PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF DEBATES

Thursday 25 March 2021

REVISED EDITION

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

QUESTIONS

Brittany Higgins - Comments made by Senator Eric Abetz - Premier's Position

Ms WHITE to PREMIER, Mr GUTWEIN

[10.00 a.m.]

In your Address last week, you told Tasmanian women and I quote: 'I see you, I hear you'. Do you believe women when they make allegations of bad behaviour by men? Who are you choosing to believe in the matter raised with you weeks ago by the Speaker, and again yesterday in this parliament, the independent member for Clark, Sue Hickey, or Senator Eric Abetz?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for that question. I stand by what I said regarding those who rallied around the country. There is a paradigm shift that is occurring in this country, a paradigm shift that is long overdue.

Obviously, the Speaker feels very strongly about the conversation that she had with Senator Abetz. Likewise, he has made a very strong statement of denial; in fact, categorically denying that he said those things. A few weeks ago, I make the point, that if the Speaker had raised with me a complaint as a Liberal party member we had a process that could have been entered into for those two Liberal party members to air their grievances and for these matters to be heard. As of this week, that process does not exist, which is why I have referred the matter to the Prime Minister, as this is a matter that involves a federal member of the federal parliament, and a matter that involves the federal parliament.

As I said, Madam Speaker, you obviously have strong feelings on this, and Senator Abetz has made his position very clear as well. If this matter is to go forward, in any way, shape, or form then it is a matter for the federal parliament, not this parliament.

Brittany Higgins - Comments made by Senator Eric Abetz - Premier's Position

Ms WHITE to PREMIER, Mr GUTWEIN

[10.04 a.m.]

You say you have written to the Prime Minister in relation to serious allegations about the Liberal Senator for Tasmania Eric Abetz, and the sickening comments that he made in relation to the rape of Brittany Higgins in a Liberal minister's office in Canberra, and in relation to the rape allegations against Christian Porter. What exactly is it that you have asked the Prime Minister to do?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for that question.

Again, I make the point about the allegations that have been made that they have been vehemently denied by Senator Abetz - categorically denied. However, as we witnessed yesterday, the Speaker feels very strongly about her position on those matters.

I have written to the Prime Minister. I have attached the transcripts of yesterday's proceedings and I have attached a copy of Senator Abetz's statement. What I have said to the Prime Minister is that he takes any action that he considers appropriate given that the allegations made relate to a member of the federal parliament.

Ashley Youth Detention Centre - Allegations of Abuse

Ms O'CONNOR to MINISTER for HUMAN SERVICES, Mr JAENSCH

[10.05 a.m.]

Can you confirm that in January 2020, management of Ashley Youth Detention Centre was made aware of potential historical rape allegation involving a young adolescent and a member of staff? We also understand the same individual, that staff member, was known to have masturbated in front of children detained at the centre.

Can you also confirm that that staff member was not stood down until November 2020 when the incident was aired on the Nurse Podcast; that is, 10 months after the historical rape allegation was brought to management's attention? Further, will you tell the House when the staff member was referred to police for investigation and when his Working with Vulnerable People registration was cancelled?

ANSWER

Madam Speaker, I thank the Leader of the Greens for her question.

These are very serious and concerning matters that she is alluding to. I reiterate that our Government is committed to responding appropriately to all and any allegations of abuse in our Government institutions, whether they relate to historical or current day matters. In fact, my department advises me that the processes they have established are set up to deal with any allegations as if they are current. Their first priority is to make an assessment as to whether there is any risk to any young person in Ashley. That is their first concern at all times.

With regard to the other matters that Ms O'Connor raised, I will need to take advice as to which case that may be referring to. There are little pieces of information that Ms O'Conner, brings in here and I want to be very sure that I know the substance of those cases, not just the information that Ms O'Connor chooses to share with us. We take this very seriously.

It is very important as with any cases involving young people and their wellbeing that anyone in possession of information regarding the safety and wellbeing of young people has an obligation under legislation to report it to the secretary, the guardian, the police as soon as possible.

In the last question time of last year, Ms O'Connor brought some information and shared it in a question to me in this place, along similar lines. After that question time I asked Ms O'Connor to please forward us the information she had. She did and it showed that she had been sitting on that information for two weeks. It showed that she had been provided with that information two weeks prior.

Members interjecting.

Ms O'CONNOR - Point of order, Madam Speaker, going to relevance. We cannot let the minister get away with this. This is information that the department already had once we forwarded it. What we would like to know is, if the minister is going to come back to the House with information about this very serious allegation. Will it be today?

Madam SPEAKER - That is not a point of order. It is a second question, but I am sure the minister heard your question.

Mr JAENSCH - Madam Speaker, my experience is that when a member comes in here and shares small bits of anonymous information in this place, the best path of action for me to take is to go back and seek advice from my department to ensure we know which cases and to get advice as to how those cases are dealt with. The other thing is that where there are investigations under way and where those matters have been referred to police or other investigations, or are being referred to the commission of inquiry process, there are limitations, as we have discussed here before, on what I can report on and share here.

I will examine the information included in Ms O'Connor's question and ask her here to please forward all information she has to the secretary of my department as soon as possible.

Ms O'Connor - I've given you the information that we have.

Mr JAENSCH - I hope she has provided information as soon as she has been in possession of it because we take these cases very seriously and we want to investigate them thoroughly.

Brittany Higgins - Comments made by Senator Eric Abetz - Premier's Position

Ms WHITE to PREMIER, Mr GUTWEIN

[10.11 a.m.]

Just two hours ago the Prime Minister indicated to Sabra Lane on the ABC's *AM* program that he believed Senator Abetz rather than the former Liberal member for Clark, Ms Hickey, in relation to the Senator's disgusting comments over the Brittany Higgins case. He made it clear that no further action would be taken. Are you satisfied with the Prime Minister's response and will you table the letter that you wrote to Prime Minister Scott Morrison?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for that question. I do not have a great deal more I can add to this. Ms Hickey has made her position perfectly clear. Senator Abetz has made his position perfectly clear. I will say that Senator Abetz has been a

longstanding servant of Tasmania and I was not a party to that conversation and cannot act as judge, jury or executioner on this matter.

I make this point: Ms Hickey has made her position perfectly clear and we could see yesterday that it was difficult for her. In terms of Senator Abetz, he has made his position perfectly clear. As I have indicated, there was a process that three weeks ago this could have entered into should I have received a complaint, but I did not and in fact, the -

Members interjecting.

Mr GUTWEIN - In terms of that process - and I will be clear - as I explained before, there is a complaints process for Liberal Party members to have grievances heard. That is no longer available. Senator Abetz is a member of the federal parliament and it was in relation to matters relating to the federal parliament, so I believe it is quite appropriate that I have referred the matter to the Prime Minister. Should Ms Hickey, the member for Clark, want to pursue these matters, there is now a process where she can engage with the Prime Minister on this. It is a federal matter.

Ms Hickey has made her position very clear. Senator Abetz has vehemently and categorically denied the allegations. It was important to ensure that this matter was brought to the Prime Minister's attention. I am very happy to quote from the letter. I am not in the habit of sharing correspondence I have with the Prime Minister but I am very happy to quote from the letter. The penultimate paragraph says:

> I have attached the statements for your information and request that you take any action that you consider appropriate given that the allegations made relate to a member of the federal parliament and to the federal parliament.

Securing Tasmania's Future

Mrs PETRUSMA to PREMIER, Mr GUTWEIN

[10.14 a.m.]

Can you update on how the Government's clear plan to secure Tasmania's future is working, and are you aware of any alternative approaches?

ANSWER

Madam Speaker, I thank Mrs Petrusma, the member for Franklin, for that question and her real interest in that matter. When the pandemic struck we were faced with the most serious health and economic crisis the state has ever faced. As a government we took clear and decisive action and unprecedented steps to protect and safeguard our community, many of which were very difficult. As a result of the incredible efforts of all Tasmanians we are once again turning the state around, we are rebuilding the state and securing Tasmania's future.

To the people of this state I say thank you to all for their efforts. You have shown you will always rise to the challenge and you will hold out your hand and help your fellow Tasmanians back on their feet.

We are now emerging from the pandemic crisis with optimism, a strong economy and business confidence leading the nation and a clear focus on securing Tasmania's future. We have reason to be optimistic. We know there is always more to be done, and that is why we accepted the 52 recommendations of the Premier's Economic and Social Recovery Advisory Committee to help support Tasmania's short-, medium- and longer-term recovery from COVID-19. Our clear plan is working. It is rebuilding the economy, it is creating jobs and ensuring that the essential services that Tasmanians need are available.

Employment is now back up to pre-pandemic levels of 261 200. Jobs were up 1.5 per cent in February, the largest monthly growth rate in the country. Unemployment is down 5.7 per cent and we now have the second-lowest unemployment rates of all the states. Importantly, the participation rate has picked up, which means that more Tasmanians are more confident and out there looking for work. The youth unemployment rate is down as well, the third-lowest of any state. As I have said on many occasions, job vacancies are growing and they grew 52 per cent over the year in the month of February, the highest growth rate in the nation. We have a strong record on jobs overall, with 26 400 jobs now created since we came to government in 2014.

Businesses are confident and confident businesses invest and hire. Business investment was up in the December quarter. It grew 8.2 per cent in the quarter and was 7.4 per cent higher than the year before. Business are confident and confidence leads to economic growth and increased investment in jobs. In the December quarter, the economy was stronger and larger than 12 months previously, and private and capital investment was up and growing 17.2 per cent, the highest growth rate of any state, five times higher than the national average.

Private investment overall is up and grew 10.2 per cent over the previous year, bucking the national trend. This included the highest annual growth in equipment plant machinery in Australia increasing 43.5 per cent over the year as Tasmanians got back to work and their businesses continued to invest.

Regarding the construction sector, loans were up, nearly triple the number 12 months before, building approvals were up 3538 in the 12 months to January, 14.1 per cent more than the previous year, and in January retail trade, a great litmus test for your broader economy, was 9.3 per cent higher than the year before.

Our plan to secure Tasmania's future is working. Our plan to rebuild our economy is working. We have a full book of work in front of us. Tasmanians can be confident. Jobs are there and our economy is growing.

However, the other side still cannot make up their minds whether they support anything from PESRAC - not a clue from them regarding what they stand for. They have policies only to oppose. They cannot see that ensuring that we have a nimble and fit-for-purpose TasTAFE moving forward, one that can act more like the businesses that it is there to serve, is going to provide more jobs for young Tasmanians and regional Tasmanians to ensure that they are skilled and trained and can take on the jobs that we have in our growing economy.

I have said on many occasions that whingeing is not a policy and complaining is not a platform. This side of the House is going to focus on our strong plan to secure Tasmania's future, a plan that is working. We are getting nothing from over there.

River Derwent Ferry Service - One-Year Trial

Ms OGILVIE to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr FERGUSON

[10.21 a.m.]

Following on from my question yesterday about congestion in Clark, it is clear we need a range of solutions to make a serious dent in the gridlock impact in Hobart. You have floated the idea of ferries across the Derwent to help ease the pressure on commuters. I know the community is well on board with this idea and we are eagerly anticipating a greater diversity of public transport options. When will the ferry service be launched?

ANSWER

Madam Speaker, I am very grateful to the member for Clark for her question. It is as if she has been reading the mind of the member for Franklin, Mrs Petrusma. I am very pleased to bring that information to the House.

The Tasmanian Liberal Government supports free-flowing traffic to bust traffic congestion in Hobart, which is being delivered through the Hobart City Deal. This is a key initiative which was established in the Hobart City Deal, following the excellent policy work of my predecessor, Mr Rockliff. The Hobart City Deal is a very positive partnership between the Tasmanian and the Australian Government, the Hobart City Council, Madam Speaker, when you were mayor, the Clarence City Council, Glenorchy City Council and Kingborough Council. The Government has allocated $30.8 million over four years for congestion mitigation projects. Through the City Deal an additional $20 million has also been allocated to address traffic issues affecting Kingborough. I commend the latest advertising campaign encouraging Kingborough residents to use the new services.

The Derwent River ferry service is one of those initiatives under the Greater Hobart Traffic Solution. Since late last year, in partnership with the RACT with our campaign, the Tasmanian Government has been going through a procurement process to partner with a private operator to run a one-year trial of a Derwent River ferry service with potential for a one-year extension.

I am very pleased to announce to the House that long-standing and respected ferry operator, Roche Brothers, has been selected as the preferred operator for the Derwent River ferry service. A ferry service linking Hobart to Bellerive offers commuters an alternative to car travel helping to ease congestion and boosting active transport such as cycling and walking.

The initiative is the key component in the Tasmanian Liberal Government's Greater Hobart transport vision. While the contract and finer details are being concluded the service will run as a one-year trial with the potential for a one-year extension. I expect and I want it to go for two years. I also want it to continue past that after the pilot is successful because the people of the eastern shore and Hobart will be voting with their feet.

