

Thursday 11 April 2019

The President, **Mr Wilkinson**, took the Chair at 11 a.m. and read Prayers.

QUESTIONS UPON NOTICE

The following answers were given to questions upon notice.

2. JUSTICE AND RELATED LEGISLATION (MARRIAGE AMENDMENTS) BILL 2018 - DEBATE

Mr DEAN asked the member for Murchison, **Ms FORREST** -

With regard to the following statement made by the member for Murchison during debate surrounding the Justice and Related Legislation (Marriage Amendments) Bill 2018 -

I do not support the referral to Government Administration Committee B because this has been consulted widely. In fact, I was going to mention in my second reading contribution that the previous attorney-general, our own member, the Honourable Vanessa Goodwin, was in support of a number of these changes. Unfortunately, she was unable to proceed with them. Let us show her some respect.

- (1) What are the changes in the bill that the late Honourable Vanessa Goodwin was supporting?
- (2) (a) What evidence do you rely on in making that statement?
(b) If from written documents, can they be produced?
- (3) (a) Does the member stand by the statement made indicating that people were being 'verballed'?
(b) If so, who was verballed and by whom?

Ms FORREST replied -

- (1) and (2)

I refer the member for Windermere to my adjournment speech last night where this matter was responded to fully.

- (3) At the time I made this comment, Ms Robin Banks had been verballed by the member for Windermere. I note Ms Banks emailed members to reflect her concern as she was watching the live feed, asking that the record be corrected, as it was.

3. JUSTICE AND RELATED LEGISLATION (MARRIAGE AMENDMENTS) BILL 2018 - COMMISSIONER OF POLICE - LETTER

Mr DEAN asked the member for Murchison, **Ms FORREST** -

During my second reading speech on the Justice and Related Legislation (Marriage Amendments) Bill 2018, I referred to a letter of 10 January 2019 from the police commissioner, Darren Hine, after I had asked him for his comments on the bill. The commissioner said -

Whilst Tasmania Police is a strong supporter of gender equality, there has been limited time to consider the practical implications of the amendments included in the Bill given their development in a short timeframe and outside the usual policy development process.

An immediate concern is how the amendments will impact on operational policing. However, full analysis has not been undertaken on this issue. Preliminary, high level comments have been provided to the Department of Justice on this issue.

The amendments need significant consideration before they become law and advice on this should be sought from the Department of Justice.

The member for Murchison made the following comment during debate -

I was also hoping to chase up the letter the member for Windermere got from him as well just as fiercely, because I am not sure that he has entirely represented that correctly. With some of the comments, we need to see it in its entirety if that is the case.

- (1) (a) What was the basis for having made that statement?
- (b) Does the member concede that such comment challenges my integrity?
- (2) (a) Is the member satisfied that I entirely represented the commissioner's statement correctly, and
- (b) that your suggestion I had not 'entirely represented' the commissioner was without any foundation whatsoever?

Ms FORREST replied -

- (1) (a) As we had not seen a copy of the letter, I was unable to be sure the entire letter had been read into *Hansard*. The letter was subsequently tabled, clarifying the entire contents were read by the member for Windermere.
- (b) No.
- (2) (a) and (b)

It was only possible to clarify that the entire letter had been read into *Hansard* once the letter was tabled. I am satisfied the letter from the commissioner was read in full into *Hansard*.

TABLED PAPER

Government Administration Committee B - Report

Ms Armitage presented a report of the Government Administration Committee B in relation to an inquiry initiated by the Committee on its own motion.

Report received.

MENTAL HEALTH AMENDMENT BILL 2019 (No. 43)

Third Reading

Bill read the third time.

WORKERS REHABILITATION AND COMPENSATION AMENDMENT (PRESUMPTION AS TO CAUSE OF DISEASE) BILL 2019 (No. 7)

First Reading

Bill received from the House of Assembly and read the first time.

PREMIER'S ADDRESS

Resumed from 10 April 2019 (page 65)

[11.07 a.m.]

Ms ARMITAGE (Launceston) - Mr President, in concluding my contribution to the State of the State discussion, I would like to recognise the many emergency service workers and volunteers who have worked tirelessly over the last 12 months and longer. Particularly with the recent devastating fires, we acknowledge the toll it takes on them and their families, especially volunteers when they have to give up their jobs to go into dangerous situations, and the people they are leaving behind.

Sometimes we underestimate what emergency services personnel have to go through, and this was bought back to me when I read the email we received this morning from the Police Association of Tasmania. Repeated exposure to trauma has a physiological toll on our emergency service workers, whether they are fireys, SES, policemen or volunteers. I feel it is appropriate to recognise them in my State of the State response.

[11.08 a.m.]

Mr WILLIE (Elwick) - Mr President, I thank the members for their contributions. As this is a grievance debate, with your indulgence I will offer a few reflections and observations and then address the Government's agenda.

Six weeks before I was elected to this place, I spent my days teaching in a primary school classroom. I remember feeling very overwhelmed standing here, giving my inaugural speech. In my speech, I talked about the importance of education and remarked, 'Once a teacher, always a teacher'. It was one of those times you say something without really understanding what it means in the context of a new career.

Teaching is a way of being, a way of thinking; surrounded by children, you quickly learn to become aware of your own patterns of thought. Without being conscious of this, it is easy to slip into making assumptions and being unaware of your own bias. A good way to explain this is the word 'dad' to me. My dad was a man who had a profound impact on my life. He was a loving and supportive man. If I were to use the word 'dad' in front of 27 students, 27 students would have a different concept of that relationship.

Sadly, for some dad might mean an absent or violent man. One of the most valuable lessons I learnt from my students was to try to look at life from their perspective on the world. I bring this lesson to reading data. It is easy in this job to look at data and forget about the individual stories behind the numbers. For example, there is much discussion about the housing crisis across Tasmania, particularly in my electorate in the northern suburbs.

We read the Government is building public housing, but there have been no gains in the overall stock levels. The public housing waiting list remains over 3200 despite the rhetoric. What does that really mean in the lives of people in our community? It is so easy at this point to make assumptions based on our own life experiences. Over the past year, in my previous role as a shadow housing minister, I met many constituents in housing stress. Some were in heartbreaking circumstances. Some came to my office and some I sought out at places like the showgrounds or on the streets of Hobart with the Salvation Army.

Now, as the shadow minister for education and early years, one of those conversations keeps haunting me. It was a conversation with a young working family who were living in a tent at the showgrounds. The parents were trying to keep things as normal as possible. The children were up each day, went to school, came back to their home and tried to do their homework in the ferret shed. I can only imagine how I would feel in those circumstances, as a child or as a parent - the feelings of frustration and shame that go along with being in those circumstance, through no fault of their own.

If we subscribe to Maslow's hierarchy of needs, based on meeting physiological needs, safety, belongingness, love and esteem needs before achieving one's potential, how can these children living at the showgrounds learn?

How can any of the children who are on the waiting list for housing assistance with their families really learn? Housing figures are unable to tell this story because it is difficult to unpick family violence or poverty figures and what they tell us about the impact on the capacity of kids to learn. The list is long.

It seems to me we need to start thinking differently on how we deliver services. We need to listen to the stories of people needing the services. Too often, they seem to be designed around assumptions rather than the needs of individuals.

Some excellent examples of services delivered in a way that benefits and empowers the lives of constituents happened under both colours of government. An example is child and family

centres. I have talked extensively in this House about child and family centres and an inquiry held highlighted the fantastic work they are doing in our community. They are community-driven. They were set up with local enabling groups, with members of the community working out what they needed to do to give parents and children opportunities.

Through no fault of the parents, they were not provided with those sorts of opportunities. So there are some great examples across governments where we are doing that, but there is plenty of room for improvement.

I would like to think the inquiry contributed to the Government finally coming around to adopting the child and family centre model as its own. The Government renamed them early learning hubs, but that is not important to me. What is important is that six more will be built across the state. As soon as I was elected to this place, I asked the Education minister those questions and was pleased that there was finally a bipartisan approach at the last election.

I will continue that approach when it comes to early learning. I have written to the Education minister offering to support him in establishing an early learning hub in Glenorchy, with my contacts in Glenorchy, and he has been very receptive.

Some other great examples where we listen to communities. As recently as a few weeks ago a story was reported in the media about the Waterbridge Food Co-op. Through education, it is having a profound impact on eating habits of some of our most disadvantaged suburbs and yet it struggles to attract funding.

For those unaware of the project, it has a community garden that grows vegetables to be sold at a low cost from a storefront called The Pantry. The Tasmanian Labor PLP visited it. Mr Farrell, do you remember that? It was a bus from Gagebrook to Herdsmans Cove.

Frozen meals are cooked on site by volunteers. The volunteers benefit too, learning to cook and sometimes finding work with their new-found skills. We often forget that around 50 per cent of Tasmania's adult population is functionally illiterate. Imagine doing your grocery shopping without being able to read. Imagine trying to fill out the many forms we come across in life. Imagine not being able to read to your children.

Going back to the 27 students who sat in front of me in a classroom, it is a complex task to learn what each student needs and how you can make learning accessible. Now, as a parliamentarian, it is a complex task to make education more accessible at a systemic level. If we are to shift the historically stubborn data around educational attainment, we need to look at the data in a more holistic way.

We need to start by making sure our families have houses. We need to start by making sure our children in the child safety system are properly cared for. It was only last week that the *Mercury* reported a 1100 per cent increase in unallocated cases in our child safety system. That says a lot about government and its priorities. I have been strong on this. The workforce has been crying for help for a number of years. I cannot imagine what it would be like to be a child safety officer, going to work every day knowing you have this list of cases you cannot keep track of, the stories that you would hear, the children and parents you would meet, all of whom would desperately need help.

We have heard much rhetoric about a child protection redesign. A great deal of the money has gone into reforming things such as an advice and referral system - which is a call centre - ICT, or

child wellbeing frameworks, but we have seen little funding going into staff. The report on government services released each January reveals the extent of the crisis in child safety.

I encourage members, if you have a spare moment and you are interested in this area, look at the Productivity Commission Report on Government Services and have a look at the child protection data and see how Tasmania stacks up because it is ghastly. Only 20 per cent of reports were responded to within a week. Only 20 per cent of investigations were completed within a month during the same period, with a great majority of cases taking three months or more. Members of the public, mandatory reporters, are calling Child Safety Service because they are concerned about a child and, in some instances, it takes up to three months or more to investigate and respond.

The *Mercury* reported a 1100 percent increase in the number of cases that had not been allocated to a child safety officer. After talking to child safety officers, I am sure that is the best possible way the Government has been able to present that data. Team members and other staff have cases allocated to them when their job should be focusing on the child safety officers under them and supporting them. I am speaking about education, but much work needs to be done on the link between child protection and education. Too many kids are falling through the cracks both in the child safety system and when they turn up at school.

Perhaps to make education more accessible, we need to make sure our schools and support staff have a deep understanding of trauma and what that means for regulating emotions and trust in relationships. We need to put more emphasis on preventative health from a young age and remove pressures on the acute health system. All of the above will lift our education standards and unlock the potential of our state. Being on the front line in a school, you understand the challenges many in our community are facing. Sometimes simply turning up is an achievement for some of our students. I feel so grateful for the insight teaching has given me into a complex and crucial part of our lives. I was fortunate to work in some great public schools. Good schools are vital to the community and Tasmania as a whole, and the need to have the best schools possible has never been greater. With an aging demographic, we need to make the most of our student talents for our future prosperity.

There is no magic bullet for education. Tasmanian data around retention, attainment and literacy levels are difficult to shift. A number of members talked about the latest NAPLAN data. A few members were encouraging me to talk about that but I was not planning to. I can say, as an educator and a teacher, that NAPLAN is deeply flawed. It is presented as a diagnostic tool. The data does not arrive on teachers' desks for months after that test day. It takes time to analyse the data and adjust learning plans. It is futile. Excellent teachers do not need a standardised test to know where their students are and how to progress them.

The member for Windermere asked where we go from here when NAPLAN data is stagnating across the country. The answer is in David Gonski's latest review into Australian educational excellence. He is talking about moving away to a formative test, an online tool that tracks the individual progress of the student. He talks in that report about how the current curriculum and the NAPLAN tests restrict students to a grade. We need to be more focused on personalised learning and allowing students to extend beyond that.

Mr Dean - This review, one of the speakers on the program the other day was saying how it seems to have lost its way in as much as its pitting school against school -

Mr WILLIE - Yes, the My School website publishes the data. Members of the media and other analysts will scrape the data and create league tables. This is anecdotal - in my experience in schools, it creates a brain drain. Once upon a time, you might have parents moving to an area, they would have sent their kids to the local school and there was a lot of equity in the system. Now, you will have informed parents looking online. They will be looking at the league tables and some parents - it is their choice and good on them; I can completely understand them wanting to make that decision - will try to send their kids out of area. We have explosions in school populations such as at Taroona High School, which is bursting at the seams.

Mr Dean - East Launceston -

Mr WILLIE - Yes, and Riverside High School. These affluent suburbs - if you can afford to live there, your children will do okay. If you are a parent and you are fortunate enough to put your kids into an affluent area or school, your kids will probably do okay and that is not right. The best systems in the world put a premium on equity. Places such as Finland did not have a lot of money but they made sure equity is across the board. Once you have equity, you can achieve student excellence because -

Mr Valentine - They do not have private schools.

Mr WILLIE - That is right. There are many lessons to be learned. NAPLAN might not be such an issue if it was simply data capture for a day and was used by the department for their purposes and resource allocation. The trouble is the way that data is being used. We have seen, across the globe, that standardised testing does not work, but we are headed down that path.

I would like to see some of the Gonski recommendations in that latest report last year being implemented sooner rather than later. The federal government has accepted those recommendations. New South Wales has been very vocal on NAPLAN. The education minister there has been calling for it to be dumped. Jihad Dib, opposition education spokesperson at the time, called for an interim measure to remove it from the My School website. Other states are leading these reforms. I hope the Minister for Education and Training is working very hard with his Council of Australian Governments colleagues to look at some of those things because what we are doing is clearly not working.

There is no magic bullet, but this Government has tried to present a structural change as such. The Government's policy to extend all high schools to year 12 by 2020 is being presented as a magic bullet but it is far more complex than that. The member for Mersey noted the change in language since the election and some of the challenges for the college system. The member for Windermere asked an excellent question about Newstead the other day. Newstead is dropping significant enrolments, and it will be interesting to see how the Government sustains its current policy with such revenue writedowns.

The Government has learnt some harsh lessons in trying to impose top-down structural reforms rather than including community engagement. It is easy to look as if you are doing something, as we saw with the lowering of the school age debate. Quick fixes are the consequence of impatient politicians responding to impatient members of the public. There are many, many examples from both colours of government in which reforms have been the educational equivalent of unsustainable change in business. The turbulence has held our progress back, not enhanced it. The Government learned an important lesson through its extended implementation of Working Together for 3 Year Olds. The intention is sound but it is a program that sounds as if it could be improved.

