someone murdered Eurydice Dixon. The outpouring at that time was heartfelt, raw and deep and the contributions in this House

were strong. My contribution talked of Eurydice and the other women but it also talked about the environment that grants permission for men to conduct these acts and the language we use to children around roles and violence - 'It's okay, he only hits you because he likes you'. I also spoke of the reactions of men, the 'not all men' and 'it's not me' responses. I pointed out that you may not be him, but if you know him, if you allow demeaning language, if you ignore controlling behaviour, if you know the violence occurs, then actually you are him. If you do nothing, you are him.

I raise this today because again I am heartbroken and angry. From the third to the sixth of this month, six women were killed. By 8 October it had risen to seven. By 12 October, eight women had been killed in 10 days. Nicole Cartwright was found bound and collared in a Sydney park; Gayle Potter was run over and killed in Traralgon; an unnamed woman in Palmerston in the Northern Territory was found dead; Dannyll Goodsell's body was found in her burnt-out house; Kristie Powell was beaten to death and her small child was found nearby; Erana Nahu died of stab wounds; Jacqueline Francis also died of her stab wounds; and an unnamed 22-year-old woman was found dead in Queensland. Do not say that they should have been situationally aware, because they were. In seven of the eight deaths, the person charged was known to the woman and in most cases these women were in their own homes.

I would like to read into the *Hansard* the very heartfelt response from Jane Gilmore, published in the *Sydney Morning Herald*. Her eloquence is so much greater than mine.

As I write this, six women have been killed in the last five days. By the time you read it, there could well be more dead women -

And as you just heard, we have had two more women die.

making a small blip in the news cycle, but a blip is all they'll get. No outpouring of national grief and rage, just a blip. Compassion fatigue it's called, apparently.

Our compassion is fatigued by the daily drain of women being beaten, raped, assaulted, ignored, dismissed, blamed, ridiculed, murdered. How exhausted we all are by the violence women live and die with.

All these murders were reported against the backdrop of Brett Kavanaugh's appointment to the Supreme Court, following historic sexual assault allegations, as the most powerful men in the world thunder about men's lives being ruined by women speaking out about the violence men have subjected them to.

Imagine this: Six women are murdered by five men in five days. Men all over the nation are filled with rage. They organise rapidly on social media, amplified by the mainstream media reporting of their activism. Protest marches spring up in every major city in the country. Tens of thousands of men rally. They stay up for hours the night before, painting signs and placards, calling all their male friends and family so they can meet and go to the rallies together. No man is left behind. Men uncomfortable in crowds are supported by gentle friends.

Men feeling triggered and shaky are held in loving male arms, told to cry and hold on to the men who feel their pain and carry their grief. Men with a long history of activism against male violence are chosen to speak at the rallies. They share their stories. They cry for the lost women. Rage against the cruelty of lives

ripped apart. Comfort each other and vow never to stop fighting until women are safe.

As the rallies end and the crowds of men slowly disperse, they separate into small groups. Men sit together in bars, cafés and parks because they cannot bear to be alone after the collective draining, all that pain, and knowing that there is still much more under the surface. Men sit with each other unable to stop their tears because they have been to so many rallies before and know that they will have to do it again.

Are you laughing yet? Or crying? Or both? This is a ludicrous story, right? Protesting men's violence is women's work. Men rally when they have women to organise it, to defend each other from accountability. Women rally to defend each other from violence and death, yet still we are told to stop demonising men because they are our husbands, fathers, sons and brothers and they are good men. Where are all these good men when we protest and rage about the things men do to women. Where is their rage?

Where are our good brothers when men tie women who tell their truth to a social media stake and set her alight? Where is their rage? Where is their exhaustion after grief and rage have worn them down? Why do they hand their heads and mumble when they are forced to hear women's stories? Why do the loudest male voices only act to assure us that 'not all men', the thin veneer over a demand that the woman in front of them reassures them that we are not talking about you. Six women dead in five days: there is no doubting men's capacity for rage, so why are they not raging about this?

Madam Speaker, last year 53 women died due to gender violence. Already this year 55 women have died. I am tired and I am frightened of compassion fatigue. I am scared that it is our new normal. I am sick of men who are silent. I am angry at men who need to be told it is okay, we do not blame you. My message today is, 'Do not say "be situationally aware", women are. Do not say, "not all men", or "not me".'

If you do not act when women are denigrated, controlled or abused, if you know him, and frankly you do, if you say nothing then we cannot tell the difference between you and him.

I will end where I started, Madam Speaker. Needles found in strawberries is a national emergency. Two people are attacked by sharks, and we commence a culling program. Yet 55 women die, eight in 10 days alone, and we barely noticed.