Members interjecting.

Mr FERGUSON - If members would care to listen.

The service will offer a fast and convenient option between the eastern shore and the city. We expect a one way crossing will take 20 to 25 minutes and will operate during weekday peak

travel periods and will have the capacity to carry bicycles, providing cyclists with an alternative route to the Tasman Bridge.

In an exciting initiative which has been added to this, a trial service will be free for commuters who use the Metro Tasmania Green Card, totally free, and also travellers who are crossing the river with their bicycles. We want to encourage people to ride to the ferry, catch the ferry and then ride on their journey to work or university.

The Department of State Growth is working on final contractual arrangements, including the planning for commencing this brand new service which we expect to be finalised within coming weeks.

The Tasmanian Liberal Government is very pleased to deliver this election commitment. I encourage people to support the service but that is not all that we are doing to bust congestion. We took responsibility for the Macquarie/Davey couplet to enable us to take a network-wide approach to managing traffic in the city. We have changed the operation of the traffic lights at the top of Davey Street which has allowed us, as the new owners there, to operate Davey Street more efficiently during the afternoon peaks. We have also changed the operation of four other intersections in the city to improve efficiency.

We have implemented the tow trucks to ensure that the clearways are looked after and preserved for traffic, as they should be, in the morning peak to improve traffic flow. These are things that were not done before.

I am also pleased to advise the House that we have just awarded a $3.2 million contract to VEC Civil Engineering to repair the surface of Davey Street from Harrington Street to the Southern Outlet. Work is scheduled to commence in coming weeks, which I know will please all members.

Combined now with the Kingborough Park and Ride facilities that are being constructed, and improved bus services which are now being advertised, we are aiming to make public transport a faster, more reliable and convenient choice. This is a key goal of the Hobart City Deal to put status and esteem into public transport. More new buses which we have just announced are being built at Wynyard, supporting Kingborough -

Madam SPEAKER - Five minutes, minister.

Mr FERGUSON - Yes, I will wind up.

We are excited about it. We believe that Hobart commuters will be excited too because by taking the pressure off the Hobart road network we will all benefit. I thank the member for her question.

Brittany Higgins - Comments made by Senator Eric Abetz - Premier's Position

Ms WHITE to the PREMIER, Mr GUTWEIN

[10.27 a.m.]

The former Liberal member for Clark, Ms Hickey, said on ABC radio on Tuesday morning that in relation to the appalling comments of the Liberal senator about the Brittany Higgins case, and I quote:

I actually told the Premier about that - how ashamed I was to be a Liberal.

It is clear from those comments that Ms Hickey made it abundantly clear to you what Mr Abetz had said and that she did provide detail. You have just said that if Ms Hickey was still a member of the Liberal Party she could raise her concerns through the internal complaints process, but because you sacked her that option is no longer available. The timing seems very convenient.

Given this matter was raised with you and other Liberal members, both political and administrative, weeks ago, what is stopping you and other Liberal members from taking action now to make a complaint about the vile comments made by Senator Eric Abetz?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for that question.

Again, I make the point that when Ms Hickey spoke to me three weeks ago she did not raise a complaint nor ask me to take any action. As I said, yesterday Ms Hickey made her position perfectly clear in the parliament and the Senator has made his position perfectly clear. I have written to the Prime Minister. It is a matter for him if he decides to take further action but it provides Ms Hickey with a process should she wish to engage in it.

Ashley Youth Detention Centre - Allegations of Abuse

Ms O'CONNOR to MINISTER for HUMAN SERVICES, Mr JAENSCH

[10.28 a.m.]

Can you confirm an incident occurred at Ashley Youth Detention Centre in August 2019, which staff knew about as the 'coke bottle incident' where two detainees discussed the sexual abuse of another younger detainee with a coke bottle? We understand the Serious Event Review Team was alerted, as was Child Safety Services. Can you tell the House if the coke bottle incident was captured on Ashley's CCTV system? Can you confirm whether the matter was referred to police?

Do you know how many further incidents of this nature there have been at Ashley? How can you call Ashley Youth Detention Centre a safe place, as you have, and what has to occur there for you to step in and close down this house of horrors?

ANSWER

I thank the member for her question. There are two parts to that question and I will deal with them both.

First, in relation to a particular incident, I will seek the advice of my department regarding the specifics of the investigation of that particular incident. I again ask and trust that Ms O'Connor, or anyone with information that they believe has bearing on the safety and wellbeing of children in Ashley, or anywhere, would report it immediately on having it. That is most important.

While we are at it, I encourage anyone. We have received correspondence and it has been reported to us that members of staff or former detainees have contacted members of parliament, or sought to bring forward information. We want to hear that. We want information, any and all the information, that can help my department, the police, the commission of inquiry stitch together from those various accounts and pieces of information, a picture of what is going on. That is what this is about and I say to anyone out there who has information, feel safe, feel that your information is wanted, your witness and your evidence is important for us to be able to get to the bottom of these cases.

We want to hear as much detail from people, as soon as possible -

Ms O'Connor - Your agency has the detail.

Mr JAENSCH - Not just sensational details that are saved up to be used in question time, Madam Speaker.

Ms O'CONNOR - Point of order. I take personal offence at that accusation. We are not here to be sensational. We are here to ask questions about the wellbeing of children who are imprisoned at Ashley. Withdraw it.

Madam SPEAKER - That is not a point of order but I do think it is valid. I would like the minister to withdraw it.

Mr JAENSCH - I am happy to withdraw, Madam Speaker. What is important is that anyone in possession of information that can go to the safety and wellbeing of children has an obligation under law to provide that information in full as soon as possible. When information is raised in this place, we will fully investigate every matter raised. When our department receives an allegation of historical abuse -

Members interjecting.

Madam SPEAKER - Order, please, I want to hear how long it takes for the minister to return the messages.

Mr JAENSCH - in relation to an employee, it provides the information to Tasmania Police. I will defer any decision until Tasmania Police provides advice regarding investigations into the allegation. The department also reports the matter to the registrar of working with vulnerable people, pursuant to the Registration to Work with Vulnerable People Act 2013.

Ms O'CONNOR - Point of order, Madam Speaker, standing order 45, relevance. The minister is talking in procedural generalities to avoid answering the question. If he does not have the information now, could he commit to coming back into this parliament later today to answer the questions that have been asked about Ashley?

Madam SPEAKER - Minister, are you able to do that?

Mr JAENSCH - Madam Speaker, as I said at the outset, there were two elements to that question. One, was about a specific incident and I have undertaken to seek further advice from my department. The second was about whether I believe that Ashley is a safe place for young people to be. To respond to Ms O'Connor's call for Ashley to be closed, I now intend to address that as part of answering her question.

Sadly, in Tasmania we will always need a youth detention facility. As long as courts are sentencing that very small number of young people who commit crimes to custodial terms, we will need a facility that can receive them. Our Government is investing significantly, both in the redesign and redevelopment of the facilities at Ashley, but also the culture, the training and the therapeutic processes of care and the model of care for the people in there. If you look at the Custodial Inspector's most recent media releases, if you speak to -

Ms O'Connor - You do not want to talk about the abuse of the 12-year-old child in Ashley.

Mr JAENSCH - Madam Speaker, may I finish? If you speak to the Commissioner for Children and Young People, if you speak to staff who work in that facility, they all refer to the changing culture at Ashley, the new therapeutic approach, and they are very positive about the changes -

Ms O'Connor - They do not. You are very selective -

Madam SPEAKER - Order, Ms O'Connor.

Mr JAENSCH - They are positive about the changes that are under way. I thank them for the work that they do. It is difficult, important work, and somebody needs to do it while we still have courts sentencing young people.

Ms O'CONNOR - Point of order, Madam Speaker, given the significant public interest in this issue, could the minister tell the House when he will be back in here today with some detail about those questions?

Madam SPEAKER - As you know under standing orders, I cannot instruct the minister as to what he is going to say and also, I think he has already gone over his time allowance.

Ms O'Connor - He is not answering the question.

Madam SPEAKER - I do not have that power unfortunately.

Ms O'Connor - The minister could tell us when he will bring that information back to the House. It is supposed to be at your earliest opportunity. Remember we are in a Westminster parliament.

Mr JAENSCH - Madam Speaker, as I said, I will review the detail of the question and I will seek more advice from my department.

Improving Literacy - ACER Progress Achievement Test

Mrs PETRUSMA to MINISTER for EDUCATION and TRAINING, Mr ROCKLIFF

[10.36 a.m.]

Can the minister please outline the importance of improving literacy as part of our clear plan for securing Tasmania's future?

ANSWER

Madam Speaker, I thank the member for her question and her enthusiasm for asking the question and the subject matter of literacy.

We all know that the ability to read and write is important for every individual. It is important for further learning, future employment, health, self-esteem and wellbeing. We also know that high literacy levels in the community are linked to economic progress, productivity, better health outcomes and active and informed citizenship. The implementation of the Government's literacy framework and plan for action is providing a strong foundation and clear direction for improving literacy outcomes for Tasmanian learners and I believe the time is right to pick up the pace, sharpen our focus and to ensure that every learner succeeds.

Having a shared goal for which we are all accountable is an important step. That is why today I am pleased to announce the Department of Education will use the ACER Progress Achievement Test (PAT) through primary school to ensure by 2029, all students who are eligible to sit NAPLAN, will be able to read above the NAPLAN national minimum standard before they enter year 7. In particular, by the end of year 6, all children will be expected to achieve a reading standard of 118 on the PAT reading test.

Students who do not currently sit NAPLAN because they very specific learning needs, will be supported to continue to work towards the goals of the individual learning plans and where possible, they will be working towards the new target.

Regardless of where a student is at in their learning we want to see a year's growth for every learner, every single year.

Members interjecting.

Madam SPEAKER - Can we have a bit of quiet on the left, please.

Mr ROCKLIFF - Data modelling and consultation with stakeholders and principals, suggests that this reading standard is a sound predictor of reading success in year 7.

We have also sought advice on our approach from education systems in South Australia and other states -

Ms O'Byrne - At or above the national standard by 2020. That was your last commitment. Where is that?

Madam SPEAKER - Order, Ms O'Byrne.

Mr ROCKLIFF - I note that a score of 118 is the same standard that has recently been announced by South Australia.

It is important that we are accountable and transparent when it comes to how students are progressing. That is why in 2024, 2026 and 2028 we will publicly report on our progress towards meeting the target.

PAT is a nationally recognised reading assessment, developed by the Australian Council for Educational Research used across multiple Australian states and territories. PAT tests will be administered to all year levels, from Prep onwards and can be administered at different times for students who may be absent or newly-arrived outside specific national testing dates. This enables timely and comprehensive monitoring of student achievement and progress.

Unlike NAPLAN, PAT results are instantly available to the teacher, after the student has completed the assessment and are used immediately to inform teaching strategies. Providing teachers with information, training, programs and ongoing professional learning, reflects best practice, and that is why a range of supports will be available to ensure the new literacy targets are met by our learners. This includes support to understand and use the data to inform teaching and identify where extra intervention is needed.

Ms O'Byrne - It's not new, it's just a way of diverting because you failed to meet your last target.

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

Mr ROCKLIFF - It is a very important subject, Ms O'Byrne. I do not know why you are so sensitive about it.

The Department of Education is also providing schools with a guide to the teaching of phonics from Prep to year 2 and support for educators of our youngest learners about developing early literacy skills. The effective teaching of evidence-based phonics will be supported by guidance on the use of a letters and sounds program that has been recommended to schools as an additional support for teachers. Building on our literacy framework by announcing this target and providing the resources and the tools to achieve it demonstrates our ongoing commitment to improving the literacy levels of Tasmanians now and into the future.

Brittany Higgins - Comments made by Senator Eric Abetz - Premier's Position

Ms WHITE to PREMIER, Mr GUTWEIN

[10.41 a.m.]

You have attempted to handball this issue to the Prime Minister by writing to him about Senator Abetz but as the Leader of the Liberal Party you are ultimately responsible for the actions of members. Do you believe that Senator Eric Abetz is a fit and proper person to serve Tasmania? You told the former Liberal member for Clark, Ms Hickey, that she was no longer welcome in the party last weekend for no other reason than she was unpopular with her colleagues. What action will you take to intervene on Eric Abetz's preselection for the Senate following his appalling comments in relation to Brittany Higgins, or are you too afraid of him to take any action?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for that question. I will stand up for myself and others against anyone. I have made that perfectly clear. I believe people have seen by my actions over the last 12 months that I am prepared to do what is right.

Regarding the matter that is before us, I have nothing further to add in terms of what has occurred. I have repeated on a number of occasions this morning the process that I have entered into in writing to the Prime Minister.

What I would say, though, is that I am focused on what we can do here as a parliament. If I cast my mind back three weeks ago to the discussion we had, which was largely informed by the correspondence from Meg Webb in terms of this place and MPS and the upper House and ensuring that we set a standard here.

