

**Tuesday 19 November 2019**

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

### **QUESTION UPON NOTICE**

The following answer was given to a question upon notice:

#### **11. TASMANIA PRISON SERVICE**

**Ms FORREST** asked the Leader of the Government in the Legislative Council, Mrs Hiscutt -

With regard to the Tasmania Prison Service -

- (1)
  - (a) What is the most recent assessment of the average daily cost for each male prisoner?
  - (b) What is the most recent assessment of the average daily cost for each female prisoner?
  - (c) Who was responsible for undertaking these assessments?
- (2)
  - (a) What cost assessments are available for the average daily cost for each prisoner annually over the five years prior to the most recent assessment for male and female prisoners listed separately?
  - (b) Who was responsible for undertaking these assessments?
- (3)
  - (a) What areas/level of security is the prison divided into to house male prisoners while incarcerated?
  - (b) Female prisoners while incarcerated?
- (4) What is the designed capacity of each area/level of security of the prison listed separately by -
  - (a) Area/level of security?
  - (b) Gender?
- (5) What has been the prison occupancy level on 1 July in each of the last five years in each area of the prison, listed separately by -
  - (a) Area/level of security?
  - (b) Gender?
- (6) What is the total number of prisoners who have been released in the last five years listed on an annual basis?
  - (a) How many male prisoners have been released on remission each year for the last five years?

- (b) What has been the length of those remissions individually?
- (7) (a) How many female prisoners have been released on remission each year for the last five years?
- (b) What has been the length of those remissions individually?
- (8) (a) How many male prisoners who have been released on remission have reoffended and been sentenced to further custodial sentences in the last five years?
- (b) How many female prisoners who have been released on remission have reoffended and been sentenced to further custodial sentences in the last five years?
- (9) (a) How many male prisoners who have been released on remission have not reoffended in the last five years?
- (b) how many female prisoners who have been released on remission have not reoffended in the last five years?
- (10) (a) How many male prisoners who have been released without remission have reoffended and been sentenced to further custodial sentences in the last five years?
- (b) How many female prisoners who have been released without remission have reoffended and been sentenced to further custodial sentences in the last five years?
- (11) (a) How many male prisoners who have been released without remission have not reoffended in the last five years?
- (b) How many female prisoners who have been released without remission have not reoffended in the last five years?
- (12) (a) How many male prisoners who have been released on parole have reoffended and been sentenced to further custodial sentences in the last five years?
- (b) How many female prisoners who have been released on parole, have reoffended and been sentenced to further custodial sentences in the last five years?
- (13) (a) How many male prisoners who have been released on parole have not reoffended in the last five years?
- (b) How many female prisoners who have been released on parole have not reoffended in the last five years?
- (14) (a) How many male prisoners who have been released without parole have not reoffended in the last five years?
- (b) How many female prisoners who have been released without parole have not reoffended in the last five years?

- (15) (a) How many male prisoners who have been released without parole have reoffended and been sentenced to further custodial sentences in the last five years?
- (b) How many female prisoners who have been released without parole have reoffended and been sentenced to further custodial sentences in the last five years?
- (16) What are the annual rates of overtime worked by custodial officers over the last five years listed annually by hours and cost?
- (17) What are the annual rates of sick leave taken by custodial officers over the last five years listed annually by hours and cost?

[11.10 a.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, because the answer is lengthy and contains tables, I seek leave to table the answer and have it incorporated into *Hansard*.

**Leave granted.**

**Incorporated answer read as follows -**

- (1) In August 2019, the Department of Justice undertook an assessment to determine the 2018-19 average daily cost for each prisoner in order for it to be published within the Productivity Commission's Report on Government Services.

The cost provided has been determined in line with the Productivity Commission's definitions, which are as follows -

- Average operating expenditure, on corrective services per prisoner/offender per day, net of payroll tax, operating revenues for ordinary activities and depreciation on government-owned assets.
- Operating expenditure per prisoner per day excludes expenditure on prisoner transport and health services which are reported separately as descriptors.

For 2018-19, Tasmania's real net operating expenditure has been determined as \$312 per prisoner per day. This figure is the same for both male and female prisoners.

- (2) The Department of Justice annually reports Tasmania's costs per prisoner per day (in accordance with the above definitions) in the Productivity Commission's Report on Government Services.

The following is a breakdown of Tasmania's real net operating expenditure per prisoner per day over the last five years -

2018-19	\$312
2017-18	\$305
2016-17	\$297
2015-16	\$312
2014-15	\$326

- (3) The Tasmania Prison Service maintains facilities located at Risdon Vale, Hobart and Launceston that provide care and custody, at various levels of security, for prisoners and persons remanded in custody.

Prisoners are assigned a security rating through the classification and placement process, based on a comprehensive risk assessment and an evaluation of their individual needs. Prisoners are assigned to a facility with a security rating equal to or greater than the prisoner's individual security rating.

The reception prisons located at Hobart and Launceston are maximum security rated facilities that primarily hold people on remand (both male and female) for a short period of time while they are inducted into custody, or while they await appearance in court. Prisoners of all classification levels can be accommodated at the reception prisons.

The Risdon Prison Complex is a maximum security-rated facility that holds male prisoners of all classification levels. The RPC is broken up into a maximum security precinct and a medium security precinct.

The Ron Barwick Minimum Security Prison is a medium security-rated facility that primarily holds male minimum security-rated prisoners. Some designated areas of the RBMSP facility can accommodate medium security-rated prisoners.

The Mary Hutchinson Women's Prison is a maximum security-rated facility that holds female prisoners of all classification levels. The MHWP is broken up into a maximum security precinct, a medium security precinct and a minimum security precinct.

- (4) The Tasmania Prison Service reports prison capacity rates in accordance with the national counting rules as determined in the Productivity Commission's Report on Government Services. As such, the design capacity of a facility is defined as -

Total number of cells designed for single occupancy, plus the number of designated bed placed in shared cell or dormitories.

Design capacity excludes bed places used for special purposes. For the Tasmania prison Service dedicated inpatient, observation, crisis support, disciplinary separation and temporary beds, as well as decommissioned areas of a prison are not included in the design capacity count. With the exception of a small number of 'buddy cells', all cells are designed for single occupancy.

The current capacity (as per the below table) better reflects the number of cells that are fit for purpose and available for regular use.

On 26 September 2019 the design capacity and the current capacity of the Tasmanian prison facilities was as follows:-

<b>Prison</b>	<b>Design capacity *</b>	<b>Offline cells/ rooms</b>	<b>Additional Beds</b>	<b>Current capacity</b>
<b>Hobart Reception Prison</b>	<b>36</b>			<b>36</b>
<b>Launceston Reception Prison</b>	<b>26</b>	-	-	<b>26</b>
<b>Mary Hutchinson Women's Prison</b>	<b>63</b>		<b>17*</b>	<b>80</b>
<b>Risdon Prison Complex</b>	<b>299</b>	<b>6</b>	-	<b>293</b>
Medium Security	196	6	-	190
Maximum Security	103	-	-	103
<b>Ron Barwick Minimum Security Prison</b>	<b>296</b>	-	-	<b>296</b>
Divisions 1 - 8	280	-		280
O'Hara Cottages	16			16
<b>TOTAL (ROGS)</b>	<b>720</b>	<b>6</b>	<b>17</b>	<b>731</b>

\* 17 bunk beds were installed in August 2017; these beds are designed for ongoing use and as such are not recorded as temporary or surge beds.

In addition to the above, a number of temporary beds have also been installed in a number of prison facilities; these are used as designated surge beds during periods of heightened prisoner numbers. These beds are not available for routine operational use.

- (5) The table below captures relevant prisoner capacity and utilisation rates for the last three years as at the first business day of the financial year.

The utilisation rate is determined by dividing the current capacity by the prisoner population.

Overall, the overall prison utilisation rates were as follows -

1 July 2019	94 per cent
2 July 2018	94 per cent
3 July 2017	92 per cent

Prison Capacity and Utilisation Beds / Rooms												
	Design Capacity on 01/07/2019			1/07/2019			2/07/2018			3/07/2017		
Prison	Design capacity *	Offline cells / rooms	Additional Beds ~	Current capacity	Prisoners	Utilisation rate based on current capacity	Current capacity	Prisoners	Utilisation rate based on current capacity	Current capacity	Prisoners	Utilisation rate based on current capacity
Hobart Reception Prison	36	2		34	48	141%	18	24	133%	34	22	65%
Launceston Reception Prison	26	-	-	26	22	85%	28	11	39%	29	26	90%
Mary Hutchinson Women's Prison	63		17	80	54	68%	46	35	76%	46	40	87%
Risdon Prison Complex	299	9	-	290	292	101%	301	292	97%	302	291	96%
Medium Security	196	8	-	188	190	101%	196	195	99%	196	194	101%
Maximum Security	103	1	-	102	102	100%	105	97	92%	106	97	92%
Ron Barwick Minimum Security Prison	296	-	-	296	265	90%	255	250	98%	232	222	96%
Divisions 1-8	280	-		280	251	90%	239	236	99%	220	212	96%
O'Hara Cottages	16			16	14	88%	16	14	88%	12	10	83%
<b>TOTAL (ROGS)</b>	<b>720</b>	<b>11</b>	<b>17</b>	<b>726</b>	<b>681</b>	<b>94%</b>	<b>648</b>	<b>612</b>	<b>94%</b>	<b>643</b>	<b>608</b>	<b>92% *</b>

\*2017 Report format different. Total includes RoGS exclusions

Data for 2016 and 2015 are not readily available in a comparable format.

(6)

Year	Release Total
2015	1478
2016	1556
2017	1610
2018	1829
2019 (up until 21 September 2019)	1337

(7) (a) and (b) and (8) to (15)

Data to answer questions (7)(a) and (7)(b) and (8) to (15) are not readily available. The systems used by the Department of Justice are not set up to readily generate the data required. A project could be developed in order to examine ways to generate this data; however, this could possibly take a number of months and would require the reallocation of resources.

(16)

Year	Sum of Hours	Sum of Amount \$
2015	29 298.87	2 140 754.18
2016	40 756.29	3 049 967.34
2017	39 303.84	3 008 954.11
2018	55 377.47	4 351 142.90
2019	60 753.38	4 895 687.54
<b>Grand Total</b>	<b>225 489.85</b>	<b>17 446 506.07</b>

(17)

<b>Year</b>	<b>Sum of Transaction Amount - Hours</b>	<b>Sum of Dollar Amount \$</b>
2014-15	27 925.82	1 149 085.86
2015-16	29 381.38	1 209 450.50
2016-17	35 738.41	1 462 580.67
2017-18	39 562.86	1 608 683.94
2018-19	44 914.79	1 810 065.12
<b>Grand Total</b>	<b>188 260.91</b>	<b>7 690 618.37</b>

## **SPECIAL INTEREST MATTERS**

### **Around McIntyre**

[11.12 a.m.]

**Ms RATTRAY** (McIntyre) - Mr President, special interest is much sought after these days. Across my electorate McIntyre, it has been a very busy last few months during which I have been fortunate to attend a number of wonderful events. Here are a few of those events, which I will share with members today.

I have four different events in my special interest because I have not been able to get a gig otherwise.

Recently, Chudleigh Hall turned 60 years young and the community, in true Chudleigh style, celebrated with a birthday party - the type of party where one invites everyone and anyone who has been connected to the hall and the community. The amazing hall committee just keeps delivering fantastic events. The Australia Day Breakfast held each year is attended by around 300 people. They come from near and far for the breakfast, even a busload of people from Devonport. While the recent celebration delivered more of the same, people came from across Tasmania and the ever-reliable locals gathered to hear speakers, including Mr Allan Cameron, talk about the history of the hall and how this much-loved facility is the heart of the community. All the best to the Chudleigh community for another successful 60 years and beyond.

Onto the Bracknell Football Club annual presentation I attended recently. A football team is often the lifeblood of a community and the Bracknell Football Club is no exception. The excellent dinner was held in the clubrooms at Bracknell and was catered for by the exceptional committee, ably led by none other than life member Merrilyn Shelton.

During the evening of celebrating the achievements of the club, an award of significance was presented to Stephen Jones. Stephen Jones was elevated to the status of living legend, where Stephen's achievements with the club were read out, and it certainly did not take long to understand why this dedicated Bracknell Football Club man joined this small group of other living legends of the club.

The club is Stephen's life. He started playing at 14 years of age, went on to play 200 senior games, won several best and fairest as a premiership player and coach, played the game tough and he is proud he was never reported. Stephen racked up 42 years as a committee member; he has held

various roles including president, secretary and right through to the goal umpire as well as being match manager for 17 years.

The longest fundraising venture was started by Stephen, known as the woodies, where around a 100 tons of wood each year is cut and sold to raise money for the club. Tradition is so very important to the club and Stephen's family are also heavily involved in supporting the club. Congratulations, Stephen, on being recognised with this prestigious award, which is the highest honour bestowed on anyone connected to the Bracknell Football Club.

Another significant recent event was the official opening of the Camden Rivulet Dam, situated in the north-east, by the federal Minister for Infrastructure, Transport and Regional Development, Michael McCormack, who was acting Prime Minister that day.

The dam is the cornerstone of the Scottsdale Irrigation Scheme; it has a capacity of around 9000 megalitres, with 5300 megalitres already in the dam and ready to flow once the project is completed in February 2020.

The \$53.7 million scheme will provide high-reliability summer irrigation water to 87 farmers from Springfield to Jetsonville and on to Waterhouse. At the launch the minister announced the federal government's intention to replicate this type of project and construct similar water infrastructure around the country. This project is a fine example of Tasmania leading the way when it comes to water development.

On behalf of the north-east community, I place on the record our sincere appreciation to the Dorset Economic Development Group, in particular Stephen Love who was its chair for over a decade. He personally drove the Scottsdale Irrigation Scheme proposal. Without people in our communities like Stephen and other board members, projects like this would be unlikely to be built and Tasmania could be facing the challenges of lack of water storage that other parts of the country are.

In early October Jane Edmanson OAM was a special guest at the PlantFest event at Springfield. Jane has been a long-time presenter on the ABC *Gardening Australia* program, which for gardeners and non-gardeners around Australia is a much-watched program. Jane was generous with her time and knowledge during the day and conducted a number of workshops. PlantFest is a relatively new event on the calendar in the north-east but is quickly becoming an important one.

It started as a fundraising idea by the Friends of St. Paul's Church at Springfield, just a few kilometres out of Scottsdale on the Tasman Highway, to assist with the restoration of the church. The church was purchased by the Friends of St Paul's committee and is being painstakingly restored to its former glory. It is used regularly for events, including Anzac Day and a successful harvest festival event where produce is grown by the locals and then sold to raise funds to continue the restoration program.

My congratulations to all involved in organising this successful event and a special thank you to Jane for taking time out of her very busy schedule to join the many gardening enthusiasts in the north-east.

Finally, most recently I had the pleasure of attending the celebration of 110 years of the *North Eastern Advertiser*, the local paper for the Dorset and north-east community. The Treasurer, Peter Gutwein, opened this special event at Scottsdale where many locals and past and present staff



gathered to reminisce and celebrate the significant role the *Advertiser* has played in bringing the community together and providing a wonderful publication that informs all of what is going on in the area. It has several weekly columns on various interesting topics.

As part of the celebration a video was made interviewing locals, including myself, and asking their thoughts on what this wonderful local paper means to them. I encourage anyone to take a look. The video is online at [northeasternadvertiser.com](http://northeasternadvertiser.com).

Thank you and apologies for rushing. I had a lot to say in a little minute.

### **Live Well Tasmania**

[11.19 a.m.]

**Ms FORREST** (Murchison) - Mr President, Live Well Tasmania is a not-for-profit community organisation based in Wynyard. Its mission is to improve the health and wellbeing of our community with a focus on disadvantaged youth. It uses a whole-of-community wellbeing approach.

It provides programs, projects, workshops and events in the community hub located in central Wynyard, just around the corner from my office. As noted on its website, Live Well Tasmania's vision statement is contributing to a world where everyone can achieve wellbeing. Its mission is helping youth in poverty achieve wellbeing. Its strategy is 'using research, evidence-based activities, collective impact (using partnerships to achieve joint goals) and the power of community'.

Integral to their mission is building formal and informal partnerships with other non-government groups, government organisations and businesses for the most effective use of resources to address youth wellbeing.

Live Well Tasmania has had multiple Work for the Dole projects, which commenced in 2013, that have constructed two community market gardens and are helping to develop a community centre.

Live Well Tasmania has partnered with the Wynyard High School community to work with disadvantaged students who struggle in the classroom, often due to learning difficulties, in developing a market garden. These students have found being in the garden particularly helps them with their socio-emotional difficulties and are now broadening their projects to engage the community more widely, focusing particularly on community resilience.

Live Well Tasmania is governed by a board, with board members having a range of skills including representatives from other community groups. Live Well Tasmania is currently developing multi-sectorial partnerships with groups such as Rural Health Tasmania, Big hART, the Smith Family, and Youth, Family & Community Connections, as well as local councils and state government departments.

Live Well Tasmania has developed good partnerships with the Waratah-Wynyard Council and the local high school. The principal of the high school and the Community Development Officer of the council are both part of the steering committee supporting this strong partnership model.

This organisation has run a number of Healthy Tasmania-funded projects that have been successful in engaging the community and that have built their capacity to expand their reach. They have successfully managed projects funded by organisations such as the federal Department of Agriculture, the Victorian Department of Primary Industries, the Tasmanian Department of Premier and Cabinet, the Foundation for Rural & Regional Renewal, the Calvary Hospital and Skills Tasmania.

Live Well Tasmania has a statewide project called Community Exchange Network Tasmania - or CENTs - with currently over 600 members who trade goods and services without the use of money. They have also recently been awarded another project as part of the Regional Jobs and Investment Packages which will establish a third market garden.

These three gardens, plus the growing space of their community centre, will provide substantial quantities of produce for an agri-food social enterprise that is also in the pipeline.

Live Well Tasmania puts out an informative monthly newsletter that promotes not only what they are doing in the community but also other community activities. It is pages long and very informative.

It was pleasing to read in the November newsletter that they, in partnership with Warawyn Early Learning Centre, the childcare centre that Waratah-Wynyard Council runs, have received a small grant titled Bee Literate, which aims to raise awareness of the vital work bees do for us. This will involve establishing small bee-attracting gardens at the Warawyn Early Learning Centre, as well as Live Well Tasmania working with the Wynyard community garden to build recycled bee hotels for children to take home.

We have many isolated people in our community who often suffer from poor health as a result of this isolation. The north-west also has a range of other adverse outcome statistics that are particularly problematic for our youth. These include lower education rates, higher smoking rates, higher teenage pregnancy rates and higher alcohol and drug use.

Live Well Tasmania believes addressing these problems requires a whole-of-community response and is working hard to build the capacity of our community to respond. We first need to build community capacity, primarily in terms of willingness of people to work together.

I commend the Live Well Tasmania coordinator, Ms Robin Krabbe, and all of the team who work so hard for the betterment of our community in and around Wynyard in such important work that deserves to be recognised.

### **Kin Raising Kids Tasmania**

[11.24 a.m.]

**Ms ARMITAGE** (Launceston) - Mr President, today I speak on a topic that we have recently had the opportunity of being briefed about. I am talking about Kin Raising Kids, an organisation which encourages and supports kinship carers, including grandparents raising grandchildren who are the primary carers of diverse families and kin. I thank the Leader's office for arranging this briefing, which I found to be eye-opening indeed.

Kin Raising Kids offers peer support, advocacy, information and referral services too and aims to have every Tasmanian child living in safety within its biological family, and to have an equal opportunity to develop to the best of their ability.

They aspire to establish a kinship care network across Tasmania, represent the collective views of such carers, raise public awareness and develop partnerships with similar organisations and support services related to looking after and raising children.

Of course, we hear the term parent or guardian often, but do we consider what being a guardian means or entails? Until now, I have mostly thought of 'guardian' as meaning a temporary carer such as a close family member or perhaps a foster parent. In reality, often when kids are not in the state care system, their caring arrangement is usually informal with costly and time-consuming court-mandated care arrangements being a disincentive to make alternative care arrangements official.

According to Kin Raising Kids approximately 80 per cent of all kinship carers in Tasmania are informal carers. Moreover, carers tend to often be grandparents raising grandchildren in situations where a child's biological parent is unwilling or unable to look after and raise their child. With the alternative of having a child placed in the state system, of course grandparents are usually the ones who step up to take care of the child.

Often the focus is rightly on the rights and welfare of the child. However, I will take a moment to consider the impact this has on kin carers such as grandparents. Included in the briefing material from Kin Raising Kids was a story from an anonymous grandparent carer to which I would like to refer here. In their words -

Our plans for retirement changed immediately. The long-awaited 'grey nomad' leisurely tour of Australia and other plans were set aside while we struggled with formula, baby food, nappies, daily bathing, walks in the stroller, trips to the park, play dates and stimulating a lively eleven-month-old ... Entering our sixties, we were finding our days filled with activities for the child and either falling asleep in front of the TV or falling into bed exhausted.

...

The life we had known changed dramatically. Too old to form firm friendships with the parents of other toddlers and finding our social lives very restricted, over the years we sadly watched most of our friendships fade away along with the activities we used to enjoy in their company.

This grandparent couple raising a baby to a teenager tell us they have spent the entirety of their married life, 32 years, raising two children who would otherwise have been in state care and during that time receive no recognition or assistance. Despite this, they also tell us that if they had to do it all again, they absolutely would and that it could never have been any other way.

What this should tell us, however, is the better we take care of and support kinship carers, the better the ultimate outcomes will be for those for whom they care. It is never a happy, feel-good story when a child has to be taken care of by someone other than their biological parents. This is usually something that has resulted from tragedy, with addiction, violence or abuse being additional factors. This makes the job of kinship carers all the more difficult and intimidating whether they be grandparents, siblings, close or distant relatives.

This makes the work of Kin Raising Kids all the more important because they are filling a gap that has so unfairly developed for carers in informal care situations who receive little to no recognition or support whether that be financial, mental or emotional. I again thank the Leader's office for arranging this briefing and also those from Kin Raising Kids who brought to our attention the significant issues at hand and how they are working to create a better system for kinship carers. Kin Raising Kids Tasmania and their affiliate and partner organisations deserve the support and recognition.

I commend the extraordinary work they do.

### **The Windeward Bound Trust**

[11.28 a.m.]

**Mr VALENTINE** (Hobart) - Mr President, you may recall that my last special interest matter was about the *Mistral II*, a special enterprise being undertaken by the Windeward Bound Trust.

This morning I will speak to you about the trust itself and its primary vessel, the 33- metre brigantine *Windeward Bound*, a wonderful vessel under the careful and watchful eye of Captain Sarah Parry and her crew. I am sure that during your lunch hours, many of you have walked past this vessel, which is moored next to the Elizabeth Street Pier and Franklin Wharf.

The Windeward Bound Trust was established in 1993 and uses adventures under sail to develop self-confidence, life skills and community spirit in the youth of Australia, with an emphasis on those in need who are often made to feel helpless through certain financial, social, lifestyle or family circumstances. To this end, the purpose-built brigantine *Windeward Bound* is used by the trust to provide personal growth experiences and professional development opportunities to its youth participants and voluntary crew enjoying and learning skills otherwise out of their reach.

The trust sail training program, based on the federal government-supported Young Endeavour Youth Scheme - which you may have heard of - has provided life-changing experiences to more than 5000 young Australians over the last 20 years.

Sail trainees participate in all aspects of the 24-hour operation of the ship, from cleaning to steering, to climbing aloft. The rigours of these voyages have proven to have a significant impact on the trainees, enhancing their personal responsibility, initiative, perseverance, leadership qualities, communication, teamwork, conflict resolution skills, acceptance of others, willingness to have a go, and the taking of measured risks, just to name a few of those benefits. We can see the benefit of those things being provided to young people as they enter the adult component of their lives.

Schools from both Tasmania and Victoria come to the trust year after year to join various voyages. The trust also has a long-running maritime career training program providing full scholarships to a live-aboard voluntary crew who have decided on a maritime career but who do not have the necessary financial, personal or social support to achieve this. In many cases, voluntary crew arrive lacking employment qualifications, life goals or the finances to achieve them.

Since 2007, the trust has sponsored the training and certification of over 100 young Australian voluntary crew, providing 41 masters, marine engine drivers, and coxswains, all of whom have found worthwhile and well-paid employment since graduation. That is a fantastic result.

Fundraising day sails are also a feature of the calendar, providing multifaceted value to the trust. They bring a small but continuing source of cashflow and a means for the general public to access the ship, where they learn how it operates and the important work undertaken aboard.

Perhaps this is something we can undertake one day, to understand the value of this vessel in someone's learning experience, at a nominated value. I must discuss that with Captain Parry.

Day sails also provide a vital platform in training the crew in a variety of skills from ship handling, sail handling, individual leadership, hospitality, emergency procedures, working with people skills and more. It is not just a sail on the river, it is something of real value to people. Crew morale and pride in what they do is also boosted from the positive interaction with the day sail guests. Volunteers, both casual and live-aboard, are often recruited on day sails.

Volunteer crew learn a lot about the maritime world; they gain valuable and necessary sea time and receive training appropriate to their position and future direction. No prior experience is required of them, but self-motivation and being teachable are the essential ingredients to the success of their onboard experience.

The trust tradition of attracting young enthusiastic volunteers from overseas continues, with volunteers from Great Britain, Canada, the Netherlands and Greece coming aboard. These young internationals often have considerable experience, sometimes from European tall ships, and bring an interesting blend of cultures to the ship.

Having a consistent, live-aboard crew means the ship is always available for whatever activities are required and avoids the need for elaborate crew rosters and managing a large volunteer pool. In the complex web of seagoing regulations and the emphasis on training and safety, it means that a well-trained and cohesive team is always available.