Developing long-term policy reforms supported by a wide cross-section of stakeholders and the Tasmanian community is difficult but not impossible. What will a successful Tasmanian education system look like in 10, 20 and 30 years? I would like to see more public discourse focused on education and for the right reasons. The wages negotiation has been frustrating for many, not only those in the public sector workforce. Parents and students may have been inconvenienced at times, but many support teachers in their push for fair remuneration.

Governments need to value the contribution of teachers and support staff and work with the community to build respect for the profession. At times, the minister and the Government have acted contrary to this in playing the politics of division rather than bringing people together toward a resolution. I was aghast at the Minister for Education and Training's opinion piece on the wages offer. He encouraged parents to discuss the wages offer with their child's teacher, which is a recipe for disaster. It was an attempt to pit parents against teachers. Parents should be talking to teachers about their child's learning. It showed an absolute lack of respect for the profession. You would not see a patient walking into a doctor's surgery and talking to them about their wage negotiations, and this shows the esteem the minister holds the teaching profession in. It was inappropriate and I am sure he regrets that comment.

Teacher status and pay have been linked to student outcomes, so it can be said that teaching conditions are student learning conditions. I do not plan to speak in detail about the Government's agenda for the year ahead. Other honourable members have done so. I will put some context around the year ahead and the years beyond. In the other place, the Premier talked about the exciting time to be in Tasmania. For some, yes, but the irony has not been lost on me and I talked about the stories that sit behind the statistics earlier. During his State of the State Address in the other place, the Premier released yet another list. What is it with Liberal governments and lists? Saul Eslake and others have previously remarked in faint praise that this Government has been minding the store. There is a list of 286 actions that start with phrases such as 'commence assessment', 'consultation will commence', 'planning will commence', 'commence implementation', 'review', 'applications open', and the list goes on. Does that serve as a way to distract from a lack of reform or integrated policy? I have my suspicions.

It is often a question I ask people supportive of the Government - 'What have they actually done?', and often there is a long pause. I can back that up. If you look at the legislative agenda of previous governments, Labor governments -

Mr Dean - The long pause could be because they might be considering the better things.

Recognition of Visitor

Mr PRESIDENT - Talking about a pause, I welcome to the Chamber the Honourable Peter Slipper, who, of course, is a past Speaker from the House of Representatives. It is good to see him here now. He is spending a lot more time in Tasmania. We are pleased to see him down here and hope to see much more of him. Welcome, Peter.

Members - Hear, hear.

Mr WILLIE - If you look at the agenda of previous governments, in 2000 we had 104 bills before the parliament; in 2001, 122 bills; in 2002, we dropped away with 53; in 2003, 103 bills; in 2004, 91 bills; in 2005, 88 bills; in 2006, 60 bills; in 2007, 80 bills; in 2008, 86 bills; and in 2009, 103 bills. If you go to the current Government, and I have not updated last year, in 2014, it had 41 bills before the parliament; in 2015, 47 bills; in 2016, 47 bills; and in 2017, 64 bills. You can see a clear difference between the approach of Labor governments and Liberal governments: minding the store.

Despite a lack of reform, until this point the Government has been the beneficiary of improved global economic conditions, improved domestic conditions, better terms of trade, federal grant increases, increased GST payments and better state revenues.

If you listened to the Treasurer this week, that is about to change. State revenue is set to decline by around \$560 million due to GST receipts reducing by around \$280 million as a result of lower than expected national GST, and stamp duty receipts likewise will reduce by \$280 million over the forward Estimates.

During this revelation the Treasurer said he would cut his cloth to suit the circumstances. That is an unfortunate word to use, 'cut'. What will be cut from the 286 actions this year? What will be cut from the forward Estimates next year and in the years beyond? There are many policy commitments from the Government that were over a five- and six-year period, and some beyond. Some of those commitments will come into the forward Estimates in the upcoming budget and I will certainly be looking at those numbers closely.

Budgets are about choices. The current Government has itself in a mess because it has prioritised unaffordable election spending over funding essential services. The Tasmanians I hear from want good essential services and secure employment. They want to know their working conditions are not going to be eroded with efficiencies. They want to know that the local school will provide a great education for their children. They want a hospital system that can care for them in their time of need. They want the security and comfort that comes from having a roof over their head. These should be the priorities of government while we have one eye on the future.

This will come as no surprise to members in this House but it is my fundamental belief that Liberal governments are not reformist in nature, and they do not value essential services in the same way Labor governments do.

The Second Year Agenda is more minding the store and does not meet the challenges faced by many Tasmanians. I am happy to support good initiatives, but I will certainly be holding the Government to account over the next year.

[11.35 a.m.]

Ms SIEJKA (Pembroke) - Mr President, on 1 May, it will be a year since the commencement of the Forty-Ninth Tasmanian Parliament. I congratulate the Council for the work it has done over the past 11 months. The importance of our work as members of the Legislative Council lies in our ability to consistently represent the diverse communities of people around the state.

The work of the members of this House is crucial in upholding our system of checks and balances, ensuring government acts in the best interests of the many, not the few. However, while I acknowledge our institutions perform an important task in ensuring our government functions the way it was intended, it is the people of Tasmania who are the most important upholders of

democracy, keeping our parliament accountable and transparent. This is one of the many reasons I spend as much time as possible consulting with members of the community. The past year has shown the strength of democratic spirit in Tasmania. Around the state we have seen continual and increased engagement by Tasmanians with their political system. For instance, over the last few weeks we have seen from the windows of this building the power of our young people who have stood up to be heard and protested on the lawns towards government inaction on climate change.

The opening of this parliament also bought with it record numbers of women in parliament. I can say with confidence and pride, that democratic values are well and truly alive in this state. The state has experienced extreme challenges recently. Last May, devastating and catastrophic floods struck many of our communities and this summer, tragedy as bushfires swept across Tasmania destroying over 200 000 hectares of bushland, family homes and many of our coveted national treasures.

After this eventful year, the Premier has come to the table with his Government's agenda. Despite the Government's confidence in its achievements, I and the people of Tasmania can see a number of glaring omissions and problems persisting around the state that the Premier has failed to address. Particular issues surrounding the health and housing crises, the state transition to the NDIS and aged care have not been addressed adequately by this Government since it was returned a year ago.

Another year under this Government has passed and with it Tasmania's health system remains in a state of crisis, teetering on the edge as the sick, the elderly and vulnerable are left behind by the Government. In the 12 months since the election, there have been countless stories of patients ramped in ambulances for hours, before they are admitted to our hospitals, leaving our paramedics unable to get out onto the road to save lives.

Furthermore, those who seek elective surgery through the public system are left on waiting lists for years at a time. People should not be punished for accessing the public health system, nor should they be expected to wait hours or years to receive treatment they desperately need.

Our healthcare workers should not have to suffer as a result of the Government's mismanagement of our public health system.

With respect to housing, this Government has again been unable to provide for those who are most in need. A year on from the election and demand for housing still far outstrips supply, young people and low-income earners remain blocked out of the housing market, unable to afford the rising cost of a house deposit. Prices go up as every day, worker wages remain stagnant.

We continue to see the effects of the housing crisis on those who are most vulnerable in Tasmania. The Government has been slow to act, while victims of this issue are camping in sheds and caravans or on the couches of friends and family, unable to find a place to live.

In particular, I address the issues of disability and older Tasmanians. Mismanagement of the disability portfolio has left many disability support organisations uncertain about the future and the state's transition to the National Disability Insurance Scheme in July this year. Our state has the highest rate of disability in Australia, with the Australian Bureau of Statistics reporting that over 130 000 people or 26 per cent of Tasmanians live with a disability. Of this number, only 10 600 individuals are eligible to personally fall within the scope of the NDIS, and up to 90 000 will have to rely on state Government support. In particular, 18 disability organisations from around the state

which support tens of thousands of Tasmanians living with disabilities, may be left without significant amounts of their funding when the new financial year comes around.

To address this funding gap, these organisations were told late last year by the Minister for Disability Services and Community Development to apply for Information, Linkages and Capacity Building - ILC- grants from the federal government. However, the federal NDIS funding process has been put on hold, leaving many disability organisations uncertain whether they will be able to provide services to those living with disabilities past July, and 90 000 people without support.

This uncertainty has not been helped by the actions of the minister, who has been unable provide any assurances or guarantees to these organisations. In fact, despite these organisations forming a crucial part of the disability support infrastructure in Tasmania, the minister has failed to provide any funding solutions.

These organisations rely on funding stability in order to cater to the disabled community's wide range of needs, to provide services to and advocate for tens of thousands of people throughout the state. Consequently, those living with disabilities in Tasmania rely on these services to assist with problems they face in many areas, including health services, education, employment, housing and addressing discrimination.

Those who run disability organisations, as well as those living with disabilities, have a right to know how the minister has advocated for their cause with the federal government, and whether this Government is prepared to offer interim funding for these organisations so they can continue to operate into the new financial year.

Furthermore, we should also recognise that state Government-run programs, such as the Taxi Subsidy Scheme, that were put into place in order to help individuals transition to the NDIS, will expire at the end of the financial year. People living with disabilities rely on the Taxi Subsidy Scheme to travel to doctors' appointments or to and from work every day. Further, many families depend on these services so their children who, due to their disabilities, may be unable to use public transport, are able to find their way to school each day.

Services such as these are not privileges given to those with disabilities. They form an indispensable part of day-to-day life. Without funding for these services, thousands of Tasmanian families, many of whom are already disadvantaged, will hurt. This Government should be able to reassure these families that the Taxi Subsidy Scheme will continue to be available to Tasmanians living with a disability beyond the end of this financial year and at the same level.

Mrs Hiscutt - Member for Pembroke, I thought I had given you an answer that said that.

Ms SIEJKA - I said 'at the same level'.

In Tasmania we currently have over 98 000 people aged 65 years and over. We also have an ageing population with an increasing median age. This means that one in every five Tasmanians is over 65 - or 19.4 per cent of our population. Their safety and protection is provided through state laws, including criminal laws, laws about wills and enduring guardianship.

However, gaps in our current legislation need to be identified and addressed to ensure our elderly population is adequately protected from abuse. There are too many older people already suffering from abuse and it is critical we prioritise addressing this. We must continue to strive to

continually improve our services and care for older people within Tasmania, and I am keen to see the Elder Abuse Prevention Strategy progress.

In regard to our workforce, Tasmanians want jobs but they also want security in their jobs. Many Tasmanians are working but would like more hours of work, or have to take jobs that are casualised and less secure than permanent positions. Not only does this contribute to cost-of-living pressures but it can create uncertainty for them. Job opportunities such as apprenticeships and traineeships across industry, such as tourism, agriculture and fisheries, cannot be looked at in isolation. By addressing employment more holistically, we can support Tasmanians into more secure and sustainable employment.

In addition to those already raised, there are a number of key concerns I will closely monitor on behalf of the community I represent. Within Pembroke there are many who are concerned about the implementation of the statewide planning scheme. The involvement of the Coordinator-General's Office in projects such as the Kangaroo Bay development and concerns over developments on public lands, such as Rosny Hill, have led to grassroots advocacy from active and coordinated community members.

Much of the angst of these groups is around the lack of opportunities for them to be involved in the consultation of key projects. They see the lack of resources provided through the statewide planning scheme for members of the community to seek information and to engage in planning processes as a major limitation of the scheme.

Many constituents are keen to see action on a number of traffic and transport concerns within Pembroke, including the Mornington roundabout and the East Derwent Highway, as well as key intersections around Shoreline.

The Government has made election commitments regarding the upgrading of some of these areas, as well as the implementation of a ferry system from Bellerive to Hobart - and I will be watching these very closely to ensure they are delivered to the community in the way it wants.

I will continue to listen to the residents of Pembroke and issues they are concerned about and those that are presented to the Legislative Council.

The Premier placed much emphasis on the economy in his address; however, I want to live in a prosperous community and the economy only forms part of this. I feel very confident that members of my community also feel the same. No-one should be left behind but this is currently happening.

A year on our state is confronted by many of the same issues it faced in 2018 and little has improved. I reflected that I could have cut and pasted much of my speech from last year. Our hospitals continue to exist in a state of crisis, while those on pay cheques that would have only a few years ago afforded them a modest standard of living are left camped out on the couches of friends and family now. Moreover, those living with disabilities are inundated with uncertainty about which services they will be able to access come the new financial year owing to the minister's neglect for the portfolio she has held for the past five years. I cannot even begin to imagine how that must feel.

While the Premier can point to the cranes on the Hobart skyline and an overpass on the Brooker Highway, these efforts simply miss the point. It is clear that a year on from the election the people

of Tasmania have not been this Government's priority. I sincerely hope that in 2019 all Tasmanians, whether they are healthcare workers, the aged, those without a roof over their head or those living with a disability, become a priority for this Government.

[11.46 a.m.]

Ms LOVELL (Rumney) - Mr President, I am pleased to speak today on the Premier's address on the State of the State.

This Government is now 12 months into its second term. For five years it has been responsible for the management of this state, responsible for the delivery of essential services, things that are important to Tasmanians: fundamentals like quality health care, access to safe and affordable housing, access to quality education and training opportunities, and secure and meaningful employment. It is appropriate that we reflect on that each year.

As shadow minister for health I constantly see and hear from members of our community who are unable to access the health care they so desperately need. Last week the most recent statistics were released on the department of Health dashboard and these are the figures for the December quarter. We have seen, in the 12 months preceding the December quarter, the number of patients on the elective surgery waiting list grow steadily from 6897 in January 2018 to 9043 patients in December 2018. That is a huge increase and that is a statewide figure. These are Tasmanians across the state who are waiting for elective surgery. When we talk about elective surgery, we are talking about surgery that affects people's quality of life. We are talking about joint replacements and a whole range of surgeries that result in people living in chronic pain if they are not able to access that surgery in time.

As to the percentage of patients seen within time, elective surgery is broken into three categories: category 1 patients are patients who are deemed to be urgent and should be treated within 30 days; category 2 patients are semi-urgent, who should be treated within 90 days; and category 3 are patients who are deemed to be non-urgent and should be treated within 365 days. Across the three categories we have decreased. We have seen a steady decline from January 2018, when 72 per cent of patients were being seen in time, to 64 per cent at the end of December 2018.

Certainly, from the stories I have been hearing week after week, I would not expect to see any significant improvement in those numbers when we see the statistics released for the first quarter of this year and further into the future. It is simply not good enough that more and more patients are waiting for surgery and are waiting longer and longer. That is not even taking into consideration the number of patients still not on the list. We have almost 31 000 Tasmanians waiting to see a specialist. These patients are not yet on the waitlist because they are unable to make an appointment to see the specialist.

Why is this happening? It comes down to a question of priorities. There is chronic underfunding of the health system, \$100 million year after year in structural funding, as was revealed last year in the RDME report, an analysis of the KPMG report the minister has steadfastly refused to release. There is a chronic lack of investment from the state Government. While the minister can say there is record investment in health, last year's budget and the forward Estimates show a forecast of \$15 million less invested into Health in the next financial year than there was in this financial year. There is simply no way the Government can claim to be keeping up with demand and adequately investing in health when they are spending less, year after year.