The day after that, informed by the debate in this place and the contributions from Ms O'Connor and Ms Haddad regarding their experiences, we put in place a process yesterday which was a coming together of the leaders of this place together with the Presiding Officers, the Independent member for Clark as well as Ms Webb. Together, as a group of leaders, we have determined that we are going to take forward a process that will ensure we can be an exemplar, and I am proud of that.

Members interjecting.

Madam SPEAKER - Order.

Mr GUTWEIN - In terms of Senator Abetz, as with all Liberal Party members, his parliamentary career and preselection is a matter for the members.

Brittany Higgins - Comments made by Senator Eric Abetz - Premier's Position

Ms WHITE to PREMIER, Mr GUTWEIN

[10.44 a.m.]

You stated publicly that you told Sue Hickey last weekend that she did not have the support of the party to run as a candidate for the Liberal Party and that you shared this view. It is common knowledge that Senator Eric Abetz runs the Tasmanian Liberal Party. Were you told by the Senator to sack Sue Hickey after she had made complaints to you and others about the vile remark that he made on 1 March?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for that question. The conversation I had with Ms Hickey on Sunday I felt was appropriate that I have with her. I have been upfront - and Ms Hickey may have a different view - but I have done my very best to be honourable in my dealings with Ms Hickey over this period.

Regarding the feedback I had received, not from Senator Abetz, I felt it was important that I inform her of the position that I felt the Liberal Party members were in. That was a difficult discussion, but I felt, in the same way I have been upfront with Tasmanians right throughout this last period since I have been Premier, that that was the appropriate way to deal with the matter, difficult as it was.

Strong Families, Safe Kids - Child Safety Redesign Project

Mrs PETRUSMA to MINISTER for HUMAN SERVICES, Mr JAENSCH

[10.46 a.m.]

Can you update the House on the Government's clear plan to secure Tasmania's future, particularly in the area of our nation-leading Strong Families, Safe Kids Child Safety Redesign project?

ANSWER

Madam Speaker, I thank Mrs Petrusma for her question and for initiating these important reforms for our Child Safety system when she was minister in this portfolio. There is nothing more important than the safety and wellbeing of our children and young people and supporting the families in which they grow, are loved and belong.

This is the clear purpose of our long-term redesign of the Child Safety system. Traditionally in Tasmania the child protection system has emphasised a child rescue approach that focused on a statutory intervention response to families who find themselves in crisis. Our Strong Families, Safe Kids Child Safety Redesign has dramatically changed that approach. The redesign was initiated in 2016 and was built on a clear understanding that a whole-of-government service system and community approach was required to achieve the necessary changes.

In order to keep kids safe we all need to prioritise their safety and wellbeing. Our plan also recognised that to secure the safety and wellbeing of children and young people we must do all we can to provide better and earlier support to their families rather than waiting until things fall apart.

Between July 2016 and June 2020 Strong Families, Safe Kids successfully delivered a rage of actions associated with that redesign. The most significant achievement of the redesign has been the introduction of the advice and referral line (ARL), as the redesigned 'front door' to Tasmania's family support and Child Safety Service.

The ARL is now the first contact point for all mandatory reporters, as well as relatives, friends, neighbours and community members who are worried about the safety or wellbeing of a child. Parents and children are also encouraged to, and are, calling themselves to seek assistance. It provides information, advice and referrals to other services and takes a conversational approach to exploring the concerns of the caller. The ARL is separate from the Child Safety Service and is staffed by both government and non-government staff.

Our evaluation of the ARL has shown that the new approach is working. We have seen an increase in the provision of advice and support and referrals to support services. On the other hand, the number of cases needing to be referred for statutory child safety intervention is decreasing, as is the rate of children entering our out-of-home care system This means that more families are receiving the support they need to stay together and keep children safe without the need for statutory intervention. Kids are remaining with their families. Those families are receiving the supports they need to provide safe care. This is a significant ad important achievement.

Along with the advice and referral line, we have made other key changes under our redesign. We have established the Intensive Family Engagement Service to stop families on the brink of entering the statutory service system to enable children to remain safely in the family home.

Members interjecting.

Mr JAENSCH - I would like to put this on the record because it is important work that has been under way for a very long time. The interjections are about other matters.

Ms O'Byrne interjecting.

Madam SPEAKER - Ms O'Byrne, please.

Mr JAENSCH - We launched the Tasmanian Child and Youth Wellbeing framework to promote a shared understanding of child wellbeing to support a consistent approach across the sector and across government and across the community organisations we work with. We have made significant investment in additional staffing resources with 49 new positions to help restructure the Child Safety Service in line with our reforms.

Ms O'Connor interjecting.

Mr JAENSCH - This is important for the safety of our children, Ms O'Connor, I am going to put this on the record.

We now have over 150 child safety officers supported by team leaders, critical practice consultants and a range of other positions. In 2019 the University of Tasmania undertook an external evaluation of our redesign and found a system in the process of major cultural change and improvement. The UTAS evaluation confirmed that we have made a successful start to an ambitious program of reform. It noted clear evidence that the reforms being delivered have the potential to significantly improve the wellbeing of Tasmania's children and young people. The evaluation report gave a number of recommendations for ongoing efforts to continue to realise the Strong Family, Safe Kids reforms. All of those recommendations have been accepted by the Government.

Importantly, we have now developed a Strong Family, Safe Kids next steps action plan for 2021 to 2023, which will incorporate the evaluation recommendations and continue the good work we have begun. The next steps action plan will focus on consolidating the changes we have already made and embed the intent of our reforms in new areas.

We are turning our attention to the statutory Child Safety Service part where we will improve how we engage with parents and families and build stronger oversight of our out of home care system. We will promote permanency and stability for children and young people in out-of-home care and better outcomes for Aboriginal children and young people. A comprehensive review of The Children, Young Persons and Their Families Act 1997 will commence this year when we will also underpin many of these initiatives.

Our next steps action plan, the UTAS evaluation summary and a progress report will be available for viewing on the Department of Communities website from today. The Government is unwavering in its commitment to these nation-leading reforms. We are

encouraged by our progress to date and we look forward to further positive outcomes for children and young people in their families in Tasmania.

Access to Reproductive Health Services

Ms WHITE to MINISTER for HEALTH, Ms COURTNEY

[10.53 a.m.]

The former Liberal member for Clark told ABC radio this week it became incredibly difficult for women to obtain a termination of pregnancy in Tasmania because, and I quote:

> One person had the view that there will be no abortions in my hospital.

Minister, was that your view? Are you the reason why it has become almost impossible for women to obtain safe and legal medical procedures in this state?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for her question. I utterly reject any suggestion that I would take steps to stand in the way of a Tasmanian woman having a full range of options available to her with regards to pregnancy. As a Government we have taken further steps. We have strong relationships with a range of service providers in our community. I engage with them regularly and we are doing further work that we can communicate clearly to the entire community on the options that are available.

We know it can be very stressful making decisions around health and wellbeing regarding pregnancy at these times for women, for their partners and for those around them. I am very focused on ensuring that Tasmanian women have the ability to be able to access terminations. I am very focused on ensuring that they have the ability to access -

Ms O'Byrne - You are operating off the goodwill of a few medicos at the moment.

Madam SPEAKER - Ms O'Byrne, you're not being helpful.

Ms COURTNEY - information for terminations. The Government has continued to fund services to ensure that we can provide women with information. We have continued to provide transport for women so that they can access the services that they need. I utterly reject any suggestion, ever, that I do not support women to be able to access their legal rights.

COVID-19 - Vaccination Rollout Update

Mrs PETRUSMA to MINISTER for HEALTH, Ms COURTNEY

[10.55 a.m.]

Can you provide the House with an update on the state Government's COVID-19 vaccination rollout and what else the Government is doing to protect Tasmanians from COVID-19 as part of our clear plan to secure Tasmania's future?

ANSWER

Madam Speaker, I thank the member for her question. I am very proud of the job that Tasmanians have done working together to keep on top of COVID-19. It has been an exciting time in recent weeks as the Government has kicked off our COVID-19 vaccination rollout with phase 1b well under way in our communities. There have now been more than 10 000 vaccinations delivered through the state Government program with new clinics online this week. Phase 1a is on track to be completed next month. This would have been unimaginable a year ago.

I recently detailed the state Government's new community clinics as part of our vaccine program. It was great to visit, with the Premier, the vaccination clinic in Kingston, which opened its doors on Monday. The staff there are doing an amazing job. It is a clear demonstration of our health workforce coming together from a range of different areas. We are working hard to ensure that we are standing up these clinics at a range of locations, putting in the infrastructure and having the service delivery to meet the needs during this pandemic.

I can advise that the Mowbray clinic housed at the racetrack will be getting under way tomorrow. It is a very welcome addition to our vaccination campaign.

There are state Government clinics at Brighton and New Norfolk and there will be further details regarding the north-west state Government vaccine clinics announced in the very near future, as well as mobile clinics expected to be set up in a number of regional settings in 1b, including Ouse, Huonville, Kempton, George Town and Scottsdale. The Mersey Community Hospital clinic is servicing the THS and other health system staff and that commenced last Friday, marking an important milestone for another one of our major hospitals.

Importantly, these clinics are also being designed to complement our GPs, not to replace their service. We know that the GPs in our community will be delivering the bulk of COVID-19 vaccines under this phase. We welcome the partnerships and the engagement we have had. We all know GPs play an important role in delivering vaccines to the Tasmanian community and they are clearly a key component of the national effort to vaccinate against COVID-19. With these GP clinics coming online there are now opportunities for eligible Tasmanians to get vaccinated in all corners of our state. We expect more local GP clinics to be added to the federal government's vaccination program in the near future.

These clinics and others identified throughout phase 1b, which is around 180 000 Tasmanians, will be advertised locally at the appropriate time. I take this opportunity to remind members of the cohorts included within phase 1b: this is for Tasmanians who are 70 years old, remaining health care workers, Aboriginal and Torres Strait Islanders aged 55 years, older adults with underlying medical conditions, and critical and high-risk workers. This includes our frontline police officers, fire and rescue personnel, corrective services officers, rural fire service, state emergency service volunteers, and also workers at our licensed meat processing businesses.

We say thank you to Tasmanians for their support of this program so far and reiterate that it is crucial that as many Tasmanians participate as possible over the coming months. The vaccines are safe; they are effective; and they are free.

Regarding other measures that we have put in place to protect Tasmanians, last week I detailed the action we are taking to provide certainty to businesses and the community regarding the Check In TAS App, supporting our contact tracing efforts.

Mr Gutwein - The businesses have been fantastic.

Ms COURTNEY - They have been. From next month, I can confirm Tasmania will be establishing a wastewater testing program for the first time as part of our ongoing surveillance efforts for COVID-19.

The Tasmanian program will collect samples of wastewater from across the state, with samples transported to a laboratory for testing in South Australia as this capability does not presently exist in Tasmania. The results will be reported to the Department of Health. While this initial stage of the program is under way we are working to develop in-state capability for wastewater testing that meets the national standards. Importantly, we are expecting new capacity to be in place by the end of the year.

We have seen COVID-19 wastewater testing used in a number of other jurisdictions and have engaged very closely with the Director of Public Health to ensure that we have yet another tool in our surveillance efforts, on top of maintaining the high levels of testing.

Tasmanians should be congratulated for their efforts. It is only because of the hard work of everyone working together that we have been able to maintain our safety. I particularly thank the range of healthcare workers that we have in Tasmania for the way people have come together from different clinical settings, from the university, from the community sector, from the private sector, all working together to ensure that as a state we can keep on top of COVID-19.

I take the opportunity to reassure all Tasmanians that we will ensure the vaccinations come to your community. We know we have many Tasmanians we need to vaccinate over the coming months. It is vital, during this enormous logistical exercise, that we do this in a measured way in partnership with GPs and when we get to phase 2 we partner with pharmacies as well. The vaccination program is on track. The vaccinations are safe, effective and free and we will ensure that we get to all Tasmanians over the coming months.

Ms O'CONNOR - Point of order, Madam Speaker, under standing order 48. While that is important information that could have been issued in a media release, the minister very clearly talked for as long as she could and repeated points in order to talk out question time so there would not be another question. The minister spoke for six and a half minutes on the taxpayers' coin without being reined in.

Madam SPEAKER - Thank you for that opinion but it is not a point of order.

Time expired.

PETITIONS

Industrial Tourist Highway - Proposal

Dr Woodruff presented an e-petition signed by approximately 178 residents of Tasmania praying that the House reject any further state support, financial or otherwise, for the proposal

for an industrial tourist highway along Jefferys Track, Crabtree Road, White Timber Trail, Judds Creek Road and Lachlan Road.

Petition received.