Volunteers are the lifeblood of both the ship and the Windeward Bound Trust. Their enthusiasm and incredible range of skills provide the bedrock for the many successes achieved.

It is not only the crew who are a part of the volunteer team - the managing trustee in Captain Sarah, all the advisory board, the legal team, accounting team and many others freely give of their time with advice, skills and knowledge to keep everything moving along.

Voyage fees and day sail donations alone cannot cover the significant cost of operating a vessel such as the *Windeward Bound*. By managing funding of their programs and infrastructure expansions through a carefully balanced combination of government grants, private philanthropic grants and public donations, corporate sponsorships and earned income from operational activities and charters, they can proudly boast to have finished each financial year in the black. I am sure it has not been without its headaches.

I am sure you will all join with me in congratulating the trust for these significant achievements and the inspirational work they do. I wish them well for many more voyages into the future, especially the one we might be involved in. I will follow up on that. We could well end up in Port Davey with one of us at the helm for a lunchtime cruise - who knows? I look forward to the opportunity if it presents itself, and other members might, too.

Well done, Windeward Bound Trust. It is really an inspiration.

## **Proposed Tamar Estuary and Esk Rivers Statutory Authority**

[11.35 a.m.]

**Mr FINCH** (Rosevears) - Mr President, back in 2009 a select committee under my chairmanship and comprising the member for Windermere and former President Don Wing looked into the management of the Tamar Estuary and the Esk River. The committee found there was a lack of an adequate management structure and defined responsibilities. The management structure was poorly funded and its fragmentation did not make the best use of existing funds.

The committee further found that the imprecision and inadequacies of the current management structure had contributed to the parlous state of the Tamar Estuary and the Esk River systems, especially the significant and environmentally damaging siltation problem and defectiveness of flood mitigation infrastructure in Launceston.

The main recommendation of the committee was that the Tasmanian government establish a statutory authority to manage the Tamar Estuary and Esk River and their catchments and be responsible for the environmental management, flood mitigation and health of all waterways within these catchments.

The committee recommended that -

- initial funding to establish the authority come from the state government, with other appropriate and available resources of funding, including local and federal governments; and that
- the authority be required to prepare a catchment management plan within 12 months and provide an annual report to parliament.

In the year of the committee inquiry, a body known as Tamar Estuary and Esk Rivers - TEER - was set up. Its chair, Scott Gadd, wrote to me saying -

... it is clear to me that should a statutory authority gain support and subsequent endorsement, the existing TEER committee and related entities could easily work under it ...

It was clear from written submissions and verbal evidence that there was strong and widespread support for that single statutory authority. The committee's work was thorough, thanks very much to the member for Windermere and Mr Don Wing. We saw excellent examples of catchment management in Victoria and Queensland, and submissions to us were of the highest quality. If I recall, member for Windermere, there were something like 82 submissions.

**Mr Dean** - It was a huge number.

**Mr FINCH** - I think 80 were in support and only two were negative.

What was the result? Nothing happened. The then government put forward a number of arguments against an authority, including cost - although I found this argument about costing very fuzzy. There was government inaction in 2009, but some problems just don't go away.

The Launceston Chamber of Commerce made a recent call over the management of the Tamar catchment.

Wait for it, Mr President, it called for a Tamar Estuary and Esk rivers statutory authority. I will quote from a recent Launceston Chamber of Commerce newsletter -

The Chamber President Tim Holder, in his speech to the Business Excellence Awards on Saturday night, called for the establishment of a Tamar River Authority to coordinate and compel the efforts to remediate the estuary. This sentiment was first raised in 2009 in a Legislative Council Select Committee Report on the River. The Executive Summary of that report notes: '... the lack of effective river management as a result of the large number of organisations with some involvement in it, but none with overall responsibility.'

The Chamber is of the strong view that there needs to be a triple bottom line approach to remediate in the Tamar (environmental, social and Economic) and that the most effective way to deliver the results that the northern community expect is for the formation of a Tamar River Authority.

The chamber has a good memory, Mr President.

It is time for the present Government to have a very close look at that 2009 report.

### **Neighbourhood House**

[11.40 a.m.]

**Mr DEAN** (Windermere) - Mr President, first I thank the member for Prosser for standing aside and allowing me to present my interest speech this morning. A bit of mix-up occurred somewhere, so thank you very much for that.

I draw members' attention to the study of the neighbourhood house formerly known as a Ravenswood Neighbourhood House. This year it is celebrating its fortieth year of incorporation and operations and deserves some acknowledgement for the services and assistance it has provided to thousands of people in the Greater Launceston area.

The Ravenswood Neighbourhood House, according to Professor David Adams - I think David is known to most people here - started informally at a house at 52 Ravenswood Road in 1976, but formally opened in 1979 and was the first establishment of its kind in the state and one of the first in Australia.

It originally was housed in a four-bedroom house in Wiltshire Place and was located there for 15 years. When first started, it offered craft activities and day care, and provided a social meeting space for people to meet and have a chat.

In 1996, it moved to its current location in Prossers Forest Road at the community centre building so that it was more centralised for the community. The larger premises also allowed the house to expand its range of activities and to grow into what exists there today.

In 2016, the Ravenswood Neighbourhood House had a name change to the Starting Point Neighbourhood House to better reflect the objectives of the house and be more inclusive of the wider Launceston community.

The mission of the Starting Point Neighbourhood House is to provide a safe and friendly place where people can grow and develop, where people care, where people can find encouragement, support, information, and can share skills, knowledge, time and resources. The place is packed, Mr President, if you go there. On the days I have been there, people all over the place are seeking help and support and being attended to.

The organisation services the immediate area of Ravenswood and surrounding districts, but also has a larger reach throughout the Greater Launceston area. It offers activities such as fitness sessions; health and wellbeing sessions; vocational training; literacy with support, advice and referrals; advocacy; vacation care; computing; a driver mentor program; community gardens; a community market; a no-interest loan scheme; the Ravenswood Men's and Community Shed, which they refer to as Max; volunteering opportunities; and an op shop. I am not sure too much is left that they can provide for.

The community garden has been a great asset and has helped a lot of people - young people in particular - move in the right direction. It has been an absolutely wonderful inclusion to the Starting Point Neighbourhood House, as has the men's shed. Max is doing some absolutely wonderful work helping a lot of people and making a lot of good stuff such as furniture et cetera.

The Starting Point Neighbourhood House offers something for everyone - taking up an activity for fun and enjoyment, joining a class or a social support group, taking up an education and training program, becoming a volunteer - a very important part of the Starting Point Neighbourhood House - developing new skills, being involved in community events, meeting, talking and making new friends - which is an important part of neighbourhood houses - and finding out about other local services and activities. It offers all of that. It is a great place.

Over the years, I have had a lot to do with the Starting Point Neighbourhood House. I have attended many community events and been welcomed with open arms on each occasion.

I want to mention some of the people involved in making this place happen, and who do so much good for the area. Nettie Burr, the manager of the house, and her committee members - Sharon Lennon, Peter Richards, Cynthia Clements, Robert Petty and Julie Moy - provide a very necessary service to the greater Ravenswood area. Many other people are also involved with the Starting Point Neighbourhood House - I cannot mention everybody, but these people are a very strong committee.

They have helped hundreds, if not thousands, of people with everyday tasks as well as providing opportunities for people to learn new skills and work on personal growth. They have enriched the area and strengthened the local community as a whole. The house is a place where people of different nationalities and financial standing can come together and support each other, and to quote from the house, 'It is a place of being. You don't need a reason to drop in. Call in anytime for a coffee and a chat.'

Congratulations to Starting Point Neighbourhood House. It is people like those I have mentioned and the others who work there, including volunteers, who really should be recognised in all the awards we often dish out, such as the Australia Day awards. These are people who really



make a difference in our communities and the communities really need that. I commend all the members involved in the Starting Point Neighbourhood House at Ravenswood.

## **MOTION**

### **Establishment of Select Committee**

#### **Public Health Amendment (Prevention of Sale of Smoking Products to Under-Age Persons) Bill 2018 (No. 45)**

[11.46 a.m.]

**Mr DEAN** (Windermere) - Mr President, I move -

That a Select Committee be appointed, with power to send for persons and papers, with leave to sit during any adjournment of the Council, and with leave to adjourn from place to place to inquire into and report upon -

- (1) The Public Health Amendment (Prevention of Sale of Smoking Products to Under-Age Persons) Bill 2018 (No. 45) (Private Member's Bill); and
- (2) Any matters incidental thereto.

And that -

Ms Armitage;  
Mr Armstrong;  
Ms Howlett;  
Ms Lovell; and  
Ms Rattray

be of the Committee.

In commencing giving my reasons for wanting this matter to go to a committee, I raise the question: where does the area of mental health and wellbeing really sit within the Legislative Council at present?

It is specifically set up under the minister at this stage, the Deputy Premier. Health sits under the Minister for Health, Sarah Courtney. The Public Health Amendment (Prevention of Sale of Smoking Products to Under-Age Persons) Bill 2018 sits within the Health act, and that would be under the position of Hon. Sarah Courtney. However, it is Mr Rockliff who has responsibility for wellbeing and is therefore the government spokesperson on the bill currently before us in relation to smoking.

**Ms Forrest** - I asked them about this question too; it is a very good question.

**Mr DEAN** - I was just going to mention you.

**Ms Forrest** - The Deputy Premier told me he is in charge of prevention because it is about public health, and the Minister for Health is responsible for protection. I said that some of these

things cross over. Anyway, it is a bit of a conundrum and I absolutely understand where you are coming from.

**Mr DEAN** - Thank you. I took advice from the member for Murchison on this matter when it first came up. It was suggested it probably sits under Government Administration Committee B and we could set up a subcommittee under that to look at this matter.

I then received advice on top of that from our Clerks, who said that was not the case and that it did not sit there at all. I ask the question here: who gets the position of being able to question the minister, Mr Rockliff, in relation to these matters?

**Ms Forrest** - I asked him the same question at Estimates time and what happened? It is going to be a nightmare.

**Mr DEAN** - What happens at Estimates, and what happens at any other time when a committee wants to look at an area of prevention that sits with Mr Rockliff, the Deputy Premier, at present? It is something that needs to be sorted out because it would seem that Administration Committee B might not get that opportunity during Estimates. Committee A, of course, has Sarah Courtney in relation to Health. It needs satisfying.

**Ms Armitage** - Last time you called a committee on tobacco, it went to the sessional committee. That was on your Public Health Amendment (Tobacco-Free Generation) Bill.

**Mr DEAN** - That was before there was a split. There was no split at that stage between -

**Ms Forrest** - It was all under one.

**Mr DEAN** - Yes, it was all under one at that stage. That is the reason that occurred. It is an area that needs sorting out.

I have decided, following a request from the Government and my advisers, to seek the support of the Legislative Council to refer the Public Health Amendment (Prevention of Sale of Smoking Products to Under-age Persons) Bill 2018 (No. 45) to a select committee of the Legislative Council.

Although we have had a number of briefings, there are still matters about which honourable members and some members of the community have concerns, and there are matters that lack sufficient clarity of data and evidence.

In moving this motion for a select committee, I remind honourable members that this is a private member's bill. I ask you to accept my judgment on what should now happen to give it the best opportunity of gaining support in this House and the House of Assembly.

I do not do this lightly. I know only too well the pressures placed on parliamentarians and honourable members in this House to undertake all the tasks required of them. With the greatest respect, members of the public do not quite understand the pressures members are under, and the work they do here and in their electorates. It is a huge task for all members if they are doing their job properly. All members here, and perhaps all members of parliament, do that.

Workload pressures should not interfere with the proper and necessary management and handling of this or any other bill. This bill is far too important for Tasmania not to see it move

forward and be debated. The issues raised and recent information need to first be properly aired and discussed.

Should the matter proceed, these outstanding points of concern will be raised during the second reading or in the Committee stages, should it get there. Let it be done now when stakeholders want to be heard and want to know more. It will provide an opportunity for evidence to be taken and tested on oath.

People throw all kinds of statements around when there is no lawful obligation to ensure accuracy. I have been through the briefing sessions so far conducted. My view is that evidence given to us in briefings should be provided on oath and should be recorded.

We miss so much because of the way it is done. You can never hold anybody to a statement made because it is not necessarily supported by any real evidence or factual information.

With private members' bills, I will also support a member's right to progress a bill through this place, unless their position is flawed at law or conflicts with the orders of this place. They understand it and know the better course of action that should be adopted in all circumstances.

Nobody would move for a committee to take place if it were not seen as necessary. People are not about wasting time and causing extra cost. It is a matter of trying to do it properly and getting all the information before the matter is debated.

I will raise some matters of concern here. I thank honourable members in the briefings for raising a lot of these concerns, including -

- The potential for a black market or smuggling. The tobacco industry might use this as a threat and engage in smuggling as they have in Canada, Asia and Europe. That is on the record.
- The economic impact on small retailers, which has been raised by retailers.

I understand and do not have a problem with them raising those issues.

Enforcement of T21 for hoteliers - a number of questions have been asked of me by hoteliers and other people about what they will be required to do as a result of this bill. In fact, hoteliers will have no more responsibility for the enforcement of T21 than they currently do. It does not change, but they have issues and concerns they would like to further progress and talk about, and good on them. I have no issues with this.

In briefings and by members, the rights of a person who turns 18 to smoke and participate in other adult pursuits such as drinking alcohol, voting, marriage or joining the armed forces have been raised. I have no issues with that matter with more evidence being taken and further tested before the debate continues. I do not have any issues with that.

Regarding the timing of the introduction of the implementation of T21, the Government feels it will need 12 months to implement. I do not disagree; when I looked at it more closely, I thought it will need some extra time to come into place. Very clearly I am currently looking at an amendment in that area to the existing bill.

The effects on tourism, including backpackers engaged in seasonal work, has been raised by one member in particular, but I think other members might have raised it also. There are concerns and issues as to how this can be satisfied.

In 2017, the Director of Public Health was given the power by parliament to obtain volume reports of tobacco sales. A committee would be able to request those reports in order to determine the amounts of tobacco sold by individual or groups of retailers. This would provide valuable data on plans made about tobacco sales. It is very important to gain this information. It has been talked about but I cannot get it at this present time.

Potential health and economic benefits to Tasmania if T21 were adopted - the number of lives saved and savings in hospital costs. I have put some of these figures around, but they need to be tested to identify the accuracy of this information. It works both ways. Not just what the retailers say, but what I am saying needs testing and checking, and that information also brought out.

At the moment, we only have assertions in claims that T21 would cause economic harm. I have talked about this and we need some data on what harm it will cause and the cost to retailers in relation to this matter.

We know it is estimated there are only about 670 licensed tobacco retailers statewide. Further checking needs to be done; I think they have tried to do it. Six hundred to 800 new smokers turning 18 years of age every year. However, we need these figures to be confirmed to us on the record of the Department of Health and we need to know how many retailers are in each category. For example, how many newsagents, supermarkets, large supermarkets, bottle shops, service stations et cetera. I have a number of questions on the Notice Paper in relation to a number of those issues. They are questions on notice and I am not quite sure when the answers will come back, but I would hope those answers come back sooner rather than later. I would not want them to sit there until mid-next year, for instance. I hope those questions can be answered as early as possible.

These things need testing. It is quite unbelievable that T21 decisions to prevent 600, 700 or 800 smokers from buying cigarettes from over 600 Tasmanian shops would have any impact on business. I think it is closer to 700 or thereabouts. It works out to be about one customer each, two customers at the outside, and most smokers buy from supermarkets anyway, with only about 10 per buying from small business. The number of potential customers is quite miniscule. There is a need to examine this data further.

I was not aware - I am ignorant about some of these matters and I accept I do not know it all - that supermarkets discount tobacco products. That is why they have more sales than general retailers. It is a product I thought you should be able to discount, but it can be legally discounted.

If this committee is supported, these people will have the opportunity to come before it and give evidence to be tested and checked. To support the bill, we need facts and clarity.

We have heard from a number of organisations that we know are supported by Big Tobacco. As you will see in more detail in my second reading speech, the tobacco industry has a long history of being involved in matters that should not be occurring, such as smuggling and putting pressure on individuals and industry. There have been court cases - an abundance of them - and Big Tobacco has paid huge fines due to nefarious activities over a long time.

A regulatory impact assessment would be useful and would answer the questions in an independent way, unobstructed by the hype and hysteria generated to oppose T21.

I will ask the minister to undertake a regulatory impact assessment and contact the department or the Tobacco Control Coalition, which also advises him to undertake this work, to find out what the real impact will be. There will then be no suggestions of interference.

**Mrs Hiscutt** - Is the member going to do that by a written communication to the minister? It was not something you wanted me to do?

**Mr DEAN** - I will do that by written communication to the minister.

This would also inform the committee in its deliberations and be a valuable contribution by government. That information coming from a regulatory impact assessment would mean a lot.

Tourists can bring their own cigarettes to Tasmania, including backpackers who mostly smoke 'roll your own'. They might be smoking some other stuff as well.

There is no problem under T21 with bringing their packets with them. There are very few smoking tourists in the 18 to 21 age group - less than 0.5 per cent of incoming visitors on my advice. If anyone thought strongly about this, they could move a motion to exempt tourists. The committee could have a look at that. I believe an amendment was made during the passage of the Public Health Amendment (Tobacco-Free Generation) Bill 2014 to exempt those people.

**Ms Armitage** - Would tourists have to show retailers that they are tourists, that they live somewhere else?

**Mr DEAN** - It would simply be a matter of producing identification, a driver licence, to show where they live, or their receipts or whatever they get for travelling as tourists to the state.

**Ms ARMITAGE** - Is there a limit on the number of cigarettes you are allowed to bring in from another state? I know there is coming into Australia.

**Mr DEAN** - As I understand, between states it is open slather. I think you could bring in 50 cartons if you wanted to, provided you are not selling them and they are for your own consumption. You are not a retailer and could not sell them. You cannot bring them into the country from overseas.

**Ms Armitage** - It might affect the weight in your bags.

**Mr DEAN** - No, there are restrictions on the number of cigarettes you can bring in. I am not quite sure what it is, but it is very small. It is probably two or three small packets.

**Ms Armitage** - No, I was saying if you are coming from another state, it might affect the weight you could actually bring with you.

**Mr DEAN** - That is not the reason. It is about taxes this country could be missing out on.

**Ms Armitage** - No, I was not talking about overseas, but within states.

**Mr DEAN** - Within the states, it is open slather. You can bring in a truckload if you wanted to provided it was for your own consumption and you are not selling it. That is my understanding; the committee might look at this to make sure what I am saying is right.

Another reason we need the committee is new research is coming out all the time. In the last couple of weeks, the first major evaluation of T21 on a state-by-state basis in America was published. California and Hawaii were early states to implement T21; the study found -

Implementation of T21 state-wide was associated with a reduction of 9.41 million monthly packs sold in California and 0.57 million monthly packs sold in Hawaii, compared to regional states. These translate to a reduction of 13.1-18.2% respectively, in monthly packs sold relative to mean values before the implementation of T21.

That is identifying a huge reduction in the sale of tobacco when you are looking it only related to T21 in those areas. The authors concluded that -

Raising the minimum legal age for tobacco sales to 21 years could reduce cigarette sales as part of a comprehensive tobacco control strategy that complements and builds on proven approaches to achieve this goal.

I do not think anyone in this place would suggest we should not do something about controlling smoking. I would be very surprised if that were the case, and particularly to our young people. That is what this is all about. This what getting a committee to do some work on it is about.

We know from the United States' experience there was no evidence of a black market developing in response to T21. This is interesting because it was raised during the briefings. It has been raised with me by the Government. It has been raised to me by a number of other people that it could likely cause a black market to develop.

Doctor Rob Crane, probably known to some of you from the Preventing Tobacco Addiction Foundation in Ohio, wrote to the Premier and said -

We have had no sign that Tobacco 21 has resulted in cross border sales between cities or states. That this might occur across an ocean border seems far-fetched.

Information was given about this during briefings and again a committee would have an opportunity to look at this to develop and see whether it is likely to happen. There is evidence they could gain.

The proposition put by the tobacco industry - through its front organisations - that kids will fly to Melbourne to get their cigarettes in their hand luggage, with their Krispy Krème doughnuts, as mentioned by the member briefing us, has no basis in fact or experience.

In my opinion it is quite a crazy notion and I might have said so during the briefing. Where is the evidence that would happen or is likely to happen?

You only have to look at the availability of tobacco. Tobacco will still be available in this state. This bill does nothing to prohibit tobacco in this state. It does not stop tobacco coming into the state. It does not stop tobacco being sold. It certainly does to a certain age group, but tobacco

will be there, so why would you jump on an aircraft, as was told to us during a briefing, and fly off to the mainland and bring tobacco back?

In Needham, a suburb of Boston and the first jurisdiction to introduce T21, smoking rates dropped dramatically compared to neighbouring suburbs that did not have this law. Young people could have walked or driven to other suburbs or counties to get cigarettes, but few of them did that.

Ginny Chadwick said there was no evidence that had occurred, and the distance was only a few kilometres.

Peak retailer organisations who have made representations are partnered with either Philip Morris International, Imperial Tobacco or British American Tobacco, or have directors on their board from other retailer organisations that are linked to Big Tobacco.

It is an incredible situation. Big Tobacco talks in billions of dollars, whereas most of us here talk in dollars. Money is nothing to them.

Some of the fines imposed on them are millions or billions of dollars, so it does not impact upon them very much.

The pretence that peak retailers are speaking for small business on tobacco is not borne out by any of the facts relating to what individual small businesses say about selling tobacco. These retailer and hospitality associations speak for Big Tobacco. You can see the linkages on their websites and annual reports. Check it out. You do not have to believe what I am saying - go to their reports and check.

One example is the Tasmanian Hospitality Association. It lists Imperial Tobacco, Philip Morris and British American Tobacco as gold partners. Another example is the Master Grocers Association, which lists British American Tobacco as a diamond partner and Imperial Tobacco and Philip Morris as gold partners. Presumably BAT pays more than the other tobacco companies and gets more recognition because it is higher up on the webpage.

A committee could find out how much Big Tobacco is influencing the position of not supporting T21.

The Master Grocers Association has listed as industry partners IGA and Tasmanian Independent Retailers. There is a whole connection of things. Grant Hinchcliffe is the Director of IGA Tasmania, on the board and Vice-President of MGA Independent Retailers, and on the board of the Tasmanian Small Business Council, headed by Mr Robert Mallett, who is here today. Mr Mallett has criticised T21. I can understand that from the position he occupies. We have a difference of opinion with this bill, but on many occasions we have agreed and have had a good relationship.

The Australian Lottery and Newsagent Association - ALNA - led by Ben Kearney, on its webpage thanks industry partners for their contribution and support. He is on the board of the Council of Small Business Organisations Australia - COSBOA.

A former head of COSBOA resigned because it was taken over by tobacco interests. News Limited reported in 2012 former COSBOA chief Ken Phillips says he was prepared to blow the whistle on tobacco's control of the small business lobby because it was inherently wrong.

Mr Phillips publicly declared that tobacco interests had control of COSBOA, saying it had taken him two years to realise the full extent of control even underpinning the organisation's solvency. COSBOA's annual reports had still not been audited and News Limited has been told the accounts were in a mess.

These industry partners of the ALNA include the big three usual suspects - Imperial Tobacco, British American Tobacco and Philip Morris. COSBOA and the Australasian Association of Convenience Stores joined forces to oppose tobacco retailer licensing in Victoria. That is how strong they are. AACS thanked its sponsors, Imperial Tobacco, for sponsoring its state of the industry report, a report that spoke about increasing tobacco revenue to \$3.1 billion. It also highlighted the growth in sales of the favourite cigarettes of Tasmanian schoolchildren - that is, Imperial Tobacco's brand JPS. Twenty-seven per cent of Tasmanian current student smokers use JPS brand.

These are facts I think a committee would be in a position to have a look at: the connections and involvements, and what is happening in that area and hence the reason we do need T21, and the fact that the positions put up against T21 do not hold up.

Dynamic Business, a retail news blog, reported in 2011 that a tobacco licensing levy as proposed by the AMA Victoria branch president, Dr Harry Hemley, will cripple small business owners, as claimed by the Australasian Association of Convenience Stores - AACS - and COSBOA. Victoria, for members' information, still has no tobacco licensing system. Their lobbying worked in that instance and Big Tobacco was involved.

Retail licensing is a fundamental underpinning of T21 and effective enforcement of sales to minors. It is crucial to the model policy developed by the Preventing Tobacco Addiction Foundation from the USA.

Having said all that, there are strong interconnections of small businesses and peak bodies with Big Tobacco. Do we want to take advice from the industry when one of their own becomes a whistleblower and admits they are a front for Big Tobacco? A committee would have an opportunity to explore these ties, bringing forward the real facts. Big Tobacco bullies and harasses small retailers so that they are too scared to speak out - there is evidence of that.

**Ms Rattray** - You are talking about bullying and harassment. Can you shed any light on the fact that one of the MLCs has been threatened and felt upset?

**Mr DEAN** - No, I cannot, other than that members made contact with me to say that they had been lobbied. I think one member indicated he had been lobbied fairly strongly.

**Ms Rattray** - No-one has said that they had been threatened or felt upset by the industry?

**Mr DEAN** - No. Last year, it was reported in the *Sydney Morning Herald* that the owner of a tobacco franchise on Phillip Island put up a sign in the front window of his shop calling out Big Tobacco for its treatment of his business. This is the note that he put out, and it is fairly recent -

'Dear customers,

Due to the corporate bullying and financial incompetence of British American Tobacco, this store will no longer be stocking the following brands: Winfield, Rothmans, Dunhill and Benson & Hedges', it says.