We all see the stories about ambulance ramping. We talk about it constantly in this place, as do those in the health sector. It is surprising people in the community still do not understand what ambulance ramping means. It means that somebody has called an ambulance, have been attended to by paramedics, who have deemed the person is sick enough to be taken to hospital. They are taken to hospital, seen to be sick enough to not be left waiting or be treated in the waiting room, and the paramedics have to stay in the hospital with them until a bed is available in the emergency department and they can be handed over to those staff. It is not people who do not need to be in hospital. It is not people who have called an ambulance unnecessarily. It is not people who should be seeing their GP. These are genuinely sick people, people who need to be in hospital but who cannot be because there are not enough beds.

I spent time on the road with some paramedics earlier this year. It was an eye-opening and thoroughly enjoyable experience. I enjoyed having time to talk one-on-one with paramedics in the ambulance and at hospital. The ambulance I was on board was ramped with the patient at the hospital. The stories I hear from paramedics are horrific. Paramedics told me that day how hard it is to be standing in the corridor with a patient they cannot hand over to the hospital because there are no beds. To hear a call-out in the community and know someone in the community urgently needs help but they are not able to respond is excruciating. They know nobody else is able to respond because everyone is in the corridor with them. Paramedics have come to me and said, 'This has to change', and it does. I have a family in this community. My family includes small children, and I want to know there will be ambulance available if they ever need one to respond.

I have heard stories of paramedics responding to urgent calls without any backup. They are on their own; a single paramedic, perhaps with a student. They cannot drive an ambulance and treat a patient at the same time. They are in a bind. What do they do? Do they put the patient in the ambulance and try to take them to hospital? Do they stay and try to treat them on site? It is unreasonable pressure we are putting our emergency service workers under. This is why they tell me they are finishing every day in tears because they are not able to respond to the need in the community in the way they know they should be. It is impacting on their ability to cope and on their relationships at work and at home. Paramedics have told me about conflicts they have had with the emergency department staff. They are the first to say they are friends and normally get along well - 'This nurse and I are good friends but we had a fight because I wanted this to happen and she could not do it'. The amount of pressure we are putting our health workers under is not sustainable.

Another issue I have spoken about on a number of occasions, both in this place and publicly, is access to termination of pregnancy services. This Government has failed to adequately address this issue.

It has been more than a year since the last low-cost clinic closed in Tasmania. We are talking about access to a legal medical procedure. The Government promised a new private operator would be functioning in the state by October 2018, and this would be a low-cost service to replace the closed service and it is yet to come into operation.

During that time, when there was a significant gap, women across the state had to travel. They either had to pay a significant amount of money to have the procedure performed in Tasmania or had to travel interstate. In 2018, we are requiring women to travel interstate to access a legal medical procedure that should be available here in our own state.

The Government continues to say there is a low-cost service operating in Tasmania. As recently as in today's *Mercury*, it makes the claim. It is important people understand low-cost services are available for women to access not through any action of the Government - it is through the goodwill of a number of private operators who have recognised there is a gap and a need in the community and that it is unfair to require women to travel. They have stepped up where the Government has failed.

Recently the Tabbot Foundation closed; it provided access to medical termination of pregnancy for women across the country, including women in Tasmania. With the closure of the Tabbot Foundation, access to this service is getting harder and harder.

You can argue that you can access a low-cost termination of pregnancy here in Tasmania, but for most women it is still not accessible. It is still out of reach financially for many women and there is still significant travel required, and that is if your GP or your doctor, or yourself, even know where to go, which remains a significant problem.

We have seen a very visible public sector wages campaign. Everybody knows now that we will have the lowest paid nurses in Australia. Month after month of so-called negotiations have taken place, and I say 'so-called negotiations' because, it is clearly not what they have been. This Government has not been bargaining in good faith.

This Government made a number of election promises and handed down a budget predicated on a 2 percent pay cap. A 2 percent pay cap is essentially, in 2019, an austerity era pay cap, but at the same time the Treasurer was claiming an economic golden age.

Unions - and when I say unions, I am talking about teachers, nurses, child protection workers, firefighters and Parks and Wildlife staff. I am talking about workers, because that is what unions are. We hear the 1970-era talk of union bosses from ministers and from the Government, but unions have come a long way since the 1970s. What we are really talking about is workers.

We have heard threats from the Government over industrial action. Threats of docking pay, taking names down of people who take industrial action. Threats of standing people down. Is it any wonder that we have public sector workers in their thousands taking action across the state?

The Treasurer talked a lot about this golden age, and made much about the economy in Tasmania and how well we are doing. Last year's budget was handed down with a forecast surplus of \$161.9 million. We saw the Revised Estimates Report earlier this year expose this as being whittled away to a mere \$7.3 million surplus. Now, with a cut in revenue delivered by the Morrison federal Liberal government of \$560 million, we are hearing from the Treasurer that we will need to cut our cloth to suit our circumstances. That is a soft way of saying that we will need to cut services and jobs because that is where the money goes. He can try to put it gently, he can try to put it softly, but we see through that. We know that when the Treasurer talks about cutting cloth, he is really talking about slashing jobs and services.

It is interesting, in just 12 months time, what a different story we see now to what we heard when the budget was handed down. Now we hear from the Treasurer that all he can tell us about the budget for this year is that we need to wait until 23 May, when the budget will be handed down. I expect that is all we will hear until that date. When that budget is handed down, we will go through our normal Estimates process, which is a thorough scrutiny of that budget. It is such an important process for this parliament to go through and I look forward to it every year.

In conclusion, the Premier's address is an interesting and important process in the parliament. It is an opportunity for all of us to reflect on the state we live in, on the communities we have been elected to represent, and on the priorities of the government of the day. Mr President, I do not feel this Government has its priorities right.

When we have more than 30 000 Tasmanians waiting to see a specialist, 9000 Tasmanians waiting for surgery, sick and injured people waiting for hours on end in hospital corridors, paramedics unable to respond to the need in the community and ending each shift in tears as a result, and Tasmanians unable to find safe shelter - when we have all of this in front of us, something must be dreadfully wrong.

[12.02 p.m.]

Mr FINCH (Rosevears) - Mr President, there was little if anything unpredictable in the Premier's State of the State speech. It was certainly a feel-good speech.

We have strong economic growth, premium-grade products and an unrivalled natural environment according to the Premier, except where it has been damaged by bushfires of late. It was terrible news about one of my favourite locations in Tasmania, Dolphin Sands. I nearly bought some land there, probably three years ago. I was told at that time the trees were flammable. I believe they had been planted there, and that they should be changed for fire-retardant trees because it was a bit of a tinderbox waiting to go off. That was a bit of negativity in our proceeding in looking at that land - but what a location, just stunning. It will be a long while for that area to recover, although nature takes its hand and -

Mr Dean - It is almost the equivalent of some of those in the north. It is getting close to it, isn't it?

Mr FINCH - Yes, nearly.

Recognition of Visitor

Mr PRESIDENT - Honourable members, I welcome to the Chamber the Honourable John Ryan AM, former Liberal member of the Legislative Council of New South Wales from 1991 to 2007, a long stint. Your work is continuing, and I congratulate you on your new position as a commissioner on the royal commission into disability services. I wish you well with that. That is terrific and welcome.

Members - Hear, hear.

Mr FINCH - I think the Premier might have been a little over the top when he was referring to excellence in education. We had a lesson in NAPLAN this morning with the member for Elwick's speech, and some wise words for the Minister for Education and Training, the education leaders and the Premier to think about what the future might hold. NAPLAN seems controversial and it seems that people in the system have a big question mark over that whole operation. I have not read the Gonski report.

Mr Willie - There is a national review of NAPLAN at the moment, though it has quite a narrow focus because it does not include the question of whether we should keep it or not - it is more about public interest on how it is reported. That is taking place as we speak.

Mr FINCH - I am sure our boffins in the Education department are evaluating all those circumstances around NAPLAN and the other reports coming in. That assessment will continue. Education is the future of Tasmania, and of Australia, and we have to make sure we get it right.

Recognition of Visitor

Mr PRESIDENT - Honourable members, the future seems to be also in the number of female members we have in this Chamber and the House of Assembly. I say that because I am about to welcome John's wife, Alexandra, to the Chamber. Welcome, Alexandra, and I hope you enjoy your time in Tasmania. Now there are more female members of parliament in Tasmania than ever before - 14 as opposed to 11 male member in the House of Assembly, and there are seven female members and eight male members in the upper House. Probably we are the first Westminster system of government in the world to have that percentage.

Members - Hear, hear.

Mr FINCH - We are the first state to achieve that 50 per cent ratio, which we are proud of.

The Premier was dead right when he referred to Tasmania's tremendous tourism growth. As you are aware, I will be heading overseas to go on the Frank MacDonald Memorial Prize tour. I will be able to talk up how important tourism is now to Tasmania and recognised as such. We had 1.3 million visitors in the past 12 months. These are outstanding figures that really have assisted that economic stability of Tasmania.

The Premier was also right about business growth - payroll tax and the cap on power prices for business - these were all good points he made. He correctly spoke of the booming agriculture, seafood and food sectors. There was not much about Tasmania's native forestry industry though. A decade or so ago it was more important than our tourism industry, and a burgeoning and flourishing industry, as the member for Windermere spoke about. It is now regrowing; it is on the way to again playing a role. I have never denied the forestry industry should be an important part of Tasmania's economy. I just reflected on where we were going with the rapacious way the forestry industry was dealing with Tasmania, and that was not on a good course. With the rebuild we will be on a better course to have a more acceptable forestry industry for the bulk of Tasmanians. I know you will keep us up to the mark in respect of developments and what is occurring there. I am a supporter of initiatives coming into the forestry industry.

The Premier talked up the health system, but Tasmanians who may have had to use it recently would probably beg to differ. There were some stunning figures from our shadow minister for health, the member for Rumney.

The Premier was close to the mark on education although excellence might be going a little too far. The Working Together for 3 Year Olds initiative is commendable. Retention rates for older students are improving, and not before time.

Brand Tasmania is another success story and the Hodgman Government plans to promote it even more strongly, as we have seen here with the bill to make it a statutory management authority, which is commendable. On the subject of Brand Tasmania, I proudly wear the Brand Tasmania badge and will certainly be wearing it overseas as I look to promote Tasmania and tourism as vigorously as I can.

I would like the Government to address this subject: the members for Windermere and Launceston and I had a meeting with the New Horizons people, who are not desperate, but are very uncertain about their future. This should not be the case in respect of an organisation like New Horizons, which has proven what it can do for the community for well over 30 years. It is probably nearer 33 or 34 years. That organisation functions at a really good level. It is different to everybody else - not Special Olympics, because sport is its focus - but as a community organisation. All those years ago, having come back from a Special Olympics tour, Robyn Hanson looked at the circumstances for the disabled in northern Tasmania and how they might be improved. From this started a sporting club for people with disabilities; it had 12 people.

Ms Rattray - Robyn Hanson nee Rattray.

Mr FINCH - Nee Rattray. Another Rattray from the north-east making great strides in developing Tasmania.

Ms Rattray - Robyn's family are from Ringarooma.

Mr FINCH - Ringarooma. Is that at odds with Winnaleah? Is there a family feud? No? Just checking -

Ms Rattray - Part of the Rattray family in the north-east.

Mr FINCH - Robyn was fantastic in what she managed to achieve. Over the years she was in control and guiding New Horizons; her daughter Belinda Hanson, Belinda Kitto as she is now known, has taken on that role. It is nepotism.

How worthy she has proven to be with her business awards, and accolades to New Horizons and the organisations they are involved with - AFL, Cricket Australia and Futsal - and taking those sporting teams interstate. What better experience for young people, particularly those with a disability to be able to travel? Those life experiences help them be a part of society. To feel included is an important thing.

We were strong advocates for the organisation in a meeting with the minister, Jacqui Petrusma, who has been a great supporter. A number of bureaucrats were listening. I am sure they will support the organisation wherever possible. The Treasurer stepped up to the plate, and there was some urgency with an allocation of funds needed -

Ms Siejka - Eighteen organisations though, so there are many more with strong cases.

Mr FINCH - Eighteen including New Horizons. Of course, yes. All with strong cases to present so no doubt causing some concern for the Treasurer on how to accommodate those people and secure their futures. How do you have them continue the work they are doing, if they are outside the NDIS?

Mr Dean - It would be interesting to know the number of clients each one of those 18 organisations supports. About 500 and building on this.

Mr FINCH - Yes. That is what I meant - New Horizons had 12 when it first started and that number is almost 500. Did the member for McIntyre say that yesterday?

Ms Siejka - Almost 1000 qualify for the NDIS but 90 000 need support and do not qualify for the NDIS.

Mr FINCH - They have a way to go.

Ms Siejka - They need to access those 18 services.

Mr FINCH - Yes, and the problem with applying for funding is that the criteria talk about national initiatives. New Horizons is not in a position to take on a national initiative because they are struggling to provide the services with the staff they have now. How do they then start to work on putting forward a national proposition to secure their funding for the future and then include the rest of Australia to obtain a 90 000 figure? That is bizarre and an impossibility.

Mr Dean - It is beyond them.

Mr FINCH - I know the member for Windermere takes a strong interest in New Horizons, and certainly on its behalf, I thank him. He is New Horizon's southern patron on these issues and no doubt is talking about the strength of what it is doing for Tasmanians with disability, and that should continue. We will see what unfolds in respect of support the Government is able to give New Horizons as the NDIS rolls out. The uncertainty over New Horizons Tasmania's future funding is the main concern.

The Government seems determined to press ahead with its still flawed anti-protest laws. The focus is back on anti-protest legislation because of farms. In watching that issue, I can only be sympathetic to farmers who are going about their lawful businesses. I may be changing my tune but the forestry issue seemed a different circumstance. You come back to people on farms who are finding it tough to eke out an existence with changing dynamics. Leader, you were talking about the changing of dynamics of being on the farm from the time you first started to what you now have to contend with. It is a changed landscape. The challenges are huge and constant. The people on farms are going about their lawful business, doing what has been done since time immemorial, and now we have these protests and the trespassing onto their properties. Protesters are breaking into their properties and disrupting what farmers are trying to achieve. It will be an interesting debate when we see what those anti-protest laws are as they come to our House.

Mrs Hiscutt - The anti-protest laws are directed at all businesses, not only forestry.

Mr FINCH - Yes. I am curious about where my thoughts will lie when we consider this. I am not locked into an opinion.

The debate on political donations and donations disclosure grinds on. It seems Tasmanians are no closer to knowing the source of millions of dollars of contributions to political parties. Work continues on an interim report, but it is high time the Government stopped dragging its feet. The longer it delays, the more Tasmanians think there is something to hide. That is what is occurring and they are probably right to do so.

It is also time the Government took a closer look at the logjams in the House of Assembly because there are too few Cabinet members for the workload. We will be dealing with the former member for Western Tiers and McIntyre tonight.