Preservation of Bushland - Birralee Road, Westbury

Dr Woodruff presented a written petition signed by approximately 419 residents of Tasmania and an e-petition signed by approximately 456 residents of Tasmania praying that the House call upon the Government to preserve the biodiverse bushland patch of Crown land on Birralee Road near Westbury that was originally acquired by the Government for its conservation values; list the parcel of land known as the Westbury Reserve as a conservation area under the Nature Conservation Act; and abandon plans to destroy its natural values by building a maximum-security prison on this site.

Petitions received.

HOUSING LAND SUPPLY AMENDMENT BILL 2021 (No. 9)

First Reading

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

MOTION

Leave to Move Motion Without Notice - Motion Negatived

[11.08 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, I seek leave to move a motion without notice for the purpose of moving for the suspension of the Standing Orders to debate the following motion:

That this House:

(1) Agrees that Ashley Youth Detention Centre is failing young people.

(2) Accepts the 2016 independent Noetic report into AYDC found it costs around $9 million a year to run and to house between six and 13 children, with 74 per cent of young people at Ashley ending up back in youth detention or in Risdon Prison and subsequently the report recommended closing Ashley.

(3) Notes with shame that under Minister Jaensch the Custodial Inspector's resources and systems inspection report of 2019 confirms that key training to respond to emotional, psychological and physical harm is not mandatory and not completed by all staff

and that not every person contracted to work at the site has Working with Vulnerable People registration.

(4) Acknowledges the allegations of unsafe practices at AYDC raised by the Greens in parliament, including strip-searching detainees without modesty gowns, in contravention of departmental policy and UN Convention on the Rights of the Child.

(5) Understands that three people have been stood down from AYDC including one person on a serious allegation of a sexual act with a child.

(6) Notes that parliament has today heard there was an unreasonable delay in the report of suspected rape and that person being removed from the workplace, or investigated by police.

(7) Acknowledges with shame, the Liberals ignored the evidence and expert advice and kept Ashley open to shore up their vote in Lyons in the lead-up to the 2018 election.

(8) Calls on the Gutwein Government as a matter of urgency to establish therapeutic alternatives to Ashley and implement immediate interim measures, including robust independent oversight of Ashley Detention Centre until it is closed.

Madam Speaker, this is an urgent issue. For nearly 100 years Ashley has been a house of horrors for children and young people who end up in there. We know that. There has been a culture of abuse and cover-up at Ashley Youth Detention Centre. We come into this place to ask the minister a very straightforward and very serious question about how children and young people are being treated at Ashley, and about how reports of harm to children or historical allegations of rape are handled, whether or not they have been referred to police.

These are questions the minister should be able to answer. It defies belief that the minister has not being briefed on an historical rape allegation. It also defies belief that the minister has not been briefed on the reasons for those three staff being stood down. The minister needs to explain why it is that this most serious allegation of a potential rape of a child, which was reported to management at Ashley in January 2020 apparently was sat on for 10 months, and that staff member, who was the subject of that allegation was not stood down for 10 whole months.

That staff member was not stood down for 10 months, and we have a minister who can come into this place, not answer questions, not back away from his false statement that Ashley is a safe place, make no commitment to come back into this House in a timely way with that information, yet spend six and a half minutes on a Dorothy Dix question congratulating himself over two slow reforms to the child safety system. That is not how a Westminster parliament works.

The independent expert advice was that hellhole should close and that therapeutic alternatives should be established. The independent expert advice is that that place is harming

young people. It is not providing therapeutic outcomes and they are leaving that place with three-quarters of them either returning to Ashley or ending up in the Risdon Prison.

But no, before the last state election in defiance of all the evidence, this minister and this Government decided to keep the Ashley Detention Centre open, that dysfunctional terrible place, which basically treats children and young people from a systemic point of view, who end up in youth justice as human garbage. If you are genuinely concerned about the wellbeing of young people, you close Ashley. If you want to give those kids a chance at a good life, you close Ashley and you establish therapeutic alternatives.

From the get-go of this minister all we have had is deflection, obfuscation, and denials of just how dangerous a place Ashley is. It is inexcusable. It was inexcusable to keep it open, it is inexcusable not to provide answers. I can reassure the minister, that keeps pointing to us, his department has all this information and of course, once the commission of inquiry is established, I am certain that further information about what happens to children and young people at Ashley will be provided to the commission of inquiry, as it should. But it exposes for the political scam that it is, the $7 million refurbishment of Ashley, $7 million on a place that is broken: on a place that is harming already harmed young people.

You cannot put lipstick on a pig. The experts tell us it has to close and it has to close.

[11.15 a.m.]

Mr O'BYRNE (Franklin) - Madam Speaker, we have only just received the notice of motion but clearly in the contribution by the member for Clark there are significant and serious issues that have been put onto the public record that need to have some discussion and debate. On that basis we will consider the notice of motion and will not be opposing seeking of leave to suspend standing orders.

Ms O'Connor - We notice that the minister is not going to contribute apparently.

[11.16 a.m.]

Mr FERGUSON (Bass - Leader of Government Business) - Madam Speaker, from the outset, the Government does not support the suspension of standing orders motion seeking of leave request. We do not support suspending standing orders for Ms O'Connor to proceed with the motion.

At a very quick glance at the copy that I have just been provided it seems like the sort of motion that a member of the Greens may well move and may expect to be debated in this House at a time that is appropriate -

Ms O'Connor - Do not lecture me. You do not own this place. The minister did not answer any questions this morning.

Madam SPEAKER - Order.

Mr FERGUSON - It is now my opportunity to respond to your motion as I have the right to do and I am expected to do.

Members interjecting.

Madam SPEAKER - Order. Excuse me.

Mr FERGUSON - There is a form for this. The Labor Party take their turnabout, the Greens take their turnabout, the Liberal members take their turnabout. That is private member's time. It allows for members who have something to bring to the House, whether it is a bill or a motion, to have the time to be able to bring it before the House and have the debate and even have a vote if they want to vote.

Ms O'Connor is seeking to ask the House to put everything else aside that is planned for the day for her to be able to debate this motion.

Ms O'Connor - For us to be able to debate it.

Mr FERGUSON - Indeed, it is apparent it would not be unexpected to Ms O'Connor that the business the Government has is Government time today for the House to debate the Government legislation that is before the House. There is nothing unusual, nothing remarkable about what I have just said. This is the order of business and the standing orders provide, so that the whole week is not just about Government business and legislation for the people of the state. It is also allowing an opportunity for members to bring their different parties' positions before the House and have their debate.

We had private members' time yesterday. Ms O'Connor for her own reasons - they are appropriate and known only to her - chose not to bring this matter on less than 24 hours ago. Instead she chose to bring on her bill. That is her decision and her right. You cannot have everything that is your daily priority also leapfrog everything else.

Ms O'Connor - When was the last time we called urgency? Months ago.

Mr FERGUSON - I do not know the answer to that, Ms O'Connor.

Ms O'Connor - A long time ago.

Madam SPEAKER - Order.

Mr FERGUSON - It is the case that the Greens have very oft brought an urgency suspension motion on the Thursdays when they do not have the MPI, that is a fact.

Ms O'Connor - We have not done it for months.

Mr FERGUSON - The fact that you have not done it for a little while, is just a point that I am making.

Ms O'Connor - Could you care less?

Mr FERGUSON - I couldn't care more. You do not have a monopoly on care, Ms O'Connor, as you attempt to drop in those insults.

Ms O'Connor - It's lip service.

Madam SPEAKER - Order please, this is not a conversation across the room.

Mr FERGUSON - Except for the smirks, my experience is that every member here does give a damn about the welfare of Tasmanian children.

Ms O'Connor - If you cared for those kids, you would have closed Ashley.

Mr FERGUSON - Those kinds of comments do you no credit, Ms O'Connor. It is a reasonable motion for you to be able to put before the House during your private member's time. You may well adopt the position that Ashley should be closed.

Ms O'Connor interjecting.

Mr FERGUSON - You may well take that position and you have. The Government takes a different position. No doubt, the Labor Party has its position, and Ms Ogilvie.

Ms O'Connor interjecting.

Mr FERGUSON - You can test that position on any Wednesday. That is how it works as I continue to be interjected through my very reasonable comments, Madam Speaker.

It is very clear that we do have Government time on Thursdays. We have listed five items; some are amendments, some are continuation of bills that were adjourned, and there are two new bills to bring forward. We have plenty on our books today. There is also the Government MPI. It is Mr Ellis's opportunity to bring forward his MPI. That is the established order.

It was less than 24 hours ago, Ms O'Connor -

Ms O'Connor interjecting.

Madam SPEAKER - Order, please.

Mr FERGUSON - I do not think I need add to the matters more than that. It is pretty clear. Without describing it as a stunt motion, which I might have otherwise done, I can see the policy demands that Ms O'Connor no doubt very faithfully believes should be pursued. You can do that. The appropriate opportunity that is provided for that is private member's time on Wednesdays.

[11.22 a.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, it is offensive and slightly nutty of the member who has just spoken to imagine that the sole purpose for the Greens bringing on this urgency motion today was to gazump the Government's private member's time. Ms Ogilvie has made those comments too. What an offensive point of view.

It just goes to show how politically they are seeing this, rather than understanding that what we have in this Liberal Government is a minister who does not even have the strength of his convictions and the commitment to the children for whom he is responsible in this portfolio to stand up and talk to this urgency motion - to argue why it should not be a matter of urgency today.

He is sitting there. Are you going to stand up, minister? Are you actually going to respond to this? You have failed to indicate that you will respond today to the House, which is why this is a matter of urgency.

The questions that Ms O'Connor, the Leader of the Greens, asked in question time, the serious issues which are on the table that the department knows about, that the department has had information about for more than a year, more than two years, depending on the questions, we asked the question: will the minister come back into the House and give us some evidence that there is anything that has changed in the toxic culture of management, and mismanagement, of Ashley Youth Detention Centre? The minister refused to answer that question.

We have to have this debate now. We cannot let another day, another week, go by where there is no responsibility by this minister to do what needs to be done to look after the care of those very young vulnerable people who are locked up in a hellhole, the Ashley Youth Detention Centre. In 2016, five years ago now, the independent Noetic report, made it abundantly clear that the Ashley Youth Detention Centre is failing young people. It is not a therapeutic model. It is a model which trains young people to put them on a pathway to Risdon Prison. Of the children who come out of Ashley, three-quarters of their lives are not supported. There is no therapeutic justice. They are worse than broken while we hear and we keep bringing to the minister, they are brutalised, they are raped, they are attacked. They are verbally harassed, they are hounded and they are neglected. These are awful stories.

The minister knows that his department -

Madam SPEAKER - Order, I have to focus you on the urgency of why the leave is needed.

Dr WOODRUFF - Madam Speaker, with respect, this is exactly the point. The point is that the Greens have raised these issues now for years, but these specific matters that we are talking about, were raised late last year. They are raised again today. We must have a response from the minister today about what his department is doing. All the information that we have is that nothing has changed. While there may have been three people who have been stood down or moved aside, temporarily, the fact is that that is not where these acts of brutalising and neglect are occurring. They are happening at an operational level. There is a culture and it is the culture which is so toxic and dangerous for young people. So, the minister has to respond today. We must understand what actions he is taking.

Mr Ferguson - That is a different issue.

Dr WOODRUFF - It is the issue. This is the point. There is nothing more important for this parliament than to have an answer from the minister on this critical issue of safety for vulnerable young Tasmanians. We know there is evidence of awful acts being done to very young people. The minister must provide us with a response to the questions that Ms O'Connor asked this morning. We must have the answer today.

Tasmanians deserve to know that this minister is acting to protect vulnerable young people. Until we have that information in here today. there is no more urgent business that we should be going on with than hearing from the minister right now.

[11.27 a.m.]

Ms OGILVIE (Clark) - Madam Speaker, I have just received the notice of motion as has everyone in the House. I have had a chance to read it. It raises very serious matters, including serious criminal offences. I ask both the member moving the motion and the minister, if they have not already, to refer those matters directly the police and to make sure that absolutely everything that can be done to resolve this is done.

In relation to the substance of the motion, I have a deep amount of sympathy with everybody on this island who is concerned about the welfare of children, particularly those who are in the care of others, and in particular in relation to detention.

I note that just yesterday in private member's time I was accused of being uncaring because I said, and I will say again, the forms of this House are here for proper use. This could have been brought on yesterday.

Ms O'Connor - That is exactly what we are doing, Ms Ogilvie.

Madam SPEAKER - Order.

Ms OGILVIE - This could have been brought on yesterday. It was not brought on yesterday. Just five minutes ago we heard the Greens' member for Franklin say that they have brought this up over months and months and months, and that is why it is urgent. That is not why it is urgent. It has been brought up over months and months and it no doubt will continue to be brought up over months and months.

Dr Woodruff - You have not not been paying attention.

Madam SPEAKER - Order. You're not helping your cause.

Ms OGILVIE - As an independent member of parliament, I have very few MPIs. I do not do this kind of option. I appreciate there is a moment and time for it.