Rachelle and other tobacco franchisees claim they are bullied by the big three tobacco companies - British American Tobacco (BATA), Philip Morris and Imperial Tobacco Australia.

'The whole industry stinks,' Rachelle told Fairfax Media. 'It's just, where do you start?'

The claims of bullying are outlined in Rachelle's written submission to Parliament's inquiry into franchising ...

Rachelle claims BATA and the other big tobacco companies control and manipulate tobacco supply and pricing, and have destroyed the reputation of his business.

Clearly, retailers' peak organisations are not representing the interests of these small operators.

In Tasmania, a report to the Department of Health and Human Services titled 'Why Retailers Stop Selling Tobacco and Implications for Tobacco Control' is very clear. Again, I think this is a report the committee would probably get access to.

First, the report says ceasing tobacco sales had no impact on profitability. If you talk to small retailers, they will tell you tobacco sales are not profitable. In fact, a number have told me it is just not profitable. I have talked to many and that is what they tell me. One retailer in this study reportedly said, 'There is more money to be made from selling a six-year-old a ham and cheese sandwich than in selling a pack of cigarettes'.

**Ms Armitage** - Is the member actually debating the motion or is he debating the inquiry?

**Mr DEAN** - Mr President, what I am doing is putting facts to all members here as to why a committee is necessary to advance and consider these matters further. It is evidence to support it going to a committee. That is exactly what it is and I am conscious of this.

**Mr PRESIDENT** - We will keep a stringent eye on it to make sure it sticks to the topic of establishing a committee.

**Mr DEAN** - It is all about evidence that should go to a committee that can look at all these issues.

**Ms Forrest** - Too much evidence will make it sound like you do not need a committee.

**Mr DEAN** - No, the member makes that comment, but let me say this: if the committee comes up with evidence to show T21 categorically will not work and cannot have any impact at all, we have to accept it. If that evidence is factual evidence, proper evidence, taken on oath - if that happens, member for Murchison, I will welcome that.

**Ms Forrest** - I am not saying that; I am saying that if you put all the evidence on the table in this debate, it is already there. I am not saying what is going to come out of a committee.

**Mr DEAN** - That a lot of that evidence currently is being contested and said not to be right or accurate is the point I am trying to make, and why a committee would -

**Ms Forrest** - You have competing ideas and you think a committee can figure out which is right and which is wrong when the research has been done. If it is peer-reviewed research that has been properly conducted, and one person says *x* and another person says *y*, which we see in science and other areas all the time, how is a committee going to figure that out?

**Mr DEAN** - The committee will be in a position to take evidence on oath from many people who will say certain things will happen to test that evidence. It is like any committee -

**Ms Forrest** - If the committee does not have the scientific backgrounds that universities have to conduct research - committees do not do research. I have made my point, Mr President.

**Mr DEAN** - I am not saying the committee will have the opportunity to dispute research that has come in unless other facts come up, but we know it is not unusual for research to go a number of different ways and different researchers find different factors.

**Ms Armitage** - Is that why the last report did not go anywhere? Did you find it was not workable, the one on the Public Health Amendment (Tobacco-Free Generation) Bill 2014?

**Mr DEAN** - I am very pleased the member for Launceston raises this -

**Ms Armitage** - I am glad you are.

**Mr DEAN** - ... because she is talking about the TFG when parliament was prorogued. I did not put it back on the paper at that stage, so it has never been concluded, but at this time, it is felt this is probably a better way to go. It is not to say the TFG will not become fact before a parliament - I think it will. Very clearly this is happening - who around the world is currently talking about any gains when it comes to tobacco? Around the world this is happening.

**Ms Armitage** - If you bring it back in two years time, they will be 21, so that would work out.

**Mr DEAN** - No, but we will have people turning 18 and 19 in the meantime, so I do not understand your logic, to be quite frank with you.

**Ms Armitage** - I will explain it to you later.

**Mr DEAN** - Okay, for those individuals, yes, but not for the others coming up.

**Mr DEAN** - The member refers to the tobacco-free generation bill. In fact, during that inquiry, a comment made in one submission was -

I made a conscious decision to stop gaining a profit from a product that I knew to be highly addictive and that was causing long term health issues with those who I knew personally as members of my community.

Other questions were raised during the briefing again. I am confident a committee would look at the evident disproportionate concentration of tobacco retail outlets in regional and remote Tasmania and in areas of lowest socio-economic status.

That is a statement made. This is an issue members have raised, which is now included in research on T21 being conducted by the Menzies Institute for Medical Research. The Menzies Institute is now doing some research on this and I hope that research will be available to the committee.

This is a fairly important document. It is fairly good research to have at the time, because much of the talk has been that the highest number of smokers are in the lower socio-economic areas - the areas where people can least afford to purchase tobacco, can least afford to smoke, are where the current greatest number of smokers are. It is incumbent on us as parliamentarians to do something about this.

I thank members for highlighting this issue. It is very important and I hope a committee will be able to report on this research. All claims will be testable on the record and under oath. The establishment of a committee would ensure all assertions, statements and claims will be on the public record and would be testable in the public domain.

Any group or member of the public could make a submission or be called as a witness before the committee, so it would be a widely consultative transparent and independent process.

We heard another matter raised here - I think it was by the member for Nelson but it might also have been raised by others: we have heard a lot of questioning of why tobacco should be singled out for age 21 years when other social decisions are made at 18.

Some people think the age of adulthood is set in stone, but when I was young - and many of the members and observers currently present - the smoking age was 16 years and the drinking age was 21 years. The voting age was 21 years. This changed - there are always changes, some of which are not always based on evidence and are often just based on political expediency.

Again, this is a point the committee could have a look at.

The Electoral Commission reports on its website that during the 1960s and 1970s a worldwide trend emerged in western parliamentary democracies supporting lowering of the eligibility to enrol and vote. Young people who are paying taxes, driving cars and serving their country during times of conflict believe they are entitled to have a say in the composition of their government.

The age of adulthood at 18 years is not based on evidence; it is based on what people think is a good idea and again that is something that needs some further testing and evidence taken.

In the first half of the twentieth century, the drinking age in Australia depended on each local jurisdiction, and it ranged anywhere from 18 to 21 years. It was not constant or consistent throughout.

During the Vietnam War, the drinking age was reduced to 18 on the grounds a person could be conscripted to fight and die for their country so they should also have the right to drink alcohol. By 1974, all states and territories had adopted 18 as the legal drinking age.

However, as I said, the addictive nature of tobacco puts it in a whole different category and is one issue that should not be forgotten.

There is medical evidence - and I will not go on with this in too much detail, other than to say again a committee might have a look at this evidence - that nicotine has impacts on and changes the structure of the brain for the rest of a person's life. The member for Mersey has obviously closely considered this matter.

Article 5.3 of the Framework Convention on Tobacco Control, to which Australia is a signatory, supports transparency in all of these processes. A select committee meets all the requirements of Article 5.3 of this international instrument -

**Mr GAFFNEY** - A point of order, Mr President. I appreciate what the member is trying to do but I go back to the notice of motion. I believe we are here to discuss whether this goes to committee. A lot of the material we have been hearing from the member for Windermere is actually a second reading speech about many issues we all know about and we have heard for a long time.

If you look at the notice of motion it says -

A Select Committee be appointed, with power to send for persons and papers with leave to sit during an adjournment of the Council, ...

There are two reference points: one, the Public Health Amendment (Prevention of Sale of Smoking Products to Under-Age Persons) Bill and, two, any matters incidental thereto.

While I appreciate the information the member is giving us, this is not the right place to be giving information. It is purely about whether a committee gets set up to investigate the bill. It is not about all the background information that is associated with the bill.

I would ask for a ruling on that.

**Mr PRESIDENT** - Certainly. The objective of the debate we are having is to establish a committee. It is a fine line. The honourable member is using examples of why a committee should be established, but it is not a debate to agree about the bill. We need to establish a committee to establish an inquiry into the bill.

Perhaps the honourable member can tread that fine line and convince the other members we need to establish a committee, and not so much on the tobacco argument. All other members will be given the same right to express their concerns about whether a committee should be established or not.

If the honourable member can tighten the debate to being about the need to establish a committee, that would work better with all members in the Chamber.

**Mr DEAN** - I accept your advice, Mr President. I have attempted to ensure that the information I am putting forward supports the reason we need a select committee.

I am currently saying a committee does not conflict with the Framework Convention on Tobacco Control - FCTC. Australia is a signatory to it and it requires very strong actions in relation to countries and tobacco.

A committee does not conflict with that. It fits comfortably within the FCTC. It could be thrown back that a committee and further investigation does not fit comfortably within that convention on tobacco control.

**Ms Forrest** - Through you, Mr President, the motion is to refer this bill to a select committee so all the other extraneous stuff we are getting is probably outside what we need to hear. Do we need it to go to a committee or not without all the other commentary?

**Mr PRESIDENT** - The honourable member will also have the right of reply at the end to address any concerns members may have in regard to setting up a committee.

**Mr DEAN** - Thank you, Mr President. I just asked: what should I put forward to establish and support the need for a committee?

I have sat in here on many occasions where members have made motions for something to go to a committee and there has been a lot of discussion about why it should go to a committee.

**Mr PRESIDENT** - Please continue and keep your debate as close to establishing a committee as you can. We understand you need to describe some of the reasons behind your argument but if you can keep it tight, that would be appreciated.

**Mr DEAN** - I thank you, Mr President, for that ruling. I ask members, in coming to a decision on whether this committee is necessary, that they put aside the position they have come to.

I am aware that some members, in their discussions with me, have already a set position on this motion and they are not going to support it. I ask that those members put that aside and listen to all the facts and reasons as to why we need a committee. I question the sorts of statements made by some - 'There is no need for the committee and I will not be supporting it' - without knowing all the facts and reasons behind it. I ask that you put that behind you and listen to the evidence coming out in the debate today. I can look around this room at a number of people who have made that statement to me, and that is of concern to me.

I would like to see a select committee report back to the House, if supported, by mid-2020 and this would provide time to debate the bill and finalise it by the end of 2020. The bill will come back.

I do not see that delaying the second reading for the purposes of a committee would jeopardise the process in any way. We would simply make it a better process, in my view.

Just recently new figures have been released on smoking and pregnancy, and those have been sent around to members. I will provide each of you with some details of the latest Council of Obstetric and Paediatric Mortality and Morbidity - COPMM - report which does not put Tasmania in a good position. That information is available.

With 40 per cent of pregnant women under 20 years of age smoking, it sends a strong message for urgent action and this committee will look at that report. It has only recently been released.

**Ms Forrest** - The COPMM report is released every year and tabled every year as the annual report.

**Mr DEAN** - This report has only recently been released and that is what it is saying.

**Ms Forrest** - We need to target programs for pregnant women - that is what we need to do.

**Mr DEAN** - If members are quite happy to accept that figure as something we should put up with and not do anything about, so be it. It is not the position I take.

Tobacco 21 is a measure that will help to prevent the addiction and for this and all these reasons, I commend the motion to refer the Public Health Amendment (Prevention of Sale of Smoking Products to Under-Age Persons) Bill 2018 (No. 45) to a select committee of the Legislative Council.

I commend the motion to members and I seek their support for this motion. Even Mr Mallett has supported it going to an inquiry. I have a comment where Mr Mallett said the T21 bill was unworkable legislation. They have made that clear and I have said that a number of times. He then goes on to say -

The Committee is not such a bad idea. The Legislative Council will, at the end of the day, have to actually take a vote on this so they may as well hear some of the discussions and arguments on this and that will better inform them.

Mr Mallett is involved in the Small Business Council. I would have thought that was fairly strong evidence in support of this committee.

I commend the motion to the House and seek members' support for it.

[12.38 p.m.]

**Ms LOVELL** (Rumney) - Mr President, I commend the member for Windermere for his passion and commitment to an important health issue. It is worth noting that in all the briefings, discussions and correspondence we have had from all stakeholders, whether they are for or against this proposal, everyone recognises that smoking is a health issue and one we need to deal with in better ways than we do currently. I recognise the work the member for Windermere has put in and thank him for his commitment on this important issue.

It is unfortunate that the nature of a private member's bill on an issue like this is that things tend to happen a little backwards. I have had this conversation with the member for Windermere on a number of occasions throughout this process.

It does not mean that things are impossible to achieve through a private member's bill, but it does add challenges and the magnitude of those challenges can vary from issue to issue. Clearly, there are limited resources for private members to do the work needed to support types of policy change like the type we are discussing today.

It is my view a large piece of work still needs to be done before this bill can be properly considered by the Council and certainly by the lower House. The question is whether that work is best done by a committee, and that is what we are here to discuss today.

The piece of work that still needs to be done - and the member for Windermere touched on many of these concerns - is to start addressing and unpacking the concerns still present in the community among stakeholders and community members about whether this will be an effective legislative change. For example, whether the impact on business will be greater than the benefit. A number of concerns still need to be addressed.

I would like to see some more work done around evaluating the data we have been presented with, particularly the US data, where some states have adopted this approach, and evaluating that data in the Tasmanian context and in some of those areas identified as areas of high smoking rates, especially among young people.

Should it be determined this is a step the community is ready for and the stakeholders think is worth taking, some work should be done to look at what else could be done around this legislative change to make the proposal most successful.

The questions then are: Could a committee achieve this? Could a committee undertake this piece of work?

Perhaps it could, but it is not the most effective way for this work to be done. There are a couple of ways this work could be done and should this be a policy the Government were committed to and wanted to adopt and progress, it would have the resources to do this work. The Menzies Institute for Medical Research is preparing a research project and this is in the early stages. Discussions I have had with one of the researchers who will be working on this project have been very promising, and I have been given a great deal of confidence they will be undertaking this work and addressing the concerns raised and the work identified that needs to be done. For example, engaging with young people, engaging with the people who will be affected by this bill should it be introduced. Engaging with stakeholders and working with stakeholders both for and against to identify what objections and barriers are in place and whether they can be unpacked and worked through. Among other things, this is just in early discussions.

In conclusion - and I did say this would be brief and I have flagged with the member for Windermere of my position prior to this - my preference would be for this work to be done by the Menzies Institute rather than by a committee. I believe it is better placed to undertake this work and there would not be any duplication of that work, so I will not be supporting this motion.

[12.43 p.m.]

**Mr VALENTINE** (Hobart) - Mr President, I agree that if a member is of a mind to ask for a committee, it may not necessarily be something that is the work of this House, and should be the Government doing the research -

**Mr Dean** - It is my bill.

**Mr VALENTINE** - However, a member has a right to ask for support for a committee. If the members who have said they are happy to work on that committee are happy to do the work, it is not going to be any skin off my nose. They are the ones who will be doing the work, and I look forward to reading the report. It might help me to consolidate my position on this whole affair.

At the moment so many voices are being heard about so many aspects of this, and it is not going to hurt to have more information. I am happy to support the member in his wish for a committee. It does not necessarily mean I agree with the bill. I will wait and listen to the evidence that comes forward. I will also be interested in the Menzies research because you cannot have too much information. It helps to round it out in your mind and to have a contest of ideas. That is important so I am happy to support the member's wish for a committee.

[12.45 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I thank the member for Windermere for his dedication, persistence and almost dogmatic pursuit of this issue.

I have been going through it with him for many years. Thank you for asking that it move off to a select committee and for arranging the briefings. A lot of work has been done on this matter.

The Government supports this notice of motion for the appointment of a select committee on the bill. Tobacco use remains the single greatest preventable cause of death and disease in Australia and it is an important health issue.

Smoking has a significant negative impact on the individual and more broadly the community and Tasmania's health system. Increasing the minimum smoking age to 21 has been canvassed at Council of Australian Governments - COAG - Health Council. The Government is open to continuing a discussion at the national level, enabling states and territories to develop a consistent approach to this issue.

As is well known, Tasmania remains above the national average in regards to smoking rates. According to the latest National Health Survey 2017-18, 17.6 per cent of Tasmanians over the age of 18 are smokers. Nationally the figure is around 15.1 per cent. While we have seen in the latest Australian secondary school students alcohol and drug survey that smoking among older students has halved from 16 per cent in 2011 to 8 per cent in 2017, the Government still accepts there is more to be done.

Through preventative health measures and education Tasmania has made good inroads to addressing our smoking rates. We will continue to make that a focus. We have made smoking one of the four key areas we are working to address in our Healthy Tasmania strategic plan. As part of the plan we have undertaken measures such as increasing the cost of the licence to sell tobacco from \$370.45 to \$731.34 from 1 January 2017 and \$1111.35 from 1 January 2018.

The Government made changes to the Public Health Act to regulate the sale, use and display of electronic cigarettes or e-cigarettes, increased penalties for tobacco supply to children and introduced a fit and proper check process for tobacco seller licence holders. We have increased the compliance and education activities with tobacco retailers.

As this is the same minister as for Education, he would like it noted that our schools provide education on the harmful effects of smoking covered in the Australian Curriculum for health and physical education starting from year 5 until year 10. There is scope to expand that. For now, we look forward to seeing the outcomes of the select committee.

This is a private member's bill and it is up to the member if he wishes to move this off to a committee. In the past, as the Leader, I have never refused anybody who wants to do these things, especially with their own private member's business. The Government is happy to see it go to a committee, if that is the will of the House.

[12.49 p.m.]

**Ms RATTRAY** (McIntyre) - Mr President, I am not quite sure where I sit with this, but I did not want to lose the opportunity to speak. While I am speaking I will decide where I am.

There are a couple of things I want to address which the member for Windermere, in moving for the committee, mentioned. Yes, private members' bills are few and far between in this place, but, as we know, a considerable amount of work could be done through a committee and on a private member's bill, and then it gets to the other place and it goes nowhere. We have seen that in this



place; it will not be the first time we have seen it and possibly it will not be the last. I just want to make the point that we could do a year's worth of work. After the member read out the areas that he was hoping the committee would look at, I thought there is probably two years work there, not one year's. I am not sure what other members were thinking at the time, but I certainly was thinking that it was looking for an extensive amount of work.

I appreciated the member for Rumney's contribution when she talked about evaluating the data. I thought at the time that this is not something for which the committee has the expertise. We would have to buy in expertise and I think that would probably be fairly difficult. Then there was the suggestion that the Menzies Institute would be a perfect place for that research and evaluation of data to be taken on. If the Government supports this, why would it not do that - support the establishment of a committee, then do the regulatory impact statement, as the member for Windermere is going to put forward to the Government, and give a reference to the Menzies Institute?

**Ms Forrest** - They are already doing that; they do not need a reference. That sort of research is already on foot.

**Ms RATTRAY** - It would be interesting to know how long that is going to take. In the meantime, this House could have a vote on the bill before us - again, congratulations to the member for Windermere in bringing that forward and pursuing it to the degree that he has - so that the people in the community would know where the Legislative Council sits at this time with the information we have been provided with, and to have that on the public record, or in our notes, that we have received through the myriad briefings we have had.

Yes, we would have it in a condensed version, but to suggest we would get more accurate information in a committee in preference to the work we do through briefings, I think is somewhat disingenuous to the people who come and give us information in briefings. They would always give us the exact information that they need members of the Legislative Council to go away with and consider. Yes, we would have a report and we would have some *Hansard* to go with it, but we have already received a lot of that information.

I do not believe it is the case that people would give more accurate information; I do not support that at all.

As for those latest figures, we received a letter from the member for Windermere in regard to that. I did note that in his letter he said -

I write this letter as a matter of urgency, due to the maternal smoking rates for pregnant women increasing under our current government's watch.

That is something that the Government needs to act on now, not wait for a committee report to come back into this place. Surely programs and initiatives can be put in place to deal with exactly that urgent issue and not have to wait for a committee.

**Ms Forrest** - I was going to mention this when I spoke but I might not need to.

Those figures are up to the end of 2017; all matters of perinatal obstetric morbidity and mortality are reported on annually. Since then - I think it was in 2018 - the midwives at the Royal Hobart Hospital noticed this trend and implemented a carbon monoxide monitoring program,

encouraging all pregnant women to be monitored for carbon monoxide, so they could directly target it.

There are things happening and that was an initiative of the midwives at the Royal - and well done them because they have actually initiated a really important part of work that will hopefully see this rate drop away. Women will often say 'No, I don't smoke'. You test their carbon monoxide level and it is actually, 'Well, maybe you do'.

**Ms RATTRAY** - That is one thing I would personally like to see addressed now. Not, with all due respect, waiting for a committee report, then a bill to be debated in this House and sent to the other place to seek the Government's support for it, and then the Government to implement something two years away, if we are realistic about the time frames it takes to deal with some of these things.

I acknowledge the work done by the midwives because they see these issues at the coalface. I make that comment with regard to that.

It is important we put this out into the public arena. By interjection I asked the member for Windermere whether he could shed any light on the fact that an MLC had been threatened. We received an email this morning from Mr Mallett in response to that.

It is important we have both sides of the debate and the accusations. I place on record now that it was not me. Yes, I have been lobbied. That is what we are here for. We are lobbied every day about something. I have been lobbied, but I was not threatened and did not feel upset about it. I want to say that it was not me. There is quite a bit of chatter around the place about who it is. I suggest perhaps we say who it is, and it is not me.

This is the email we received and I expect there is no issue in making comments about that -

Dear members,

I am reluctant to hassle you with more information at this late stage, but given comments in the media this morning, I feel I must respond on behalf of myself and my members.

Robert Mallett is the Executive Officer of the Tasmanian Small Business Council and these are very important businesses because small business is pretty much what Tasmania is made up of -

First, I have noted with great concern the claims made in today's *Examiner* that an unnamed MLC was 'threatened' by an unnamed lobbyist regarding T21. If such action took place, it is deplorable and I categorically condemn it.

I would ask that any Legislative Councillor who has any knowledge of this issue, to clearly put on the record who and what allegedly happened so that appropriate action can be taken.

In other words, they are called out for it -

But if, as I suspect, the claims relate to one of the respectful emails sent to MLCs by either myself or Mr Kearney, representing his retailer members, or to our

individual representations, then I respectfully suggest that the claims of 'threats' are overblown and inaccurate to say the least.

As I noted in the *Examiner* today, I as much as any other retailer representative or interested party has a right to represent our views and those of our retailers on this issue.

We are lobbied; that is what we do -

FCTC Article 5.3 referenced by Ms Barnsley does not mandate the exclusion of retailers from policy development. The guidelines to FCTC Article 5.3 are a non-binding set of principles intended to assist countries and ensure tobacco companies do not have undue influence over tobacco control policy development.

To suggest that this should extend to me and my members not having a voice in response to policy that impacts their livelihood and day to day operations in their businesses, or that sharing our views on this and likely outcomes

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

## **QUESTIONS**

### **Labour Hire Service Contract**

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

[2.31 p.m.]

In relation to the \$11.55 million standing contract awarded to a panel of several companies for the provision of labour hire services in the Department of Health -

- (1) How many full-time equivalent staff are expected to be available to the department as a result of this contract?
- (2) Why are staff being sourced through labour hire companies rather than through the department's human resources branch?
- (3) Specifically, what positions are expected to be filled by staff associated with these companies?

### **ANSWER**

Mr President, I thank the member for Rumney for her question.

(1) to (3)

I am advised the Department of Health and its predecessor, the department of health and human services, have had a short-term labour hire service contract in place since September 2014. A new contract was recently put in place, effective from 1 July 2019.

This panel tender was established by the former government under the then minister for Human Services, Rebecca White, and the minister for Health, Michelle O'Byrne, and advertised on 4 February 2014.

The panel enables a standing arrangement to streamline procurement, as prior to the establishment of these arrangements the practice was to engage employment agencies on a case-by-case basis. These arrangements provide very short term support across a number of functions, including finance, policy, human resources and administration where duties cannot be performed by an existing employee and there is not adequate time available to recruit. These are commonplace arrangements that represent a tiny component of the Health workforce. The number of FTEs sourced under this arrangement will be determined by need.

### **Working Together for 3 Year Olds - Funding**

**Mr WILLIE question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT**

[2.33 p.m.]

Working Together for 3 Year Olds provides places for children in early learning centres. Children are eligible if their family has a Health Care Card, they are engaged with Child Safety or they are Aboriginal or a Torres Strait Islander.

The Minister for Education and Training, Jeremy Rockliff, has consistently stated that from 2020 this opportunity will be available to all eligible three-year-olds. It is now clear that Working Together will be capped at a 120 places in 2020. In 2019- 20, \$8 million is allocated, but the Government has stated that up to \$10.5 million per annum would become available as the program is rolled out.

- (1) What is the funding required for the 120 places per year?
- (2) Will any allocated funds that are not acquitted be counted towards the Department of Education's \$9 292 000 efficiency dividend?

### **ANSWER**

Mr President, I thank the member for Elwick for his question.

- (1) In 2020 the program will expand to 120 places as a result of recommendations made in the Clear Horizon evaluation report on the Working Together for 3 Year Olds pilot program. Specifically, the report recommended that the department needed to focus on -

Avoiding trying to do too much too fast, keep focused and ensure time frames are realistic.

The anticipated funding required to deliver this program in 2020 is \$2.6 million. It is important to note that the Government remains committed to a full rollout of the Working Together program taking a phased-in approach consistent with recommendations resulting from the review of the pilot program.

- (2) The department's required efficiency dividend is a separate process with consideration given across the agency on where savings can be made without impacting on frontline service delivery.

### **Working Together for 3 Year Olds - Efficiency Dividend**

**Mr WILLIE question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT**

[2.35 p.m.]

Mr President, I do not think the second part of my question was answered, so I will resubmit it to the Government, but it was pretty clear: Will any of the allocated funds not acquitted towards this program be counted towards the efficiency dividend for the Department of Education?