Assisted Suicide - Proposed Legislation

[6.13 p.m.]

Mr HIDDING (Lyons) - Madam Speaker, in relation to the last contribution I pray that we never suffer from compassion fatigue in this House, any of us.

Madam Speaker, I continue my contribution on the matter of public policy on euthanasia. As we are aware, some time in the next few months we will be discussing it. I want to take the opportunity to place matters on the record, which I would not have time to do during that contribution.

Euthanasia in the Netherlands is a legal option for children aged 12 to 18, with parental permission, as well as to newborns based on something called the Groningen Protocol. For children who are younger than one, there is a clear evidence of a substantial slippery slope when you read the Groningen Protocol.

The age of consent regarding voluntary participation in euthanasia has been lowered to allow children aged 12 years or older to consent to being euthanised, providing their parents also consent. A total of 14 children in this category have been given euthanasia, with cases ranging from autoimmune disease, epilepsy with accompanying progressive neurodegenerative disease, to leukaemia, all horrible diseases but they can be treated. Three children aged 12 and above were euthanised in 2017 and two so far in 2018.

The slippery slope argument from voluntary to non-voluntary and from competent, into the vulnerably and incompetent patients also has significant credence. Professor John Griffith, an ardent defender of euthanasia in the Netherlands concedes the link between the legislation of voluntary euthanasia and the process of legalising non-voluntary euthanasia of vulnerable people, in this case infanticide, or what the Dutch call neonatal euthanasia. He said:

The applicable norms in the Netherlands have assuredly changed in the direction of open acceptance of the legitimacy of termination of life of severely defective new born babies.

The introduction of the Groningen Protocol provides the grounds for euthanising an infant through post-birth abortion or neonatal euthanasia under what is now acceptable ethical practice. These practices have now been documented to extend the doctor's hastening death because of severe disability and suffering as well as the capacity to 'deliberately end the life of physiologically stable newborns with lethal drugs that would not have otherwise died'. The extent of this practice is unknown as there are significant issues with under reporting.

An important study was published in the journal *BMC Medical Ethics* on 5 March 2018 examining nine euthanasia deaths for people with intellectual disabilities in the Netherlands. The study acknowledges the growth in euthanasia for psychiatric reasons in the Netherlands. I spoke on this last night. The study examined 416 Netherlands euthanasia case summaries, covering nine cases of a person with an intellectual disability, autism spectrum, between 2012 and 2016. These cases are examined in detail in the study. The nine euthanasia deaths included six women and three men of varying ages. Of the nine deaths by euthanasia, six of the people had intellectual disabilities, two were identified as having Asperger's syndrome, and one was identified with autism spectrum disorder.

The study concluded the safeguards and capacity assessment in the cases of people with intellectual disabilities or autism do not effectively protect this group of people:

Widening the implications even further, we speculate that many of the challenges highlighted in this paper could also be relevant to patients in the general population and that they are simply more pronounced or extreme for vulnerable patient groups. It is quite possible that people with intellectual disabilities are like the canary in the coal mine.

Tomorrow I intend to speak about the issue of old age and euthanasia. I thank the House for the opportunity.

Seniors Week 2018 - Lyons Electorate

[6.17 p.m.]

Ms BUTLER (Lyons) - Madam Speaker, I rise this evening to speak about Seniors Week 2018. We are currently in Seniors Week. It is an important statewide program of events which promote healthy ageing while providing opportunities to celebrate older people and at the same time facilitating community participation and connection.

This year's theme of Food Glorious Food celebrates Tasmania's reputation for fine, good quality food. Nearly 600 events are being held this week across this state. These events will provide opportunities to celebrate older Tasmanians and ageing, whilst having fun, making new friends and sharing some of Tasmania's finest food.

The Derwent Valley Council will tomorrow hold the mayor's afternoon tea at the New Norfolk District Football Club Rooms in New Norfolk. They will also hold a 'Caring for your inner self in the age of wisdom' this Friday.

Dodges Ferry has held an intergenerational ITEC session, hip-hop sessions and tai chi sessions.

There is a Seniors Week luncheon and mastering your digital device in Sorell. A Sing Australia Sorell sing-along is being held right now at Midway Point. Tea and tell sessions are being held in Carlton.

The Council on the Ageing, COTA, is the main driver of Seniors Week. I acknowledge the work undertaken by Sue Leach and her team to pull together Seniors Week. I congratulate the Parks and Wildlife Service for its ongoing support of Tasmania's ageing population by providing free access to national parks and heavily discounted passes for future years. It is proving to be really successful in having older people from our community getting out into the wild and exploring this beautiful state of ours.