In my heart of hearts, I believe this is police matter. It would be difficult and we would need to be very careful in this Chamber about not preempting processes which are police investigative and possibly judicial. Whilst I support in general terms the guts of the motion and what it is asking for, I do not support leave.

[11.30 a.m.]

Mr JAENSCH (Braddon - Minister for Human Services) - Madam Speaker, I will not be supporting the motion for urgency. However, I need to respond to some of the matters that have been raised in the context of bringing it on.

First and foremost, as I mentioned in my reply to one of the questions before, when the Department of Communities receives an allegation of historical abuse or current abuse in relation to employees and residents of Ashley, it provides that information to Tasmania Police.

I read the process on the matter of how we deal with individual allegations. There was reference made by Ms O'Connor to the Noetic report which demanded the closure of Ashley, she said. I will read from the Noetic report:

Option 1: Upgrade AYDC facility.

- Optimises re-use of current facilities
- Units could be redesigned to provide a more therapeutic environment and to minimise unintended isolation for small, diverse cohorts …
- Provides options for young people to move to less secure accommodation on site before release
- Residual facilities could be repurposed to provide additional services for youth at risk (e.g. drug and alcohol rehabilitation, step-down accommodation for low-risk residents before release), which could then allow for intensive supports to reintegrate young people back into their communities
- The Deloraine site has significant amounts of underutilised space, which could be used for additional recreational and vocational training activities ...

Ms O'CONNOR - Point of order, Madam Speaker. I draw the minister's attention to the possibility that he has just misled the House because ABC News reported last December that the matters surrounding those three stood-down staff had not been referred to Tasmania Police. Is the minister now changing that information? Have those matters been referred to Tasmania Police?

Madam SPEAKER - It is not a point of order. It is not a cross-examination.

Mr JAENSCH - Thank you, Madam Speaker. I have responded to the member's references to the Noetic report -

Madam SPEAKER - The minister has to make some reference to leave being agreed to.

Mr JAENSCH - Thank you. Another reason I do not believe this is a matter of urgency today, on top of the reasons raised by my colleague, Mr Ferguson, the Leader of Government Business, is that as contained in Ms O'Connor's original motion about the Custodial Inspector's Resources and Systems Inspection Report 2019, we welcome the comments outlining a number of positive improvements that have occurred at Ashley Youth Detention Centre in recent years. A considerable time -

Ms O'Connor - You know the Noetic report said it wasn't fit for purpose for refurbishment.

Madam SPEAKER - Order.

Mr JAENSCH - The Noetic report also identified option 1 being to upgrade the facilities and described how that could be done.

We welcome the Custodial Inspector's comments. Considerable time has passed since initial inspections for the report were undertaken and the Custodial Inspector notes that a new

management team has been put in place, resulting in considerable improvement across the centre's standards. Staff morale, which was a concern at the time of the last inspection, has also been highlighted by the inspector as having undergone substantial improvement, leading to better outcomes for young people.

On behalf of the Government I congratulate and thank the Department of Communities Tasmania and the staff and management of the Ashley Youth Detention Centre for the improvements they have made to the model of care and the training and care of young people.

Ms O'CONNOR - Point of order, Madam Speaker. I understand that this is not a cross-examination but if a minister has misled the House - which we believe Mr Jaensch has by saying these matters have been referred to Tasmania Police when it is our understanding they have not - the minister should clarify that or we are going to have to take further action on his misleading the House.

Madam SPEAKER - I do not believe that is a point of order.

Ms O'Connor - He needs to address it, Madam Speaker. This is a Westminster parliament.

Madam SPEAKER - I know, and these are the Standing Orders that were put in place before I got here.

Mr JAENSCH - Madam Speaker, as I have said in my replies to questions this morning, I am advised that when the Department of Communities receives an allegation of abuse in relation to an employee it provides that information to Tasmania Police.

In relation to the urgency of this matter and the characterisation of the reasons why this is urgent and the wellbeing of young people, let me say that each young person detained at Ashley Youth Detention Centre has a personalised care plan prepared within the first six weeks of them being there, which addresses their therapeutic needs, their learning and development and plans for their successful exit from the Ashley Youth Detention Centre when the time comes.

The plans are informed by a range of supports and services that are in place for them at Ashley, including education services provided by the Department of Education; psychological services provided by an in-house full-time psychologist based at Ashley Youth Detention Centre; cultural mentoring support provided by the Aboriginal Elders Council who visit the centre fortnightly and operate programs such as cultural awareness sessions for the young people during school holidays; drug and alcohol counselling provided on-site fortnightly and via videoconferencing more frequently as required; nursing services delivered by in-house Department of Health nursing staff; a range of recreational and educational activities including access to an on-site gymnasium, swimming pool, weekly fitness and nutrition awareness training; weekly visits from the Delta Dogs program to help teach empathy and positive interaction with animals; art; music; gardening classes and facilities on site; and activities delivered by the PCYC. For some young people, their time at Ashley is the first time that they have had the opportunity to enjoy many of these activities and receive these sorts of therapeutic services.

There is massive change under way in that place, both in the building and in the staff. I thank the staff who have trained and learnt and who are shifting that culture, that model of care, and providing better support and therapeutic care for the young people at Ashley Youth Detention Centre as part of our statewide therapeutic youth justice framework.

Madam SPEAKER - The question is that leave to suspend Standing Orders be granted.

The House divided -

AYES 10	**NOES 12**
Dr Broad	Ms Archer
Ms Butler	Mr Barnett
Ms Dow	Ms Courtney
Ms Haddad	Mr Ellis (Teller)
Mr O'Byrne	Mr Ferguson
Ms O'Byrne	Mr Gutwein
Ms O'Connor	Mr Jaensch
Ms Standen	Ms Ogilvie
Ms White	Mrs Petrusma
Dr Woodruff (Teller)	Mr Rockliff
	Mr Shelton
	Mr Tucker

PAIRS

Ms Houston	Mr Street

Motion negatived.

SITTING DATES

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

That the House at its rising adjourn until Tuesday 27 April 2021 at 10 a.m.

Motion agreed to.

MATTER OF PUBLIC IMPORTANCE

Delivering Our Plan

[11.43 a.m.]

Mr ELLIS (Braddon) - Madam Deputy Speaker, I move -

That the House take note of the following matter: delivering our plan.

I am delighted to speak on this matter of public importance for the Tasmanian people, for the people of the north-west, the west coast and King Island. It is about delivering on our plan. It is about the recovery from COVID-19, and it is about building a brighter future for all Tasmanians.

The Government's number one priority over the past year has been protecting the health, wellbeing and safety of Tasmanians and now as a result of the incredible efforts of every person in Tasmania we are once again the turnaround state. Tasmanians have risen to the challenge and our recovery is well underway.

Last week, the Premier outlined the Government's clear plan to secure our future. The Government has announced new measures including support for business to invest and grow, to create jobs and Tasmanians to get a job with our $20.5 million jobs package. We want to see more Tasmanians get the skills that they need. We are talking about taking TAFE to the next level, taking the next step to make sure that they are responsive to the needs of learners and business right across our community.

It is about keeping Tasmanians safe; it is about investing in our communities wherever they are, in the cities, in towns, on our most remote islands, investing in those people and securing their future. It is about building more houses, supporting home ownership and putting downward pressure on rents. It is about significant new investments in health and mental health. The Government has accepted all 52 recommendations of the Premier's Economic and Social Recovery Advisory Council report, those incredible people who have taken their time to serve our community and to provide the ideas that will lead to the next stage of the recovery for all Tasmanians.

I will turn first to jobs. Tasmania is emerging from the COVID-19 challenge with a resilient optimism and a clear focus on our shared future in our island home. We have good reasons to be optimistic. Employment has returned to pre-pandemic levels. There are now 261 000 Tasmanians employed. Since the Government was first elected in March 2014, there have been 26 400 more Tasmanians in jobs. That is a staggering achievement and every single one of those people is important because they are supporting a family, they are building a life and they are providing for the next generation.

Back in May, Treasury was forecasting an unemployment rate of 12.25 per cent and that was no different to a lot of places around the world. But now, we have the second lowest unemployment rate of all the states at 5.7 per cent. Our youth unemployment rate is the third lowest of the states in year average terms. In February, the number of jobs grew by 1.5 per cent, the highest growth in the nation. That is more than double the national rate. Because there are jobs and opportunities, Tasmanians are returning to the labour force and our participation rate continues to grow. Even more than that, Tasmanians are returning home.

I want to talk about confidence and investment. According to the Sensis Business Index, our business confidence leads the nation. Businesses are saying they feel our policies are working for them. Do not take our word for it, take the word of the businesses that we are fighting for. This Liberal government is the strongest backer of Tasmanian business. Sensis also found that the Government's policies are the most popular in the nation for businesses.

We are backing business and providing them with the support that they need. That is what a Liberal government does. We understand it is business that drives our economy. They

are the ones who create jobs and confident businesses invest and hire. Business investment in the December quarter grew 8.2 per cent in that quarter, and is now 7.4 per cent higher than the year before. That is pre-pandemic levels.

Businesses are investing more now than they were before the global pandemic, the greatest health and economic challenge in generations. That is a staggering recovery. That is an incredible turnaround, and this Government has delivered that for Tasmanians. In February job vacancies grew to a nation-leading 13.3 per cent, nearly double the national growth. Job vacancies are now 52.4 per cent higher than in February last year before the pandemic. Job vacancies mean opportunities, whether you are young, whether you are old, whether you had a job before or you have lost one. You can now have the opportunity to work and raise a family in Tasmania because you have that stable opportunity for a job.

Let us turn to retail and exports. In January, retail trade was 9.3 per cent higher than the year before, and that was before the pandemic. In the year to January our merchandise exports are 0.8 per cent higher than the year before, bucking the national trend. We know there have been enormous trade tensions across the world but Tasmania has what the world wants. Despite all the challenges, our exporters, whether they are miners, whether they are foresters, whether they are farmers or manufacturers, they are delivering the growth that we want to see.

Every export dollar earned, is a dollar that is brought back into our local communities and it is employing more people. Yesterday, in preliminary ABS export data released Tasmania has the third highest growth rate in Australia with merchandise exports 2.3 per cent higher in the 12-months to February 2021 than the previous year. That is bucking the national trend which saw merchandise exports to climb by 4.2 per cent.

Let us talk about that wider economic performance. Tasmania was just one of two states to see economic growth in 2019-20 despite the pandemic. In the December 2020 quarter state final demand grew 3.3 per cent in the December quarter in real seasonally adjusted terms, in the second strongest growth rate of any state. State final demand is now 1.5 per cent higher than the December 2019 quarter and that is before the pandemic took hold.

Time expired.

[11.50 a.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Madam Deputy Speaker, it is interesting that the member who just sat down can quote all the statistics he likes but the reality for many Tasmanians is incredibly different. Before the pandemic, one in four Tasmanians were living in poverty. That has not changed. This Government has done nothing to address inequality in our state and improve the lives of thousands of Tasmanians who are still languishing on elective surgery waiting list, languishing on public housing waiting lists or cannot access a job.

What we have heard from the member who just resumed his seat is that his Premier last week accepted all 52 recommendations of the PESRAC report. What we actually heard in a saddened state last week was an un-costed shopping list by the Liberal Party of a number of different ideas sprayed all over the place of things that they would like to do. They have had seven years. Now apparently, they have realised that there are different things they can do in government that they had never occurred to them before.

Quite clearly this Government has run out of ideas. They are leaning heavily on the PESRAC report to come up with ideas as well as Labor's jobs plan of which we are very proud. It is our response to the Government's budget last year. It's a fully costed jobs plan to create 35 000 jobs for Tasmanians. What we saw last week in the Address by the Government was an un-costed shopping list of different ideas. There were very few details on how much those ideas would cost but also how they would pay for them.

This is a Liberal Government that claims to be a good economic manager. Yet they released a bunch of announcements last week and cannot even explain how they will pay for them, let only how much they will cost. The biggest black hole in the budget announcements made by the Premier last week was his attack on TAFE. He says that he has a plan, but his only plan is a privatisation plan.

We have seen the proof of that in the way that he sacked workers at Hydro. He is privatising Hydro entities, Entura and Momentum. He will not lift a finger to save those jobs. He uses the language that Hydro needs to be 'fit for purpose'. Do you know where he has also used that language: when he talks about TAFE. TAFE better watch out because 'fit for purpose' means job cuts. We have seen that with the Government's attack on Hydro workers, sacking 50 of them. He will not lift a finger to save those jobs. Privatising Entura, privatising Momentum. That is nothing to do with him. It is a matter for the CEO and the board, but he wants to privatise TAFE and make it 'fit for purpose'. That means job cuts.