I will resubmit that question to the Leader.

### **NAPLAN Review**

**Mr WILLIE question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT**

[2.36 p.m.]

On 10 September this year, the Legislative Council voted for an amended motion calling on the Tasmanian Government to consider the merits of joining the breakaway NAPLAN review that will report back to the Education Council.

What actions have been undertaken by the Tasmanian Government to consider the merits of joining the review since that motion passed?

### **ANSWER**

Mr President, I thank the member for Elwick for his question.

The Liberal Government, our government, supports a valid, reliable, standardised and transparent national approach to measuring student performance.

NAPLAN currently plays an important role in this because we need some form of benchmarking to drive improvement and accountability in education.

We know NAPLAN provides a snapshot in time of student performance and must be considered alongside other assessments conducted by schools and teachers.

The COAG Education Council considered an additional review at a meeting the minister attended earlier this year, and it was determined it does not make any sense to have a third review, given they had already agreed to two reviews of NAPLAN to ensure NAPLAN is playing its role. It makes more sense to commit to a review once all jurisdictions have moved to online testing.

To be very clear, our Government does not consider it a good use of resources to undertake yet another review of NAPLAN, especially given all jurisdictions have not yet had the benefit of moving 100 per cent online.

### **NAPLAN Review**

**Mr WILLIE question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT**

[2.38 p.m.]

What actions have been undertaken by the Tasmanian Government to consider the merits of joining the review since that motion passed?

There was no explanation around actions taken by the Government in that answer.

**Mrs Hiscutt** - While the member is on his feet, if you submit your other question, we will just cut this out of *Hansard* and forward that on. Is that all right?

**Mr WILLIE** - I will resubmit this one.

### **MOTION**

#### **Establishment of Select Committee**

#### **Public Health Amendment (Prevention of Sale of Smoking Products to Under-Age Persons) Bill 2018**

**Resumed from above.**

[2.38 p.m.]

**Ms RATTRAY (McIntyre)** - Mr President, before the lunchbreak, I was quoting from an email sent to all members this morning from Robert Mallett, the Executive Officer of the Tasmanian Small Business Council. I was doing so because there was an article in the paper, one of the media outlets, that suggested there was threatening behaviour by the organisation.

**Mrs Hiscutt** - Mr President, I would like to state I also have not been threatened through the association at all.

**Ms Howlett** - I certainly have not been threatened by the organisation.

**Ms RATTRAY** - Mr President, that is three out of 15; we have a few to go.

**Mr PRESIDENT** - If any member wishes to identify themselves as the person who was, I am sure the other members would welcome that. It is surprising it was not better researched by the media.

**Ms RATTRAY** - I felt it was appropriate this be put on the public record in the interests of, certainly from my perspective, speaking to that alleged incident.

I had begun to discuss sharing our views on this and likely outcomes. In the interests of making it make sense, I will start from the beginning of that paragraph -

To suggest that this should extend to me and my members not having a voice in response to policy that impacts their livelihood and day to day operations in their businesses or that sharing our views on this and likely outcomes is threatening, is absurd and a very dangerous precedent.

Second, I cannot let go unchallenged the comments by Ms Barnsley in today's *Mercury* newspaper (and repeated in similar terms on ABC radio this morning) that the 'retailer peak organisations would be popping the champagne corks in delight that they have achieved an increase in smoking rates in 18 to 21-year-old pregnant teenagers? More money in their wallets?'

These comments are deeply offensive to myself. As I stated on the record previously, I as much as anyone else want to reduce smoking rates. I just don't think, given all the evidence, that this proposed measure of increasing the legal smoking age will work or have the effect that has been advocated, given most smokers already start at age 16 (which is below the current legal age of 18) and the main source of supply for underagers is already friends, family and the black market that this bill would not change.

It is extremely disappointing that activists have taken to such nasty and personal attacks and I am sure all Members of the Legislative Council would not wish the debate to be conducted in this way.

Finally, I wish to reiterate that the position of the Tasmanian Small Business Council is that we wish the matter of this legislation to be decided on as soon as possible to remove the existing uncertainty it is placing on my members. While we would prefer a second reading vote as soon as possible, if the Council determines to establish a committee to re-examine the arguments again, we will of course take part.

Regards,

Robert Mallet.

It was useful that was put on the public record. As I said prior to the lunchbreak, I received a phone call after the member for Windermere indicated he was looking to establish a select committee. When the honourable member called me, I indicated I would be prepared to go on the committee.

If the committee does get up, I will honour that commitment and be part of the committee. That does not necessarily mean I support the need to have a committee to look into this issue.

I have been part of the extensive briefing sessions and I have canvassed the will of the community. Obviously I have not spoken to everyone in my community. I wish I had, Mr President. That would have meant I have been really connecting with everyone. I have, at every

opportunity, asked people what they think about the introduction of T21. There is not, in my view, the support for this. As much as anything, it is around the age of consent. They feel that if you are given that age of consent to make adult decisions, rightly or wrongly, people should be able to make up their own mind about whether they want to smoke, drink or whatever else they might do.

If we have the education program we talked about to try to show the benefits of not smoking - as everyone knows in this place, I do not like smoking. I do not like what it does to your health but certainly I do not like what it does to your pocket. It is something I have never supported, but I also understand that people of adult age have the right to make their own choices.

We cannot stop people doing that when that is the age of consent. I have a position on this matter - not that I have been out there promoting that, but I have just been listening to what other people have said, and that is pretty much what they are telling me.

Do we need a committee to put the information we have already received on *Hansard*? I do not think we do. I think members are very efficient in what they do in this place and they record what they need to. Myriad information has been provided, but will I participate if it passes? Yes, I will - if that is the will of the House, that is the will of the House. I gave a commitment to the member and I will honour that commitment. Certainly I would be very keen to be a part of that committee should it receive the favour of the Council because there are questions I would want to put forward on behalf of the people who have lobbied very well in regard to their industry and about supporting small business and newsagents.

We heard also from the member for Windermere that most people buy tobacco at supermarkets. Not every town has a supermarket. They rely on a small corner store or a newsagent for some of those supplies that they need for their day-to-day living. You cannot necessarily drive to the supermarket, whether they are at a discount price or not, particularly if you are on your way to work. You need to get to work and you cannot go via a supermarket to save \$2.00 on a packet of cigarettes. I do not know that is the case; I do not buy cigarettes. I stand sometimes behind people in a check-out line at a supermarket and I am absolutely horrified that they are \$43 a packet, but again, it is not my choice. It is not my choice to tell people, 'You shouldn't be buying those cigarettes; you should be spending that money on milk and bread and whatever'. People make their own choices and I thoroughly support -

**Ms Forrest** - I tell them.

**Ms RATTRAY** - Well, the member for Murchison is much bolder than I am in that regard because I do not, but I certainly think, 'What are you doing?' Again, they might look at my shoes sometimes and think, 'I don't think I have seen those before, what's she doing?' We all have things that possibly seem extravagant in some way and that are possibly too high and not good for my health and wellbeing - all of those things. I have no idea. As I said, I respect what other people choose to do in their life and how they do it.

I will participate in an inquiry, but it is not my preference. My preference is to speak on behalf of those small businesses who have made contact with me and have indicated that, in their view, it will impact on what they do day to day. It is a legal product so they are only selling something that is legal. Where do we go after we deal with this? Do we head on to alcohol, which can and in times -

**Ms Forrest** - It kills more people than most other drugs.



**Ms RATTRAY** - This is a really big issue. Is the community ready to embrace it? I suggest not at this time. I would like to see the member bring forward the bill, but that is the member's decision to do that. He has every right to do just that with a private member's bill and I respect him for that.

At this time, I do not intend to support it, but if other members of this House feel it is necessary to make sure that we have information that has already been provided on the public record on *Hansard*, so be it.

Again, I take members back to the fact that I do not see any reason that the government of the day cannot undertake a regulatory impact statement now. The member has indicated he will write to the minister.

**Ms Forrest** - No, it is Rockliff.

**Ms RATTRAY** - It is Rockliff, it is not Health; okay, thank you. We had that discussion earlier in the debate. He will write to the minister and ask for this to be undertaken. I thoroughly support the offering by the member for Rumney in regard to the Menzies Institute and the research it has.

Would this not, at a later time, inform whoever is in this place with regard to whether a government of the day might want to tread that path and whether the Legislative Council then decides it would support the government's initiative? Even if it is supported in this place and goes to the other place, if the government does not have any skin in the game regarding the regulatory impact statement assessing the Menzies data and the like, they are going to do nothing with it.

We could effectively have wasted 12 months and they could be getting on with some of those programs that might help some of those people, particularly pregnant mothers, who may want to try to give up before they deliver their babe.

**Ms Forrest** - Hopefully before.

**Ms RATTRAY** - More before that, but often they realise after they are pregnant. How many people have we known who did not realise they were three months pregnant and all of a sudden, they are no longer drinking wine. In the early stages, they did not possibly know and were still drinking. That happens as well.

People are responsible, in my view, for what they do to themselves. At this time, 18 is the age of consent and we are talking about a legal product.

[2.52 p.m.]

**Ms FORREST** (Murchison) - Mr President, I will make a very brief contribution on this so as not to drag it out. I commend the member for Windermere for his passion and dedication to this cause. It is a really important cause and as a health professional myself, and having seen the harm and the inevitable demise of people as a result of smoking, it is a compelling argument we are having. I do not want to visit it for those harms of tobacco use because that is for another time.

I have always been inclined to support the bill because of the very real harm tobacco use creates, but there have been some unanswered questions. One of the biggest unanswered questions on this is how will raising the smoking age to 21 assist the people in Tasmania, who we know have the highest rates? The highest rates are generally young people or anyone living in low

socio-economic areas, people living in poverty, with intergenerational poverty and intergenerational smoking behaviours.

This is why, the Menzies Institute for Medical Research should conduct its research and complete that body of work which should be very targeted at Tasmanians, about their views, about whether this will work or not, by engaging with young people.

It is very difficult for a committee of this parliament to engage with young people in a way a researcher can. It is very difficult. To put a young person or many young people, which the Menzies Institute will work with, under oath in front of a committee and having their words recorded, even if you do it in camera, would be pretty confronting and daunting for them.

My suggestion is we allow the Menzies Institute to do this work and wait until it has. The institute does amazing work. The research out of Needham in the US is not comparable to Tasmania. It is a high socio-economic area. We learned that when we were recently briefed. I acknowledge the member for Windermere for arranging for people who have intimate knowledge of the work being done in Needham, USA and other places to come to speak to us.

The Menzies Institute will undertake targeted research for Tasmanians to get some indication about whether this will be effective. It takes time to do proper quality research. It has to be peer-reviewed to have any credibility and it needs to be conducted properly.

I am not sure what the time frame is. The member for Rumney may know.

**Ms Lovell** - Through you, Mr President, no, I am not sure of the time frame. It is in the early stages.

**Ms FORREST** - Unless the member for Windermere wants to bring the bill on, I would be happy for him to do that. If he waits until the Menzies Institute for Medical Research has done its work, it will become apparent when we get this Tasmanian-focused research whether we need a committee inquiry.

I have read so much on this and had representations from many people. I have talked to people in the community and have had a fairly broad cross-section of views on this, including some people very close to me who have differing views from me on many things.

This is the question that is unanswered. I do not believe a committee of this parliament can adequately answer those questions in the robust way a research institute can.

I would be happy for the member for Windermere to leave his bill sitting on the Table while that work is done. It is important we address it. Our smoking rates are not good.

**Mr Dean** - I can give you more information on the report.

**Ms FORREST** - The Menzies research? Yes, okay. Once that research is available, it will give us that body of knowledge that is lacking in this debate. If it then becomes apparent there are still gaps in our knowledge, we could revisit the question before us today.

I am not intimidated by Big Tobacco. They are generally evil. I always harp back to a beautiful sketch the late John Clarke did. Google it if you have not seen it.

It starts with him sitting at his desk with a Big Tobacco executive in front of him. He gives a very sincere message - I have shown this to young people at schools when I have talked to schools about this sort of thing - and he says -

Big Tobacco: We realise we have been very wrong -

this is paraphrasing because I cannot remember exactly what he says -

We have made some terrible mistakes. This is a really harmful substance we have been pedalling all these years and now we are going to ban it.

Or something like that. Then he throws his head back and roars with laughter.

This is the message. We all know this is a harmful substance, but people still use it. Unless you are going to completely prohibit it - and we know prohibition does not work - we have to find ways of dealing differently with it.

In my non-support for the member's motion, with due respect to his intent - and I think the member for McIntyre mentioned this as well - what we really need now are targeted programs. When was the last time we had a major anti-tobacco campaign run by the government in this state? It was 2013 as far as I can recall. A very long time ago.

Young people coming through that very impressionable part of their lives now have not had the bombardment that so many of us had. Mr Rockliff's adviser is here listening to this. I want the Government to look at and run a serious campaign targeting young people, particularly looking at how we can support young people in low socio-economic areas not to make smoking a choice for them.

That is what the Government needs to do. The other thing it needs to do is focus on potentially pregnant women, which is pretty much anyone under a certain age, and women who are already pregnant. I commend the Royal Hobart Hospital midwives for the work they are doing in the antenatal clinic there, getting on the front foot. It is a little device, cheap to buy. I have not talked to the midwives recently about how it is going, but I did speak to them when we relaunched the College of Midwives in Tasmania, the Hobart branch. It was very exciting. They talked about the amount of presentations about this body of research they were doing.

**Mr ARMSTRONG** - Point of order, Mr President: is this to do with the inquiry, all this debate? I think we are getting off track again.

**Mr PRESIDENT** - A point or order raised by the member for Huon. I think the member is just -

**Ms FORREST** - I am just reiterating why I do not think we need to send it now. I am talking about what the Government needs to do now.

I am supporting the position the member for Windermere is taking in the need to address tobacco. I am talking about this is the sort of thing that needs to happen now, while we wait for the Menzies Institute for Medical Research to do its work and then look at whether a committee of inquiry is important after that.

**Ms Rattray** - A regulatory impact statement could be done also.

**Ms FORREST** - Yes, this is another aspect that could be done. It may not be necessary, but they could be done and it is up to the Government to do that too. We need to have these programs targeted at the people we know are the subject of this bill the member for Windermere is trying to address. Particularly we really need to target women living in lower socio-economic areas who are likely to get pregnant, to support them and make sure they have the information they need and put in place really supportive programs to assist them to stop.

Mr President, I note the Leader in her contribution talked about some work around a nationally consistent approach and the minister was looking at that.

**Mrs Hiscutt** - COAG, yes.

**Ms FORREST** - This is important because we are a state, and whether a committee would look at this, as it is outside the terms of reference which only include the bill -

**Mr Dean** - And any matters incidental thereto.

**Ms FORREST** - Yes, that is a long bow. You could bring up absolutely anything in that but, really, you want to be focusing on the bill.

That is the other thing the Government needs to do - continuing to look at the fact that we are one country and it is easy to cross state borders. A nationally consistent approach may be the way forward, but it would be interesting to see what the other states think about this, acknowledging at the same time that we are talking about state-based legislation. There are two aspects there.

It does not have to be a matter for the committee, as such. That is a matter for the Government to consider.

I note that when the member for Windermere made his opening comments, it is his private member's bill and all parties are continuing to push this really important matter, but the Government did request this. The Government should be taking some action and actually be committed to some of these other harm reduction measures we need for smoking at these targeted groups.

It is unfortunate the Government is not taking the lead more on the issue and is sitting back while the member for Windermere does the hard yards on this.

I will not be supporting the referral to the committee, not because I do not think it is necessary entirely, but think the body of work to be done by Menzies Institute for Medical Research will actually gain the information. If I am correct in understanding what the frame of its work is, I want to add to those questions. Once that research is done and available - and I am sure it will be released as soon as it is available and has gone through all of the usual processes of peer review et cetera - it may become patently clear we should just proceed with the bill. The Government will have nowhere else to hide if it is shown to be effective, whatever it is, and we can move on with the debate on the bill itself.

The work of a committee would not be able to be as detailed and thorough in answering that question, but once the committee has that body of work, if it were necessary later, it could be helpful.

These are the reasons I am not supporting the referral to the committee but I do, again, commend the member for his passion in this area because it is such an important matter.

**Mr PRESIDENT** - I remind members, if you do have any points of order, just stand up and raise your point of order and explain it, and then we will rule on the point of order. That is the proper process there.

[3.05 p.m.]

**Mr GAFFNEY** (Mersey) - Mr President, I was not going to speak to this motion, but will make a few points for members to consider - but I am going to stick to the motion before me.

I agree with the member that whenever a member of this place requests a briefing or an adjournment to get more information or assistance, we always or usually agree to that as a group because we believe that is important. However, I am not certain we can assimilate private members' bills to that going to a committee in the same situation. We have only had three or four private members' bills in the past 10 to 12 years. I think you are drawing a long bow to put that together.

When I presented the fire offences bill, a private member's bill that was completed in 2016, I never envisaged I would take that to a committee. You do the work, you get on the Floor, you debate the bill and you amend or accept the bill as it is.

I did not see it as that just because I thought I might not have the numbers here, I would be better off to send it to a committee because I needed them to be more convinced.

This journey has been very long, even though the T21 bill - as I will call it - has not been, but when you look at the tobacco-free generation, we have been travelling this path for quite a while in various forms. Things have happened, as the member for Windermere pointed out, with parliament being prorogued and a whole lot of things.

We have had a lot of briefings and a lot of information. Even today, I am still going through my emails and information that has come in today. This is probably the longest speech I will ever make if I ever get to make it. It seems it is going to be delayed and delayed, and some recommendations will come from a committee that the Government will or will not accept anyway.

Whilst I am personally in support of T21, and I have proposed a more radical change to that, I will not focus on that. That is not what this is about. This is about whether it goes to a committee.

I would like the chance to put on record some of the statements about the comparison of a person's rights at a certain age and whether alcohol and cigarettes are the same sort of thing or whether prohibition works or does not work or whether there will be any gain. That is where I am a little disappointed if this does go to a committee, because possibly then we are not going to have that debate on the Floor and that needs to be out in the community - but that is also for another time.

A part of me believes we would be better off having the debate on the bill and so be it. As some say, let us put it on the Table, get it out there and if it is defeated, then bang, there is another couple of years they can work on something else and there could be a committee inquiry or, if it is not defeated, it goes down to the lower House.

I imagine that everyone has spent hours on this, changing it all the time as you get more information. I am still highlighting information.

One of my concerns with the bill being the focus of a committee inquiry is that even though there is 'any matters incidental thereto', it does state a position about T21. It puts the committee into this place where they have to look at the bill and ask what is right with the bill and what is wrong with the bill.

I think it was the dying with dignity bill in 2012 - a committee was sent away to look at what was right and wrong with the bill, and that is part of this. We would be better off having a committee inquiry about what we can do to minimise the harm and impacts on the whole community - what are some of the strategies that we could put in place? One of those is the T21, but there are others that we have mentioned before.

From my point of view, if you are going to have an inquiry, you make it a bit more encompassing and make it something the government of the day can go back to and say that T21, under-age women, people in social isolation, they have looked at all these different things.

We can say yes, because it says 'any matters incidental thereto', but it is not the primary purpose. The primary purpose of this committee is to look at the bill. It is not a complex situation. We are asking to change the procurement age from 18 to 21. How does that work? It is not a big deal. You make a decision and you vote on that.

It is not about raising the age when a person is allowed to smoke from 18 to 21 because you can still smoke at 18, 19 and 20; you just cannot buy them until you are 21. That is what this is about, and I had some issues with that.

Part of me wants to have the vote and see where the cards fall; however, as the honourable member stated, a committee would draw in individuals and groups that are making claims under oath and clarify those claims. There is an advantage to committee process because they have to be able to prove what they say. That is where the rubber hits the road.

**Ms Forrest** - The real challenge is hearing from young people about what they really think. That is why the Menzies Institute is going to be so important to inform the debate.

**Mr GAFFNEY** - I agree. That was why I was concerned about starting to tell the Government what to do before the Menzies information comes in.

**Ms Forrest** - We know there is a problem with some of the groups. They need to focus on what we already know.

**Mr GAFFNEY** - If we are going to do that, we have to go down to the Menzies and work that research paper. I think this is a good thing. I think T21 would work. I would like the opportunity to put that on the record, but I am not sure I am going to be able to.

I also accept the support and strategic assistance the member for Windermere has received from his support crew, international, national and within the state. They believe it is beneficial to go to committee. I will read two sentences out of the email that we have today from Ginny Chadwick the western regional director. She said -

I write on behalf of the Preventing Tobacco Addiction Foundation and its advocacy counterpart, Tobacco 21 to express our **STRONG SUPPORT** for independent MP Ivan Dean's request to send the Public Health Amendment

(Prevention of Sale of Smoking Products to Underage Person) Bill 2018 No. 45  
to the Select Committee of Legislative Council.

They have said that right up-front. They want us to send it to a committee. The closing line in that letter was -

We ask that you vote to send the Public Health Amendment (Prevention of Sale of Smoking Products to Underage Persons) Bill 2018 No. 45 to the Select Committee of Legislative Council to continue the public discussion of how this policy can work in Australia.

She had me up until then. We are not sure if we have the numbers. What does sending it to committee do for T21 advocacy in Australia? It does keep the conversation going. But is that what is best for Tasmania? We have had debates in this place and in this state that have stretched on for years, whether it is a conversation over forestry or cigarettes. Sometimes people in the community get tired of that. It was the Tobacco Free Generation then T21. What next? Now they are going to send it to another committee and another committee. People get frustrated with that.

Sometimes you are better off dealing with it. If there is enough effort and thought around it, introduce an inquiry about cigarettes and smoking and how we can minimise the impact.

Dilemma: What do I do? Do I vote for the honourable member's committee or say put it on the table and get to the debate? If it does not go through a committee, it will lay on the Table until the Menzies report comes out in 18 months to two years.

The 60 pages of really good information I have in my folder will have to wait for another 18 months. I will support it going to committee because we need to keep the conversation going.

[3.15 p.m.]

**Ms WEBB** (Nelson) - Mr President, I acknowledge the work undertaken to date by the member for Windermere on this bill and this issue. I absolutely share his passion for better health outcomes for the Tasmanian community and the importance of lowering smoking rates dramatically to help achieve this. I thank the member for Windermere for bringing this motion before us to consider in terms of putting together a select committee.

I am not entirely convinced at this time a committee process is necessary or would be the best way to progress this and resolve the discussion that still sits around this bill, although I am still quite torn about it myself, as the member for Mersey has just discussed. I certainly appreciate the contribution of the member for Mersey and concur with many of the points he raised. In particular, I agree with the value of a broader focus to a committee inquiry to look at not only this initiative and option, but also perhaps a range of other options. What can be lost a little, and it comes out a little in some of the rhetoric the member for Windermere uses, is that this is only an option for tackling this urgent and compelling problem in our community. Most of us agree and recognise the urgency of this issue to be addressed and would like to see more effort devoted to addressing it. Certainly more funding and more commitment.

This initiative proposed in the bill is one proposal to do this. It is not the only one and potentially, not being convinced about supporting this bill or the initiative in it does not mean a person is not in support of other urgent and funded actions. To be clear about this, perhaps a broader

committee focus would help tease this out and allow us to be really unified in our support for seeing more and better and better funded action in this space.

I am generally inclined to support efforts for more examination of evidence and consideration of contested issues. That is a good thing I would almost always support. I share the member for Windermere's views on the problematic nature of when we only have private briefings on important and contested issues, off the public record and without accountability or the opportunity for robust scrutiny. That is a concern I share and the committee process would address in this case on this issue, and that vast array of information the member for Mersey refers to. In many cases, it is a vast array of really great information and evidence, and it could be made publicly viewable, discussed in the public domain, scrutinised and really have the robust interaction the committee process would afford it.

It also means things are on the public record and even if through that process they remain unresolved in the first instance, there is a public record that can be revisited and reviewed at a later date. For further discussions around this issue, we would have this available to us if the committee process happened. All of that inclines me to support the idea of a committee. There is that side of it.

However, I am not convinced a select committee process at this time would deliver us information and evidence much beyond what has already been presented, albeit privately. I am very heartened to hear the Menzies Institute for Medical Research will be undertaking a thorough independent examination of key components of the proposed T21 bill, with a particular focus on its likely impact and effectiveness in the local Tasmanian context. The Menzies Institute is very well placed to conduct this research, and there are currently evidence gaps of likely local impacts and relevance its research may well contribute towards filling.

In light of imminent commencement, it may not be timely to undertake a committee in this place on the T21 bill while we are in the absence of such potentially valuable local evidence. It is unlikely the Menzies Institute would deliver evidence during the time the committee was being undertaken, so we might end up with a committee providing a report and findings that are broad or general in nature because we are still waiting to hear from the Menzies research when it is delivered to us.

Perhaps the best opportunity for progressing this bill is when those evidence gaps are filled and we can have a greater read on likely local impact and efficacy of the initiative. Other than evidence gaps, in my view the biggest hurdle to clear for this proposed bill is the contravention of our clear principle to treat adult Tasmanians equally. It asks us to treat one group of adults differently, based on a single characteristic, in this case their age - those between the ages of 18 and 21. In my view this presents, potentially, a problematic precedent. We should not lightly set aside this fundamental principle.

In his opening speech, the member for Windermere tried to characterise this concern that I hold and referenced me as holding it. He did not quite catch the right angle on it, but I do not think now is the time for us to delve into that argument because it is not relevant to determining whether we have a committee or not. However, it would be something that I would want to see dealt with thoroughly within a committee context if it were to occur. It is certainly a key sticking point for me in supporting the legislation.