Our seniors are an amazing source of knowledge. The expertise and experience they can provide to our community should never be underestimated. I would appreciate everybody engaging with a Seniors Weeks event and appreciating older people in our community.

Jess Purton - Tribute

Burnie Coastal Art Group

[6.20 p.m.]

Mr ROCKLIFF (Braddon - Minister for Education and Training) - Madam Speaker, I congratulate apprentice, Jess Purton, on her recent win in the International Colour Matching competition. Jess is a third year automotive refinishing apprentice at TasTAFE and works at Finn's Bodyworks in Launceston.

On Friday 12 October, Jess won the 2018 PPG International Colour Matching competition held in Brisbane. The competition gives automotive spray-painting apprentices from each state of Australia as well as New Zealand the opportunity to hone their colour theory and colour matching practical skills. Apprentices had to win their state or regional competition to make it to the finals and at the finals competitors had to match two individual colours, a solid orange and a metallic maroon. Each colour had to be matched within a certain time frame and competitors were judged

on cleanliness, work health and safety, paint usage, wastage and the best match on the face and flip view.

Jess said her experiences in the workplace including working with a number of different paint systems as well as the in-depth colour matching training she received at TasTAFE helped to give her the edge in that competition. This is a tremendous achievement for Jess, for her employer and for the teachers at TasTAFE. It is the fourth time since 2006 that a TasTAFE-trained apprentice has won this competition with all four of the winners doing their apprentice training with TasTAFE autobody teachers, Mark Campbell and Colin Ogden.

Jess's success further demonstrates the fantastic quality of our vocational education and training system, especially the training delivered by TasTAFE. It also shows the great pathways and opportunities that vocational education and training can offer. I congratulate Mark Campbell and Colin Ogden and the entire TasTAFE automotive and autobody team on their contribution to this excellent result. TasTAFE's apprentice training backs up the skills that students are learning in the workplace with more in-depth training. Congratulations also to Jean Finn the owner of Finn's Bodyworks who has supported Jess in her employment and in the competitions. Most importantly, congratulations to Jess on what is a fantastic result and it is fantastic to see such motivation and a commitment from a young apprentice such as Jess.

Further, I congratulate the Burnie Coastal Art Group on their 40th TasArt exhibition in September 2018. The Burnie Coastal Art Group was formed in 1952 and has been bringing opportunities to Burnie and its arts community now for 66 years. The Burnie Coastal Art Group fosters the development, growth and appreciation of visual arts and crafts for the citizens of north-west Tasmanian communities. They also help local artists come together where they can share the skills and ideas with each other. They hold specialist workshops for artists to develop their skills and talents and many of their events are specifically aimed at promoting art to the broader community.

TasArt, the 40th year, showcases the talents of Tasmanian artists, in particular artists from the north-west and provides a place for new and emerging artists to present their works next to established artists. This in turn can encourage artists to extend themselves and their talents and at the same time project north-west Tasmania towards the top of the Australian arts calendar. These opportunities are brought to us by a committed group of volunteers on a not-for-profit basis. There are many members of the Burnie Coastal Art Group; they do a fantastic job and I commend them for it. I am very proud to be their patron and people and groups like the Burnie Coastal Art Group are making achievements that can benefit all of us and particularly our communities in rural and regional Tasmania. I commend them not only on their 66 years but also particularly TasArt which is a fantastic exhibition.

Midlands Highway Upgrade - Petition

[6.24 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Madam Speaker, I table a petition on behalf of residents in the Bagdad community. It has been circulated to other members in the House because I will need to seek their leave at the appropriate time to get the permission of the parliament to table the document. For the benefit of members in the parliament I will read out the petition's wording:

Your consideration is requested in relation to the following situation which has found to be a consequence of the proposed Midlands Highway upgrade. This particularly relates to your safety and how you and your family live in the Bagdad community.

It is proposed that this document will be sent to the State Government of Tasmania highlighting the following concerns and your signature to be considered to be a request that the Government properly consider the proposal detailed below.

1. The speed limit through the hamlet of Bagdad be restricted to 60 kilometres per hour, a 30 second increase to the travel time.

There are approximately 200 signatures to the petition that I will seek leave to table. I understand that the Minister for Infrastructure is aware of this matter and is interested in working with the community to resolve the concerns that have been raised and I thank him for that.

I would also take the time given that this is a matter that is now new to this House, to remind members of what occurred when I sought to table this petition in the last parliament where I was stopped from doing so by the Leader of Government Business at that time, Mr Ferguson. It was quite unusual because as is the practice when petitions do not conform to the standards of this House, we take the opportunity on adjournment to seek the leave to be able to bring forward the concerns of citizens of Tasmania and make sure the Government is aware of them and responds appropriately.