Ms Forrest - And Rowallan.

Mr FINCH - Rowallan, yes. The list went on. They kept changing it. He was a great advocate for returning the numbers downstairs to 35. Former president Don Wing brought on the debate about increasing the numbers and suggested the Legislative Council should return to the figure of 19. I spoke against that because I have a sense that 15 in the upper House gives a diversity of input that allows for the strength of the debate to continue and the issues to unfold.

Ms Rattray - We need to consider the wise words of the honourable Don Wing. He said there needed to be a proportion of Legislative Councillors to the number of House of Assembly members.

Mr FINCH - Yes, some interesting points came out during that debate. I was happy to contribute, but the sense I offered in the Chamber was that we stay at the numbers in the upper House but increase numbers downstairs. My argument was based on what we pay for advisors. We pay an extraordinary amount of money for advisors. They are paid much more than elected members receive but they are not sent here by the people, they are appointed, and I would sooner have people here who are sent here by our community. That money should go to people who are responsible to the electorate. We will see what happens with that debate. A committee is looking at the problem but we see no evidence of progress at this stage.

Mr Valentine - Only some backbenchers are available do all the committee work, which is an issue.

Mr FINCH - That is one of the issues, supporting the ministers. We have nine ministers with a number of different portfolios. That is work that could be done by backbenchers who could act as secretaries for those issues and offer closer examination rather than paying advisors.

Bushfires are an increasing problem. The latest fires will have a continuing effect on visitor numbers. People may think of Tasmania as a more dangerous place to visit, and the landscape is also scarred. Discussion following the fires is interesting, including an interview I heard this morning with Mike Brown, a former fire chief in Tasmania. A group of retired servicepeople from around Australia have gathered, people who were involved in fire, search and rescue operations. They have written a letter to the Prime Minister to express their concern about climate change and the dramatic effects it is having around Australia, urging him to focus on that issue. I will not join critics in their response to our wilderness bushfires.

The Tasmania Fire Service has highly trained remote area teams - RATs, as they are called. They can be deployed quickly when these fires start. On this reassessment of our position in climate change fire control, those RATs may have a more profound effect on bushfires. They can be dropped from helicopters with portable fire pumps to be set up in streams and tarns, and they can stop fires before they take much of a hold. That may be a strong consideration.

Mr Valentine - It is the timeliness that matters.

Mr FINCH - Absolutely. These special groups can take this on. They are reading that circumstance all the time. I believe the fire service needs more of those teams.

Mr Valentine - There is an argument for a national firefighting body, which would make it more economic to immediately put those people in the places they are needed.

Mr FINCH - As the Prime Minister said at the Chamber of Commerce in Launceston yesterday, the federal department has taken a strong hand in deploying firefighting units and planes. Those assets were delivered into Tasmania by the federal department. He has it in mind as well. The sophistication and efficiency of Tasmanian firefighting has dramatically improved in recent years. That comes with recent experience, unfortunately. We are almost certainly facing worsening bushfire situations.

On another topic, Tasmania's freedom of information regime is being hampered by long delays. It should not be the case. Academics and journalists say the delays are crippling Tasmania's freedom of information regime. I hope that can come to the forefront of the Government's considerations. Recent figures revealed the state's understaffed public watchdog is struggling under the weight of its growing workload.

Mr Valentine - That is right to information?

Mr FINCH - The lack of political transparency in Tasmania was painfully evident during last year's election, when voters were left unaware of the true influence of the powerful gaming interests. Tasmanians, and most Australians, are losing trust in the political process as it becomes less transparent. This is a focus we need to keep in the political arena. Transparency is an important ingredient to the work parliaments do.

Transparency - it is to the fore of people's minds now, and why they are turning off political parties. That is why they are going to independents, which is not a bad thing, but away from the major political parties.

We will be able to have plenty of analysis and see what is occurring with the election announced today.

I am always aware of the needs of the West Tamar Council when I respond to State of the State speeches. Of course, I have the members for Launceston and Windermere, who cover those central northern issues in the city of Launceston, although I point out I have 9000 voters in the Municipality of Launceston.

The issues are usually covered by my colleagues, so I tend to focus on the West Tamar Council, one of the most dynamic in the state. Many projects are underway, including in one of the fastest growing areas in Tasmania - Legana - and no doubt during the election campaign, we will hear more about that new school. Every election campaign for about the last seven or eight years has always figured we are going to build a new school at Legana. It is not there yet.

The upcoming projects needing funding include the Beauty Point Foreshore master plan, which is being developed to provide a future direction for the foreshore and to benefit the community by providing better access and connection to the town, upgraded amenities and enhanced natural and cultural assets in the area for locals and visitors alike.

I salute the people of Beauty Point because they could see what was occurring with a couple of other areas. The Exeter Improvement Committee was having great success with development and worked with the council.

Then, of course, the Beaconsfield Improvement Committee was underway, with Joy Allen as their leader, the deputy mayor; then, of course, the Beauty Point people said, 'Have a look at us'. They have Seahorse World, the platypus farm and a lot of other natural assets around the Beauty Point area. It is a great place to visit. A terrific fish and chip shop.

Mrs Hiscutt - Is there a progress association at Beauty Point?

Mr FINCH - No. The improvement committee is it - they might even call it the Beauty Point Improvement Committee, because that is what the various ones have done. There is a Legana group. The council has wisely established groups in the various areas to form their own community committee under the aegis of the council, but not driven by the council. These committees then report back to the council. I think they have a councillor or two connected to those groups. It is a great way to receive community feedback and to have the community providing input into their environs.

The Beauty Point Foreshore master plan has come from the meeting of minds of the local community, and local business and commercial operators.

The West Tamar Council has made preliminary plans to construct two roundabouts in Exeter to improve traffic flow through the main streets. The member for Windermere will be watching the roundabout situation closely to see if it helps strengthen his arm over on the other side of the river to get those going.

Mr Dean - They are moving on with what has been approved and it is out for tender in Mowbray.

Mr FINCH - The work at Bunnings may be on hold. Fitting that roundabout in has been more problematic because the density of traffic is enormous. The traffic lights are not working. If I come out of Bunnings and I want to turn right to go into the city, it is far easier to drive straight ahead, do a U-turn and drive back the other way.

Mr DEAN - It is much easier.

Mr FINCH - Things are crook in Tallarook, as far as that intersection is concerned. The traffic coming from the university and northern suburbs into town is horrendous. Another roundabout is proposed in West Tamar at the intersection of West Tamar Road and the Frankford highway, which is the Frankford Road. There is another intersection at West Tamar Road and Glen Ard Mohr Road, which runs down to the primary school and the high school. They are looking to deal with the Government about those two opportunities.

The Gravelly Beach project looks to restore the beach by reclaiming and restoring it, with the addition of a car park, extending stormwater drainage and building a rock wall. It is a terrific location. They have had a community group working there, which I have been part of. I work on various projects for that foreshore committee under the aegis of Barry Blenkhorn, who is quite a driver for that area. Most of the proposal is currently prohibited under the West Tamar Interim Planning Scheme 2013, as the development is in the environmental management zone and is not owned by the council. The new Tasmanian Planning Scheme will allow applications for alterations to this zone to be submitted to the state Government. The council is hoping to do this and make headway on that project at Gravelly Beach. I hope the state Government will be receptive about

funding, if the Premier's State of the State speech was right about economic growth being the Government's dedication to infrastructure.

Speaking of inclusion of women in state parliament, I went to the jumper night for the Bridgenorth footy club, which has been an intrinsic part of the football scene in the West Tamar for many years. Bridgenorth is so far out in the sticks they do not even have a shop, all they have is a footy ground, yet they are able to attract all these quality footballers.

Ms Rattray - It is close to the city.

Mr FINCH - Yes, it is close to the city, close enough to poach from the football club as well. We are in their district. They have proven to be a very successful family club and that is one of the big attractions for players to come to Bridgenorth. I was patron for many years. I relinquished that position and the mayor is now co-patron with Wayne Cuthbertson, who played over 400 games.

Mr Dean - It is like the Hillwood Football Club. They have a strong football side and a great community behind it.

Mr FINCH - They are different because their football ground is surrounded by houses and people. They have Millers Orchard, which employs many people in the local district. They have more of a population base than Bridgenorth. I have slipped away in my involvement with the club in the last couple of years, but they ask me back to do special events. I was hosting the jumper night and, to my surprise, they now have a women's football team. We know it is burgeoning in our communities in Australia as well as here in Tasmania. Here is Bridgenorth, where they do not even have a shop, with a women's football team. That was quite fantastic to see them there on the night.

Mrs Hiscutt - Penguin has a women's football team too which does quite well, and which I like to support. It is a growing sport.

Mr FINCH - It is opening up the world for footy involvement and for the game. Mr President, you are involved heavily with what is happening with football in Tasmania. This has to be a great positive tick for footy to get that acknowledgement of the sport. I know you would like it to go back into the schools. It will be much easier to promote. I have done a lot of coaching in schools with footy teams.

Mr Valentine - Do they win?

Mr FINCH - It is not about winning; it is about involvement. There are always about five or six in the team who are driven and want to win. The rest of the team just want to pull on a jumper.

Mr Willie - It is really good for kids who might not be able to read, but they might be good at football. If they are not having access to it now, it could totally change their life.

Ms Siejka - Are you saying football players cannot read?

Mr FINCH - They might not be strong academically, but they might be able to be part of the school community because they can represent the school. That is the important thing for me - that they feel part of the school because they can represent the school. They can get on that school bus, go to another school and represent their team. They might stand in the back pocket and look like

lost sheep, but just have a look at the smiles on their faces on the bus there and back. They have pulled the jumper on.

Ms Rattray - While we are doing a bit of bragging here about our women's teams, the Scottsdale Magpies team won the northern inaugural women's grand final the year before last and they were runners up last year. Now the Evandale team, the Eagles, are in. It is going gangbusters.

Mr FINCH - You have trumped us all completely.

Mr Valentine - Socially inclusive - that is the important point.

Mr FINCH - Just coming back to the schools, it was always very difficult in the schools because here you had the delineation - softball and netball for the girls, cricket and football for the boys. You were separated from the entire opportunity you might create for kids. Sometimes there might be a girl or two who wanted to come and train, but it soon became clear it was not an inclusive operation for the teams at schools. Now, I do not know where this will lead -

Ms Rattray - It is the norm now.

Mr FINCH - This could lead not only to teams that will feature girls, but it might even be combined. They might play in combined teams to represent the school.

Mr Dean - That is what is happening with netball. You have male and female combined netball teams now.

Mr FINCH - That can only be a good thing. But do not worry, member for Hobart, you were asking whether they won. I remember that was never mentioned at West Launceston Primary School, but I know there were critics of the footy team because we were successful, saying, 'It's all about the scoreboard for you.' It was the furthest thing from my mind. I said, 'Take away the scoreboard, don't worry about the scoreboard - the kids will know it in their head. They will know who is winning and who is losing.'

Ms Rattray - That is exactly right. The kids, even though they do not have the score on the scoreboard, know who won and how many goals they got.

Mr FINCH - For about three of those years at the West Launceston Primary School, I had Scotty Stephens as my rover so you can imagine going on to be the captain of Tasmania for the Devils and representing Tasmania, he was just a ferret - that footy was his and he chased it up and down the field. At the centre bounce, he sent it on the forward line and then he was on the back line. He was quite a player.

Mr Willie - Going back to the schools, I taught a number of kids who knew their six times tables before other times tables because they were such football fans.

Mr FINCH - I was going to present some arguments for a Stuart McCarthy. Greg Hall is not in the building, is he?

I have some notes missing. It was about Frankford Road, which I alluded to before. I will read the first part of the suggestion Stuart McCarthy has sent to me -

I read with interest the Federal Governments allocation of funds to upgrade Tasmanian infrastructure, including the \$24 Million to upgrade Birralelee Road.

This I find very odd, as the majority of heavy vehicles which head into Exeter, then North to Bell Bay, or South to Legana or Launceston, use Frankford Road.

I would be interested to see what surveys were carried out to assess the amount of heavy vehicles which use Birralelee Road, compared to Frankford Road.

I have talked often about the Frankford Highway, as it was- it has been changed back to the Frankford Road because of the non-allocation of funds to keep it in the condition of a road. It is a super-dangerous road to travel on. There is heavy traffic all the time. The local residents live in fear of the traffic that moves up and down the Frankford.

I will continue now with what Stuart McCarthy has sent to me -

I know that many vehicles are using Frankford Road are over-weight for the Rubicon River Bridge, which State Growth has rated as 42.5 metric tonnes ...

I am not sure what that detail means but in an email from Stuart McCarthy, he writes -

Numerous companies send their trucks back towards Devonport in a loaded state which I find extremely concerning. I have watched with interest the way these loaded trucks travel at slow speed and the way they sway from side to side, I believe it is a sign they are either at maximum capacity or overloaded, and yet I have never seen anyone from Transport in (NHVR) setup to check these trucks are legal.

It would be much simpler to upgrade Birralelee Road, then force heavy vehicles to use it instead of Frankford Road ...

I see the point he is making. If they are going to improve Birralelee Road, take them off the other part of Frankford Road from Birralelee into Devonport - use it instead of Frankford Road and let Frankford Road be a tourist route. It is very pretty from there to Bakers Beach and to out to Narawntapu. That is what was promised it would be when the Bass Highway was opened and Frankford highway was downgraded to the Frankford Road. This is the little bit you will be interested in. He says -

I would be interested to see what you think, I know you are familiar with this area, and I know you are a busy man and in great demand ...

Thanks very much, Stuart McCarthy.

I note the State of the State speech by the Premier.

Premier's address noted.

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

Second Reading

[12.44 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council - 2R) -
Mr President, I move -

That the bill be now read the second time.

The purpose of the bill is to make it easier for retailers to protect their stock from shoplifters, by providing an exemption to their employees from requiring a licence to undertake bag checks.

The overwhelming majority of Tasmanians are law-abiding citizens, but for some antisocial offenders and petty criminals, retail theft has become all too common.

The Australian Retailers Association estimates the cost of shoplifting equates to 3.5 per cent of all turnover.

In Tasmania, retail turnover is over \$6 billion, so losses from theft have been estimated at around \$200 million or more per year. While this is a significant cost to businesses, ultimately the consumer pays with higher prices and increased cost-of-living pressures.

We have consulted retailers and have heard their frustration about being virtually powerless to act to prevent offenders taking advantage of loopholes in the law which allow them to steal from retailers with little or no consequence. Anecdotal evidence suggests thieves are aware that retail staff have no power to inspect bags if they do not give consent, and they can and do take advantage of this.

We have been told of incidents where thieves, sometimes operating in small groups, distract retail staff in order to steal products, and then walk out the door challenging retailers with comments such as 'You can't touch me' as they leave with the unpaid goods in a bag, trolley or under clothing.

In addition, a retailer must employ a licensed security guard if they wish to search a customer's bag while they are inside their business or shop.