I accept and agree with the compelling evidence of overwhelming harm caused by tobacco products - I think we all do. I understand the compelling medical evidence for aiming to minimise or cease the uptake of smoking by people in their teens and early adulthood, and the benefits to individuals and our broader community if we can be successful in doing that. There is certainly plenty of evidence in that medical area on this issue, and I do not believe that anyone would be disputing it. If the committee is formed, I hope it does not spend too much time awash with this uncontested evidence base but instead focuses on the elements that are unresolved, namely the evidence that this particular initiative would have an impact in our local context and those implications that I mentioned for putting aside the precedent of treating adults equally.

I will take the opportunity while I am here to state very clearly that I am not disinclined to support this proposed committee, nor the bill itself, for any reasons relating to or under any influence from the tobacco industry or, indeed, the retail industry that sells its products. I distinguish the two industries here in saying that.

In fact I find the issues raised by those industry groups largely spurious and the evidence they present fairly unconvincing. Let me be clear here today: I regard the tobacco industry as repugnant. It is, quite simply, an industry that profits from killing people and causes great suffering. I think it would be quite an excellent result, ultimately, to see the tobacco industry go bust through our successful efforts to minimise smoking in our community.

In regards to retail businesses that sell tobacco products, these are different propositions. I believe that mostly tobacco sales are a small part or one aspect of their model of business. Businesses shift and change all the time. I note that tobacco retailers are disproportionately clustered in low socio-economic areas. This is not unlike another addictive and devastatingly harmful product that we fail to best protect our community from, and people will not be surprised to hear me mention poker machines in that sense.

Given that clustering, I think there is an opportunity to consider community interest and social and health impacts in relation to the licensing of businesses that sell tobacco products. The member for Windermere mentioned an example of a business that had chosen to move away from that product. I think encouraging or incentivising people to modify their business would be a great way for us to focus on that side of this issue. No doubt that would be opposed by the tobacco industry. It would vigorously oppose most efforts, I would suspect, to reduce the retail footprint of its products because when it comes down to it, it is as simple as this: preserving the industry's profits is directly against people's health and their lives. It is our policy choice and regulatory challenge to manage that.

In recognition of the blatant financial self-interest of the tobacco industry to influence policy and oppose the best interests of our community, we have these sets of principles to ensure that tobacco companies do not have undue influence over tobacco control policy development. We would rightly look askance at a tobacco control policy being written by the tobacco industry or individual tobacco companies. We would rightly look askance at taxation rates on tobacco being dictated by the tobacco industry or tobacco companies. We would rightly look askance if the tobacco industry or tobacco companies were to provide the vast majority of political donations to any party contesting an election based on a policy that provided that industry with direct and substantial financial windfalls. We would rightly be appalled. We would find that appalling when it comes to tobacco, but we would contemplate it in other industries that are similarly harmful and deadly.

However, we are not here to discuss that today. I will return to the question at hand, which is the proposal to establish a committee in relation to the T21 bill. I am concerned about the focus of the proposed committee. It would be more valuable if it were broader, and I could support it to be that way. I would like to see this matter resolved. I note the drawn-out nature of the discussion. I am also concerned we are focusing so much in this space that we are discouraging action and commitment and funding on this issue through other valuable and evidence-based initiatives.

I will not support this motion for a committee. However, I hope the member brings the bill or resolves to leave it until after we have the results of the Menzies research. It will give us the right context to talk about this with a local evidence base and be able to weigh it against other initiatives we might seek to deploy in this space.

[3.27 p.m.]

**Ms ARMITAGE** (Launceston) - Mr President, I will make a short contribution but I will confine my comments to the motion before us.

The member for Windermere is passionate about this matter. It is commendable. No-one can doubt his belief or his dedication and the amount of work he has undertaken. That does not mean I will support his motion unless I believe an inquiry is the best course of action.

I have considered the member's motion, and I agree with him that it is the right of every honourable member to seek an inquiry. If I were moving a private member's bill, I would expect to provide evidence to convince honourable members to support me. I would not expect it to be supported simply because I put it up.

We all recognise the health impacts of smoking. In an ideal world, tobacco would be an illegal substance; however, we know prohibition never works. At the very least cigarettes could be without the addictive additives.

I have reluctantly agreed to be part of the committee should it get up, but I have already advised the member I am unlikely to support this inquiry. I appreciate the comments by the member for Rumney and also the member for Murchison regarding the work and the research of the Menzies Institute for Medical Research. I believe this is the correct course of action for this time.

We have had numerous briefings both now and when the member brought up the Public Health Amendment (Tobacco-Free Generation) Bill 2014. I note the report from that inquiry of 6 July 2016. I quote the findings, which could just as well suit this inquiry if it were to get up -

1. There does not appear to be any significant legal impediment to the operation of the Bill in delivering the policy intent.
2. The Parliament should take a measured and cautious approach in considering a Bill which could limit or 'extinguish' fundamental rights relating to age, equality and liberty.
3. The Bill raises some practical legal issues in relation to online sales and the impact of the Bill on tourism/tourists. The proposer of the Bill may wish to give consideration to amendment of the Bill to avoid negative impacts on tourism.

4. Should the Bill be supported, appropriate education programs would be required to effectively implement the Bill. This would incur a cost and would be a matter for the Government of the day.

As I stated, those key findings probably could just as easily refer to the inquiry that is now proposed.

I hate smoking as much as anyone else. I can remember going into hotels, clubs or pubs and going home with hair and clothes smelling of smoke. We have come a long way, which is a really good thing. It would be great if no-one smoked. I agree with the member that there must be more education to discourage our young people from smoking. Unfortunately, many people start smoking while at school or at 16, or in many instances below. We appreciate that many of them are addicted. As I pointed out I do not intend to debate the merits or otherwise of the bill, as we are simply debating the motion for an inquiry. I point out at this time I have not been influenced by anyone on how to vote either way and I certainly have not been threatened or intimidated.

I have listened carefully to the member and will listen to other members, but I cannot support this motion for an inquiry because I have not been convinced a Legislative Council select inquiry is the correct course of action at this time.

[3.30 p.m.]

**Mr ARMSTRONG (Huon)** - Mr President, I have listened to the debate regarding this motion with interest because I was not too sure where I was going with this. I do also commend the member for Windermere for bringing this forward.

Smoking is something I have never done myself. I listened to the member for Launceston talk about how you would go home and you would smell it in your clothes and everything. I never had to worry about smelling it in my hair, though.

We all know smoking does have an issue with people's health. My father smoked heavily and passed away in his 80s. Whether it was from smoking or not I do not know. It was one of those things.

The one thing I really would like to know from the member for Windermere is, if this does get up into the committee and I am not too sure where I am going to go with it still, what is going to happen after that? Whatever the findings of that committee, is the member going to bring the bill forward because this has gone on now for a number of years and there are businesses out there unsure of where they are going? That is no good for the business community. The business community wants certainty.

The Menzies Institute information could be 18 months or two years down the track. I know one owner has his business up for sale. It is a newsagency and has a big turnover of cigarettes. He has people interested, but they are not going to purchase it at the moment because they do not know where this legislation is going. It has an effect. The member for Windermere said it will have only a minor effect for those 18- to 21-year-olds, but it has an effect and a turnover effect. I would really like to know what the member is going to do if the committee gets up; whatever the findings may be, will he then bring legislation forward or is he going to wait till he thinks is a better time? I do not know.

That is one of the things I want to know because, as I said, businesses need to know where they are going in the future. They could be doing renovations or reorganising their shops. We have people out there who only rely on tobacco. The tobacconists in Cat and Fiddle and everything. That is their business. They are not a corner store or newsagency.

I have not made up my mind yet where I am going to go with this, but I would like to know those things from the member for Windermere.

[3.33 p.m.]

**Mr FINCH** (Rosevears) - Mr President, as you can tell from the fact I have no notes, I have not gone deeply into my research for a presentation today. I thought I would listen and see what other members contributed and then hopefully my thoughts would be crystallised to be able to be definitive about where I am going to go. Like others, I am all over the show. It has been very difficult to have a positive course of action.

Through this I have appreciated people commending the member for Windermere for persisting and pursuing this, and keeping going. I will draw no short bows to the fox issue, but certainly you are indefatigable when you have an issue you want to pursue. This issue is something I share.

It is interesting that the member for Huon has not been a smoker. A lot of people do not understand the impact smoking has on your life when you are addicted to nicotine. I was a 60-a-day person for many years and managed to go cold turkey, which was very helpful to my willpower over the years. A lot of people at that stage, when I was trying to give up 40-odd years ago, did not understand how compelling nicotine addiction is. There was a lack of understanding of what people were going through and how hard it was. People who were non-smokers would say, 'Just give up' - 'Well, it ain't that easy.'

**Ms Webb** - There is a lack of understanding on many issues of addiction in the community.

**Mr FINCH** - Sure. I was interested to watch how this issue of smoking would unfold for our society. The reason I gave up was the cost and that it was bad for my health, and I felt it as a young person. I was interested to see how society would deal with this addiction that our community had. Thankfully, we have done it incrementally. We have not been jackbooted about the way we have gone about trying to swing those smokers over to be non-smokers. Slowly but surely things have been put in place that have compelled people to give strong consideration to their addiction to smoking.

I remember in the old radio studios where we would be puffing away and ashtrays were everywhere, and going through the equipment - buses, planes, there was not a place you could not go - and then you are flicking your butts all over the streets.

Sorry, member for Huon, I am probably getting you off track here too, so you might need to call a point of order.

**Mr PRESIDENT** - If he does not, I will.

**Mr FINCH** - Okay, I will truncate what I am saying. I would be pleased with the way we have dealt with things, and even in my time here, in my 18 years here, I have seen we have made those moves to put more and more pressure on smokers to question what they do in the hope it will encourage them to take that really serious look at giving up.

This is another increment in that campaign I talked about, of trying to change society, to get people to come around to a completely smoke-free society where everybody has made that decision not to smoke. Of course for the young ones, it is this brand image - the cigarette in the gob making them look mature or whatever it is - that drives them.

We are dealing with another section of the community, but there are the younger ones who respond to the education programs the Government needs to consider constantly, and the Menzies research that gives us more of a focus on what is happening and what can be done.

At this stage, because it is one of those incremental steps in focusing on this issue of smoking, I am inclined to support the member for Windermere's motion. He is a great man on numbers and I think he has been having a look around the Chamber and a message might be coming through.

I am also a bit interested in the fact that in respect of the proposed committee, members who have opted to support you by saying they will be on the committee are then quite negative about their involvement in that. Generally, I would like to think that people go into, or are able to go into, an inquiry like this with an open mind. It is not always the case, but it is interesting that on this one there are so many members who, from the get-go do not have an open mind, as has been expressed here.

**Ms Armitage** - I would not say I do not have an open mind. I am simply saying I do not believe that a committee is the right process, but should it go ahead, I would like to see everyone represented. I am quite happy for you to take my place on the committee.

**Mr FINCH** - I may not have been speaking about you.

**Ms Armitage** - I do not mind but I am quite happy for you to take my place.

**Mr FINCH** - No. It is interesting that you make that comment.

**Ms Armitage** - You mentioned the committee.

**Mr FINCH** - Members of the committee. I did not cite you specifically.

**Mr PRESIDENT** - Order, quarrelling.

**Ms Armitage** - Through you, Mr President - last comment: you did say those who make negative comments, and I was one of them.

**Mr FINCH** - Okay, it must be your conscience playing up on you.

**Ms Armitage** - Not at all, Mr Finch.

**Mr FINCH** - I will leave it there. I will support the honourable member.

[3.41 p.m.]

**Mr DEAN** (Windermere) - Mr President, I thank members for their contributions. It has made for a good debate as to whether this matter should go to a committee.

I will probably miss some issues raised by some honourable members. It will not be deliberate, but if you want to raise them later with me, I am happy to address them.

I will make a couple of comments about the Menzies research. The Menzies research will be invaluable for tobacco control in Tasmania. The Tobacco 21 project is funded by a philanthropic donation, not by the government, to provide baseline data on the perspectives of T21 and current youth smoking in Tasmania. I will not mention the organisation, but it is wonderful.

The report is intended to be released in either August or September next year and will track the impact of any legislative changes in the meantime.

The regulatory impact statement has been mentioned and I will be asking the minister and the Government in writing to undertake that process. The Menzies research study will not be undertaking that part of it. The economics side of it will not be addressed in the Menzies research.

The member for Murchison raised a very important point about pregnant women and smoking. The midwives and the hospital are taking action in relation to the carbon monoxide monitoring scheme. T21 stops the reason for that happening and will have many of them, hopefully, not smoking when they are pregnant. That is a critical part of this whole bill.

I wanted to correct the record where mention has been made of Mrs Barnsley. It is Dr Barnsley and it is quite disrespectful if we do not use the proper terms and proper titles of people. I ask that people recognise and use the current title.

The member for Rumney raised the issue of the resources around you in putting a private member's bill together. That is true. The amount of work I have put into this has been absolutely tremendous - the work put in by Dr Barnsley, by the Minderoo Foundation and many, many people I might add. I talk about Dr Gall; we talk about a lot of other people and it has been absolutely unbelievable. If you were to put a dollar estimate on it, it would probably be in hundreds of thousands of dollars. I do not have those resources available as the Government does in putting bills together. It comes back to the individual and their staff. I thank my own staff for what they have done and the effort they have put into this. I can tell members, as the member for Mersey would know very well, that it is not an easy process to get a private member's bill up and in place and so on. It is difficult.

I will try to go through some of the comments raised by members. I have raised the Menzies situation and what is going on there.

Some members raised the issue that government should have done some work on this. I do not quite subscribe to that, other than the regulatory impact statement which it should undertake and I hope it will. I will write to the Government. It is a private member's bill and therefore to expect the Government to undertake some of that work is probably not the right way to do it. I would certainly like to see that happen. I must say my approaches to the Government, Opposition and any approaches I have had to the Greens have all been good. Nobody has stood in my path as an obstacle in getting this process moving and getting it up. Not one. I appreciate the effort of all people in that regard.

In making this statement, I have no problem with any member. Some members have criticised the fact I have had this on the books for some time without any action being taken. I have no problem with any member in this Chamber ringing me or talking to me and giving me advice on what they think is the best way forward with this matter. I must make clear that now the only advice

I would not receive is that I not proceed with it. I would not accept that advice and members would understand that. Any member who has any advice at all on how I should proceed or what I should do, please talk to me. I am not going to run off and say somebody said this and somebody else said something else. That is not the way I operate. I do not do business that way. Please, please do that.

The COAG situation has been discussed and it will be interesting to see where it goes. I was aware of that. There are discussions and movements there also. We will be watching this fairly closely over the next period of time.

There is more to be done some member said. Yes, there is.

The member for McIntyre made some comment and I did not write it down so I will paraphrase it. She said a committee report could be done and then ignored in the other place. That is the same here. It could be ignored in this place as well. That is what happens with committee reports.

I need to make it clear that, in this instance, not only has the Government come to me and asked whether I would consider sending it to a committee or attempting to get to a committee, but other people have mentioned that as well. It is not just the Government.

**Ms RATTRAY** - Why didn't they do a joint House committee? Why didn't they offer that up?

**Mr DEAN** - No, do not blame the Government - blame me for that. I can explain that. If the member wants that explained, I will explain that to her. In fairness to the Government, they mentioned a joint House committee to me. I was gung-ho about that. I thought that is probably a good way to go - this was after I had taken advice from the member for Murchison and the Clerks on just who had responsibility for this and how it could be done. It followed on from all of that.

When I started to talk about the joint House committee, it was made clear to me by a number of people - and I do not want to identify anybody here - that if I went down that process, this matter would probably still be going in two, three or four years time. Getting a joint House committee together at this time is extremely difficult.

When I started talking about numbers in the other place, I was told there is a huge amount of work down there and there are not enough members available to do the work. They said I would struggle to get three members; if there were going to be six or whatever it was going to be, I would struggle to get them - not to say that I won't - but then it is a matter of getting them together.

**Ms Forrest** - As we know from any other joint committee.

**Mr DEAN** - As we know - the member for Murchison is absolutely right. I have been trying to set up a joint House committee on one of our areas - the member for Launceston is a member of that - for quite some time. It is almost hopeless.

Hence the reason - and there was the direction I got from people who advised me on this as well. I was convinced that I should not go down the path of a joint House committee. It was better to get together a committee from this House.

While we are talking about that, I thank the members who have agreed to be a part of the committee. I accept that some members did say very clearly to me that yes, they would be a part

of the committee if it gets up, but that is not to say they will support the committee. They made that clear. That was not a surprise to me, and I accept the members' candidness in that respect.

**Ms Forrest** - People were being honest with you.

**Mr DEAN** - Very honest and open about it, and I respect that. That is a great way to do business. I thank those members who are now willing to. I think the member for Rosevears made mention of going into a committee with an open mind. I am satisfied that those members will go into that committee with an open mind and will address the information and the evidence that comes out - if the committee gets the support here today - properly. I do not think they would do their job any other way because that will be subject to close scrutiny; we know that. I support those members and am confident they can do that, and we will do that in a way it should be done.

I am not certain of the words I used now, but the member for McIntyre commented about getting more accurate information. What I meant by that is that we have had briefings and a number of people came in to give us information and evidence. If those people come before a committee - the retail organisations, the associations, as I am convinced they will - the committee would have the opportunity of asking them further questions about what might happen.

A good example of that is the matter the member for Huon raised: that retail businesses will suffer economically as a result of this bill. I think a committee would question those people and ask, 'Well, what sort of business do you do with 18-year-olds currently? Do you know how many 18-year-olds, or turning 18, in Tasmania in any one year are likely to smoke?' All those things would come out. There would be about 700 or 800. With about 700 retailers, it is not going to impact economically on too many too much.

To make that statement is taking it too far. There will be an economic impact, but it will be minuscule.

**Ms Rattray** - I interpreted it as you suggesting that people did not give us accurate information when they briefed us. I may have that wrong but that was why I replied to that comment. As I said in my contribution, I believe everyone who presents to the Council, whether under oath or to a briefing, gives us accurate information.

**Mr DEAN** - I am pleased the member has raised that. It gives me an opportunity to talk about it. If I gave the impression when I made that statement that people came into the briefings and told us a heap of lies -

**Ms Rattray** - I do not think anyone suggested that, but the accuracy of their information.

**Mr DEAN** - Sure. If I gave that impression, it was not like that. I am saying it would give the opportunity for that evidence and information to be tested. If I gave the impression I was saying that people came before the committees and gave us information that they knew was inaccurate, that is not the case. I want that to be clearly on the record.

**Ms Rattray** - Through the briefing process - and this is my takeaway from how it occurs in the Legislative Council - we are given an abundance of time to ask questions. We have even come into the parliament once the bells were rung, done our business and gone back to a briefing so that members could ask all the questions they had. That is something the Leader has done exceptionally well.



**Mr DEAN** - I agree there has always been adequate opportunity. I tried to do that with the briefings I arranged. You try to provide sufficient time for members to ask their questions and to pursue their matters and issues. If I have not done that properly, I ask honourable members to bring that to my attention.

Some members raised the issue about this matter going on and on. This is about trying to ensure that we get all the evidence available to support this bill. If the evidence was there not to support it, the matter would not proceed.

It is a very important bill. If you look at America and what has happened there with T21, you see it will certainly have an impact here, not just because it will deter youth from smoking but in time that impact will move into the hospitals. There will be fewer admissions into hospital and less sickness. If I cannot do my very best to get it up, I will suffer as a result of that. If I do everything I can and it does not get up, so be it. I would be upset, but I can only do my best. The bill will come on, and I am hoping that the bill can come on at an early stage, about mid-year next year, if the committee is supported.

**Ms Forrest** - The Menzies research is not done until September - surely you will wait until that?

**Mr DEAN** - A good point. We will be talking about where we should go in regard to that, as to what should happen. I will be talking to the Menzies Institute to see whether it can be brought forward and expedited. I am not sure whether that can happen, but I would certainly like to see it brought forward if they are able to. I do not think it is unreasonable and will have a meeting with the Menzies Institute following whatever happens here today, whether the committee gets up and/or not.

I do not intend to go through all of the evidence of every member.

I answered the member for Mersey's question about whether it will be delayed. I accept it is frustrating. There is nothing more frustrating than something to be delayed, and I have experienced this with some of the government bills. You are prepared and have done a lot of work on it; it does not come on, it is put off, then it comes back on - and it is frustrating. I can only apologise to members for that and what I have caused them to do here, with the amount of work they would have all done.

The member for Launceston talked - words to that effect; I do not want to put words into her mouth either, so correct me - about getting evidence to convince members to support.

This is what this is really all about, going to a committee, to gain further information and evidence, to convince members they should support this bill because there are some members -

**Ms Armitage** - My comment was the evidence convinced me to support the inquiry.

**Mr DEAN** - The inquiry, okay.

**Ms Armitage** - You made the comment that if a member puts up for an inquiry, members should support them. I am saying I will support it if the evidence is there for me to support the inquiry; I will not automatically support it because you put it up.

**Mr DEAN** - I am sorry, I thought you meant the bill itself. No, it was not wishful thinking. I made that statement because some members had indicated to me that they cannot support the bill. I thought if I could get the further additional information and evidence that might well come from this committee, I might well be able to influence those members that this bill should be supported. That is what it is about.

**Ms Armitage** - Having an open mind.

**Mr DEAN** - You are right; no, that is great. Thank you.

The member for Rosevears mentioned a word in this place that was very common a few years ago for about 15 to 16 years -

**Ms Rattray** - What, foxes?

**Mr Finch** - Sorry, folks.

**Mr DEAN** - Mr President, let me just say this. I pursued that story with exactly the same passion I am pursuing this matter. Exactly the same amount of passion, because I knew very well what was happening with the fox program was not right. I knew it was not right and I pursued it with passion to correct and get the record straight. I think members are aware now I did the right thing; it was just a crazy situation. I am now pursuing this matter with the same passion and thank members - they have made no comment and I do not resile from that.

Having said that, I do not think there is any more I should say other than to recap the fact this is a private member's bill, and they are not easy; they are difficult and it is always a matter of making a judgment of what is going to be the best course to gain support for the bill. I have no doubt the member for Mersey is going through exactly the same thing at this time. You have to make that judgment all the time, so I ask members who are undecided at this stage to please think about and consider that - the view that the best course for this bill to get through is for it to go to a committee at this time.

**Ms Rattray** - The member for Mersey can always speak for himself, but he has taken a very proactive community approach to his bill in going out and having those direct community conversations. I have to congratulate him on that because that is the way you will obviously get the information you are looking at and know what the community feels. I am not suggesting you do that, but it is certainly a good model.

**Mr DEAN** - You do not have to suggest I do that because I have done that.

**Ms Rattray** - Right around the state?

**Mr DEAN** - No, I have not been right around the state - the member has been right around the state and that is absolutely wonderful - but I suspect I have probably covered a big part of the state. It was not only me doing that, but also the people who have supported and helped me with this. We have done a number of surveys, as have a number without my input by other organisations. There has been a lot of community involvement on this.

Certainly, in my area, I have spoken to many retailers, newsagents and other groups where I brief and lecture on occasions.

**Ms Rattray** - You mean have a conversation. You would never lecture anyone.

**Mr DEAN** - I do not lecture. I mean where I have spoken to people at speaking sessions and so on. Thank you for that. I do that regularly. I always raise the issue of tobacco and get the feeling of the people in the group. There are many I have not spoken to but also there are many I have spoken to.

Some mention was made of the Framework Convention on Tobacco Control and what it means. As I understand it, and I could be wrong, that convention requires of retailers and the industry that if they want to lobby they can do so, but if they lobby MPs, it is to be in public and not in secret. That is my understanding of the Framework Convention on Tobacco Control, which Australia is a signatory to.

I commend the motion to the House and ask that members support this motion.

**The Council divided -**

AYES 6

NOES 8

Mr Dean  
Mr Finch  
Mr Gaffney  
Mrs Hiscutt  
Ms Howlett  
Mr Valentine (Teller)

Ms Armitage  
Mr Armstrong  
Ms Forrest  
Ms Lovell  
Ms Rattray  
Ms Siejka  
Ms Webb (Teller)  
Mr Willie

**Motion negatived.**

## **MOTION**

### **Pill Testing**

[4.14 p.m.]

**Ms FORREST** (Murchison) - Mr President, I move -

- (1) That the Legislative Council notes:
  - (a) the Report of the State Coroner's Court of New South Wales of the Inquest into the death of six patrons of NSW music festivals (the Report), released on 8 November 2019 by Magistrate Harriet Grahame, the Deputy State Coroner for New South Wales;
  - (b) the thorough and evidence-based approach taken to inform the Report; and
  - (c) the Report's Recommendation 1, to the NSW Department of Premier and Cabinet, recommending the introduction of a front of house

medically supervised pill testing/drug checking pilot for the summer of 2019-20.

- (2) That the Legislative Council calls on the Tasmanian Government to:
- (a) fully consider the NSW Coroner's Report;
  - (b) put in place the necessary measures to actively promote the safety of patrons attending Tasmanian 2019-20 music festivals;
  - (c) undertake evidence informed public education campaigns related to the harms of illicit drug use; and
  - (d) review the research and explore the processes necessary to introduce a medically supervised pill testing/drug checking pilot or trial in Tasmania.

Mr President, when debating a previous motion in this place related to this important matter, I raised this pending report and indicated I would revisit the matter of pill testing following the release of the report.

Before I proceed in moving this motion, I acknowledge the deaths of six young Australians and the grief and loss experienced by their families and extend my sincere condolences to them all. I encourage members if they have not read the summary of the circumstances of the death of each of the young people whose deaths are the subject of this report to appreciate them as individuals who were part of and loved by their families and friends. We really need to appreciate them all as young individuals whose lives ended tragically far too young.