Mr Ferguson must have been having a bad day and refused the leave being granted and the tabling of that petition. The House divided on the matter. Unfortunately all Government members voted against the tabling of the petition which was very strange at the time. Following that, I took the opportunity instead to write to the minister and write back to the constituents who were concerned about the matter. Again, on behalf of the constituents of Bagdad who are still concerned about the speed limit through their local community, I bring to the House this petition and seek leave now to table the document that has been circulated to members.

Leave granted.

Ms WHITE - Madam Speaker, I table a petition signed by approximately 200 citizens of Tasmania requesting the Government properly consider the proposal for the speed limit through the hamlet of Bagdad be restricted to 60 kilometres per hour, a 30 second increase to the travel time.

Misrepresentation of Comments by Ms O'Connor

Invictus Games

[6.27 p.m.]

Mr BARNETT (Lyons - Minister for Resources) - Madam Speaker, I would like to respond to the member for Clark, Ms O'Connor's unfounded, unfair and serious misrepresentation of my words in her contribution in this place last night and again earlier today regarding the appointment of US Supreme Court Justice Brett Kavanaugh. I will quote the member for Clark from *Hansard* last night, quote:

We only saw that in the United States last week with the appointment of Justice Brett Kavanaugh to the US Supreme Court despite the fact that a victim of his abuse had testified before the US Congress.

With those words 'victim of his abuse', Ms O'Connor effectively found Justice Kavanaugh guilty of a serious crime. The member for Clark knows that in both the United States and Australia, allegations do not become convictions until they have been proven in a court of law. That was the point I was making and I reject any other assertion to the contrary.

Ms O'Connor - You were defending the patriarchy. That is what you were doing.

Mr BARNETT - That was the point I was making and I reject any other assertion to the contrary or attempt to misrepresent my views.

Tonight I am pleased to mention and congratulate two resident Tasmanian veterans and six Tasmanian born veterans who are competing in the upcoming Invictus Games being held in Sydney on 20-27 October.

Team member Matthew Brumby of Devonport is a T6 complete paraplegic as a result of a pocket of fluid called a syrinx that formed in his spinal cord. Matt has been named as co-captain of the Australian team, a great achievement.

Mr Brumby suffered the injury at 22 years. Like his friend and teammate Jarrod Kent, Mr Brumby said sport had played a big role in his rehabilitation since being discharged in 2001. He has entered athletics, cycling and wheelchair rugby.

Jarrod Kent from Latrobe was training with his military special forces in late 2015 when he was injured near Enoggera Barracks in south east Queensland. He had to endure 10 surgeries over 14 months and was discharged in 2017 on medical grounds, citing a lower back injury, shoulder injuries, knee injuries and post-traumatic stress disorder. At the Sydney games he has entered in powerlifting and swimming heats.

I met both these men some weeks ago at the Claremont RSL and I have great admiration for both these wonderful men and their families.

Last week I met with Jarrod Kent at Launceston PCYC where I presented to him a Tasmanian flag that he said he will fly proudly and high at the Invictus Games. That is fantastic. 'Invictus' is Latin for unconquered and indeed this rings true for Jarrod and our athletes. Jarrod summed up what it meant to him to compete at the games by saying it had helped lift him from the very bottom of the darkest valley. 'The concept of the games, the rehabilitation side of it and the team environment has been key to myself turning my life around', he said.

Other Tasmanian-born entrants include Bridget Baker, formerly of Hobart but now resident in Canberra - athletics and power lifting; Trent Forbes from Hobart and now resident in Brisbane - cycling; Emma Kadziolka from Hobart and now resident in Brisbane - athletics and indoor rowing; Sonya Newman from Burnie and now resident in Darwin - wheelchair basketball, indoor rowing, sitting volleyball and swimming; Steve Sandman from Hobart and now resident in South Australia - archery; and Stuart Sherman from Hobart and now resident in New South Wales - archery and wheelchair tennis.

Prince Harry, who is in Australia with his beautiful wife, the Duchess of Sussex, Meghan Markle, founded the games in 2014 with the aim of harnessing the engagement of sport as a rehabilitation for injured veterans. With 18 nations being represented in Sydney, the games will be huge for Australia as the host nation. The interest the mass media has in the royal newlyweds and the other celebrities attending will mean extensive worldwide coverage.