For many businesses, it is cost-prohibitive to employ a licensed security agent, and as a result, they choose to employ retail staff in the role of 'greeter'. Greeters are employed to discourage dishonest behaviour; however, under the current legislation they do not have the power to search bags.

In anticipation of the introduction of this amendment bill, no compliance action has been taken against businesses choosing to use retail staff in this manner, but there has also been no opportunity to fully train these staff in the correct way to conduct bag checks.

In order to address this issue, the amendments to the Security and Investigations Agents Act 2002 provide an exemption to retail staff conducting bag checks from requiring a licence to undertake bag-checking security activities.

The exemption will allow retail staff to conduct bag checks when there are clear and visible signs prominently displayed at each entrance to the store, stating that allowing a bag to be checked is a condition of entry, and inspections are limited to bags in possession of persons leaving the property. This will allow Tasmanian retailers, large or small, to make it a condition of entry that customer bags can be inspected. As consenting to a bag check will be part of the condition of entry to a store, anyone refusing to allow a bag check could be denied entry.

The amendments also provide for the Director of Consumer Affairs and Fair Trading to require retail staff conducting these checks and inspections to adhere to a code of conduct.

The director has indicated that the endorsed code of conduct will be based on the Australian Retailers Association - ARA - bag check guidelines, which will clarify that retail staff may not forcibly search a shopper.

The guidelines state that retail staff may only request that a customer present their bag for inspection and may not touch the customer, the bag or the contents of the bag, and they may not detain the customer.

An education campaign to communicate the exemption and the code of conduct to retail staff and Tasmanian consumers will be initiated by Consumer, Building and Occupational Services to ensure everyone fully understands their rights and responsibilities when it comes to conducting and consenting to bag checks.

I commend this bill to the House.

Debate adjourned.

Sitting suspended from 12.50 p.m. to 2.30 p.m.

QUESTION

Ridgley Highway - Maintenance and Repairs

Ms FORREST question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[2.32 p.m.]

Regarding Ridgley Highway between the Ridgley and Waratah intersection, mostly occurring in my electorate -

- (1) Are repairs and maintenance of sections of the highway conducted last year failing and currently requiring further repair? If so, what is the reason for the failing of the previous work?
- (2) Are other sections of this highway marked for further repair?
- (3) Is the cost of this current work being met by the contractor? If the cost is being covered by government, is the current repair and maintenance work being paid for by volume, quality of work or by contract?

ANSWER

Mr President, I thank the member for Murchison for her question. I was in the area on the weekend and made it as far Hampshire. After that, it would become worse.

Ms Forrest - Yes.

Mrs HISCUTT - The answer your questions are as follows -

- (1) No.
- (2) Yes, all roads need ongoing maintenance. The Department of State Growth's contractor inspects the State Road Network weekly as a part of their contract. Inspections identify issues and maintenance works are scheduled within a programmed routine of works.
- (3) The maintenance contractor receives a monthly payment to perform maintenance activities and deliver a specified performance outcome. The base payment is a lump sum but the department can call up additional works if deemed necessary. For example, to address a property owner's issues or increase the level of service.

SUSPENSION OF SITTING

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

That the sitting be suspended until the ringing of the division bells.

This is for a briefing on the Security and Investigations Agents Amendment Bill 2018 (No. 51) in committee room 2.

Sitting suspended from 2.33 p.m. to 3.31 p.m.

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

Second Reading

Resumed from above.

[3.31 p.m.]

Mr DEAN (Windermere) - Mr President, I support the bill and I appreciate the briefing we had. I thank the Leader and departmental members for the way in which they approached it. There were some issues raised that I will put on *Hansard* because they ought to be on the record.

Shop stealing is a prolific crime. It is not an offence; it should never be referred to as an offence and should never be referred to as a petty offence. That is what the second reading speech says. It is a crime under the Criminal Code, but it is not an offence under the Police Offences Act.

Offenders downplay the seriousness of this crime by referring to it as shoplifting. We refer to it as shoplifting, and I think the second reading speech refers to it as shoplifting. This is one of the problems with it; people who are involved in this will say it is not stealing, it is not a crime, all it is is shoplifting. That downplaying of it is not in the best interests of retailers and all those people who suffer the consequences of stealing from their shops and premises.

I read some figures on shop stealing a while ago; I have not brought them with me today, but shop stealing costs the state millions of dollars a year.

Ms Rattray - It's \$200 million.

Mr DEAN - That is right - it is a huge amount of money. There is nothing petty about it at all.

Very clearly we all pay for stealing from retail outlets. The retailers have to ensure they are covered for this theft. They put the mark-ups on their property to cover this and they have to do so. I am not being critical of them at all. They have to do it to ensure they can remain doing business the right way and that they can employ people. It is a very serious matter.

Stealing from shops goes in waves but generally, if we look at it now, it is probably increasing. If we look at the figures the other day, in Launceston alone, if you compare it with the figures I referred to yesterday - March 2019 compared with March 2018 - shop stealing increased by just under 30 per cent, or 29.1 per cent to be exact with the figures here. I would be surprised if we have not seen an increase across the state.

I am not quite sure how that figure is derived, and I would be interested to know how it is worked out. Is it on the number of complaints of stealing made to police or on the number of offenders apprehended? How do they obtain that figure? I will put a question on notice to the Leader when we come back to it.

Mrs Hiscutt - I don't know. It might be a stocktake.

Mr DEAN - It could be, but I doubt it because a stocktake would simply show they were down in certain property.

Stealing from shops is serious. I was involved in the investigation of a criminal syndicate in Sydney, New South Wales. We raided a number of houses in and around Sydney and we, CIB and I, recovered well in excess of \$100 000-worth of stolen property. The thefts involved were of anything and everything - televisions, refrigerators, the list went on - and we recovered a stack of cash as well. Most of the cash derived from the sale of their ill-gotten gains and from refunding stolen property. They would steal it, take it back to retailers and request a refund for it. That was being done professionally. The thieves, in this instance, had attended training schools. They were taught how and where to conceal stolen property, how to track staff and how to pose as employees and security officers. It was a large-scale operation.

My wife was a security officer for a few years in Myer in Hobart. Some of the methods people used to steal were amazing. Many babies and young children are used by their parents or guardians for this purpose. Prams are a great one and inside nappies; it is amazing. I am not surprised we need better laws. This legislation will give more protection to retailers. I remember a jacket with special pockets sewn inside was recovered by the Myer security staff. The lining inside was removed, it was quite amazing.

Mr President, you might recall this case. It was the first shoplifting case I dealt with. It involved the wife of an official in the Court of Petty Sessions. I brought this lady back to the CIB to interview her and she had a reasonable amount of stolen property from retail outlets. Being very raw in the CIB, I left the room for a short time, I came back and I could not find any property. The lady in this instance had eaten all the property, including the brown paper packets it came in. The lady was not convicted. She was found to be affected by some mental issue that took away her ability to form intention. As I said to the court at the time, she had formed the intention to eat all the evidence.

I support the bill because businesses need to be protected from shop stealing by giving employees and staff the legal right to check bags. A security licence providing the right for some security checking is not available to all shop assistants, nor is it reasonable to expect them to have one. There is a cost and processes to go through to get a security licence and many of these assistants would not be able to gain them. This is a good way to handle it.

While there are still some issues, all assistants will be able to check bags. We know from the briefing and second reading that they will not be able to use any force whatsoever or interfere with the customer. They will be simply be able to request that customers show and open their bags. Signage at all entries and exits to the building has to be clearly displayed.

The question was asked: what will happen if these people want to walk off. A licenced security officer on the premises and or police would be called. A few years ago at Myer, assistants and/or the security officers were required to follow the person if they could and obtain their vehicle registration number. This is normally a way of giving the information to police. A citizen's arrest can be made in certain circumstances, but that must be treated with utmost care.

If a bag was opened and contained stolen property, the person was asked to remove the property. If they refused and walked out, the same situation would apply - getting identification or calling a licenced security officer to intercept the person. There are a number of issues. The crime of stealing is not easy to prove. Courts have found normally that to convict a person of stealing they must have left the premises. If they are still on or are leaving the premises, they could say they were going to come back and had every intention of paying. It is a difficult one and professional thieves know it all very well.

Mr Gaffney - The shop owner is often more concerned about losing the goods than convicting the person. The impact is they lose goods.

Mr DEAN - That is partly true, because thieves do it daily, weekly. Known thieves come onto the premises, and they want to be able to stop those people from coming back. It is not only a matter of having their property back, shop owners know they are doing it all the time and want to stop them. The only way to do that is to stop them entering their premises. Certainly they want their stuff back so it is more about stopping the person.

I raised a concern during a briefing about code of conduct training and the position of assistants being able to identify themselves as being able to undertake the duty of asking people shopping to be able to look into their bag, because the very first thing some will do is ask, 'What authority do you have to ask to look into my bag?' The sign might be there, but they are asking about the person there at that time and what authority they have. It might be that the manager, or somebody else, has, but what authority do they have? If they have some identification to show they have had that training, and they are who they say they are, that would assist them.

We have been told this document - the Tasmanian Bag Check Code of Conduct - will be amended to include the requirement for some label or some identification tag to be worn by the assistants. That is a good move because it will give these assistants the protection they need, and give them more confidence as well. If you are going to walk up to somebody and you have nothing to show who you are or why you have that authority, it puts you at a bit of a loss in doing your job. That is why police officers have the warrant cards to show. Plain-clothes officers must show their warrant to demonstrate clearly that they are who they say they are and that they have the authority to take the action they want to take. These people need that same sort of support. I think this will do that, so I am very pleased the department has undertaken to include it in this document.

I think that is the undertaking we received during the briefing.

Mrs Hiscutt - Yes, I can confirm that is the undertaking.

Mr DEAN - That will certainly satisfy the real concern I had in that area; it is a good move and I thank the department for doing exactly that.

I support the bill; it is a good bill. We need to give the best assistance to our retail outlets we can to give them more control over their property and people shopping in their premises.

I think in the bill contains a piece about people coming into the shop, that if they will not undertake and accept the fact that their bags can be searched, they can be stopped from entering the premises. I am not sure they will be asking people as they are entering premises with bags whether they are going to accept the search on the way out. I am not sure that will often happen that way.

Mr Gaffney - I had the impression that if you suspected somebody, like a regular, and you checked his bag on the way in, that would send the message that there is a good chance that their bags might be checked on their way out. It could be a deterrent if they know people are going to check bags.

Mr DEAN - Absolutely, and the signs are a deterrent. There is no doubt about that, but as I said, good shop stealers normally do not carry it in a bag, they carry it by other methods. It is normally an amateur that will carry it in a bag. I will be supporting the bill.

[3.48 p.m.]

Ms ARMITAGE (Launceston) - Mr President, like the member for Windermere, I see this as a major issue for retailers.

The member for Windermere was on a couple of different groups with me when he was in the police force, such as the Launceston Safer Communities Partnership.

Another group is the Launceston Retail Partnership and it looked at trying to establish a way that businesses could ban people they knew came in regularly to their business premises and were obviously stealing. I agree with the member for Windermere, shoplifting is often seen as something fairly minor, something that is not all that important, whereas shop stealing certainly has a different connotation.

I have mentioned before in this House that I do independent person volunteering when I go along and sit with under-aged people. The under-aged people I sit with who have been caught shoplifting really do not think they have done anything much at all - many of them do not. You ask

them why they did it and they say they only took a jumper, or only a pair of shoes, or took only something. They really do not recognise what they are doing to the retailers and the fact that if everyone went in and took something without paying, how hard it would be for the retailers.

A business, which I will not name, told me they had groups coming in close to their closing time at 5.00 o'clock in the evening. The member for Windermere will know which business it is. They ended up closing the business because their staff were afraid, which is very sad. These people would come in as a group and walk through the aisles and purposely knock things off the shelves. They would threaten the staff, saying things such as, 'I know what time you leave work', and 'You can't do anything to me'. It is not only that people take things and need their bags checked. It goes much further and is much more frightening than that. If you talk to some of the retailers, you will hear that these people come in and they do not care. They let the staff know they are going to steal and they are blatant. I have seen camera footage from some of the stores. People pick up two or three puffer coats and walk out the door with them. They do not care that they are on camera.

I see this as a serious problem. I acknowledge this legislation is assisting retailers but we need to do more to help them because it is so hard. Many are young shop assistants who are not going to stop someone walking out, and who have been told by the owners of the stores not to try to stop people because they may end up hurt. They would rather lose a piece of clothing or something from the shop than have one of their assistants injured. We need to look at more than this. We have made a start with legislation that allows people to check bags, but you would not want to ask many of these people if you can check their bags because it is quite frightening.

I am sure we have all seen it. Look on Facebook. The police look on Facebook for sale sites. You will often see three or four items, all with their new tags with by-lines such as, 'Did not fit', or 'For sale - cheap', but the police have to prove the items were stolen and it is not easy. The police cannot be everywhere and we acknowledge that. Retailers often say they do not see the use of calling the police because it can be 15 to 20 minutes before they arrive. They could be at the other end of town. They cannot sit around waiting for a call. It is extremely difficult for the police. They feel their hands are tied and many shop stealers are not charged because it is not taken as seriously as perhaps it should, as the member for Windermere said earlier.

I support passing this bill if it will help in this small way, but we should look at something stronger to try to alleviate the concern and difficulties retailers have with shoplifting.

[3.53 p.m.]

Mr VALENTINE (Hobart) - Mr President, I support this bill. I thank the Leader for arranging the briefing and the officers who provided it. It is sensible way forward. If stores might have greeters who that could be exposed to breaking the law, this is an opportunity to put that to right, and for that reason it is good.

Some may feel civil liberties are being impacted on. I do not think that is the case. They will not pull up every second person who walks through the door. They will only do so if they think there is a chance they have stolen something, and it is likely they have CCTV footage to prove that. This is a way of handling the situation, to stop the person walking out the door and snubbing their nose at them.

It should be effective. Bags can be opened, people can be asked to take items out of the bag to prove there is nothing inside. I mentioned earlier that some bags might have false bottoms. Through questioning and the like, these people have the capacity to ask for all sections of the bag to be

inspected. They cannot touch the bag, they cannot touch the person, but if they still feel there is an issue they can call the police. That is where law enforcement comes in.

I am happy with this and do not see a real problem.

[3.55 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I thank members and look forward to the Committee stage of this legislation and any questions members might have.

Bill read the second time.

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

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -

Section 41 amended (Exemptions)

Mr DEAN - Mr Deputy Chair, I have a couple of issues. Reading through the Tasmanian Bag Check Code of Conduct document we were given, I refer to clause 4(8), which relates to the issue of the code of conduct and training. I refer to the bottom notation there, which says that the exemption does not apply to a person under 18, and that no assistant under the age of 18 years of age will be able to become involved in the asking or request to check a bag.

Am I interpreting this correctly?

Mrs Hiscutt - Yes.

Mr DEAN - It is probably good not to involve people under that age in situations like this. The other questions relate to staff training, and the suggested practices for the code of conduct training. It concerns me the code says that mechanisms that should be considered include special staff training sessions.