Mr President, if you read the accounts of each of the deaths of the six young people in this report referred to, you will see they were normal kids from regular, loving families. The parents were unaware of their children's drug-taking activity and were shocked by their deaths. Just as parents are shocked and traumatised by the deaths of their children in car crashes, these parents were shocked and grief-stricken by the drug-related deaths of their children.

Again, before I begin into the substance of the motion, I want to again emphasise that I do not, through this motion or by any other public comment on this topic, condone illicit drug use. I support a harm minimisation approach that includes the provision of accurate, evidence-based information and advice within the health and wellbeing framework. I acknowledge and repeat that the drugs we are talking about here are illicit and have a very real risk of harm associated with them and their use.

Mr President, the New South Wales State Coroner's report summarises the collection and analysis of evidence that was gathered over 16 hearing days, 24 volumes of extensive documentary evidence, including witness statements, medical records, photographs and expert reports, including those who have extensive experience in adolescent behaviour.

In addition, the Office of the New South Wales State Coroner reviewed eight volumes of additional background research and other relevant information. Mr President, if members have not read the report to see the extent to which the coroner went to get evidence-based information and speak in any way to the contrary, that is completely disingenuous. This is not one person's opinion;

this is the opinion made after researching this topic thoroughly from both sides of the argument and included, but was not limited to, eight volumes of additional background research and other relevant information.

This inquest was an exceptionally thorough investigation and evidence-based. I acknowledge what is not mentioned in the report, which is that the families of these young Australians lost through their tragic deaths travelled every day for each week of this inquest to be present and listen to the testimonies. The families sat through all of it and travelled every day to do so.

This fact was captured in an ABC online article that mentioned the involvement of the families of the young people who died, and I quote from the ABC report -

Relatives of Nathan Tran, 18; Diana Nguyen, 21; Joseph Pham, 23; Callum Brosnan, 19; Josh Tam, 22 and Alex Ross-King, 19 attended the two blocks of hearings and some even travelled to music festivals to see first-hand the problems identified.

Outside the hearing, Ms Ross-King's mother, Jennie, urged the Premier to listen to the experts.

'It is not me, people, I'm just a grieving mum,' she said. 'These are experts in their field who have been doing this for a long time, in excess of 20 years in Australia and longer than that overseas. So I think it is time that instead of politicians believing that their opinions are what we should be doing, actually listen to what the experts are saying.'

Ms Grahame, the NSW Deputy State Coroner who is the author of this report, said that -

they had shown extraordinary grace and courage throughout the painful process.

She was referring to the parents of these young people. It went on -

It is correct to say that my part in this process is complete. The faces of these young people will remain with me going forward, along with the hope that improvements will be made.

The New South Wales State Coroner's report made 28 recommendations. The recommendations were separated into seven areas.

I encourage the Government and other members to read the full report. This is the full report. It is long but it is very readable and informative. You need to do that to get a full appreciation of all the main issues. Some aspects do not relate directly to the Tasmanian situation. It is the New South Wales State Coroner's report after all and policing in New South Wales and other matters can be slightly different. However, the report provides important considerations for those involved in the areas of health, education, police, justice and, of course, the organisation of and attendance at music festivals.

In summary, the report discusses the deaths and serious illnesses experienced by patrons at New South Wales music festivals during a 13-month period from December 2017 to January 2019. During this period in New South Wales the six young people I mentioned died. These young people

were well connected to their families and friends and demonstrated no obvious indicators to their families they were at risk of a drug-related death. There was no evidence of any of them having suffered drug addiction or having ever sought help in that regard.

In paragraph 500 of the report Ms Grahame states -

Festivals goers such as Nathan, Joseph, Diana, Callum, Joshua and Alex are likely to have never had a health interaction which discussed drug use. It appears clear to me that the benefit of reaching young people like this even for a short interaction cannot be underestimated.

They could have been one of our kids or our grandchildren, depending on how old we are. It appears likely that each of these young people had limited knowledge of the potential dangers of MDMA or how to recognise the signs of distress, as there was no evidence that demonstrated any of these young people had ever spoken to an expert about the risks of ingesting MDMA or even the risk of mixing it with alcohol.

In addition to these deaths, a number of people who attended New South Wales festivals over that period developed serious medical illnesses requiring hospital admission and intensive care management for drug-related toxicity.

For the 25 New South Wales music festivals held over 2018-19 examined by NSW Health, there were 29 pre-hospital intubations - an intubation is having a breathing tube put down into your airways, if you are not aware of what that is - 25 drug-related intensive care admissions and at least an additional 23 drug-related hospital admissions. What this tells us is there were many near misses in addition to the very sad fatalities.

Whether we agree with it or not, our youth are using illicit drugs. The report notes estimating the number of young people who use drugs at music festivals is hard to do, but information gathered recently by NSW Health indicated the majority of festival goers aged 18 to 24 years of age believe drug-taking is the norm. We may not agree, but this is what the research shows. Most believe 70 to 90 per cent of patrons would be taking some sort of illicit drug.

As a parent of four children in this cohort of up to early 30s - this is 18 to 24, but 18 to early 30s is the majority of the patrons of these festivals - I find that frightening. Absolutely frightening. The parents I have spoken to find it equally frightening. Anecdotal evidence suggests up to 95 per cent of young festival patrons use illicit substances. When I talk to young people about this and I ask whether that festival was drug- and alcohol-free, they say yes it was. I ask you the question again: was that festival drug- and alcohol-free? Well no, they were there everywhere. That is the cold-hearted reality whether we like it or not.

One can assume similar experiences are occurring at music festivals around the country including in Tasmania. In the chapter titled 'Why do young people take drugs?' in the coroner's report, Magistrate Grahame referred to expert opinion and evidence to inform her findings and recommendations. Again, I say, if members have not read this section of the report, I encourage them to do so because it provides valuable insight into this issue. This is why our response needs to become more sophisticated, particularly because, according to the report, the evidence confirmed prohibition and the 'just say no' messaging does not work. This matter was considered by the coroner under the chapter headed, 'Drug education for young people and parents'; paragraph 547 states -

The evidence in this inquest also demonstrated that production of a single message 'Just Say No' is dangerous in itself.

I just want to read that again -

The evidence in this inquest also demonstrated that production of a single message 'Just Say No' is dangerous in itself. While it may be a starting point for young children, it has little or no effect on those who seriously contemplate drug use or who have already had a drug event that they experienced as positive.

Despite the harm it may have been doing to their body. The quote goes on -

This is especially the case in relation to young people, such as those whose deaths are the subject of this inquest. What is needed is more nuanced messaging that provides accurate information about risk. We need to talk more openly about how to provide correct and credible information about drugs to young people.

The just say no approach to other risk behaviour also does not work. As a former sex educator, it is clear that age-appropriate information and knowledge is powerful and important. An unplanned and unwanted pregnancy or sexually transmitted infection can mostly be prevented with accurate evidence-based knowledge. The same in this case.

It was suggested during the inquest that the just say no message could be strengthened or have mass grim reaper-type messaging suggesting that prohibition was the only credible way to grapple with the issue and reduce demand. That was part of the report. The coroner heard from people who have that belief. Well-resourced attempts at drug prohibition based on a strong law enforcement approach have not stopped our young people experimenting with drugs.

Evidence shows that despite significant police presence and drug detection dogs, it still appeared relatively easy to purchase and procure drugs at these festivals. At the end of the report 28 recommendations were made to the New South Wales departments of Premier and Cabinet, of Health, and of Communities and Justice; New South Wales Police Force; Australian Festival Association; New South Wales Education Standards Authority and EMS Event Medical.

As per my motion, I wish to draw attention to the first recommendation to the New South Wales Department of Premier and Cabinet recommending the introduction of a front of house medically supervised pill testing, drug checking pilot for the summer of 2019-20.

In preparing for this debate and the previous debate related to the matter of pill testing, I have listened to both sides of this matter, as the New South Wales State Coroner did. She probably had a lot more information coming in, but there were more people working on it. I certainly listened to both sides.

I have spoken to many of my constituents and other Tasmanians. I acknowledge there are different views in the community on this matter and I have sought to listen to them and engage with both those who support and those who oppose the conducting of a pill testing trial.

What I have found is that support for the introduction of pill testing is broad, across all demographics and significantly higher than those opposed to it. I found when discussing the issue with those who are opposed and who have questions around cost aversion and taxpayers paying,

their view often alters when they understand how this pill testing is conducted and they realise that the health messages provided always inform patrons that there is no safe way to take illicit drugs.

I have had some very lengthy engagements on social media on this. Anyone who follows me will see that. I get a lot of personal messages afterwards from people saying they admire my tenacity, dedication and persistence in answering the questions that are repeatedly asked, but I go back every time. If they have a question, I will answer it.

One of the biggest initial critics actually thanked me at the end and wished me well. It is time-consuming, but I think it is important to inform people when people are interested in engaging.

I wish to restate up-front that pill testing is not and should not be seen as the complete solution to reducing the risks of illicit drug use. It is only one measure of many that were recommended, but it is an important one. We need a trial to get some Tasmanian-based data. We cannot get it any other way.

It is recommended by the New South Wales State Coroner as one measure that should be implemented, not the panacea. It would not be a panacea in Tasmania. It is one measure. My motion goes to other measures as well.

In my previous motion I provided on the record a detailed explanation of how a pill-testing service operates, and I will not restate all those comments but I will state on the record now the comments from the coroner's report regarding Ms Grahame's assessment of the process.

In providing her assessment, Ms Grahame provided significant commentary on the research available from around the world, including the research available to date from the Australian pilots. In the comments related to the Australian pilots, paragraphs 489 to 493 provide relevant details in this area -

Dr Caldicott, Emergency Consultant at the Calvary Hospital and member of Pill Testing Australia, described the aim was 'to ensure that festival goers are not harmed or killed consuming drugs. We can identify harmful substances and, with that information, we change the way potential consumers use their drugs or, in some cases, deter them from taking drugs altogether. By doing so, it follows that we can reduce the incidence of overdose at festivals.' Dr Caldicott stressed the model was about reducing harm by education. He stated the analysis is a 'currency of interest' for young consumers and a way of starting a conversation with young people who are likely to have never spoken to anyone but their peers about drugs. As part of the process, young people are given information which they can use to make informed decisions about risk and recognising the possibility of adverse outcome.

Dr Caldicott stated the trials demonstrated that drug checking can reduce the quantity of drugs consumed by individuals and the number of drugs consumed in a session, both of which are risk factors for overdose and death. In keeping with the overseas experience Dr Caldicott stated that the Australian pilots were demonstrating that there can be behavioural change when people are provided with accurate advice.

Dr Caldicott explained the way in which testing worked at the GMT festival -



That is the 'Groovin the Moo' festival in the ACT -

The pill testing area was placed adjacent to the medical area. Patrons wanting to use the service were initially seen by a peer worker, 'somebody who is recognisably of their generation and of their tribe'. They were asked what they were there for and told what could be provided. They were given a waiver. They were told 'if you don't want to be hurt by drugs today you probably shouldn't use any drugs today. That's the only 100% way of not being harmed'.

That is what they are told. The only way to be 100 per cent sure of not being harmed is not to take any drugs or illicit drugs, in any circumstances.

The quote from the coroner's report continues -

The limitations of the technology were explained. Patrons surrendered part of a pill or a portion of powder, 'it depends on the individual on how much they offer'. The drug is analysed, weighed, photographed. Chemists are on hand and can explain that the more that is available to analyse, the better the analysis will be. After the testing comes the medical discussion with Dr Caldicott and then another chance to speak with the peer worker. He described the way drugs are categorised and the use of a 'red alert'. He described the interaction as a holistic experience, that many young people use to ask all kinds of questions they have never had a chance to ask. Sometimes it leads to a change in behavior. He stressed that in line with every drug checking organisation he had ever been aware of, patrons were never advised, 'your drug is safe'.

I will repeat that Mr President: patrons are never advised your drug is safe. The quote continues -

It is important to stress that, contrary to the suggestion by some opponents to drug checking, no facility every advises patrons that their drugs are safe.

Mr Dillon, Director of Drug, Alcohol Research and Training Australia, also gave evidence in this regard -

He said he had been to pill testing in Austria, Switzerland and the Netherlands and 'no user is ever told that the drug is safe'.

Ms Grahame concluded -

I have read the available reports on the first GTM pill testing pilot in 2018 and the subsequent trial in 2019 and note the GTM trial is currently under review by an independent evaluation team from the Australian National University. The preliminary results indicate that there was evidence that harmful substances were identified and that some festival goers made behavioural change as a result of their interactions with the service.

The court heard that in 2018 there were 128 participants and 85 samples were tested, exceeding organisers' expectations. Two samples were 'red-flagged' for their harmful profile. N-Ethylpentylone (ephylone) was identified. This drug was responsible for a number of deaths worldwide. Half the drugs tested had no psychoactive ingredients but were made of other substances such as toothpaste, milk, glue or paint. Dr Caldicott reported that 42% of patrons reported that their drug consumption would change as a result of the interaction.

To be clear, I will rephrase these facts which have been eloquently stated by the New South Wales State Coroner.

Contrary to suggestions of some opponents of pill checking, no facility ever advises patrons that their drugs are safe.

One of the most important aspects of pill testing is the opportunity for a brief harm reduction intervention to the person who was intending to use the drugs, at that crucial point in time. Many people who use drugs at music festivals had never spoken to a health professional about drug use and are naïve and unaware of the risks. This provides that opportunity, and potentially last opportunity.

A positive health intervention, no matter how brief, may predispose people to change their behaviour, or those who later find themselves in trouble, to seek help.

At the second Groovin the Moo trial this year, Pill Testing Australia reports that 200 brief interventions were provided, with an average length of time spent with a drug counsellor being almost 10 minutes for people who are, on average, 19.7 years of age.

This is 200 brief interventions by qualified alcohol and drug counsellors with young Australians who may never have spoken to anyone about their drug use before. The person they are speaking to is an expert in the field - it is not their mate down the road; it is not the dealer who sold it to them; it is not some self-proclaimed expert; it is a health professional who is trained in this area.

It was not surprising to many that the coroner supported the introduction of pill testing. In fact, the coroner said she had no doubt whatsoever that there is sufficient evidence to support a drug checking trial in New South Wales, both onsite and fixed, and that the evidence in favour of pill testing was compelling, stating - and do not forget she has had all of this evidence and the background research on everything -

On the evidence before me it appears that drug checking should take place on-site at music festivals and also at a community-based service. The best available technology should be sourced and if necessary, made available by government. All client interaction should prioritise the brief intervention of a health professional. All results should be shared widely and provided to a well-integrated 'early warning system.'

The coroner cannot make it any clearer than that.

I mentioned in debate on the last motion how warnings can be issued festival-wide if some of these really nasty drugs known to be lethal, like N-Ethylpentylone, are detected. A festival-wide

warning can go out so people can be alerted and get rid of their pills, other than by taking them, immediately.

Specifically, the coroner recommended, among other things - there were 28 recommendations - that the Department of Premier and Cabinet permit and facilitate Pill Testing Australia, The Loop Australia, or another similarly qualified organisation to run front of house, medically supervised pill testing at music festivals in New South Wales, with a pilot date starting this coming summer, 2019-20.

She also recommended that there be a coordinated approach across New South Wales DPAC, the Department of Health and New South Wales Police to fund the establishment of a permanent drug checking and pill testing facility; research and support the development of technology to allow the most sophisticated and detailed drug analysis to be made available onsite at music festivals; research and support the development of early warning systems at music festivals generally and arising from front of house and/or back of house drug checking; and the establishment of open sharing protocols between departments regarding drug trends and monitoring of drug deaths.

This is the information we need to ensure we are aware of what drugs are out there, what is being used, and then this will help police target them once we know what sort of drugs we are dealing with, and they can be better equipped to know how to disrupt the supply chains. That is what the police really need to focus on: disrupting the supply and taking out the dealers and the manufacturers. They need all the support in the world to do that.

She also recommended that DPAC facilitate a roundtable with relevant stakeholders to ensure the appropriate minimum standard for policing, medical services and harm reduction are mandated at music festivals. Further, in the event there is pill testing and drug checking at festivals, that New South Wales Police issue guidelines providing clear guidance to operational police as to how they are requested to exercise their discretion in relation to illicit drug use and/or possession, with police not to take punitive action against people in possession of drugs for personal use and concentrate their effort on organised drug dealing, social disorder et cetera.

We know that one of the other big issues and the reason we need police at music festivals is the abhorrent level of sexual assaults that go on at music festivals as well. They definitely need to be there, and no-one is suggesting that they should not be, but let us focus on getting the dealers out of the picture and stopping the other forms of social disorder that can occur.

The recommendation of the New South Wales State Coroner is not something we can dismiss. You cannot unsee a report like this. This is why this motion calls for the Tasmanian Government to review the research that is now available and explore the processes necessary to introduce the medically supervised pill testing/drug checking trial or pilot here in Tasmania.

As it committed to in the last motion, the Government committed to looking at this research when it would be available. I know it was not available back then, but it is now.

I know some members remain dubious despite the overwhelming evidence. Also, for those who still need convincing, I will dispel some of the myths that continue to circulate.

The first myth is that pill testing provides patrons with a false sense of security. This is not true. In fact, it is completely untrue. A 2017 publication from the European Monitoring Centre for Drugs and Drug Addiction challenged this in an article titled 'Drug checking as a harm reduction

tool for recreational drug users: opportunities and challenges - Background paper commissioned by the EMCDDA for Health and social responses to drug problems: a European guide'. That is a very long title, but that is what it is called. The pros and cons of pill testing were discussed following many years of pill testing in many European countries. This also is addressed in the coroner's report. Under the heading 'Criticism: cons of the different types of drug checking services', the EMCDDA report noted -

For instance, it could give drug users an unjustified feeling of safety about the drugs they are taking. The absence of unexpected or acute toxicological compounds in no way guarantees that a drug is safe.

Every form of drug use is potentially hazardous and there is no way to completely eradicate the risk. However, when drug checking is thoroughly embedded in a prevention unit, staff have the opportunity to communicate scientific information about the test results and educate users about the general drug risks, thereby eliminating this sense of false security.

You cannot have a sense of security if you are told these drugs are not safe. It is clear that when patrons have accurate, evidence-based information from skilled health practitioners, they will not have a false sense of security because they are told it is not safe to take.

The second myth is that pill testing patrons, because they are young, are unlikely to heed the medical information provided to them. We know how hard it is to get our kids to listen to us and believe that someone as old as their parents might know something. However, the same report I just referenced challenges this concern as follows -

Government-advocated messages, often viewed as scare tactics, are considered tendentious and untrustworthy, and conflict with the individual's idea of self-regulation. Personal contacts with well-informed peers or professionals employed by drug-checking services are believed to be much more effective at persuading drug users to pay attention to preventive information and change their behaviour positively. In addition, drug checking may serve as an immediate intervention tool to change an individual's drug use if drugs are shown to contain unwanted or unknown chemical compounds.

The third myth is the introduction of pill testing will increase drug use or drug-taking and thus the death of young people. This is also untrue. The same report provided the following comments on this matter -

Another common criticism is that drug testing encourages young people to take drugs, or to take more drugs than they would if such services were not available. This criticism appears to be unfounded and in fact it has been shown that drug use does not increase following the introduction of a drug-testing service in a country. In addition, the prevalence of drug use does not seem to be higher in countries that have drug-checking systems in place.

That is the EMCDDA report 2016 I referred to previously. It continues -

In addition, previous research has shown that drug users who use testing services do not use more drugs than drug users who do not do so. In fact the same study

also found that the presence of drug-checking services did not encourage those who do not use drugs to begin drug use.

They are just myths; some of the things that have been told. If you look at the research and read it in context - we should do that if we are going to be serious about what this motion is about.

Then there is the myth the technology used is substandard and will not identify all the substances. Proponents of pill testing have never made that assertion or made any assertions the technology available for use in the festival environment is as superior as that used in a laboratory. But it is still effective and Australia's peak body for chemists and toxicologists, the experts in the field, support a trial of pill testing in Australia acknowledging those limitations. The NSW State Coroner, Ms Grahame, also addresses the limitations of the pill testing technology in her report as well as dispelling some of these mistruths in paragraphs 463-65 where she states -

FTIR utilises a small portable unit that can be easily transported to a festival environment. Using only a few milligrams of powder it can analyse the major compound in a short period of time. It has some limitations and may fail to identify minor components of the substance under examination. If the testing takes place from a pill scraping or a small amount of powder taken from a larger batch it will be impossible to know if the portion is indicative of what remains. It may not identify a trace of a dangerous substance.

One of the oft-repeated criticisms of drug checking at music festivals is that purity cannot be tested for. Clearly this is incorrect - there are methods of testing purity. Usually this is done in the fixed laboratory setting using a form of spectrometry. However, the court heard there has been pill testing for purity in music festival settings in parts of Europe for many years. It requires some commitment to set it up because this expensive equipment must be transported carefully and efficiently. Dr Caldicott told the court drug checking in Switzerland regularly uses HPLC technology, which can identify and quantitate drugs of interest. Dr Caldicott stated testing for purities is considered an important and achievable goal for Australian drug checking organisations such as the one he is connected with - Pill Testing Australia. He agreed in the current environment testing for purity - while not the only goal of pill testing - is an important one. He said -

We are pushing very hard for the technology. The technology is available. There's no shortage of technology available in Australia. It's the willingness to set up in such a way that will facilitate that.

After assessing all the evidence on this, in paragraph 468, Coroner Grahame states -

Having reviewed the evidence, I am satisfied that a NSW drug checking trial should not be rejected on the basis of the available technology.

Another persistent myth is the introduction of a health service such as pill testing results in an increase in drug use and harm more broadly across communities. There are some in our community disseminating unsubstantiated claims that following introduction of pill testing services in the United Kingdom, MDMA deaths increased, or after the introduction of safe injecting rooms in Victoria, rates of heroin use increased significantly. There are also claims MDMA death rates in other countries like Portugal have increased since the introduction of pill testing services. These claims are easily refuted, and I will not take up the time of members today to do so, but I urge

everyone in this room to be cautious and diligent when they are given information on these matters from people who are not experts in this area.

Finally, the other ongoing myth is that pill testing gives a green light to or normalises drug use. Ms Grahame addresses this in paragraphs 501 and 503. She stated -

Various opponents of pill testing assert that the introduction of pill testing will contribute to the 'normalisation' of drugs. Dr Russ Scott, for example, asserts that the imprimatur of government and the cooperation of the police essentially send the wrong message to young people.

There was also concern that it would create an aura of acceptability and safety. Others say it is 'an admission of defeat'. Proponents of pill testing responded that the comments fail to recognise the high levels of drug use that already exist at music festivals. In other words, drug use is already, to some degree, considered normal among patrons.

On the other hand, Dr Caldicott explained that in his view drug checking signaled the opposite to safety. It was an intervention, the very purpose of which is to signal the existence of risk.

He said it is the only time of year he wears a lab coat, to help signal his scientific authority. He stated, 'This is the opportunity to reiterate to young consumers the hazardous nature of the undertaking that they are about to embark upon. The idea that is frequently put to us is that this is in some way a green light or reassuring, we're still puzzled as to how that is translated in that way'

He explained that there is nothing particularly reassuring about the need to have doctors and chemists on site to test substances. It indicates risks, even to those who don't use the service.

One of the criticisms of drug checking, the court heard, is that there is no evidence that it works or that it will save lives. This was the position put by the NSW Commissioner of Police in submissions and is a concern raised by witnesses such as Gary Christian and Dr Russ Scott.

Dr Scott asserted, 'There is no evidence that pill testing reduces harm and ... there is, in fact, no research from the Netherlands that either front or back of house testing has reduced harm'.

The coroner is clearly putting both sides of that argument on the record there. After looking at all that evidence and considering both sides of the argument, Ms Grahame concludes -

I have taken these kinds of concerns seriously as any recommendation must be evidence-based. However, in my view, they demonstrate a lack of understanding of the way qualitative evaluation in health promotion is assessed.

These criticisms fail to understand the way these kinds of health interventions can be evaluated. I was struck by compelling evidence given by Professor Alex Wodak in this regard. He pointed out that pill testing takes place in an

environment that cannot be controlled. He explained that because of those variables, from a scientific perspective the kind of evaluation that can take place is necessarily limited. Nevertheless, it can produce useful information.

'What this means is that we cannot evaluate an environmental intervention, like pill testing, in the same way that we can evaluate a clinical intervention, like giving someone with an infection an antibiotic. He said, 'That can be tested by randomised controlled trials and other techniques that have a high degree of accuracy and specificity. That's not possible in the world of environmental interventions like needle and syringe programs and medically supervised injecting centres, and in this case, pill testing'.

That does not mean that there is 'no evidence'.

Further, in paragraphs 517-20, Ms Grahame says -

During the course of this inquest, I have listened to opposing views in relation to the possible benefits or harms of introducing drug checking in NSW.

I have reviewed hundreds of pages of reports and peer reviewed articles from Australia and overseas. I have listened carefully to hours of oral testimony, attended a pill testing demonstration and watched numerous documentary reports.

I have taken into account the opinions of experts I consider to be at the top of their professions. I have listened to the views of young people and drug users, police, parents and doctors. I have sat quietly and given this matter my most serious attention.

On that point, I hope no-one tries to character-assassinate the coroner because she has put so much effort into making sure this is evidence-based and properly researched. That is why there is a part in my motion that talks about the evidence base that is in this report.

To continue the coroner's comments -

At the end of my reflection, I am in no doubt whatsoever that there is sufficient evidence to support a drug checking trial in this state, both on-site and fixed. In my view, the evidence is compelling. Of course drug checking is not a magic solution to these tragic deaths. Of course its introduction will not guarantee further deaths will not occur. Drug checking is simply an evidence-based harm reduction strategy that should be trialled as soon as possible in NSW.