The Australian team comprises 72 athletes who have applied to participate in particular sports and more than 200 people applied for the positions. The applicants have been participating in camps, training and undergoing testing to determine selection. For the resident contestants and Tasmanian contestants living interstate the games will be an experience of a lifetime in front of a home audience and world's media. Tasmanian veterans who believe they may be eligible will have a special interest. Prince Harry should take special credit for using his experience as a soldier in Afghanistan to identify the value of the Invictus Games. The games were first held in London in 2014, Orlando in 2016 and last year in Toronto, with the games in Sydney being the fourth.

There are 500 athletes due to attend in Sydney, comprising 18 competing nations and 11 adaptive sports. The concept of the games embodies the fighting spirit of the wounded, injured and ill servicemen and women who have served and sacrificed for their country. I expect all Tasmanians will get behind our Tasmanian participants and all the Australian participants in the games. They certainly have a positive impact on the recovery and rehabilitation of the wounded, injured and ill servicemen and women which was known from the experiences of the Warrior Games in the United States, a similar event that was established in 2010.

It is great to be able to pay tribute to these wonderful athletes who show their courage, compassion, teamwork and bravery in times of great difficulty. I am sure it will inspire all Tasmanians to achieve their highest and be the best that they can possibly be. On behalf of my community in Tasmania and the Hodgman Liberal Government, we wish them all the very best for a very successful, productive and enjoyable Invictus Games.

International Panel on Climate Change - Report on Impact of Global Greenhouse Emissions

[6.34 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, I rise to speak to the most important report that has been submitted by the International Panel on Climate Change - as some people say, the most important report they will have tabled in their history of reports - on the impact of global greenhouse emissions on the world's planetary climate system and all the life systems it supports.

The International Panel on Climate Change is a massive organisation that collects together the evidence and considered reviews of many scientists around the world and the reports of thousands of scientific studies that were drawn together by 90 scientists who were responsible for those chapters in that IPCC report.

I was one of the scientists who was an author of an IPCC report in a previous career, and was responsible for drawing together the Australian and New Zealand impacts of climate change, and the projections that were made for the impacts on human health in the Australia and New Zealand region. That was back in 2003. There has been since then a lot of time but, sadly, no action. What we have seen is what was in a comfortable and far off future in 2003 concerning but still clearly

something that the world then could act on and Australia could play a leadership role in. What we have now in 2018 is that we have a desperately short amount of time to act. The window is so narrow within which we must make serious cuts in the fossil fuels we are dependent upon, particularly coal and gas, or we will be in a situation where the climate will have tipped into a volatile state where it is no longer possible to have anything like sustainable development.

I want to paraphrase a little here from the words of Lisa Cox, who spoke on the ABC recently, and she explains the situation so clearly. She says that from the start of the Industrial Revolution in about 1870, the world could release around 790 billion tonnes of greenhouse gases. That is the amount that scientists estimate we could emit as a world if we wanted a 66 per cent chance of meeting our Paris target of holding the world to no more than a 2 degree rise in global temperatures - 790 billion tonnes into the atmosphere. We have about 215 billion tonnes left. The world is currently emitting at a rate of around 10 billion tonnes a year, which leaves us with two decades of our total global carbon budget, and that is not much. We are running out of time. We have been faffing about for far too long and the planet cannot afford it.

We have been talking about this as a matter of opinion, but ending the fossil fuel era is not about ideology, it is not part of a culture war and the stakes are far too high for us to preserve a liveable planet. We have to understand that this is not just about an aspiration. It is not something we can do on the side of the other conversations we have. It is not something we can put off any longer. It is our job and is in the public interest. It is the central role of every politician. It is about public health and public safety and our generation has to do its part.

Tasmanians want their politicians to act on climate change. It is clear on every study that is done, every survey that is conducted and every conversation you have with people in the street that we need to have confidence about the climate. It is everything to us. It provides us with our agricultural subsistence and our flourishing as a nation. The MOUs that were signed in China by the Premier for exports to that country will mean nothing if we cannot provide the food and the produce for those exports.

We have to do what we can to keep fossil fuels in the ground. It is certainly not too soon to ditch fossil fuels. That is the conversation we have to have, because it is clearly nearly too late. In Tasmania we need to shift from a conversation about a future state to action right now. We do not have a climate change plan that has direct actions. We do not have proper accounting of the individual sectors in the Tasmanian economy. We have one global carbon budget for Tasmania. It is not good enough any longer. We are resting far too much on our historical renewable energy generation. We have to look at our emissions from agriculture, forestry, manufacturing and across all of our sectors, put our heads down, our shoulders to the grindstone, and take this on as our most central duty as members of parliament as the contribution we can make to our children and future generations.

The House adjourned at 6.40 p.m.