After seven years of undermining and underfunding TAFE, they are now blowing TAFE up and privatising it. What have they been doing all of this time to actually support student enrolments in TAFE? Enrolments in TAFE have declined by 30 per cent since 2014 when the Government came to power. Tasmanians who want to get a foot in the door to get a good job by going to TAFE have been deprived of educational opportunities and getting a TAFE qualification. Under them, enrolments are down 30 per cent.

The Premier has now suddenly realised that we do have workforce shortages despite the fact that this has been a glaring problem for a number of years: Oh! we have to do something about it. His only plan is a privatisation plan. He is going to blow up TAFE. It is the worst economic policy for a generation.

Not only have you deprived many Tasmanians of the opportunity to get a TAFE qualification because of your underfunding and undermining for seven years, you are now going to make it even more difficult for them because of your full cost recovery model which is going to pass the cost on to students and to businesses, making it even more difficult for them to gain a TAFE qualification. But this is apparently their pillar policy. This is what they are most proud of - blowing up TAFE, their privatisation agenda.

We have a very, very different plan for TAFE. The Labor Party wants to rebuild TAFE. We will invest in more teachers. We will make sure that courses are delivered in regional areas. We will make sure that we work with industry to address the workforce shortages that we have been hearing about and reacting to and taking action to address for far longer than this government which has suddenly found it to be an issue. It has been ongoing for a very long time.

We will invest in and re-build TAFE. We will work with the TAFE workforce and with industry, but most importantly the thing that we understand that TAFE is there to do is provide

public education for Tasmanians. We value it as a provider of public education. We value it as a provider of qualifications for Tasmanians and Tasmanian students.

Every time the Premier gets up he says TAFE has to be fit for purpose and it is there to serve business; it is there to provide educational opportunities for Tasmanians. We have a fundamentally different view of how it operates and how it needs to be better in line to address workforce shortages. We will do that by working with TAFE rather than blowing it up and privatising it which is the Liberal Government way.

I cannot understand why this Government is blowing up TAFE and attacking workers at a time when there is a massive problem emerging on the horizon. That is the cuts to JobKeeper, which this Premier has also backed. JobKeeper ends at the end of this month. We know from January figures released by the federal Treasurer that about 13 000 Tasmanian workers are still in receipt of JobKeeper, about 4000 businesses. We have heard from the Tourism Industry that 9000 jobs could be lost. Yet he has done nothing to advocate on behalf of those workers to the Prime Minister or federal Treasurer. In fact, he said he welcomes the fact that JobKeeper is ending, and supports it.

Those chickens will come home to roost because there are thousands of Tasmanians who, at the end of this month, will lose that wage subsidy. That will have an impact on our economy. That will contribute to the fact that there are already difficulties for people to access jobs here; there are 13 people going for every one job vacancy.

The member for Braddon who sat down might quote a lot of figures but the reality for many Tasmanians is incredibly different and they have not been helped by this Government.

Time expired.

[11.58 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Deputy Speaker, this subject of the matter of public importance debate is in no way, by no measure, more important than understanding the wellbeing of young people in the Ashley Detention Centre. I am not buying into Mr Ellis's propagandistic frame. I am going to keep talking about what is happening to these young people.

We had the minister stand up before, having refused to answer our questions in question time and knowingly misrepresent the truth in this place. In an article dated 3 December 2020 the ABC confirmed that Tasmania Police said:

> In scrutiny hearings last week Mr Pervan said: 'that … information that has been shared with police, who are unable in that particular case to pursue any criminal investigation because the [victim does] not wish to participate.
>
> A Tasmania Police spokeswoman confirmed the force had not received a formal complaint related to any of the three staff members.

We had the minister in here relying on an explanation of what procedure is supposed to be in place - that is, that matters are referred to Tasmania Police in order to avoid the truth, which is that this allegation of historical rape which was brought to management's attention in January 2020 was not referred to Tasmania Police. It took 10 months for that staff member

who during that time, as we understand it, was involved in at least one strip search and in fact that was confirmed by the minister in this place. It took 10 months for that staff member to be stood down. Why was he stood down? Because of Camille Bianchi's podcast, The Nurse. That staff member, who was a subject of a most horrific allegation of potential rape historically, was in place for 10 months, working with vulnerable children and was not stood down until that allegation was made public. The minister must have known this. If he did not he does not deserve his job.

The minister also completely misrepresented the Custodial Youth Justice Options Paper prepared by Noetic. Option 1, which was for minimal service delivery improvement - which is what the Government is doing with its $7 million - according to this report:

- … may deliver some minor therapeutic improvements through partially enhanced facilities.

- Current longstanding staff may create barriers to significant and lasting cultural change without ongoing resources attached to support oversight and true embedding of change.

This report was oxygen-clear. The preferred option, option 4, was to construct two purpose-built secure detention facilities. That is what the experts advised. That is the advice that the minister, Mr Jaensch, is trying to avoid, accepting the reality of and misrepresenting what the Noetic report has said. Despite two questions in question time from us and an attempt at an urgency motion, we still have not had the minister tell us when he will come back into this place and answer the substance of those very serious questions we asked this morning.

In order that there is no confusion about what we asked in question time in a Westminster parliament, that the minister could not or refused to answer, is in relation to a report in January 2020 to management about a potential historical rape allegation involving a young adolescent and a long-time member of Ashley staff. That same individual, as we understand it, was known to have masturbated in front of children at the centre. You want to talk about brutalising young people? Madam Deputy Speaker, there you have it.

The minister could not explain why it took 10 months for the staff member to be stood down. The minister could not or would not tell us whether that staff member was referred to police for investigation and when his Working with Vulnerable People registration was cancelled. The minister would not or could not tell us about an horrific incident involving an allegation of abuse of a younger adolescent by older detainees, which we believe was in the notorious Franklin unit. The minister could not tell us whether that horrific incident had been captured on CCTV and if it had, where that footage is. The minister could not or would not tell us whether the matter had been referred to Tasmania Police, nor would he tell us whether he knew of any other incidents of this nature.

That is not good enough. Mr Jaensch is the Minister for Human Services, one of the most important portfolios in government. There is huge responsibility for significant cohorts of vulnerable and at-risk people. You need to be able to answer for your administration of that portfolio, given the human cost of getting it wrong. We know what the human cost of Ashley is: for three-quarters of those kids it is a one-way ticket to Risdon Prison. The minister needs to come back in here and answer these questions today.

Time expired.

[12.05 p.m.]

Mr TUCKER (Lyons) - Madam Deputy Speaker, our plan is to protect our workers and create jobs and we will deliver. The Labor Party is desperately trying to say, 'Look at me, look at me. Please don't notice the fact we turned our back on every Tasmanian business and worker we claim to represent'. Now, more than a year later suddenly they realise this is an issue - well, hello. Now it is time to sit down together and draft legislation to address radical protesters who are invading Tasmanian workplaces and putting law-abiding workers at risk. Well done you, Dr Broad. You are asleep at the wheel.

They are trying to cover the fact that every single member of the Labor Party stood in this House and spoke against this Government's workplace protection bill, legislation that would address these issues here and now, and you are in lockstep with the Greens again. This legislation will protect Tasmanian businesses and workers while protecting people's right to protest and right to industrial action. While it is great that Labor is finally acknowledging that Tasmanian businesses and workers are being affected by extremist protestors, I say, Dr Broad, too little too late, mate. The Government knows radical protest groups like the Bob Brown Foundation hinder legitimate business enterprises. That is why we drafted our workplace protection bill.

During the greatest health and economic challenge in more than a generation, now more than ever before we know the Tasmanian way is worth protecting. As a member for Lyons, our most rural electorate, and as a farmer myself, our right to work and provide for our families is paramount. Agriculture is one of the industries most targeted by unlawful invasive protesters. It is a cornerstone of our economy, producing $1.9 billion at the farm gate in 2018-19. This Government is doing more than any other to support, promote and, importantly, protect Tasmanian agriculture. We lead the nation in delivering irrigation schemes across the state and our products are sought after both nationally and internationally.

The Tasmanian Liberal Government recognises the right to lawfully protest and the right to work, the right to farm and the right to provide for our families and our community. That is why the Government introduced legislation to ensure that we could all go to work and run local businesses in a safe manner, free from threats and disruption. The workplace protection bill, which is similar to legislation passed by the Australian Government, the New South Wales, Queensland, South Australian and West Australian governments, is designed -

Dr BROAD - Point of order, Madam Deputy Speaker. I believe the member is misleading the House. I went through it in quite some detail that the Government's bill is completely different from what is proposed. I point that out.

Madam DEPUTY SPEAKER - You know that is not a point of order.

Mr TUCKER - He is a little bit touchy today.

The workplace protection bill is designed to protect the rights of Tasmanians to work. These laws are needed following a significant increase in radical protesters involving aggressive and threatening behaviour that is stopping people from working and costing businesses tens of thousands of dollars, particularly in your electorate, Dr Broad. We make no

apologies for wanting to ensure Tasmanians can go to work and run their businesses in a safe manner free from threats and disruption.

The Government is strongly committed to the right of people to protest but not at the expense of the right of workers to earn a living or the right of businesses to operate safely and free from interference and disruption. Dangerous protest action from extremists is unsafe for both the protester and workers. These radical extremist actions should be condemned by all Tasmanians.

The Government has and continues to work closely with industry to protect businesses and workers. We have discussed concerns regarding potential work health and safety issues associated with the protest actions, however - and this is a learning opportunity for those opposite on how government works - the Work Health and Safety Regulator is independent. They are a statutory position independent of government or ministerial influence.

As a farmer, it is one of my greatest fears to see my farm, my lifestyle, my employees and my home invaded by extreme vegan activists who have no real care and are simply there to create, incite, destructive farm invasions. That is why this legislation is necessary.

We know the Greens are against our forestry, mining, agriculture and against pretty much everything that provides Tasmanians with work. We also know that the Greens and their extremist mates have a complete disregard for the right to work, often for the safety of workers and their fellow protesters, often for equipment, even often for the very thing that they are purporting to want to protect.

Tasmanians should expect more from Labor. The party that claims to be about workers' rights has turned its back on Tasmanian workers. Now they want to delay and draw it out for political gain. They want to sit down and draw up a new bill to protect Tasmanian businesses and workers but our workplace protection bill effectively achieves this. Why make workers wait another year to provide them protection? That is 365 more opportunities for radical extremists to invade businesses and threaten workers.

Members interjecting.

Madam SPEAKER - Order. Dr Broad, you will be able to make your contribution shortly.

Mr TUCKER - Labor is more interested in keeping their union overlords happy and trying to score cheap political points. If Labor would like to protect Tasmanian businesses and workers, it is very simple - support our workplace protection bill in the Legislative Council.

[12.12 p.m.]

Mr O'BYRNE (Franklin) - Madam Deputy Speaker, I rise to speak on this matter of public importance. It is about a plan but any advice you can give to Mr Tucker, the member who has just resumed his seat, I am sure he would listen to it but he will just follow the script that he has been given every time. You do not have to read it out, that is the tip we give to you, just because they give you stuff to read out. You have to have your own self-respect and your own dignity intact once you sit down.

Mr Tucker, as you scurry from the Chamber - it is pretty hard to see a bloke as he scurries from the Chamber. What has been out in the open this last couple of weeks on this debate around the protesters bill is that industry and the community are very clear that the Liberal

Party will pick self-interest and politics above that of the interests of safe workplaces. For Mr Tucker to get up here and accuse us of playing politics and delaying a fix for what is a significant issue - and we have acknowledged it is a significant issue - beggars belief. He is of the party and this party brought in that legislation, legislation that is virtually a mirror image of the one that the High Court kicked out a number of years ago.

They brought it in as a matter of urgency in December 2019; 16 or 17 months ago we sat in here until 3 a.m. debating it, making the points, because we did not want to see a futile approach to dealing with what is a significant issue, what is an important issue. We did not want to see another futile attempt to play politics and we voted against it in the lower House. The Government is saying they urgently want to get this legislation through. Mr Tucker accused us of delaying. They are the ones who have delayed debate on the bill. They put it through as a matter of urgency in December 2019 and here we are at the end of March 2021 because it will not work. It will just go to the High Court and get kicked out again. That is the advice. It is futile.

Industry is calling you out, mate. They know that you are playing politics. They know that you will throw them like a dead cat on a table to try to score some political points in the leadup to an upper House election in Windermere and Derwent. You know that is what it is about. We have seen it on your Facebook page, mate. We are calling you out. We put out the olive branch. We want to work with you on a workable legislation -

Members interjecting.

Madam DEPUTY SPEAKER - Order. There is too much other chatter in this Chamber at the moment. I ask that the member for Franklin be allowed to make his contribution.

Mr O'BYRNE - Thank you, Madam Deputy Speaker. The hypocrisy of the Liberal Party on this - and industry has now twigged to what you are doing. It is about your rank political opportunism. It is not about keeping workers safe. It is not about dealing and allowing people to get the balance right between peaceful protest and stopping people in endangering not only their own life, but the lives of workers in workplaces.