I have no problem with that, and would have thought it necessary for individual one-on-one training. This shows it does not have to happen that way. It could happen simply by an internal memoranda being provided and/or display of a bag check code of conduct or an appropriate staff instruction on noticeboards.

I would have real concern if that is the training required. Reading through, it says that in addition to providing retail personnel with a copy of the code of conduct, and providing training in the code during induction, the most efficient means of ensuring understanding of the bag check code of conduct to relevant employees will depend on the size and structure of the business. It goes on to discuss the mechanisms that should be considered.

Am I right in assuming what is in the first paragraph is not necessary to be used for staff training under the code of conduct. That one of these other dotted three areas could be used? If that is right I have concerns.

DEPUTY CHAIR - Do you want to take a seat and come back with another question?

Mr DEAN - Yes, I have two calls.

DEPUTY CHAIR - Two more, yes.

Mrs HISCUTT - Above there are the agreed principles. They have to do that -

Mr Dean - Yes.

Mrs HISCUTT - Then the suggested principles is the way they can implement those suggestions. That may be a minimum and they can do a lot more, but they have to do the agreed principles and this is a way of doing it. It is a list of examples depending on the type of business implementing them.

Mr ARMSTRONG - Clause 4(7) says that for the purpose of subsection (6) a bag includes the following items: bag, a parcel, a carton, a container or another item that could reasonably be expected to conceal goods. I was wondering whether a disability walker or wheelchair, as they have little pouches on them, are other items that could reasonably be expected to conceal goods. Just for clarification.

Mrs HISCUTT - Yes, it could be a disability walker, it could be a pram; it could be anything like that. Anything.

Mr DEAN - In looking at the code of conduct again, which is a fairly important part of this whole thing. I realise this is only one part of retailers being able to protect their premises. I realise that they have video camera surveillance and all that stuff as well. Many premises also have sensitised price tags now. I was picked up once for having one but it was the wrong one, something went wrong with their system. It was somewhere on the mainland; something went wrong with their system and they took it off. I cannot remember what it was but it was embarrassing at the time.

We are told that this was mirrored on NSW legislation, I think. It has been operating for some of time. Is the code of conduct training similar to NSW or the other states that already have it in operation? If that is the case, have any significant issues arisen that have caused some concerns in this area at all? Has it been working efficiently?

Mrs HISCUTT - It is based on the Australian Retailers Association code of conduct. The code NSW has implemented is based on that. We are not implementing one based on NSW's code; we are implementing one based on the Australian Retailers Association, as NSW did, and we are doing more training than NSW has. We are not aware of whether things have been working in NSW but we have done a bit more training for ours.

Mr ARMSTRONG - Just to clarify again, it may not be in the right clause or even in this bill but can a person, a store owner, refuse entry to a person entering their store?

Madam CHAIR - To honour a point of explanation there, that question is not really related to the bill. If the Leader is able to answer it, that is fine; if she feels she cannot, I think it is a matter that can be put on notice.

Mrs HISCUTT - It is probably a question for the member for Windemere really. I am led to believe -

Mr Dean - Yes, they can in certain circumstance, it is like a licensed circumstance.

Mrs HISCUTT - There we go.

Madam CHAIR - Order, the Leader is answering the questions.

Mr Dean - I believe the Leader asked me.

Mrs HISCUTT - I did.

Madam CHAIR - Order.

Mrs HISCUTT - In this situation the person has breached the conditions of entry to the store. Accordingly, action may be taken to refuse this person entry in the future. This may be in the form of a ban from entering the store or could involve a restraining order from Tasmania Police, so it gets serious at that point.

Clause 4 agreed to.

Clause 5 agreed to and bill taken through the remainder of the Committee stage.

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

Second Reading

[4.05 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council - 2R) - Mr President, I move -

That the bill be now read the second time.

This bill makes amendments to the Supreme Court Civil Procedure Act 1932 to update the act and address anomalies and deficiencies identified by the Supreme Court of Tasmania.

The amendments will address anomalies in the legislation that prevent judges from making and amending rules in relation to the admiralty jurisdiction of the Supreme Court; provide judges of the Supreme Court with the power to award prejudgment interest when making a judgment that requires the payment of an amount of money; provide for representative proceedings in Tasmania; and enable the Associate Judge to exercise new powers to deal with applications in relation to pending appeals.

Section 197 of the act empowers the judges of the Supreme Court to make rules of court for various purposes related to regulating and implementing the act. The rules of court are primarily contained in the Supreme Court Rules 2000; however, certain parts of the former Rules of the Supreme Court 1965 were retained after the Supreme Court Rules 2000 commenced and those parts continue to apply.

Practice and procedure in admiralty in Tasmania is governed by the Commonwealth Admiralty Act 1988 and Admiralty Rules 1988, and the Tasmanian Supreme Court Rules 2000, to the extent that they are not inconsistent with the Commonwealth legislation. Rules of the Tasmanian Supreme Court relating to admiralty are currently contained in the Tasmanian Admiralty Rules, one of the retained parts of the former Rules of the Supreme Court 1965.

The Supreme Court Civil Procedure Act 1932 still contains references to the repealed Colonial Courts of Admiralty Act 1890 (UK) and has not been updated to refer to the 1988 Commonwealth legislation that replaced it. This means that the Tasmanian Admiralty Rules cannot currently be amended through the usual power granted to judges under section 197 of the act.

This bill updates the act so that it correctly refers to the contemporary Commonwealth legislation that governs admiralty practice and procedure and repeals redundant references to legislation that no longer applies. This will enable judges of the Supreme Court to amend the Admiralty Rules where required.

The bill also inserts a new section 35A into the act to provide judges of the Supreme Court with the power to award pre-judgment interest when making a judgment that requires the payment of an amount of money. Pre-judgment interest is interest on a sum of money that a court may order a defendant in legal proceedings to pay to the plaintiff in respect of a period prior to judgment.

While there is a general rule at common law that pre-judgment interest may not be awarded, judges of the Supreme Court of Tasmania currently have limited powers to do so in certain circumstances through a small number of legislated exceptions.

However, a general and unrestricted power to award pre-judgment interest in actions for the recovery of money or damages exists in all other Australian jurisdictions, for example under the Federal Court of Australia Act 1976 (Commonwealth). Tasmanian magistrates already have such a power under section 25(1) of the Magistrates Court (Civil Division) Act 1992 and for Tasmanian arbitrators the power is conferred under section 33E of the Commercial Arbitration Act 2011.

This bill will provide Tasmania's judges with a comparable power, modelled on those currently available to Tasmanian magistrates and arbitrators.

The bill also inserts a new part into the act to provide for representative proceedings in Tasmania, otherwise referred to as class actions. The purpose of these amendments is to clarify the procedural requirements for litigants in representative proceedings, facilitate access to justice, create efficiency for the court and parties, reduce litigation expenses for individuals and protect defendants from multiple suits.

The new Part VII will provide for representative proceedings to commence and proceed where seven or more persons have claims against the same defendant, those claims are in respect of the same, similar or related circumstances and they give rise to a substantial common question of law or fact.

The new sections contained in Part VII will cover matters such as: the conditions that apply to the commencement of representative proceedings; who has standing; who may be a member of a group of persons on whose behalf representative proceedings have been commenced; group members opting out of proceedings or new members being added to the group; discontinuance of proceedings; the determination of questions that may relate to only one or some members of the group; the awarding of damages and the establishment of funds to distribute money to group members; provisions relating to appeals; and the effect of representative proceedings upon limitation periods for individuals.

These new provisions have been largely modelled on those contained in Part 10 of the Civil Procedure Act 2005 of New South Wales.

The final matter that this bill deals with is the powers of the Associate Judge in relation to pending appeals.

Section 197(1)(f) enables the judges of the Supreme Court to make rules that empower the Associate Judge to exercise certain powers of the Court. As it currently operates, that subsection contains a broad prohibition on the Associate Judge dealing with any proceedings in the court's appellate jurisdiction other than a review of a taxation of costs by an officer of the court.

The amendment in this bill will enable the judges of the Supreme Court to extend the Associate Judge's powers to include hearing applications in relation to pending appeals. This may include, for example, applications for extensions of time, applications for pre-hearing directions, and applications for appeals to be struck out for want of prosecution.

Such powers would be the same as those exercised by a single judge in relation to pending appeals. However, the Associate Judge will not have the power to hear and determine appeals or to sit on the Full Court.

Mr President, I take this opportunity to thank the Chief Justice of the Supreme Court of Tasmania, the Honourable Alan Blow AO, who raised several of these matters with the minister, Ms Archer, and with the former attorney-general, Dr Vanessa Goodwin, on behalf of his fellow judges. The amendments contained in this bill will lead to improved practice in civil procedure matters in the Supreme Court of Tasmania.

I commend the bill to the House.

[4.14 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I support the bill. It is straightforward in amending a number of anomalies and deficiencies identified by the Supreme Court of Tasmania. We add our thanks to those of the honourable Leader who acknowledged the contribution of Honourable Chief Justice Alan Blow AO. These matters were also raised with the former attorney-general, Vanessa Goodwin, and the current Attorney-General, the Premier, Will Hodgman.

Mr President, we are dealing with a Justice bill and it could be the last bill you preside over. I am not sure what the order of the day is, but I thought it was quite special when looking at your law background. You have always been so informative in this House and helped many of us through legal amendments.

Bill read the second time.

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

In Committee

Clause 1 agreed to.

Clause 2 -
Commencement -

Mrs HISCUTT - Madam Chair, I move -

That clause 2 be amended after 'commences on', by -

Leave out 'the day on which this Act receives the Royal Assent.'

Insert instead 'a day to be proclaimed.'

The Supreme Court has endorsed it wishes to make amendments to relevant rules as a result of this bill. The Office of Parliamentary Counsel advised us the bill will need to be amended to commence on proclamation to ensure it has the power to do this before the amended bill commences.

Clause 2, as amended, agreed to and bill taken through the remainder of the Committee stage.

MOTION

Deferral of Intervening Business

[4.20 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) (by leave) - Mr President, I move -

That intervening business be deferred until after consideration of notice of motion no. 5.

Motion agreed to.

MOTION

Section 19 Return - September Quarter 2018

[4.21 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

That the Council approve, in accordance with subsection 12(4) of the Public Account Act 1986, additional Recurrent Services and Works and Services

expenditure in 2018-19 for the purposes detailed in the Section 19 Return for the September Quarter 2018.

This motion relates to the Section 19 return for the September quarter 2018-19.

It seeks parliamentary endorsement of additional expenditure previously approved in accordance with the requirements of the Public Account Act 1986.

While the act provides the Treasurer with the power to approve additional expenditure during the course of a financial year, it also provides the parliament to subsequently approve this expenditure. This requirement is stated in section 12(4) of the Public Account Act.

The Section 19 return for the September quarter 2018 includes two requests for additional funds totalling \$885 000. Approval for this expenditure has been given under section 4(1) of the Public Account Act.

These requests for additional funds relates to the following item -

- \$258 000 for the Legislature General to replace audio equipment, failed due to the age of the equipment and the heavy rains that occurred in May 2018. A request for additional funds of \$258 000 for this purpose was approved late in 2017-18. However, due to contractual delays these funds were not spent by 30 June 2018.

A breakdown of these capital items are summarised as -

- \$132 000 for the audio refurbishment of the House of Assembly and Legislative Council Chambers
- \$126 000 for storage of the Parliament's audio system
- \$627 000 for the Legislative Council Chamber occupational health and safety issues and disability access project, which was not spent in 2017-18 due to delays relating to heritage sensitivities.

The amount was offset by a saving in 2017-18. These RAFs were approved by Her Excellency the Governor in August 2018.

As I previously stated, this motion seeks parliamentary approval of the additional works and services expenditure approved under the provisions of the Public Account Act for the quarter ended 30 September 2018. It is a routine budgetary procedure and I call on the House to support the motion.

[4.23 p.m.]

Ms FORREST (Murchison) - Mr President, I will speak briefly on this Section 19 report. We will not have many more of these, because our new financial management act starts on 1 July 2019, but we will have other section reports come from the amended piece of legislation once it is operational.

It is unusual to receive one this early relating to this period of the year, but I understand why it was necessary. I assume this flooding from heavy rains that occurred and caused some damage was

in the new part of the building. Is there any chance of some sort of insurance claim as a result, because the building was quite new?

In noting this, I also note a lot of the equipment was old. In the new part of the building, I would have thought the equipment was new. Is there an insurance claim on the damage caused in the new part?

Mrs Hiscutt - We will have to take that question on notice, member for Murchison, and will have an answer for you in due course.

Ms FORREST - That is fine. I will comment briefly on the refurbishment of this Chamber for occupational health and safety issues and disability access. We have seen the disability access area being used already, which is great. It is a much more accessible place for people wanting to come in and oversee our debates. This is the people's House. People should be able to enter this Chamber and listen to debates whenever they wish to. Confined by this Chamber, we do not have a large public gallery, but I must admit we rarely see it full.

The other matter is that even though people think we have it pretty easy, we spend a lot of time sitting in these chairs, in this place which has poor lighting and acoustics. I note the upholstery of the couches has made an enormous difference to me personally in being able to sit in them more comfortably and not suffer back pain and other things, particularly these past couple of weeks when we have spent a great deal of time sitting in this Chamber.

It was a while coming and there were heritage issues that needed to be dealt with. People used to say how comfortable they looked, and I would say they might be comfortable to have a quick sit on but not for any length of time. I acknowledge that. There was a saving from not being spent the year before so really it has not cost more - the cost has only been shifted because those challenges had to be addressed to maintain the heritage of this Chamber, which has a significant heritage.

I support the motion and I am happy to receive that answer at a later time from the Treasurer. I do not need to put it on notice necessarily. Will he write directly?

Mrs Hiscutt - Yes.

Ms FORREST - That is fine. Thank you.

Motion agreed to.

CONSOLIDATED FUND APPROPRIATION (SUPPLEMENTARY APPROPRIATION FOR 2018-19) BILL 2019 (No. 9)

First Reading

Bill received from the House of Assembly and read the first time.

ADJOURNMENT

[4.28 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

That at its rising Council adjourn until 9 a.m. Friday 3 May 2019.

Honourable James Scott Wilkinson - Tribute

One of the advantages of being the Leader is that sometimes I get to speak first. On this occasion I am very happy to be the first cab off the rank to record some comments. I will be fairly brief because I know other members will want to speak.

As members are aware, regrettably today marks the last sitting day we, as a whole Council, will be seeing the Honourable James Scott Wilkinson in this Chamber as an elected member of the Division of Nelson and presiding as President of the Legislative Council.

We were hoping you might come back again.

Mr President, I want to formally record the appreciation, not only of the Government, but of all Tasmanians for the service you have provided to the parliament since your election way back in 1995.