And I say Tasmania too. Back to the quote -

It is no surprise to me that so many organisations representing medical and pharmaceutical professional support the trialling of medically supervised drug checking. The list includes the Australian Medical Association (AMA), Royal Australian and New Zealand College of Psychiatrists, the Royal Australian College of General Practitioners (RACGP), the Forensic and Clinical Association (FACTA), the Royal Australian College of Physicians, the Australasian College for Emergency Medicine, the Rural Doctors Association of Australia, the

Australian Nursing Midwifery Association, the Pharmaceutical Society of Australia and the Public Health Association of Australia.

Pill Testing Australia publishes an impressive list of signatories to the Trans-Tasman Charter for Pill Testing, which includes the Centre for Law Enforcement and Public Health, Family Drug Support Australia and the College of Emergency Nursing Australasia. I note that a trial was also supported by the AFA [Australian Festival Association].

I will make the point that in all these health professional bodies, which represent many, many health professionals across the country, there are the people who see the harm at the really pointy end. These are the people who see young people come into our accident and emergency departments, who work really hard to try to save lives and are shattered when they can't.

To actively try to resuscitate a young person only to have them die in front of you is terrible. These people see it and this is why they are calling for it. Not as a panacea, but as one way to make a difference.

The coroner goes on -

On the evidence before me it appears that drug checking should take place on-site at music festivals and also at a community-based service. The best available technology should be sourced and, if necessary, made available by government.

All client interaction should prioritise the brief intervention of a health professional. All results should be shared widely and provided to a well-integrated 'early warning system'.

Madam Acting President, we must respect the work done by Ms Grahame and the views of experts she sought and the differing opinions she canvassed in preparing this report, making such clear and strong recommendations.

While we await the response of the New South Wales Liberal Government, it is noteworthy to mention that the New South Wales Opposition Leader, Jodi McKay, said it was important for the government to consider the recommendations and that Labor would trial pill testing if it were in power. I hope the Labor Party in this state may have a similar view

Madam Acting President, support by the Government for this motion will result in full consideration of all available evidence - not just pill testing - but all available evidence with a further opportunity to undertake a pill testing trial to enable the body of evidence to grow and to be Tasmania-specific.

This would ensure a full and rigorous assessment can be undertaken to inform longer term decisions regarding implementation and medically supervised pill testing more broadly in Tasmania.

While this consideration occurs, the motion before us calls on the Government to undertake evidence-based educational programs and work with others to put measures in place to enhance the safety of all music festivals attendees ahead of the 2019-20 music festival season. These education programs must be delivered to all young people within an age-appropriate framework, to inform



them of the very real risk of harm from illicit drug use, and this must form part of an overall harm minimisation approach.

As the member for Rosevears referred to in a previous debate, it is a shame the drug education van no longer operates in our schools. I note this is something the festivals, such as the Falls Festival and Party in the Paddock are investigating to promote the safety of all patrons at their festivals.

I understand the Party in the Paddock is investigating how to bring to Tasmania Harm Reduction Victoria (HRVic) DanceWize, a peer-based alcohol and other drugs harm reduction program that delivers education, resources and referrals about safer drug use specifically at music festivals and events. Good on Party in the Paddock. It is really important that we do not just take a single-minded approach to this. The problem is too big.

Falls Festival organisers are investigating options to increase the availability of drug education and awareness materials at their festival.

These measures come at significant cost to these festivals. These additional measures are very welcome and are to be supported and acknowledged.

Investigating these options does not mean these festivals have changed their position on wanting the option of incorporating pill testing services into their festivals. Rather it is only strengthening it, with Party in the Paddock launching its petition last week seeking to have pill testing available for its 2020 festival.

As a parent of four young adults, most likely all of whom have and continue to attend music events and festivals, I appreciate the desire to ensure our children are well educated and aware of the risks associated with illicit drug use. However, even with this education and knowledge, some young people will unfortunately participate in high-risk behaviours, whether it is taking drugs, breaking the law while driving, or with alcohol use, or engaging in risky sexual behaviour, just to name a few. I challenge all of you to consider what risk-taking you did in your youth and the risk-taking your children and grandchildren, nieces, nephews, or friends' children undertake as part of their growing up today as they, as we did, establish our own identities.

My view is that none of these young people deserve to die as a result of risk-taking behaviour regardless of what that behaviour entails. Even though I do not condone their actions or choices, they do not deserve to die.

I know this is a view shared by the member for Montgomery's colleague in the other place, Mr Tucker, the member for Lyons, as he expressed in a recent contribution on a public importance debate in the other House.

It is fair to say that if a person can enter a festival with drugs in their possession or purchase them once inside, the prohibition approach has failed at that point. Focusing on a harm minimisation approach would be a much more effective response to providing targeted education with a medically qualified person and an opportunity to modify a person's risk-taking behaviour, including disposal of the drug.

In closing, I urge all members to be led by evidence, not fear, not moral judgments and not ego. We cannot stand in this Chamber and pretend we know better than those experts in the field. We cannot unsee this report.

We can feel challenged by the situation, and we should. We can feel uncertain about the solution. This is where we must follow the lead of evidence and the experts, we simply must. If it saves one life, it is worth it. Surely you do not want to wait until we have a Tasmanian coroner's report making the same recommendation.

In my final comments, I wish to place on the public record part of an opinion piece by Dr Jody Morgan. Dr Morgan undertook a review of the pill testing research. Her work has been published in *The Medical Journal of Australia*. You do not get stuff published in that if it is not done well.

Her opinion piece published on 9 November 2019 was titled, 'For three months I lived and breathed pill testing research'. Dr Morgan wrote -

I am a toxicologist and like all toxicologists I'm interested in ways to minimise harm. As the death toll rose, I began to ask the question: what could be done to prevent other young Australians suffering the same fate?

The obvious answer is to get young people to stop taking illicit drugs. Easy. Problem solved. Except these drugs are already illegal, we have a zero-tolerance policy in place, police checks and sniffer dogs at festivals, and young Australians are still taking illicit drugs.

The current method isn't working. We need to find new ways to minimise harm. Pill testing has already been suggested so I decided to look into it. What is pill testing? How does it work? Most importantly, is it a viable method of harm minimisation?

I am a scientist, so my first port of call was the scientific literature. I had an open mind. I was not pro or anti pill testing. I allowed the data to guide me. I started by reading every scientific article ever written about pill testing. Then I started going through newspaper articles. I watched videos explaining how pill testing works. I listened to podcasts by people involved in pill testing programs around the world. For three months I lived and breathed pill testing research. At the end of those three months, I was convinced pill testing could be a genuinely useful pathway to harm reduction, so long as it is delivered via a well-designed system.

With that in mind, I considered what a best-practice pill testing facility might look like. First, any pill testing facility in Australia should involve a face-to-face interaction with a health care professional or drug and alcohol counsellor. This is where patrons would be given information about the contents of their drug, but is also a mechanism for educating people about potential harms. Most young people who use recreational drugs have never spoken to a health professional about their drug use and this provides a unique opportunity to discuss their drug use, explain what illicit drugs do to their body and introduce methods by which they can minimise harm.

The facility also needs a disposal service so individuals who no longer want to consume the drugs can dispose of them, no questions asked. The evidence suggests that patrons will use these disposal services. At a British testing facility close to 70 per cent of patrons whose drugs were shown to be different to what they expected disposed of their drugs. Obviously, one of the major aims of any

pill testing facility is to identify drugs which pose an unusually high danger to those planning on consuming them. A best-practice system needs to identify not only drugs which have been adulterated, like the seven cases of n-ethylpentylone found in ecstasy pills at the pill testing trial at Groovin the Moo this year, but also pills with unusually high doses.

This is particularly important in light of the findings from the NSW Coroner's report where it appears the six deaths investigated were all associated with high-dose ecstasy. When dangerous drugs are identified a warning system should be in place to inform the public as rapidly as possible.

The No. 1 concern of people opposed to pill testing - whether they are politicians or members of the public - is that pill testing endorses drug taking. Let me assure you, no health care professional will ever say to a pill testing patron that the drug they are thinking about taking is safe.

In fact, they will go to great lengths to explain the drug is not safe, it is an illicit drug and while some testing has been performed, it is not in any way a guarantee the drug is safe for consumption. Individuals who participate in pill testing already have drugs in their possession and we have to assume they intend to consume them. Any information we can provide these individuals is with the specific of harm reduction. Anything we can do to make their illicit drug consumption safer, not safe but safer, is the best pathway to improve public health.

I am a scientist, a chemist and a toxicologist. I have read the data. I've looked at the evidence. Part of my job is disseminating scientific evidence to the general public. So, let me disseminate. Pill testing is a viable option for harm reduction in Australia. No methodology is going to be a perfect fix, but if we can educate young people about the harms associated with drug use, if we can decrease the number of presentations to emergency departments, if we can potentially save the lives of young Australians who are planning on consuming illicit substances then how can this not be considered?

I do not want the police to have to visit any families in Tasmania or contact families on the mainland who may have a child travelling to Tasmania to a music festival to give them the worst possible news. I know pill testing will not stop that happening entirely, but we know from the evidence that it will create a health intervention that from the evidence will impact.

I encourage all members to support this motion and, even more importantly, I urge the Government to fully consider all the evidence provided and recommendations made by the New South Wales Deputy State Coroner, Harriet Grahame, and thoroughly and openly review the evidence to explore the necessary steps to facilitate the introduction of a medically supervised pill testing or drug checking trial or pilot. I encourage the Government to take a health and wellbeing approach that is evidence-based and promoted through targeted educational programs to minimise harm that includes pill testing as just one aspect of a comprehensive harm minimisation approach to illicit drugs - just one aspect. There are other things the Government I am sure will do and needs to do.

In addition, we must also continue to fully support our police service to focus on a rigorous law enforcement approach to illicit drug manufacturers and dealers.

I commend our police and the work they do in this area, noting a recent significant successful operation in northern Tasmania. The Government is also encouraged to work with those at music festivals who are eager to see this introduced at their festivals to enhance the education, health, advice and safety of patrons.

The Government wants to amend the motion and we will deal with that at a later time. I have circulated an amendment to that amendment. We will get to that at a later time.

This motion is worded in such a way to enable the Government to take a broad approach to this important issue because none of us wants to see the untimely death of any young person as a result of drug use.

Young people and older people alike often undertake risky behaviour. These people, despite their choices, do not deserve to die. This motion provides a framework to help reduce that risk.

I urge all members to support the motion.

[5.11 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Madam Acting President, as we have covered a lot of this in the substantive debate at an earlier time, I will not go through all that again. I have a copy of the *Hansard* and for anyone who wants to read back through it, it is there.

In relation to the debate on preventing festival deaths, the main focus has been solely on pill testing. It is an issue on which there are competing views. We cannot achieve a consensus here today. However, we can all agree we want to reduce harm from drugs and prevent loss of life this festival season in Tasmania. That is the intent behind the member for Murchison's motion.

I also note the Alcohol, Tobacco and Other Drugs Council of Tasmania stated in a media statement last week -

... it is of key concern to us that while this debate continues, it may be potentially distracting the government from considering what other measures could or should be put in place to minimise the harm of illicit drug use during the upcoming festival season ...

The Government is prepared to engage with festival organisers to implement other measures aimed at keeping Tasmanians safe. Amending the motion is the way to find a pathway forward that ensures the environment for patrons is safer at festivals this season.

Out of respect for the member for Murchison, in amending this motion we have attempted to maintain the intent and integrity of the member's original motion. Most of the remaining text is unchanged.

I will move our intended amendment at this point and speak to the motion. There are three amendments but it is all wrapped around the one.

**MADAM ACTING PRESIDENT** - The honourable Leader may read the three amendments in one but will put them individually to the Council.

**Mrs HISCUTT** - Most certainly, and I will speak to the whole as we go, but I am happy for it to happen like that.

I have handed out our amendments and another sheet, which is what the amendments would look like at the end.

The first amendment is to delete paragraphs (1)(b) and (1)(c).

The second amendment will be to delete paragraph (2)(b) and insert instead -

(2)(b) in partnership with Festival organisers put in place measures to actively promote the safety of patrons attending Tasmanian 2019-20 musical festivals;

The third amendment is to delete paragraph (2)(d).

Honourable members can see on the other piece of paper handed to them what our amendment would look like in the end.

The reasons for this are that the Government has already indicated it is prepared to consider the NSW Deputy State Coroner's report into festival deaths.

Something that clearly comes through in the report is that there is no one solution when it comes to preventing festival deaths.

That explains why the report is very wide-ranging in its recommendations which cover health, education and policing. For those of you who may not have had the opportunity to read the NSW Deputy State Coroner's report, it paints a very sad picture of the final moments of six young people who died who were not drug addicts. They were loved dearly by someone. They were someone's son, daughter, brother and sister so to their families the Government also extends its deepest condolences and hopes we avoid the same sort of tragedy here in Tasmania.

The report points to everything from the variable level of medical resourcing and expertise at festivals to festival goers' apparent lack of understanding of the risks and symptoms of overdose. While we do not support pill testing, it is clear we can do more and should do more to keep festival goers safe. The Government is prepared to - in partnership with festival organisers - look to put in place measures to actively promote the safety of patrons attending Tasmania's 2019-20 music festivals and undertake evidence-informed public education programs related to the harm of illicit drug use.

This seems like a very sensible move. While there is a broader discussion to have with festival organisers, our medical and police professionals and those working in the drug and alcohol space as to exactly what we can do, the Government is keen to find a way forward. I think that is what we all want to do here today - it is a pathway forward to ensure patrons at festivals are safer this season.

Of course, any new measures or extra support we can provide are on top of what the Government is already doing to minimise the use of drugs through a mix of justice and preventative initiatives. It is important to acknowledge that Tasmania Police and the Department of Health's Tasmanian Health Service Alcohol and Drug Services do a remarkable job with very dedicated hardworking individuals across a wide variety of areas.

As I have already stated, the Government will take the time to review the NSW Deputy State Coroner's report and get all we need out of it in line with our commitment to listen and consider any evidence put forward for or against pill testing. But, as the Alcohol Tobacco and Other Drugs Council Tasmania pointed out so well last week, it is important we are not distracted from considering other measures that we can agree upon. There is no simple solution and in the interests of doing what we can to reduce harm from drugs and prevent any loss of life in Tasmania, the Government supports this amended motion before members.

I thank the member for Murchison for her contribution, also noting she has indicated pill testing is only one measure or aspect of many and is not necessarily the panacea. There has to be a wraparound project.

Opinions and thoughts are divided on pill testing, so by supporting our amendments, we will be focusing on the other measures. I urge members to support our amendments.

Madam Acting President, I move -

That the motion be amended by:

Delete paragraphs (1)(b) and (1)(c).

[5.19 p.m.]

**Ms FORREST** (Murchison) - Madam Acting President, I thank the Leader for her comments and wish to move an amendment to her amendment. I will speak broadly in terms of where my amendment goes, as the Leader has just done with hers, to give a full picture of this.

I have sought to work very collaboratively with the minister, the current Acting Premier normally Deputy Premier, and the minister responsible for this area in his Mental Health and Wellbeing portfolio, Mr Rockliff.

**Mrs Hiscutt** - That has been noted.

**Ms FORREST** - He has been very approachable and willing to engage, and I appreciate and thank him for that and his staff who have been working with him.

However, I cannot abide removing (1)(b) because this removes the comment 'the thorough and evidence-based approach taken to inform the Report'. I went to great lengths in my contribution to note that by doing so, we are almost character-assassinating the New South Wales State Coroner, who went to extraordinary lengths to inform herself of all the facts and to listen to all the evidence and all the experts - on both sides - and give them equal measure. She reported the arguments of those who support pill testing and those who were vehemently against or partly against it, and gave them equal measure in her report where she balanced both those arguments. If you have read the report, you will know this because it is all in there. Then she made a very clear finding, followed by her recommendation.

I think to take that out is disingenuous and ignores the fact that the New South Wales State Coroner took much time and much effort. If you look at her report, towards the back there are all the appendices and the people she spoke to, and you will see she took an evidence-based and thorough approach to inform the report. Therefore I cannot accept that we take that out - if I were Harriet Grahame, I would take that as a personal slight.

I am seeking to keep (1)(b) in there. Just take out (1)(c) that refers to pill testing. What I am suggesting for those who need to put it into context is that part (1) of the motion remains -

(1) That the Legislative Council notes:

(a) The Report of the State Coroner's Court of New South Wales of the Inquest into the death of six patrons of NSW music festivals (the Report) released on 8 November 2019 by Magistrate Harriet Grahame, the Deputy State Coroner for New South Wales;

(b) the thorough and evidence-based approach taken to inform the Report.

Stop it there, and take out (c).

I find it inappropriate to take out (b) when clearly, if you have read the report, you will know that it is evidence-based and thoroughly researched. I acknowledge the Deputy Premier or current Acting Premier discussing this with me. I have sought to work collaboratively with him on this, and we have. I know the Government has that position on pill testing, but it should come as no surprise that we are here because in the last motion we debated, the Leader, on behalf of the Government, said -

The Government is prepared to consider data and evidence put forward from a health and wellbeing perspective, also from an education perspective.

This is pill testing as a health and wellbeing perspective, and education is also included in the motion, in another part. She also said -

There have been two trials in the ACT, but the findings have not been independently verified.

That is true; one of them is here and another one is still to come. That will be reflected in my second amendment to the amendment that we will get to at a later time, which names up that second report we are still waiting on by the Australian National University.

She said -

I understand the Australian National University will independently review the most recent trial. We look forward to seeing that report when it is released. At this stage it is too early to draw a definitive conclusion from those trials.

Of course it is -

The Government is yet to be convinced there is enough data in an Australian context to support the claim that pill and drug testing is an evidence-based service that reduces the risk of illicit drugs.

That is why I have included that in that second part of the second amendment, but we will come to that in more detail.

The Leader also said she refuted the suggestion that the Government is not prepared to review the evidence - 'We are listening and we continue to do so,' she said.

Here we are, we have a whole body of evidence -

**Mrs Hiscutt** - Could you just repeat that?

**Ms FORREST** - You said during the last debate, and I will quote -

I refute the suggestion the Government is not prepared to review the evidence.  
We are listening and we continue to do so.

What I am saying is, you cannot unsee the coroner's report. The Leader, as spokesperson for the Government in this place, said that the Government was willing to look at that. She further said -

Getting back to the evidence, I have spoken about how an independent review of the latest ACT pill and drug testing trial has yet to be done. We are also waiting for the New South Wales coroner's report into festival deaths, which is expected to be released later this year. It is another important piece of information that governments around Australia will want to consider should they have the opportunity to do so.

These are the two documents the Government said it was waiting for. We have the one that you cannot unsee, the coroner's report, and there is still another. That is more part of the second amendment. I am just flagging that to give a context to the entirety of the amendments being proposed by the Leader and by me in amending her amendment.

At the moment, I am just asking members to keep (1)(b) in the motion, which notes the thorough and evidence-based approach taken to inform the report. I have given my reasons as to why that should remain, and we will come to the second amendment later. One is not reliant on the other. You could vote yes on this one and no on the next. They are not reliant on each other; they are totally separate discussions.

[5.26 p.m.]

**Ms LOVELL** (Rumney) - Madam Acting President, on this amendment to the amendment, I am inclined to support the member for Murchison's amendment. It has been noted a couple of times that there has been quite a collaborative approach taken in developing this motion. This has been demonstrated by the way the member is dealing with these amendments on the Floor and working through what has been proposed by the Government to try to find a way forward that we can all be comfortable with.

It does seem to me to be a little nonsensical to remove that paragraph (1)(b). It is not stating that we agree or disagree with the recommendations of the report. It is simply acknowledging the process and the approach that was taken and the fact that was thorough and evidence-based.



I am unclear as to why the Government would be seeking to remove that paragraph. The Leader might be able to shed some more light on that. It is not saying we agree or disagree with the recommendations, only that the approach taken in writing that report was evidence-based and very thorough, which I do not think anyone can dispute.

I am inclined to support the member for Murchison's amendment to the amendment.

[5.27 p.m.]

**Mr VALENTINE** (Hobart) - Madam Acting President, I support the amendment to the amendment given I would imagine that it would be difficult for the Government to agree to leaving in 'thorough and evidence-based approach' if they believed the approach was not properly evidence-based. I agree with the member for Murchison that in fact it is. I have not spoken to the motion yet, but I support the amendment to the amendment in this case because I think it is accurate.

[5.28 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Madam Acting President, for clarity, when it comes to the report, we respect the report but the Government is yet to review and receive advice on it. On that basis, we are not judging or characterising the validity or otherwise of any evidence put forward. With the amendment we have originally put forward, the Government was very comfortable to be able to do something. That is why it is what it is.

[5.29 p.m.]

**Mr DEAN** (Windermere) - Madam Acting President, I cannot support the amendment to the amendment. I will not support it while the word 'thorough' remains there. 'Thorough' means absolute. If you look at the term 'thorough' in the dictionary, it is very clear what it means and how it should be interpreted.

I have not been through the full report of the deputy coroner. I have read parts of it and there are parts that I have concerns with as an ex-police officer. There are parts the police in New South Wales have concerns with. We have a report provided to us this morning, and I think other members would have that. I am not saying that what is in this report is true. I do not know. I have not had time to check. This is the report from Drug Free Australia, where it raises a number of issues saying the coroner has missed the point. The deputy coroner has missed the point. The deputy coroner has not investigated certain parts of the evidence she should have done. That is what they are saying.

I do not know whether that is right or not, but that is what they are telling me so I cannot at this stage be convinced it is thorough. I will not support it with that word there for a start because although they said there is information and evidence to identify, to me it is not thorough. As I said, I cannot speak my mind to the other at this stage.

**Amendment to Amendment agreed to.**

[5.32 p.m.]

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

Second Amendment

That the motion be amended by:

Delete paragraph (2)(b) and insert instead:

- (2)(b) in partnership with Festival organisers put in place measures to actively promote the safety of patrons attending Tasmanian 2019-20 music festivals;

I believe that fairly well speaks for itself that we are prepared to work with festival goers, and it is something the Government is prepared and willing to do. I hope members will support that.

[5.33 p.m.]

**Ms FORREST** (Murchison) - Madam Acting President, I have no issue with this amendment and it is fine. It actually makes clear that there is a partnership and a collaboration here because otherwise the Government could go in demanding change. I accept and appreciate the minister's attention to this point and am happy to accept this amendment to part 2 of the second part of the motion.

**Amendment agreed to.**

[5.33 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Madam Acting President, so to speak to my third amendment. Thank you very much to the member for Murchison on the previous one, it shows a good collaboration.

I move -

Third amendment

That the motion be amended by:

Delete paragraphs (2)(d)

As I have mentioned to members before, I will not go over it again, thank you.

[5.34 p.m.]

**Ms FORREST** (Murchison) - Mr President, I do not support this amendment and wish to seek members' support for a reworded paragraph (2)(d).

Rather than delete it, I am asking to insert a different paragraph.

I feel taking out any reference to pill testing based on our previous debate and my commitments to raising this issue is to remove all reference to it.

I do not understand the Government's position, but I accept the Government has a position on pill testing.

Mr President, I move -

Further amendment to the amendment

By leaving out after the word 'delete' -

'paragraph (2)(d)'

Insert instead the following -

'paragraph (2)(d) and insert the following -

- (d) give full and genuine consideration to the Report's Recommendation to the New South Wales Department of Premier and Cabinet, recommending the introduction of a front of house medically supervised pill testing/drug checking and reaffirm the Government's commitment made during debate on 14 August 2019, to review the NSW Coroner's Report and the forthcoming Australian National University independent evaluation of the second pill testing trial in the ACT.'

In this amendment I am saying that the Legislative Council calls on the Tasmanian Government to give full and genuine consideration to recommendation (1) relating to pill testing because that is where that recommendation is made.

Also, to review, once available, the forthcoming Australian National University independent evaluation of a second pill testing trial in the ACT for the Groovin the Moo Festival.

In speaking to this, I perhaps correct the Leader about the Alcohol, Tobacco and Other Drugs Council media release put out last week. Alison Lai, the CEO of ATDC, who is present in the Chamber today, has done an enormous amount of work in this area. I thank her for that. The media release the Leader referred to was put out on the basis of a matter of public importance debate downstairs in the other place that was unedifying in parts.

That was in response to some of the comments she made about that. I will read the email from Ms Lai today that was sent to all of us and relevant to this debate. She said -

I have had the opportunity to talk to some of you ahead of the afternoon's debate of Ruth Forrest's notice of motion, but not all. Thank you for those who have reached out.

Ahead of the debate, I would like to take the opportunity to reaffirm the ATDC's support for a trial of medically supervised pill testing in Tasmania.

This position has not changed and while we have recently expressed frustration at the manner the debate has been unfolding (and the risk that it is distracting the government from preparing for the festival season ahead) our position remains unchanged, that trialling medically supervised pill testing needs to be part of the Tasmanian Government's approach to reduce the risk of harm of illicit drug use at our music festivals and events.

As you are assessing your positions on this matter, all we can ask is that you carefully consider the evidence and also the source of any information. Many of you may have seen my opinion piece in the *Examiner* this morning where I addressed this issue.

Ms Lai provided copies of the transcript of that opinion piece. She also goes on to say -

Also, many of you would have received an email from Drug Free Australia yesterday, expressing their outrage that the NSW Coroner did not take into consideration their concerns and/or their interpretation of research statistics when forming the recommendation that the NSW Government needs to trial medically supervised pill testing.

The ATDC cannot speak on behalf of the NSW Coroner with respect to these concerns. However, I can confirm that following our own investigations into some of the claims in this organisation, the manner that they have been attributing causation to events and information is concerning.