We have offered up solutions; we have offered a bipartisan approach on this, but no. Every time there is an opportunity to pick a solution that meets the needs of industries and communities, the Liberal Party will pick politics first, and their own self-interest first. It is an absolute disgrace.

For Mr Tucker to get up here and say that we are delaying this, goodness me. In December 2019 you got it through the lower House, and you only just introduced it into the upper House. What an absolute disgrace. The hypocritical approach that you are taking on this is rank opportunism. It is rank politicisation of an important issue. If you really respected the industry, if you really wanted to be the representative of those who you claim to represent, you would sit down with us and work on a solution that is fixable, not one that will get bounced out by the High Court again. You are an absolute disgrace.

When this rabble over here get up and talk about a plan for the future, past behaviour is a predictor of future behaviour. When they say a plan, what is their plan? What have they done for the last seven years? Name one piece of micro-economic reform that you have done. You cannot name one.

In the past history, since 2014, there has been a 50 per cent blowout in elective surgery, and this is prior to COVID-19. If you want longer elective surgery waits, you vote Liberal. There was a 65 per cent blowout in the outpatient waiting list before COVID-19, so if you want to wait longer on the outpatient list, you vote Liberal. Public housing blowouts: between 2014 and prior to COVID-19 over 50, a 55 per cent blowout in public housing waits. If you do not want to get a roof under your head, if you want to maintain the housing crisis, you vote Liberal. You vote Liberal for poor outcomes, fundamental outcomes across our health and human services.

You do not have a plan, no micro-economic reform. The only attempt that you had at a micro-economic reform was TasWater. What an absolute disaster that was. You went to war for two years with TasWater; you did not improve their circumstances. They lost focus because they were facing a hostile attack and takeover by the state government. If you really believed in it, if you had the ticker and the commitment to follow it through, the chest beating by the Premier to say, 'I make the hard decisions', well, what did you do after the last election? He has backflipped and the issues that he says that TasWater were confronting which predicated the attack, are still there. If you talk to the civil construction industry, they have gotten worse. No micro-economic reform.

Now, all of the sudden, he has a list from PESRAC, a list of issues. Let's face it, a significant number of them are addressed and dealt with by the Labor's fully costed job plan, our plan for the future Tasmania. So PESRAC has already endorsed Labor's plan for the future, which is coherent, which is dealing with the key issues of training, of job creation. All of a sudden now he has called that a plan. That is not a plan; that is a list of your recovery. But you cannot even get that right, because you are attacking and blowing up TAFE. That is not a plan. What will now happen, similar to the war with TasWater, is you will have a war with TAFE. Wasted years, wasted opportunity, no micro-economic reform, poor outcomes for communities when they want to access health or housing. You are a rabble and you do not deserve to be re-elected.

Time expired.

Matter noted.

JUSTICE MISCELLANEOUS (COMMISSIONS OF INQUIRY) BILL 2021 (No. 6)

Bill agreed to by the Legislative Council without amendment.

ALCOHOL AND DRUG DEPENDENCY REPEAL BILL 2019 (No. 40)

Second Reading

Continued from 24 March 2021 (page 45).

Mr ROCKLIFF (Braddon - Minister for Mental Health and Wellbeing) - Madam Deputy Speaker, for clarity I will go back a paragraph from where I finished yesterday.

There is some evidence that compulsory treatment for short periods can be an effective harm-reduction mechanism for some people but there is no evidence to support long-term involuntary detention as an effective treatment approach, especially if that detention is without treatment.

The fourth issue is that while the act provides for an independent tribunal, its operation is limited and does not extend to making decisions about a person's admission to a treatment centre or to regularly reviewing a person's detention. Tellingly, the tribunal has received only two applications in the last 17 years, the last in 2009.

This takes us to our fifth and final issue, that the ADDA's use has been in steady decline and has not been invoked since early 2016. The ADDA is not used because people suffering from alcohol or drug issues can and do seek out and receive treatment and services on a voluntary basis like any other consumer of health services.

Our Alcohol and Drugs Service within the Tasmanian Health Service works incredibly hard with people with severe substance dependence and their families to identify admission pathways that do not require or involve the ADDA or involuntary detention. Under this model people are admitted with consent as a voluntary patient, or under authority of the Guardianship and Administration Act. In these circumstances consent to or authority for admission is sought alongside consent to or authority for treatment as part of the same discussion, and people who are admitted are free to leave at any time.

Reviews as far back as 2007 have recognised that the ADDA was out of date and not reflective of contemporary service delivery. I am pleased to bring forward legislation that acts on these reviews. We now propose the repeal of this legislation. I commend the bill to the House.

Before I finish, Mr Deputy Speaker, I would like to acknowledge the many years of hard work and dedication of Sylvia Engels, who is with us today but retiring, as I understand it, very shortly. Sylvia joined the Department of Health and Human Services on 16 February 2004 in the Alcohol and Drug Service as the program manager. Ms Engels is very well respected within the department and has a wealth of knowledge on the delivery of services and the impacts of alcohol and other drug use on our Tasmanian people.

Sylvia has been a constant source of information and background to our office and in my role as the Minister for Mental Health and Wellbeing and I know others in similar roles. Sylvia has made significant contributions to the development of Alcohol and Drug Services, being recognised in 2015 at the Alcohol, Tobacco and Other Drugs awards where Sylvia received the outstanding contribution award.

Over the past few years, Sylvia has led the development of our reform agenda for the alcohol and other drugs sector in Tasmania which was launched late last year and is now in the early stages of implementation. I want to acknowledge and thank Sylvia sincerely for her dedication and the contribution she has made to the alcohol and other drugs sector for many years and many Tasmanians. I wish her a very happy and well-deserved retirement, hopefully content in the knowledge that the development of the alcohol and other drugs sector will continue under the vision of the reform agenda that she has been so instrumental in bringing forward to government.

Thank you, Sylvia, for being an outstanding member of our Tasmanian State Service and for the outstanding contribution you have made. We thank you sincerely.

Members - Hear, hear.

[12.25 p.m.]

Ms HADDAD (Clark) - Mr Deputy Speaker, I will start my contribution where the minister finished and add to his very well-deserved and kind words to Sylvia Engels. The minister said, quite rightly, that she is enormously respected across the public sector and is heading to a hopefully very happy, healthy and well-deserved retirement. I will add to that my experience of working with Sylvia when I was in the community sector working in the alcohol and drugs sector. Sylvia was enormously respected across the community sector alcohol and drug service and the policy sector as well. I felt very lucky to be working with her and to be able to collaborate with people working towards similar aims for people who access alcohol and drugs services across Tasmania and work with people in the department who had service delivery at the heart of what they were doing, like Sylvia. It was very informative for me to learn what I needed to working in that policy job a long time ago.

Sadly, I was not still working there when she was awarded the award in 2015. I had moved on to a different role by then but I know it was well deserved to be named Outstanding Achiever at the ATDC Awards in 2015 and I know she will be very missed across the public sector and no doubt the community sector as well.

I will now address the bill we are discussing that will repeal the Alcohol and Drug Dependency Act of Tasmania. I indicate that the Labor Opposition will be supporting the bill. The minister mentioned in his second reading speech that there have been a number of reviews into the Alcohol and Drug Dependency Act over a number of years and recognised that it is not really fit for purpose any more in terms of how alcohol and drug dependency is viewed and treated in Tasmania.

One of those reviews was conducted in September 2012 and I thought I would quote some of what that review found. They talked about the legislative framework in that review, including the Alcohol and Drug Dependency Act and noted that it was proclaimed in 1968. That is not to say that every act proclaimed a long time is no longer relevant but, as we have heard from the minister, 1968 was when the Alcohol and Drug Dependency Act (ADDA) was proclaimed and since that time things have really moved on a lot. At the time of its proclamation, the objective of the ADDA was to make provision with respect to the treatment and control of persons suffering from alcohol dependency or drug dependency but contrary to its objectives at that time in 2012 when the review was conducted it was seen no longer to expressly confer the power to compulsorily treat an individual.

So, it was not complying with those objectives from 1968. They said that the main aim of the act was to provide for a separate legislative regime for the treatment of alcoholism, partly because of the absence of a serious drug problem in Tasmania in the 1960s, and of course that is something that has changed significantly in that time as well.

Until the ADDA's development, alcoholics who were unresponsive to social pressures and who required hospitalisation were sent to mental hospitals under an involuntary order pursuant to the Mental Health Act 1963. At that time the consensus of opinion appeared to be

against alcohol and drug dependency being coupled with mental illness and the suggestion was made that a separate act should be introduced to cover those cases.

Under the act, a person could be detained in a treatment centre pursuant to an admission application and the act distinguished between admission applications initiated by a patient and those made by a relative or a welfare officer, or involuntarily, in other words. Involuntary application had to be made with the support or recommendation of a practitioner and a person could be detained for up to 14 days after admission on the basis of an application that was made with such support or recommendation.

Under the act and at the time of the review being conducted, detention for that kind of treatment could be extended for up to six months if the appropriate medical officer, being the superintendent of the treatment centre, issued a certificate to that effect. A person's detention could be extended then for a subsequent six-month period, so all up that would be more than 12 months, if the medical officer deemed that to be necessary and in the interests of the patient's health or safety or the protection of others.

A person being detained or his or her relative could apply to the Alcohol and Drug Dependency Tribunal for the person's discharge from the treatment centre. The tribunal consisted of five members, three of whom where medical practitioners with experience in the treatment and rehabilitation of persons suffering from alcohol or drug dependency and two of whom were persons with suitable qualifications or experience.

When it was introduced in 1968 and created that regime of treatment options I have just discussed, it replaced an act from 1885 called the Inebriates Act and an act from 1892 called the Inebriate Hospitals Act, and just the names of those acts tell us that when the ADDA was introduced in 1968 it would have been a significant improvement on the legislative regime that was in place at the time and replaced acts from the late 1800s when attitudes to alcohol and drug use were very different from how they were by the time 1968 rolled around.

Now here we are in 2021 and attitudes to the use and misuse of alcohol and drugs and the treatment of those who require treatment for alcohol and drug use have changed significantly and modernised in many ways. The review discussion paper went on to discuss that the social, medical and legal contest that informed the development of the 1968 act had changed substantially over the previous 40 years in both Tasmania and around Australia and indeed the globe. They said there were significant concerns about the extent to which the act and its focus on compulsory detention was consistent with the shift towards increased recognition of human rights and the need for a consumer-centred focus with the overarching goal of harm minimisation contained in the national and Tasmanian drug strategies at the time.

Numerous amendments have been made to the act, and we heard from minister's second reading that those amendments have rendered it confusing and difficult to apply.

During consultation with stakeholders when that review was conducted, some of the specific issues that were identified in deciding whether to reform the act included the disjunction between the approach underpinning the ADDA and current approaches to alcohol and drugs service delivery which feature assertive case management treatment in the community and short-term treatment-focused interventions rather than long-term detention; the lack of clarity around the ADDA's operation and the general lack of awareness and understanding of the act; the failure for the ADDA to adequately protect or provide for

appropriate oversite for clients; a perception that the treatment model underpinning the ADDA requires a level of resourcing and type of accommodation and service delivery model that is no longer appropriate or available; the inability for a treatment centre model to adequately provide services to consumers outside of the three major centres and the limitation that exists in those major centres; the lack of appropriate oversite mechanism systems such as requirements to record relevant information; and the professional conflict that compulsory treatment creates for clinicians and the impact it has on client outcomes, efficacy and legal engagement.

The review suggested that possibly as a result of the confusion around the role of the act was the fact that it has been rarely used. I think in his second reading speech the minister said there have only been two orders made under the act since 2009, which indicates in and of itself that it is not an act that is fit for purpose or reflective of the way that alcohol and drugs services in 2021.

One of the contributions to that community consultation and review was from the Alcohol and Drugs Council at that time. In their submission they argued that:

> Compulsory detention for treatment of any illness or disorder is an area of policy where the rights of the individual must always be carefully balanced against the health needs of an individual. Community needs, as well as the needs of others affected by the relevant illness or disorder are relevant but should be seen as a secondary concern to the rights and needs of the individual deemed to require compulsory detention for treatment.
>
> Compulsory detention for treatment for drug and alcohol-related disorders is a particularly sensitive area of policy. There are several reasons for this, one being because determining whether an individual with an addiction has the capacity to consent to treatment because drug and alcohol-related treatment is quite different to other areas of medical treatment. There are also issues of diminished capacity by, for example, cognitive impairment as a result of drug and alcohol use, which must be considered.
>
> The way legislation will define drug use, dependence and addiction are all of vital importance and the presence of addiction alone is not sufficient reason to compulsorily detain someone for treatment. There must be an immediate or critical risk to the person's life, health, and safety. Many people with addictions to drugs and alcohol lead steady and productive lives and depriving them of their autonomy and liberty by compulsorily detaining them for treatment is a breach of their rights to consent to or to refuse treatment.
>
> The issue of capacity to consent is paramount. An individual affected by drugs or alcohol addiction may lack capacity to consent to treatment when they are under the effects of drugs or alcohol but be perfectly capable of giving or refusing consent to treatment while sober. In particular, those addicted to alcohol may also suffer alcohol-related cognitive impairment which could affect capacity independent of their addiction.