In a way, it was a loss, not only for the constituents of Nelson, but also for parliament and most certainly this Legislative Council, when you became President. I say that because we lost your contribution to most of the debates on the Floor. I have no doubt whatsoever that your intellect, impartiality and good sense of humour would have enhanced our deliberations on a whole swag of matters presented to us. That negative has come, of course, balanced by the very great benefit obtained from having you as President. You have performed the role of President with patience and dignity, with grace and humility, and above all with unwavering professionalism.

Mr President, I also want to thank you on a personal level. Sometimes it is not easy as we perform our roles as parliamentarians and fulfil various additional offices that we may have been fortunate enough to be assigned. I will always be grateful for the sage advice and assistance that you have provided to me as I have gone about my duties, as the member of Montgomery and as the Leader of the Government, just as you have willingly made yourself available to assist other members and staff alike. You have been there when needed; a shoulder to cry on, a personal sounding board or a much-appreciated source of support.

Mr President, I wish you and your lovely wife Jill all the best in any future endeavours. I know you have already managed to secure a gig as an independent executive chairperson of the Football Tasmania Board. That is an excellent appointment and one you will undoubtedly pursue with your usual enthusiasm and integrity. They could not have chosen a better person for the job. I expect this will be one of the many ways you will continue to contribute to the Tasmanian community. Just remember to leave enough time to enjoy your children and grandchildren.

Thank you, Mr President. It has been a pleasure and you will be sorely missed by us all.

I also wish the member for Pembroke all the best for her election in May.

Honourable James Scott Wilkinson - Tribute

[4.31 p.m.]

Ms FORREST (Murchison) - Mr President, I echo the Leader's comments about your service to this place. It has been a long time and you have made a huge contribution. Your legal knowledge

and experience have been very valuable, particularly when dealing with legal bills. It is a shame you could not have spoken on the last bill in some respects. When you became President, we lost that contribution off the Floor but we gained the benefit of your position in the Chair, which I wanted to acknowledge. We will have another time later this evening to share more stories and to recognise -

Mr PRESIDENT - They cannot be shared here.

Ms FORREST - your contribution on the record. You have treated your role here as a great privilege, as we all do, in representing the people of Tasmania and the people of Nelson, Queenborough before that, who you have served in those years. Thank you. We will have further opportunity to comment as a celebration of that time later this evening.

I wish the member for Pembroke all the best. It is a tough gig, no matter how confident or otherwise you might feel. The disadvantage for Jo as the member of Pembroke is that she has had such a short term, having been elected at a by-election after the unfortunate passing of Vanessa Goodwin. I hope we will see you back and I am pretty sure we will. We always say that, but when you are sitting in that chair, it does not feel too certain.

I wish the same for the member for Montgomery and the Leader of the House. To the member for Montgomery, your constituents are the people who put you here and they will make the decision again. I noticed another candidate today. It is good for democracy when we see elections contested, a contest of ideas and options put to the community. I wish you all the best in your campaign. It will be difficult for you both with the federal election being announced today. It tends to muddy the waters but it could have its benefits. I hope to see you both here in May. We will share some of those stories over this evening's celebrations.

Honourable James Scott Wilkinson - Tribute

Ms RATTRAY (McIntyre) - Mr President, I extend a warm welcome to the former member of Elwick who has joined us here today. It is nice to see Adriana Taylor, and it is terrific to see so many staff and members of the other House in the Chamber. Thank you.

Best wishes to the member for Pembroke and the honourable Leader, the member for Montgomery, for your re-elections. You have worked hard in your electorates and I feel sure you will be rewarded and returned.

Mr President, congratulations to you on your 24 years of service - wow, many of us have wished we could make it to 24 years, and I am working on it - as the member for Nelson and formerly the member for Queenborough. You have been 24 years as a member of the Legislative Council, and it is only a couple of months short of 24 years since you made your inaugural speech. When I was elected in 2004, I took my seat where the member for Pembroke now sits. You were sitting on the other side as the Deputy President and Chair of Committees. During those early years and beyond, you taught me many valuable lessons and gave me some very good advice. In those early years you taught me how to be an effective member. I hope I have listened long and hard enough. I have worked hard on being exactly as you have directed. I recall the debate on an issue that would directly affect my home town and surrounding areas, which was the removal of the railway line from Herrick toward Scottsdale. I remember -

Ms Forrest - You have to let things go.

Ms RATTRAY - This is about the lesson I was taught. I remember feeling as if I was making a lot of headway with members of the Council, so I was eager as anything to speak for the third time on the amendment. I thought it was done. I thought I had support, and the member for Nelson took the call and went on in his very persuasive way to convince the Council - and it was a government amendment, so they supported the government - and I lost the vote. It was a good lesson: do not be so eager to speak on the third call because if you have somebody like the Honourable Jim Wilkinson standing after you, you are more than likely going to lose the vote.

Mr PRESIDENT - Have you seen the film *Frozen*? Let it go.

Ms RATTRAY - I am using this as a very good example of the lesson I learnt from you, Mr President, all those years ago. I have let it go, by the way.

Mr Farrell - I haven't.

Ms RATTRAY - It was a good lesson to learn and I have taken it all on board. I have tried to use that approach but it has not always worked in my favour. I am grateful for the many contributions you have made to this Chamber. You have always been so generous with your advice and openness to discuss matters inside and outside the House. You have become well known for your poems, and we are going to miss those poems. I thought you might have one to share. Thank you for your commitment to our parliament, to your electorate - the people of Nelson - and all Tasmanians, more broadly. All the best for the future as you ease into retirement.

Thank you, Mr President.

Honourable James Scott Wilkinson - Tribute

[4.38 p.m.]

Mr VALENTINE (Hobart) - Mr President, I congratulate you on 24 years of hard work and service. It is an interesting gig in this place, sitting in judgment on bills. I do not know how many bills you have seen go by but it must be a significant number. The beauty of this Chamber is that we come into this place not having made our mind up on a bill, and it is interesting to hear the various offerings people make and sometimes they are persuasive. With your background in law, it has always been interesting to hear your views on legal aspects of various bills. I have appreciated it, as I appreciate that it has probably been frustrating sitting in that Chair and not able to say as much as you may have wanted to. We have seen things change in other places - maybe some of those changes may happen here, who knows. Brave new world.

I thank you for your wise counsel and for the times you offered a word of encouragement outside the Chamber. It has been appreciated. I wish you all the best for your future. We will no doubt hear more of you in regard to the football scene.

I offer the member for Pembroke and the member for Montgomery all the best in their coming elections. Not coming back until after the elections, it will give you time to wear out a couple of pairs of shoes. All the best for that.

Mr President, thank you very much for your service to this state.

Honourable James Scott Wilkinson - Tribute

[4.41 p.m.]

Mr GAFFNEY (Mersey) - Mr President, I am aware quite a number of people will speak so I am going to confine myself to one part of your personality and leadership. I would also like, as I have earlier in the week, to wish the member for Montgomery and the member for Pembroke all the luck in the election coming up.

One of the things I would like to speak on comes from your background. It is the way you act as a good team player around the place. I have noticed that in your role you are very aware of what is happening to the group collectively and that is what a president should do. You see where people are struggling, or where people are performing well or somebody might have an issue. It is part of your sporting background that you recognise such issues, and your leadership ability has been good for this House.

The second part is that you are very fair and balanced. Looking at the number of people standing for your role, you will be thinking on one hand, 'It is going to take 10 people to do the job I do and I think that is very good.' But on the other hand, you have 10 people thinking, 'Well, if he can do it, I can do it'.

I am pleased we have 10 good candidates coming up for the next election. This is good for the health of this place. As the member for Murchison said, it is good there are people out in the community who want to be involved in this House and the role we play. The people of Nelson and Queenborough have been very well served by you. Your family will be very proud, as would all of your teammates in the past, who would be able to tell a few better stories than we will be able to tonight.

Congratulations and I wish you all the best in your future.

Honourable James Scott Wilkinson - Tribute

[4.43 p.m.]

Mr WILLIE (Elwick) - Mr President, I start by thanking you for your service to the Tasmanian people, to the people of Nelson and Queenborough. They have certainly been lucky to have such a hardworking and well-respected member.

I thank you for the way you welcomed me to the Legislative Council a little over three years ago, and the fair way you have ruled in the Chair. You certainly are a statesman in every sense of the word. You have a great ability to be able to lighten the mood with your quick wit and your comedy. Members would understand that Mr President, aka John Cleese, has had a long career in comedy and film and there is a wealth of material that would be fitting for such an occasion.

When you were starring in *Fawlty Towers* and speaking to Manuel, there is a great quote that would perhaps summarise some of your time here in the Legislative Council -

Oh, I can spend the rest of my life having this conversation. Now, please, **please**, try to understand before one of us dies.

Mr PRESIDENT - Manuel did.

Mr WILLIE - That is very fitting for some of your time here, Mr President. To use a quote from of your other comedy gold that has crossed the generations, *Monty Python's Flying Circus*, that famous catchcry, 'And now for something completely different'.

Mr President, I hope that 'completely different' is everything you want it to be. I hope you enjoy your retirement; it is well deserved.

While I am here, I wish all my very best to the member for Montgomery and the member for Pembroke.

Honourable James Scott Wilkinson - Tribute

[4.44 p.m.]

Ms ARMITAGE (Launceston) - Mr President, first, I too wish the member for Montgomery and the member for Pembroke all the very best. I am quite sure like everyone else, they will be back here at our next sitting.

Mr President, we are going to miss you. I am sure I speak for everyone when I say we do not want you to go. We really wish you were not leaving, but understand you need some time - you have been here 24 years. It is going to be hard going to the President's Office and not seeing you there or hearing your words of wisdom. When anyone needed help with a bill or understanding or a few wise words, you were always there and you never said no.

If we sent you an email, we would receive a phone call pretty quickly, maybe the next day, because you might not be in the office. But that is all right, you would always get back to us to let us know and to have a chat. That is the thing I found since I have been here. The member for McIntyre sat next to you at one stage and I was ever so grateful for the wisdom you showed. The feeling I have is that nothing was ever too much trouble for you; it did not matter how busy you were, you always made time. You have always made time for us from the north, to come and have your hospitality in the President's room which has been so gratefully accepted by us. When we were away from home and knew we could come into your chambers and spend time there, we were very grateful.

Most of this has been said, but I want to say we will miss you. We truly will miss you, but we are pleased you are going to have some time to yourself for your family and for travel. I am sure you will still be getting papers and hope you have the time to give that little bit of advice. We will miss you and realistically we really wish you were not going.

Honourable James Scott Wilkinson - Tribute

[4.46 p.m.]

Ms SIEJKA (Pembroke) - Mr President, in the short time I have had the opportunity to know you, I have enjoyed every second. You were one of the first friendly faces as I came to the Chamber. Every time I have come to you, no matter how big or very small my question or concern has been, you have approached it with wisdom and wit. I have appreciated all the time you have given to me and really hope you enjoy the time you will have with your family. I want to thank you for the time, it has been wonderful to have such a leader.

To the Leader, good luck in the election, when I look across at you I can see you are feeling the same way as I do and I know it is going to be tough the next couple of weeks, but I wish you the all the very best.

Honourable James Scott Wilkinson - Tribute

[4.47 p.m.]

Mr DEAN (Windermere) - Mr President, it is quite a sad time. Really, at such a time one can get teary-eyed very easily. The member for Nelson has been here for so long; he has been here during my whole 16 years and was one of the first people to welcome me to this place and he has given me good advice. Your time on the Floor, Mr President, was both interesting and rewarding for this House. The lawyer speak is valuable in this place, particularly when we are dealing with all the bills here - it is great to have had that here and it will certainly be missed.

You have assisted this House tremendously in negotiating its way through many complex bills, and none more complex than those forestry bills we dealt with, and you were leaned on very heavily right throughout the process and always gave good advice. I sought your advice when you were on the Floor. I have continued to seek that free legal advice ever since and during your time as our President, and we know lawyer advice does not come cheaply. I am not sure where I am going to go now, thank you for that.

You have served the state with absolute excellence and with that similar direction, maybe we will see an AFL team in Tasmania. Probably sooner rather than later, and no doubt you will also work very hard on this. I look forward to seeing where that is going. I think our paths may well cross in that direction, because of my strong interest in football and particularly if our committee inquiry can continue, we may be hearing from you.

I wish you all the very best in your future and the direction you are taking. I wish you good health, and we will cross paths in the future.

Before I sit down I want to wish our Leader, the member for Montgomery, all the best in the forthcoming election. I know you work very hard as you do the whole time; and the same for the member for Pembroke, I wish you all the very best as well. I know you have been working hard, and you have been telling me about the doors you have been knocking on and the fun it is doing that. It is fun, there is no doubt at that. You get back from that.

Having said that, all the very best and I dare say we will hear a lot more about you, Mr President, and from you later on this evening.

Honourable James Scott Wilkinson - Tribute

[4.47 p.m.]

Mr FARRELL (Derwent) - Mr President, I, too, thank you for your service in this place. It is a rare thing to be able to serve 24 years in a parliament and go out on your own terms. You well deserve that. The Leader mentioned how important it is to have a good president. During my time in the leader's role I was lucky I had two very good presidents. Your help and guidance through some of the toughest time we had in government was much appreciated. It is interesting to note

that through your career, each side has thought at times that you were an agent for the other side - that really shows your true independence.

I can remember when you were on the Floor, your performance was very good. As the member for McIntyre mentioned, it was very influential. I was greatly relieved when you decided to take the President's Chair, as I know that you could turn a vote around at the very end just through reasoned argument and good knowledge of the legislation. Sometimes that was warranted, but in the Leader's role sometimes you do not want that to happen.

During election campaigns, too, any measure of a good politician is from the electorate because that is where you are judged the harshest. Right through the many terms that you have gone to election and been re-elected, you have come back stronger and stronger. The more some have thrown at you, the stronger your vote became. That is also a very rare thing. It is just a measure of the person you are: you are very fair, you are very considerate, and you have assisted many members with debate. You have done that regardless of how you might personally feel about any legislation; you have assisted that, and I think you have raised the debate.

People, apart from the older members in the Chamber - and I will not name them one by one - may remember the time when you fiercely defended the Legislative Council, and I have to be careful what I say because I know behind me there are eyes. There may be people in another Chamber of the Parliament who possibly do not understand, either deliberately or by accident, exactly what the Legislative Council does. There had been moves in the past to get rid of the Legislative Council and people often come up with that, but every time that argument was presented, you fiercely defended what is a great place. That needs to be mentioned because one can only imagine what living in a place with a unicameral parliament must be like. It misses so much. For that alone - and there are so many other bits of legislation you have championed throughout your career - it will be hard to imagine this Chamber without you.

You have really put your mark on this place. Every time someone's phone goes off or there is some strange noise from a back corner, we will think of you. It will be very difficult to go down the hall to get some advice. I know we all do it. You only have to listen to different contributions. At times, I have used your services, but to have that Jim element no longer in our Chamber, it will be a very different place after May.

In closing I, too, wish the member for Montgomery and the member for Pembroke all the best for their election. It is a trying time to go through. It will be very interesting to see what Nelson gives us on your retirement, Jim. Well done and cheers to you.