There is no change in ATDC's position here. This is directly referencing the pill testing trial being considered. That is one of the key recommendations of the coroner's report. The nature of my intent with this motion was to ensure that was considered by Government.

I am not calling for them to introduce it. I am not calling for them to even undertake a trial. The motion is very carefully worded, asking the Government to give full and genuine consideration to both the coroner's report and when available, the Australian National University's review of the ACT trial. That is what it is asking.

I cannot see what the problem is. My previous motion called on the Government to introduce a pill testing trial and I can understand its reticence to do that because of its position. This is asking for two things: to give full and genuine consideration to the coroner's report - you cannot unsee it once you have read it - and the forthcoming ANU evaluation of the ACT trial.

I urge members to support my amendment to the amendment and keep pill testing as a focus for this Government to consider, as well as waiting the outcomes of the ANU evaluation.

[5.40 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, the member talks about genuine consideration in her amendment, 'give full and genuine consideration' - without a doubt that will happen to the coroner's report anyway, as explained in part (2)(a), 'fully consider the NSW Coroner's Report'.

There were 28 recommendations in that report and the member is talking about one particular point. Now the Government is just not ready to take that step at all, if ever. That is a decision that needs to be made at some stage in the future after we have looked at everything, but at the minute we just cannot.

**Ms Forrest** - But if you are going to look at the whole report, you are going to look at it.

**Mrs HISCUTT** - It will all be looked at. You have put in here that (d) gets back to one recommendation so, as already stated, opinion is divided on pill testing. The Government does not support it. We would, however, support reviewing an independent report, as we have already said we would do.

As I have already stated, part (2)(a) is that it considers the NSW Coroner's report. Members, the amendment the Government has already put forward covers all of this. I can see where the member for Murchison is going, because this is her genuine desire to particularly get pill testing in.

**Ms Forrest** - A trial.

**Mrs HISCUTT** - A trial. As a government, we are not -

**Ms Forrest** - It does not call for that.

**Mrs HISCUTT** - We are not ready; we just do not want to go there yet. We do not support pill testing.

**Ms Forrest** - You are not even willing to look at the research?

**Mrs HISCUTT** - We are looking at every research that is going around. We will study it.

**Ms Forrest** - That is all I have asked you to do. I have not asked you to introduce it; I have asked you to look at the evidence.

**Mrs HISCUTT** - The amendment the Government has put forward, which members have a copy of in full, is something the Government is prepared, willing and able to do this every day, for this very upcoming season. I urge members to please seriously consider the Government's amendments. It is something we will and can do without any qualms, so our amendment will happen if members are of the mind to agree to it.

[5.43 p.m.]

**Mr FINCH** (Rosevears) - Mr President, I will see if I can work my way through this. It is a little bit confusing, but some clarification came in with what you said, member for Murchison, and what the Leader replied with. You are right, it is just about evaluating what it says in the report about pill testing. It does not say 'Head down that path of pill testing', and it says also to wait for the forthcoming ANU independent evaluation of the second pill testing trial in the ACT. It is really only putting the Government on notice.

**Ms Forrest** - That I will be back.

**Mr FINCH** - But to make note of this. That is what it is really saying is - make note of this; you are not suggesting we go with the pill testing trial. When I speak to the motion, it will be that I support that circumstance, but I can understand where you are going with it. Although it is elongated in respect of what you are suggesting here to the Government, which makes it a little bit difficult in trying to, at the last minute now, get our heads around it, I also think that in the Leader's explanation there is a desperation to shy away from any mention of pill testing. Yet, that is really what is on everybody's lips - the parents of children who are going to these music festivals, in the coroner's report, the investigation - it is all about: should this be a way we move forward to protect our young people? Your amendment makes it clear for me, and I can support that amendment to the third amendment.

[5.46 p.m.]

**Mr DEAN** (Windermere) - Mr President, I just want to make sure I have the right recommendation we are referring to. Are we talking about the one on page 135, to the New South Wales Department of Premier and Cabinet?

**Ms Forrest** - Recommendation (1).

**Mr DEAN** -

That the Department of Premier and Cabinet permits and facilitates Pill Testing Australia, The Loop Australia or another similarly qualified organisation to run front of house medically supervised pill testing/drug checking at music festivals in NSW with a pilot date starting the summer of 2019-20.

Is that it?

**Ms Forrest** - That is recommendation 1 you have read, but it is not asking the Government to implement it; it is asking it to consider the evidence that led to that recommendation.

**Mr DEAN** - My interpretation of it is - and there are a number of interpretations one can give to the wording here - to give full and genuine consideration to the report's recommendation 1, and I have just read out what that is - that is, to undertake that.

I see it as much stronger and much clearer than the interpretation the member for Murchison and others are giving it. That is my interpretation of it. I see the words 'give full and genuine consideration' - what does it mean if it does not mean that? If you look at recommendation 1 and you use those words, 'full and genuine consideration to the Report's Recommendation 1' - I will just read out what recommendation 1 is all about. It says there clearly -

.... to run front of house, medically supervised pill testing/drug checking at music festivals in NSW with a pilot date starting summer of 2019-20.

That is the way I interpret it - it is much stronger than just saying that you have to look at this.

**Ms Forrest** - No, if you read my motion, it tells you clearly that is exactly what I say. There is no hidden agenda here.

**Mr DEAN** - I am reading your motion -

(d) give full genuine consideration to the report's Recommendation 1.

**Ms Forrest** - Yes, keep going.

**Mr DEAN** -

to the New South Wales Department of Premier and Cabinet, recommending the introduction of a front of house medically supervised pill testing/drug checking and reaffirm the Government's commitment ...

So the full and genuine consideration is to the part I just read out recommending the introduction of 'front of house medically supervised pill testing/drug checking and then reaffirm the Government's commitment made' et cetera.

I interpret it in a much different way and stronger way than the member for Murchison interprets it, and I will find difficulty in supporting the amendment.

**Mrs Hiscutt** - I think (1)(a) already ticks off on this and we do not need to -

**Mr DEAN** - It is (1)(a) of your amendment.

**Mrs Hiscutt** - Of my amended motion. I do not think we need to go any further.

**Mr DEAN** - I ask members to closely look at it and to understand exactly what it does mean, to get clarity around it about those words 'give full and genuine consideration'. What it is really saying is give full and genuine consideration to implementing it.

**Ms Forrest** - If I wanted them to implement it, I would have said that.

**Mr DEAN** - That is really what it is saying: 'give full and genuine consideration to the Report's Recommendation 1'. I told you what recommendation 1 is, for the New South Wales Department of Premier and Cabinet; I just read it out. I cannot support that, with all the information that is going around, and the Government has made its position fairly clear.

[5.50 p.m.]

**Mr VALENTINE** (Hobart) - Mr President, when I read the honourable Leader's (1)(a) -

(1)(a) That the Legislative Council notes the Report ...

That is nowhere near enough. It is not genuine consideration. That is noting it.

**Mrs Hiscutt** - What about (2)(a) as well?

**Mr VALENTINE** - You said (1)(a).

**Mrs Hiscutt** - You can put (2)(a) in there as well if you like.

**Mr VALENTINE** - Yes, I see what (2)(a) says, but I read what the member for Murchison's paragraph (d) says and I certainly don't see in there that it says that pill testing has to take place. It says -

... give full and genuine consideration to the Report's Recommendation 1 to the New South Wales -

Which should be s', 's Department of Premier and Cabinet.

**Ms Forrest** - You are correct on that.

**Mr VALENTINE** - That is all right - Mr Pedantic here -

Department of Premier and Cabinet, recommending the introduction of a front of house medically ... -

That is what the recommendation says: it is saying to give it full and genuine consideration. It is not actually saying do it - it is not saying do it - and that is what needs to be made clear here.

**Mrs Hiscutt** - Through you, Mr President, part (2)(a) says to fully consider NSW Coroner's report. There were 28 recommendations and this amendment to the amendment is focusing on one.

**Ms Forrest** - Yes, for a specific reason. Some of them do not relate to Tasmania and the education one is covered in another subclause.

**Mrs Hiscutt** - The Government will look at them all.

**Mr VALENTINE** - I am supporting the amendment to the third amendment.

[5.51 p.m.]

**Ms WEBB** (Nelson) - Mr President, I am going to state my support for this amendment to the amendment and clarify that I don't believe that (2)(a) means we do not require (2)(d) and if the Government is fine with (2)(a), it should have absolutely no problem with (2)(d).

This is a private member's motion. I respect this private member's right to bring a motion that she has devised, as we would others. If this is the way she would like to cover the motion and it covers these areas, even if you feel there is double up with (2)(a) and (2)(d), it should not fuss you to include (2)(d) as the Government in the motion.

I am going to support the inclusion of that 2(d), the amendment to the amendment, and I invite other members to consider supporting a private member's motion and their right to bring a motion that they feel best expresses the intent of the debate.

**Mrs Hiscutt** - Through you, Mr President, while the member is on her feet, the Government also has a right to do something that it thinks it can do, and we certainly can do the amendment as before.

**The Council divided -**

AYES 8

Mr Finch  
Ms Forrest  
Mr Gaffney  
Ms Lovell  
Ms Siejka  
Mr Valentine (Teller)  
Ms Webb  
Mr Willie

NOES 6

Ms Armitage  
Mr Armstrong  
Mr Dean  
Mrs Hiscutt  
Ms Howlett (Teller)  
Ms Rattray

**Amendment to amendment agreed to.**

[5.57 p.m.]

**Ms LOVELL** (Rumney) - Mr President, I am pleased to contribute to the debate on this motion this evening. I thank the member for Murchison for bringing it before us today, bearing in mind that some of my comments may refer to the original motion. Now we have the amended motion. I will do my best to keep up.



The member for Murchison is calling on the Legislative Council to note the report of the NSW State Coroner into the deaths of six patrons at New South Wales music festivals, which was released on 8 November 2019.

I offer my sincere condolences to the families and loved ones of those six individuals. Each of their deaths was a tragedy, as indeed any drug-related death is a tragedy.

I am particularly pleased to see in this motion a focus on the overall safety of festival patrons in Tasmania. Whether you are for or against pill testing, this is what we are all trying to achieve, to make young people, and indeed people of all ages, attending our music festivals as safe as they can be.

This is an important priority for festival organisers in Tasmania. We have some fantastic festivals over summer, led by some passionate people. The organisers of the Falls Festival are very focused on the safety of their patrons, as they have always been. They are taking steps this year to do everything they can to provide the best environment for their patrons.

I did not hear all of the member for Murchison's contribution. I am not sure if you outlined the steps the Falls Festival is taking? I am intending to do that.

**Ms Forrest** - I read them broadly but not specifically.

**Ms LOVELL** - As an example, some of the measures they are taking include extending their St John Party Safe team, which includes their chill-out tent and volunteers who walk through the festival looking for individuals at risk; changing their internal medical team structure so that they have two trained ED doctors onsite, up from one in previous years, working under the St John's banner, alongside their existing nurses, doctors and registrars who volunteer their time to assist with patron safety. They are making tweaks to their governance, reporting and escalation model. They are working with Ambulance Tasmania to improve their facilities on site and the service they are able to provide, and ideally increase the amount of ambulance coverage. They are in conversation with the Drug Education Network, which does an enormous power of work around illicit drug use and safety to develop what they are calling 'party cards' that can be distributed throughout the festivals, so they are doing an education and awareness tool.

I encourage the Government to work closely with the organisers of the Falls Festival and other festivals, who I also know are taking steps like these, on these and measures like them.

The specific question of pill testing has dominated this debate, but this is a much broader issue. Labor's position on this issue has been consistent. For a long time, our approach on the issue of substance use has been to support evidence-based policy with the basis in harm reduction. Drug use must be treated as a health issue, rather than a criminal issue.

For the record, because I have no doubt whatsoever our position will once again be misrepresented, let me be very clear on this: on the specific matter of conducting a pill testing trial, only the Government can make a pill testing trial happen in Tasmania. Pill Testing Australia has been very clear about this in its statement, that it will not conduct a trial in a state where the government is not supportive.

The Labor position has been, and continues to be, that we will monitor the existing and emerging evidence and continue to consult with stakeholders and community on this issue, but it is

the Government and only the Government that can conduct a trial, and I encourage it to take the same approach.

I also take this opportunity to highlight this is an issue many people feel passionately about on both sides of the debate, and it is a debate that has at times become emotionally driven, particularly here in the parliament.

If we are to achieve our shared aim, and I hope it is shared, of ensuring festival patrons in Tasmania are as safe as they can be, whether that includes pill testing or not, we must do our best not to be distracted by the emotion of the arguments, but to remain focused on the outcomes we are all hoping to achieve.

This motion, and now the amended motion, provides a sensible and measured way forward. It focuses on the overall safety of festival patrons rather than one particular measure, and calls on the Government to consider the NSW Coroner's report and form an evidence-based position.

It does not compel the Government to take any particular course of action, but rather outlines a constructive way forward. In my view, this is the work of government, and I would be surprised if the Government did not agree.

For these reasons, I will be supporting this motion.

[6.06 p.m.]

**Mr FINCH** (Rosevears) - Mr President, I was interested to hear about those measures being taken to safeguard the welfare of the young people at the music festivals. Did you know we modern Australians seem to become expert in creating polarising debates on the issues, without the rigour of research or even imagination?

The debate over whether there should be pill testing at music festivals is a prime example. On one side, we have some governments refusing even to accept there could be benefits in preventing young people poisoning themselves by consuming contaminated substances.

The aim of it here seems to be that testing drug substances amounts to condoning the taking of recreational drugs at music festivals while the other side of the argument is testing pills at music festivals could save lives.

The member for Murchison's motion speaks of inquests into six deaths at New South Wales music festivals. It is arguable whether all those deaths would have been prevented had there been pill testing programs. It is not saying all of them, but some of them might have been.

Basically, what the member for Murchison's motion is calling for is a medically supervised pill testing and drug checking pilot or trial in Tasmania. Just forgetting about where our motion has gone with the amendments, I cannot see how such a trial, and I stress it would be a trial that was called for, would cause the sky to fall in. I doubt it would have any effect on the number of young people who like to take drugs at music festivals.

Pill testing is easy. Chemists can use portable testing devices which give a relatively quick and accurate result. What seems to be ignored by those opposing a testing trial is the ability of young people to communicate through smart phones and other devices. What would happen if some pills were found to be dangerous? Word would get around almost instantly that the distributor of faulty

pills should be avoided. A pill-supplying charlatan would quickly go out of circulation. The long-term result would be that purveyors of dangerous pills would go out of business and lives would be saved. So why not give it a go?

There is the argument that pill testing would be seen to condone the use of recreational drugs at music festivals. They are there and they are not going away. There are many informed and compassionate people on the side of testing or at least giving it a trial.

One is the Lord Mayor of Melbourne, Sally Capp. She says she does not endorse anyone taking illicit drugs. I will quote from a recent public statement -

... in the face of evidence that people are taking these drugs we simply cannot stick our heads in the sand. ... My heart goes out to anyone who has lost a child or loved one through drug use ... If [pill testing] saves one young life it is worth doing.

It seems that the argument is between those who want to save lives and those who say pill testing is giving a stamp of approval to taking drugs. I know what side I am on. We must do everything we can to save young people at music festivals from accidentally poisoning themselves. I give full support to the motion.

[6.07 p.m.]

**Mr VALENTINE** (Hobart) - Mr President, I too offer my condolences to each and every one of those parents who has lost a child at those festivals.

I cannot imagine what it would be like to have someone knock on your door and say your child has died as a result of taking drugs. It is just not something that -

**Ms Forrest** - Or even just having to come and tell you your child is dead.

**Mr VALENTINE** - That is exactly right. There are many occasions where police have to do that. It must be one of the most dreadful jobs for a police person to knock on the door and say 'Your child is dead'. I am sure the member for Windermere has probably had to do that in his career.

**Mr Dean** - When you rock up at somebody's door at three o'clock in the morning, they know very well it is not good news.

**Mr VALENTINE** - That is exactly right. We can all wish that our children will not ever undertake risky behaviour. It is something we can never guarantee. Children and adults undertake risky behaviour and often pay the consequences.

When I listened to the member for Murchison read through the summary of that report, I had no doubt that they looked at every aspect of the situation, seeking to conclude and presenting their findings to us.

The member mentioned Dr Alex Wodak. I was involved with Dr Alex Wodak on a number of occasions during my time on the Council of Capital City Lord Mayors and the harm minimisation approach that group were taking. That was in the early to mid-2000s.

I can think of no other individual who is so respected when it comes to knowledge of drugs and their impact, except perhaps for Professor Margaret Hamilton who is also one of those people who has dedicated her life for some 40 years to trying to achieve a harm minimisation approach.

Alex Wodak was a physician up to 2012 and is the Director of the Alcohol and Drug Service at St Vincent's Hospital in Sydney. He is no lightweight when it comes to these things. He established the National Drug and Alcohol Research Centre and was President of the International Harm Reduction Association. We are talking about people who have real expertise and who are putting their minds to these sorts of things.

I do not want to go back over everything I said in my last offering when I was dealing with this. I will take a couple of points from *Hansard* for anyone to see. It presents an opportunity for a conversation. That opportunity doesn't exist at the moment in any real way. I think it is important to understand that is what this offers. Pill testing offers that opportunity for a conversation. They will not say, 'Yes, you can take it, it's safe'. They are not going to say that. But if a person has grabbed two or three pills from some dealer outside the gates and see this testing situation going on, they may well go into the tent and say, 'I just got these; I'm just a bit nervous about this', and it gives opportunity for the conversation. It is not to say, 'Yes, it's safe to take'. They are not going to do that. They are going to talk to the person. It might be the very opportunity saves that person's life.

There are others who say the coroner did not consider certain aspects. I would have the faith in that coroner, given the information they had before them and the expertise they have available to them through people like Alex Wodak, that they would be able to talk to that person and say to them, 'This is risky behaviour'. They are not going to say, 'It's okay to take'. They are not going to say that. We have been told that many times.

It is a bit hard to try to find another example as an analogy. If you can imagine being at a car race and you know someone has a delaminated tyre and they are about to go out and do 250 kilometres an hour around that track, would you tell them? Of course, you would tell them. 'Hey, look at the tyre. That tyre is going to blow, that's unsafe'.

That is probably not a totally good analogy, but the fact is doctors who know these things are unsafe are not going to be giving a positive message to somebody. If there is any opportunity for us to be able to have that conversation or for appropriate people to have that conversation with young people - and it is not always young people, I have to say. I have quite often been to the Falls Festival. As I said before, I am not a drug taker but I see plenty of older people walking around and they look like they might be on something.

**Ms Forrest** - How do you define 'older'?

**Mr VALENTINE** - I have seen lots of people who are in their seventies at that place. Is that old?

The point is, if you know something and you have the opportunity to tell somebody something that might save their life, you are going to do it. You are not going to put your head in the sand and them go ahead and put themselves in danger. The analogy is not great but the fact is, here is the opportunity to have a conversation, so why would we not do it?

This particular motion is just saying to consider the report. We have had that debate with the amendment. I am behind this motion. I hope the Government carefully considers the findings of that particular report and they take necessary steps to fully examine it, and then put their mind to how they might be able to see a way forward.

I support the motion. It is a good motion. As I say, basically repeating myself from the last time, I support it.

[6.17 p.m.]

**Ms FORREST** (Murchison) - Mr President, I want to make a few comments on summing up.

I thank members for their contributions. I acknowledge the member for Rumney's contribution talking about the broad measures that Falls Festival and others are taking. I know Party in the Paddock is undertaking some measures as well. I believe they acknowledge, as young people I talk to who go to music festivals acknowledge, pill taking is a reality. We need to deal with it and we need to deal with it in a harm minimisation framework that is health focused. We need to maximise the law enforcement approach to deal with drug dealers and manufacturers, and try to disrupt the supply as much as we can.

I commend the work our police service does in that area. It is hard work but when they manage to disrupt a supply - they did recently in the north of Tasmania - that is very encouraging.

As much as we might like to think that our young people do not take drugs, they do. Not all of them, some of them. It is a reality.

I want to close with a few comments and start with just reading from the coroner's report in her introduction. It is important that we listen to the families because I do not want another family to have to go through this if we can do something to prevent it or assist in prevention, particularly in providing an education framework with which to do it.

This is paragraph 3. This the coroner speaking -

At the outset I acknowledge their families' pain and once again offer each family my sincere and personal condolences. The court was deeply moved by the grief expressed by parents and their commitment to engage with the inquest process in an attempt to understand the complex factors which may have contributed to their child's death. The court was also impressed by their clear motivation to help find ways that could prevent other families experiencing the pain they bear. They come from different backgrounds and may see different solutions to the issues under investigation, but each family has shown extraordinary grace and courage. They have my full respect.

Mr President, I ask how hard would it have been to sit there and listen to the testimony and the evidence about your child? When you read the reports in the coroner's report - and I encourage you, if you have not done it, to read that chapter. You will see that these are real people, young people, who could be one of our sons or daughters.

Paragraph 4 -

To fully understand why Nathan, Diana, Joseph, Callum, Joshua and Alex died it has been essential to learn as much as possible about their drug use at music

festivals and to place that use in a broader context. This process has been a painful one.

The illegality of MDMA and other drugs sometimes consumed at music festivals means that open discussion of these issues is often difficult or even impossible. It can be hard for the community to grapple with some of the underlying issues when drug use is illegal, and drug users are stigmatised. It is difficult to properly explain the potential risks to young people if our only permissible message is 'just say no'.

While we continue to hide the true extent of drug use, it remains inherently more dangerous. I commend the young people's friends and peers who came forward to assist the court in these difficult circumstances.

Their names have rightly been blocked out in the report but the courage it would have taken them to front up.

We need to understand how many young people take drugs and why they do it. We need to understand what is common practice, and what risks are known and understood. There is little prospect of medical intervention without this kind of important information. As a result of the assistance given, the court was able to understand the circumstances of each death in the context of a substantial and growing body of expert evidence and research.

Mr President, I encourage all members - and the member for Windermere who was not here for a lot of my contribution during the debate in the Chamber, so he probably did not hear some of the things I referred to, but in the appendices, from page 142 on, there are pages and pages of the expert advice, the evidence and everything that was provided to the coroner to enable her to make informed decisions around what she recommended. It is based on all that evidence and far-reaching research. It was also backed up by Dr Morgan, who I quoted, who is a toxicologist who actually embedded herself in the research from all around the world for three months to do that.

I have listened to both sides of this debate, as did the New South Wales State Coroner, and have spoken to many of my constituents and other Tasmanians about this matter. Support for the introduction of pill testing is broad across all demographics and is significantly higher than opposition.

As I mentioned previously, I found that when discussing this issue with those who are opposed in their views, their view often changes or alters when they actually understand how pill testing is conducted and how the health messaging is the focus, and that patrons, who are considering taking drugs, are told there that there is no safe way to take a drug; the only way to keep yourself safe is not to take it. They are always told that. They are not told it might be safe, it is a bit safe. They are told the only way to be safe is not to take it.

I also acknowledge and repeat that the drugs we are talking about here are illicit and do cause very real harm. I do not, through this motion, or any other comment, condone illicit drug use.

I do support a harm minimisation approach that includes the provision of accurate, evidence-based information within a health and wellbeing framework.

Unfortunately we know that young people and older people are alike and often undertake risky behaviour. For young people, it is a part of their growing into adulthood and establishing their own identity. These people, despite their choices, do not deserve to die. This motion provides a framework to reduce that risk if the Government will fully consider both the coroner's report and, when available, the ANU review of that ACT trial.

We must not overlook that this motion also calls on the Government to undertake education programs and work with others to put measures in place to enhance the safety of all music festival attendees ahead of the 2019-20 music festival season. I am really pleased to hear the Government say they would support that aspect. I know they are not going to support the motion overall, but in my discussions with the minister, the Government fully supports that and I look forward to seeing some work done in that area, and I will be watching.

**Mrs Hiscutt** - I bet you will.

**Ms FORREST** - These are really important. Education is the key in these sorts of things, but even with an effective education program, young people will still take risks. They take them when driving, with sex, with alcohol, and some of them with drugs. We might like to pretend that does not happen, but it does.

I, along with the New South Wales State Coroner, do not see pill testing as a solution. It is one measure that can be part of a health-focused harm minimisation approach. It is not a panacea. It is not the only thing that needs to be done but I mention it in this motion because it is something that we do need to look at and fully consider.

Some of the other recommendations made by the New South Wales State Coroner do not relate to Tasmania's circumstance, so the Tasmanian Government will rightly say that does not apply to us, that is fine, but the ones around education certainly do and I know the Government will have a look at those. The motion is worded in such a way to enable the Government to take a broad approach on this important issue.

As I said before, none of us want to see the untimely death of any young person, but I acknowledge that young and older people do undertake risky behaviour at times and these people, despite their choices, do not deserve to die. I pass my condolences on to the families of those who have lost young people, not only the six in this coroner's report but all those who lose young people as a result of illicit drug use. I hope we see those numbers fall right away. In fact, it would be better to have none at all but 'just say no' does not work.

I thank honourable members for their support of the motion.

**Motion, as amended, agreed to.**

## **ADJOURNMENT**

[6.26 p.m.]

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

That at its rising the Council adjourn until 11 a.m. on Wednesday 20 November 2019.

Before I move the adjournment I remind members of our briefings tomorrow morning. The Gaming Control Amendment (Wagering) Bill 2019 is the bill the Government would like to start on tomorrow. We have a 9 a.m. briefing from Tasracing and a 9.30 a.m. briefing from Racing Clubs Tasmania, followed up by a departmental briefing.

**Motion agreed to.**

**The Council adjourned at 6.27 p.m.**