Honourable James Scott Wilkinson - Tribute

[4.55 p.m.]

Ms LOVELL (Rumney) - Mr President, I want to add a few brief words to what has been shared already today. I have not had the privilege of working with you for anywhere near as long as many of the other members of this Chamber, but in the couple of years we have worked together I have really appreciated your leadership, guidance, advice and humour.

Your presence here will be absolutely be missed and I wanted to wish you all the best for the next phase in your life.

I also wish the member for Pembroke and the member for Montgomery all the best over the next few weeks. It is a difficult time, but I know you are both working really hard and I look forward to seeing you both again in a few weeks time.

Honourable James Scott Wilkinson - Tribute

[4.55 p.m.]

Mr ARMSTRONG - Mr President, I also wish the member for Montgomery and the member for Pembroke all the very best in the upcoming election.

Mr President, I would really like to show my appreciation for what you have done for me over the time I have been here. Coming into this place as an independent member is different from coming in as a party member because the party people are there to give you guidance if you need it. Coming into here as an independent, when I needed any advice I could go to you and you always gave me advice, and it was always good advice. I really appreciate the friendship, too, that you gave me over that time.

A couple of times I walked up into the city with the President to different functions. There are half a million people in Tasmania and I reckon he must know 100 000 of them because we were walking up the street he would be saying, 'G'day cock, g'day cock, g'day cock', and I would think to myself, 'Who does he not know?' He would say 'I can't introduce you because I can't remember their name', but the number of people that know him is unreal.

I am sure you will enjoy your retirement and I know you are going to do a great job in your role in the football. Somebody like you is perfect for that position and I am sure you will fulfil that role really well. You might even get a chance to go over and watch your Swans play now, you never know. They might need to pick their act up a little bit.

I wish you and your family all the very best for the future. I am sure you are going to spend more time seeing more of the grandchildren and you might even be able to get over to Spain a bit more and see the family over there. Enjoy your retirement; you have earned it and you have done Tasmania proud.

Honourable James Scott Wilkinson - Tribute

[4.58 p.m.]

Mr FINCH (Rosevears) - Mr President, it has been terrific to listen to the comments that people have been making and the esteem in which they hold you. It has helped me to reflect on my 17 years here and the role that you have played. Like the member for McIntyre, we sat next to the Chair of Committees there and you were a great help and comfort.

When you come into this place, it is such a strange theatre to come into. How do you handle it? It is as weird as. People who say they understand what it is like here before they come here are delusional, it really is quite a strange atmosphere and it takes some time to adjust. That comfort you presented to people in that role as Chair of Committees was one that helped up to settle in and take our time. I remember when I was not sure when to give the inaugural speech: 'Do I do it now?' - 'No, just take your time, don't worry about it, when you are ready.' Your words of advice have been amplified here; always available and always a great help to us all, as you can tell. I know you are dying to get into your poem so I will not be long.

Again, too, to the member for Montgomery and the member for Pembroke, all the best on your campaigns. Like others, I am sure we are going to see you both back here.

Mr President, I wish you well. I think the one thing, when I think back on my time here and the memories of Jim Wilkinson, that I will remember is your sense of humour. We often talk; former president Don Wing used to say it and you have said it: what you must remember and what you must retain here is your sense of humour, over and above the seriousness of the work we do on behalf of the people of Tasmania and you have certainly given me some great memories over the years in respect of your brand of era, and for that Mr President, I thank you.

Response by President

[5.00 p.m.]

Mr PRESIDENT - I thank honourable members. If I can touch just very briefly on the member for Elwick when he likened me to John Cleese. I used to use that argument a lot in identification cases in court - I used to say, 'Look, identification is very difficult. You might think the person you honestly believed was the person that committed the crime was that person, but it could be somebody else who looks exactly like that person, and you could well be mistaken'.

We were looking at the role of the Legislative Council many years ago in the late 1990s. I was in Western Australia and the night was starting to get old. A man from Bedfordshire came up to me in a certain establishment and said 'My wife thinks you are John Cleese. If you are, can you sign an autograph?' I said 'Well, I am, I am here on holidays' and he said, 'You do not sound like an Englishman though, and I thought he was a lot taller'. I said 'Well, I have been in Australia on many occasions and I am him - I am John Cleese. I will sign the autograph, so long as you do not tell anyone'. He gave me a beer coaster and I put on that beer coaster, 'More episodes in the making, keep watching - John Cleese'.

Within five minutes there was a line from where I am to the member for Mersey. In the end I was with others, so I thought I had better say, 'Look it was a joke, I am not John Cleese and I was just having a bit of fun'. The fellow got upset and said, 'You made a fool of me, you have made an absolute fool of me', and he got his coaster and flicked it across the bar. George Shaw, a long-serving member of this House - picked the coaster up and I am told still might have it at his home in Perth.

I mentioned this because humour is something that has to be used in relation to this game, because there are plenty of times when people get excited. We saw that only last week, people were getting excited. The best way to control that excitement is with a bit of humour, and that is what has been endeavoured to be done by a number of members of this Chamber, as you know, and I think it has helped.

I thank you very much for your kind and generous comments. They are appreciated. At times like this, they are often exaggerated and I think they have been exaggerated. Certainly, I have no argument with that.

To hear some members, and what they might have wanted to say over my journey would have been contrary to standing order 99, which says 'members may not use offensive words against another member', so that has given me some protection.

I have always felt that as members of parliament, we are all very fortunate and privileged to have been elected and been given the chance to best serve our electorates and state.

I do thank the constituents of Nelson for putting their faith and support in me over 24 years. It has been a privilege to be their member, in what really is a stellar electorate.

I also thank my family, who have been beside me, sometimes behind, sometimes a long way behind during the journey. Their support and help has been invaluable. I was only saying to Jill the other morning, 'What are we going to do in retirement?' Her swift reply was, 'I am looking to increase my physio hours from two days a week to five'. I do not know what I should read into that, but seriously I am looking forward to retirement and very much appreciate the support I have had from all members of my family.

Families do endure some hard times during a member's tenure in parliament. Often comments made against members are far from savoury and are felt more by family members than the members themselves. I can recall six years ago an election was hotting up, and it was hotting up. A number of people were saying certain things, and my daughter, in fact, wrote to GetUp to complain about what she thought they were saying about me. Her comments were not too complimentary, but their reply was puzzling, to say the least. It went as follows -

Thank you very much for your interest in joining GetUp. I look forward to your further contact with us.

I just wonder whether they did actually read the letter and I am still shaking my head as to the puzzling reply.

In speeches such as these, there is a necessity to thank a number of people who have assisted me over the years. If I can first dwell on David Pearce, the Clerk. While I was commentating with the ABC for a number of years, David was one of Tasmania's best footballers and really was a star of the game in Tasmania. His talents were exceptional and, thankfully, his talents were not restricted to the football field but were transferred to parliament. His job as Clerk of the Council is adequate testimony to that. It is always comforting to know that strong, accurate, considered advice is only an ask away, and we are fortunate to have a person of his quality helping guide this Chamber. Our Deputy Clerk, Catherine Vickers, has been a real acquisition to our team and her knowledge and experience of parliamentary practice and law, and her infectious energy, are invaluable and will continue to be so. Likewise, Stuart Wright, Usher of the Black Rod - his work ethic, advice and knowledge of parliamentary practice are of the highest standard. The advice provided to me by all of the above has been extremely helpful, especially throughout my time as President. Nicole Muller fits into her position as Director of Corporate Services like a hand in a glove. Her job is extremely important to all of us because, in her role as what I will call a treasurer of our House, she is the person who inserts our salaries into our bank accounts and we do appreciate that. I thank Sandy Phillips for all her help, especially in my time as President. Sandy has that scary ability of knowing what I am doing before I am doing it. I thank her for her friendship, support and professionalism.

I thank Julie Thompson for her support and assistance during the time Sandy needed some time on the bench - to recover from having to put up with me - and the advice and help I received from Julie really was appreciated. To Allison Waddington, thank you for your work over many years. Your work in helping me do my job as the member for Nelson has been first rate and your work ethic has been commendable. To Mark Bailly, Leigh Matthews and Craig Thorp, my thanks for

your friendship and diligence with the work you do for the Legislative Council. If you were picking a team of respected, hardworking and loyal staff, they would be some of the first picked.

The work Mandy Jenkins performs needs special recognition. For a number of years, Mandy was the only staff member in the Leader's office. Her workload was huge, and in previous times was done by up to three people. Thankfully, she now has top-of-the-range support and advice from a good friend, Jonathan Wood, and a budding politician - I am sure - Will Coats.

I also thank Scott Wiggins for keeping me alive on the road while having to endure driving with me. I thank him for that and for his friendship over the past four to five years. His work has been recognised by numerous ambassadors who have also set foot in his car. Some of those have written to the carpool management thanking them for the way in which Scott performed his duties. As an aside, I hope his car has not been bugged over the years. What is said in the car should - and always should - stay in the car.

Our members are lucky to have a committee secretariat comprising Gabrielle Woods, Natasha Exel, Jenny Mannering, Julie and Allison. With a lot of parliamentary work, the members are at the forefront when reports are presented to the press or to the parliament. We all know a lot of the real work is performed by the committee secretariat. They make our reports and our committee work first rate, their expertise is exceptional and I know it is appreciated by everybody. First impressions mean a lot and our relatively new acquisitions, Robyn and Mandy, are the first point of contact for all. Their friendly and courteous manner is essential to the image of the Legislative Council and I thank them for that.

I would not like to thank people without also passing on my appreciation to our former Clerk, Scott McKenzie, former deputy clerks, Nigel Pratt and Sue McLeod, former staff member, the well-known, and I would say legendary, Wendy Peddle, to Colin Hunt, Tom Wise, Janet Harrison, Jan Chipman, Dennis Millhouse, Jill Mann, Shirley Round and Gary Webb.

I move on to other areas of parliament. To Bryan Stait, head of Parliamentary Research Service, a big thank you for your advice over 24 years. When Bryan leaves this parliament, there is going to be a gaping hole that will be hard to fill. Whenever you want a right answer, all you have to do is ask Bryan. His advice is first rate and he is this Parliament's Delphic oracle. without a doubt. He is a bit like the answers in the back of the textbook - they always made you feel comfortable, because you knew if you got the first question right, you would have the confidence to go on to the second question. Bryan is a bit like that, he gives you confidence because you know whatever he tells you is right on the money.

To his research staff, I say thank you for your professional work, and to all the library staff who have assisted me and all members on numerous occasions. To our parliamentary librarian, Marijana Bacic, I thank her for her efforts in the library. She is a real dynamo and has a real passion to provide first class service to all members of parliament. To Peter Hancox and his IT staff, I do not know how members would cope without their help and professionalism. They can make a complete novice in the use of IT equipment look like a seasoned professional. In fact, they even taught one of our former members how to turn on the switch to turn on the computer. Their ability to solve IT problems is well known. I do not know what I will do after the 4 May but I thank them for their help.

To Helen Allmich, Pat Blood and Hansard, many thanks for your patience and your work in translating what is being said in parliament. An even bigger thank you for making it read well and

sound sensible. To Mandie Donnelly, John, Jacqui and the catering service staff, the food and beverages you provide are adequate testimony to your skills. The same can be said for Jo, Chris, Jade and the bistro staff. What they provide is better than along that Salamanca strip. People who come to parliament for dinner are really impressed with what we receive. It is not only the food provided to us, it is also the friendly nature and manner in which they provide it.

To utility officers, the two Gayes and Shane, you are here at the crack of dawn, and you make this place look like a new pin before members set foot in the corridors. Thank you for that. I will miss having my daily chats with Shane on football, his passion for Hawthorn is legendary and our task will be to have that passion of his transferred to a Tasmanian team in the future.

To Brendan Boon, I thank Brendan for everything he does to keep this place ticking - if anything is faulty, if anything needs mending, Brendan is there at the drop of a hat.

I would also like to mention the relationship I have had with the House of Assembly Clerks and staff, the education officers, Legislature General and security staff, and also the members in the House of Assembly. The good thing about this parliament is the recruiting panels do their job obviously in a professional manner because all parliamentary employees, both in the Legislative Council and the House of Assembly, really are first rate - we are lucky for that and appreciate it. I also appreciate the friendship I have held with the members of the House of Assembly over the 24 years - that really is valued.

Over the past 24 years, there have been many changes. In June 1995, as the new 43-year-old member for Queenborough, I walked into a Chamber of middle-aged men - there were no female members at all. How things have changed in relation to gender equality. We now have seven female members in this House and eight male members. The House of Assembly now has 14 female and 11 male members. Gender equality in parliament has come a long way since I first set foot in this place.

The grandmother of a good friend, Peter Lyons, was Dame Enid Lyons. She was the first woman elected to the House of Representatives and the first female to be a member of federal Cabinet. She really would be proud and happy to see what is happening today. I can recall a framed note on the wall of a female legal colleague of both mine and the Premier, which was written by the first female member of the High Court of Australia, Mary Gaudron, and it said, 'Females who seek equality are underachievers'. In short, Tasmania is and will continue to be a pioneer in ensuring decisions are made in this parliament by both males and females and I say 'Isn't that a good thing?'.

Talking of the parliament's makeup, I look forward to the day when our parliament will be returned to appropriate numbers, so the parliament can properly do the work it is tasked to do. Twenty-five members in the House of Assembly has been proven to be too little and the sooner the numbers are increased, the better. The arguments are well known. Over my tenure, there have been significant changes and there always will be. When I first set foot in the House, the budget expenditure for 1995-96 was \$1.8 billion and the budget expenditure for the 2018-19 year is \$6.05 billion, a huge increase.

We have seen members now performing a great deal of their work in electorate offices as opposed to either Henty House for northern members and Parliament House for southern members. The introduction again of electronic tools has been a boon, because it enables members to get out into the community and speak to people in the outer areas of Tasmania. They probably do not want

to come down to Hobart but they certainly do not mind a chat to members when they are in their area. I do hope they do continue so we can rub shoulders with all the population.

I am happy to say after many years of patch-ups in this Chamber, we are now really in the process of a refurbishment which will make it a more up-to-date working Chamber. I thank the Treasurer for allowing us to start work on this in recent times. I am also happy to see a motion to appoint a select committee to inquire into a process to resolve disputes that arise regarding the production of papers, documents and records between the Government and Legislative Council and its committees is to be debated, and I wish that well.

I wish the member for Montgomery all the very best for her election. She really is to be applauded for her commitment to work after a very difficult period after the death of Vanessa Goodwin. I take my hat off to her for her hard work and I am sure she will be back here on 21 May. Likewise, the member for Pembroke, who has only been here for a short time - it makes it more difficult for her. She came here with a career as chief executive officer of the Youth Network of Tasmania and her success and transition to her work in the Legislative Council have been seamless. I wish you both well and I am sure members of this House will see you back here on 21 May.

In closing, I thank all members, current and former, for their friendship, collegiality and for the many fond memories I will take with me.

The Council adjourned at 5.17 p.m.