They went on to say:

> Government has a responsibility to ensure the health, safety and wellbeing of its citizens but this does not extend to removing a person's autonomy to make decisions about their own drug use or treatment.
>
> Government's role is to determine if, when and how to require treatment of individuals and under what circumstances. Involuntary treatment would never be warranted.

By repealing the act, the answer to that from the Government's legislation today is clear.

They went on to argue:

> Any systems which allow for the compulsory detention of citizens for drug and alcohol treatment would have to carefully balance the responsibility for government to care for its citizens in instances where their life was in danger with the rights of individuals to make their own decisions about treatment, as well as drug use.
>
> Criteria and guidelines must be clear and tight as well as adequately enforced. There must be adequate protections in place for the individual, including representation by an advocate or lawyer, as well as avenues of appeal against involuntary treatment orders. At the heart of discussions must be a clear understanding of the aims and objectives of this legislation.
>
> Compulsory detention of individuals who are not charged or convicted with any offence is a serious step for any government to take. It is imperative that we have a clear understanding of what is hoped to be achieved by requiring any involuntary treatment.

They concluded by saying that they believed it is possible to use legislation as a tool to intervene in crisis situations, however the provision of drug and alcohol detoxification or rehabilitation in isolation is not an adequate response. They said:

> It would be futile to provide drug and alcohol treatment without also ensuring there is adequate community support for the individual at the conclusion of the involuntary treatment period. This includes supported accommodation in the community or housing assistance, counselling and ongoing drug and alcohol treatment, where necessary, employment and family support.

Of course all those things are still pressing issues as much as they were at the time of that review being conducted by government in 2012. Indeed, there are still long wait lists for alcohol and drug treatment in the community sector and in the acute medical setting as well. I think one of the saddest things we hear is that sometimes when people take the step that they have decided to self-refer themselves to alcohol and drug counselling, that is a big step emotionally for anybody to make and if they call a community provider they are encouraged and welcomed but sometimes there is a long waitlist that can be counterproductive to people's efforts to seek help, treatment and support when they need it.

Similarly, there are not enough facilities for residential rehabilitation in Tasmania right now and I believe there is still no youth-specific residential rehabilitation facility in Tasmania.

As I know people in this place know and appreciate, to deal with issues of addiction and substance abuse there has to be a suite of responses available for each individual person who needs to seek that kind of support. That might mean detoxification followed by counselling, it could mean residential rehab, a program in a residential rehab provider including counselling services. It might mean some more acute medical treatment and that is the point: each person's individual case, story and needs will be different.

It is an important point to make that we do need more funding in Tasmania for alcohol and drug services, particularly in the community sector, who identify many of the drug and alcohol issues that are still pressing for Tasmanians. We know that we have high rates of smoking and alcohol use in Tasmania and we have some of the highest rates as well of various chronic diseases, including those that are both impacted upon or amplified by the use of alcohol and drugs.

In a recent budget statement that the Alcohol, Tobacco and Other Drugs Council Tasmania submitted to government, they identified there are 32 292 Tasmanians who will experience an alcohol or drug substance use disorder at some point in their lives and 39 per cent of those Tasmanians would require some form of treatment. Of that 39 per cent who require treatment, they anticipate that 51 per cent are currently receiving treatment while 49 per cent are not receiving it.

The reasons for not receiving treatment would be multiple, I acknowledge that, but that is a pretty worrying statistic to know that only about half of the people who require some kind of treatment for alcohol and drug substance use disorders in Tasmania are actually receiving that treatment. I would encourage government to take heed of the recommendations made by the alcohol and drug council in their recent budget priority statement, including the need for greater service delivery as well as creating an independent consumer organisation for the alcohol and drug sector. They argue that Tasmania remains the only state or territory that does not have a funded independent consumer organisation for the alcohol, tobacco and other drugs sector. There have been attempts at bodies that would fill that role in the past and there are examples in other states and territories. They say that consumer organisations are an essential feature of health service systems and deliver services through the lens of lived experience.

They say this valuable expertise contributes to improved service delivery by making services and the system generally more responsive and accountable to the people they are funded to provide services to. A key role is to advance the health, human rights and dignity of people who use alcohol, tobacco and other drugs.

Calls to establish a consumer organisation commenced more than 15 years ago and the need for these services has significantly increased over this time. Reflecting this need in 2018, the council commenced work to develop a recommended business model for increasing consumer representation in Tasmania. This work, which was supported through the Tasmanian Government and undertaken in partnership with the sector, clearly established that an independent incorporated organisation was the only vehicle that could deliver meaningful consumer engagement. The recommendation is outlined in detail in another paper that they had submitted in 2019. It was also endorsed by the expert Alcohol and other Drugs Advisory Board, which includes representatives from the Tasmanian community alcohol and drug sector, Primary Health Tasmania, the Tasmanian Health Service and the Department of Health. There is widespread support for a consumer organisation to be established in Tasmania. They anticipate that it would be achievable for a budget of roughly 380 in recurrent funding annually.

Part of what is really meaningful about consumer organisations that are backed in with funding is to be able to have that lived experience of people who are accessing services fed into policy development and fed into treatment options that are provided by community and government providers. That is broader than just the alcohol and drug sector.

There are consumer voice organisations across the community services sector in a range of different areas. As they advocate very strongly for the people who rely on government and the NGO sector for service delivery. Everybody in this place would be familiar with many of them. There are disability consumer organisations, there are health consumer voice organisations, there are many consumer organisations, some of whom are funded and some of whom are operating on a voluntary basis. They have one thing in common which is that they are very close to the individual needs of the citizens of Tasmania who access services in that area.

For example, if you take Speak Out, which is a disability consumer organisation, they are very close to the people who are accessing disability support services in Tasmania. Without the input of people who are on the receiving end of services, whichever services they may be, I do not believe that a service system can be as responsive as it possibly can be. In saying that I acknowledge how hard everybody in these sectors work, in the service delivery sector. I have not met a person working in a health service delivery role anywhere who is not working for the best interests of their clients and the best interest of the people who they support. I think we can all seek to ensure that the work that we are doing is as responsive as it possibly can be for the people who we are providing services to.

That is just a little bit of a rant from me about the values of consumer-based organisations, a little bit off topic from what we are doing today which is repealing the Alcohol and Drug Dependency Act.

As we have heard from the minister, the reasons for doing so have been around for a very long time. There have been multiple reviews into the operations of the act since 1968 when it was proclaimed. I went through some of the recommendations in one of those discussion papers that led to one of those reviews and recognised that the regime that operates under the current Alcohol and Drug Dependency Act is, first of all, no longer really reflective of how people seek or should receive alcohol and drug treatment services. That is already reflected in the fact that the act is rarely used and that there have been so few orders made under the act in recent times.

With those comments I will conclude my contribution and indicate again that we will be supporting the bill and thank the House for their time.

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, the Greens will definitely be supporting this bill which repeals the Alcohol and Drug Dependency Act of 1968. As the minister has outlined very clearly in his second reading speech, it is manifestly out of date and out of step with the current community expectations for how people should be supported and provided treatment when they have alcohol and other drug addictions. It is very interesting and sad to look into the history that the minister has outlined. This is not a question I really expect the minister to answer - but you have outlined that there have only been two people up until, I think it was 2009, who had been held under this act and, since 1968 when it was changed from the Inebriate Hospitals Act, or, the Inebriates Act 1885, I wonder how many people were held under the powers of the ADDA and for how long were people held, and what was the outcome of their period of involuntary incarceration, effectively. Were they successfully rehabilitated?

Was treatment provided to them during that period of time? This is probably the subject of a PhD for somebody. I do not know if it is research the department has ever entered into but I think it is important for us to have these sorts of stories so we have some information about the effect of the laws that have been made.

We attempt to make laws which are compassionate and we attempt to make laws which are evidence-based and also, in this instance, particularly effective in improving people's lives. That is really the bottom line.

Clearly, the history of this, the social conditions and the social thinking which brought the act that we are repealing and the previous acts that it replaced were ones that saw an appropriate response for alcohol and other drug addictions as being punitive and to force incarceration on a person as well as the extra injustice of not having the power to provide treatment. I suspect what happened for most people is they were probably locked up and the key was thrown away for six months. I would not be surprised if that is what their evidence found. That is the sort of history that we have read in other matters and other related situations - that that is the best we can offer for people with alcohol and drug addictions.

Our society has for a long time had a history of holding people who, in social terms, misuse drugs or who use a certain class of drugs which are outside approved social norms in great disregard. We have always dismissed, incarcerated and criminalised them and that continues. I want to put on the record that we very much support what this bill is doing. The Alcohol and Drug Act is functionally confusing and difficult to apply - which the minister notes - and it is also based on a punitive detention approach. It is not going to achieve the aims that it seeks to achieve.

Meanwhile, we have other laws in place in Tasmania that criminalise people for their personal levels of illicit drug use. Whilst we might feel comfortable looking back at legislation which we feel is so outdated, here we are today in Tasmania where we have on the books laws which will criminalise people for personal drug use, not for trafficking, not for supplying, not for cultivating, but for personal drug use. We criminalise those people and they are today, they can be, and they are, locked up. What we understand is that when we lock people up the opportunities for them to receive treatment are very poor, particularly when we lock people up for personal levels of alcohol and drug use, because we know, when you go to prison in Tasmania as anywhere else on the planet, you end up having access to a huge range of illicit drugs. It is impossible to not be exposed to illicit drugs when you are in Risdon Prison in Tasmania as in any other prison in Australia.

I can only speak with confidence for Australia, but I am confident that every single prison in Australia has manifest levels of illicit drugs which are passed around between prisoners. And so, you have people who are locked up because of their personal drug use, illicit drugs, going into an institution where they have precious little, if any, opportunities for true treatment, for support, for opportunities when they leave, to move into other groups of people, other social networks and other forms of employment, let alone other housing opportunities. If they cannot manage an addiction that has become too great for them, they are not given any support to do that in our prison system in Tasmania.

That is the lack of evidence. So, when the minister talks about looking at the evidence base, we concur, we agree that we need to repeal this noxious bill. What we have to do is look at the decriminalising of personal drug use in Tasmania and we have to urgently address that situation.

In 2017, the United Nations and the World Health Organization called nations to repeal punitive laws that have been proven to have negative health outcomes and that counter established public health evidence including, they said, drug use or possession of drugs for personal use.

In Australia, we have had the Australian Medical Association, the National Drug and Alcohol Research Centre, The Australia 21 Law Enforcement Round Table. We have had former premiers and police chiefs, who have all called for the decriminalisation of the personal use of illicit drugs and we know there is overwhelming public support for this approach.

At the moment in Tasmania the personal use of illicit drugs is illegal and that includes the possession of a thing that is used to administer a controlled drug, the possession of a controlled drug, the use of a controlled drug, the administration of a controlled drug, the possession of a controlled plant and the use of a controlled plant for personal purposes. All of these things are criminalised in Tasmania.

And we know, for example, with medicinal cannabis, what a terrible burden this has been for people suffering pain, wanting to be able to have access to medicinal cannabis. Thank goodness the previous health minister has disappeared from being responsible for that portfolio because his ideology was holding back people living in pain and suffering from accessing medicinal cannabis through a regulated scheme. Mr Ferguson, when he was minister for health, actively held people back from having access to medicinal cannabis unlike every other citizen in Australia who has had access to the Therapeutic Goods and Administrations Controlled Scheme.

Finally, now, the Liberals have seen the light and they have listened to the evidence. But let us not pretend that ideology does not form part of law-making in this place. Under the Liberals in government, that is exactly the case and so whilst we have seen an important turnaround, under the current Minister for Health, Ms Courtney, on that very important issue of social justice, of compassion, of basic right to medical treatment, we have not seen any shift at all on personal use of illicit drugs. All the same evidence exists for that. If we do not take a health-based approach to illicit drug use, we are criminalising people.

In the years 2013 to 2018, five people were imprisoned in Tasmanian for the possession of a thing used to administer a controlled drug. Of those, three were charged for that offense alone and no other. So, a person who might have had a syringe or a bong, or a pipe on them, who knows, they were imprisoned.

Sitting suspended from 1.00 p.m. to 2.30 p.m.

ALCOHOL AND DRUG DEPENDENCY REPEAL BILL 2019 (No. 40)

Second Reading

Resumed from above.

Dr WOODRUFF (Franklin) - Madam Speaker, between 2013 and 2018 there were five people in prison for possessing an implement used to administer a controlled or illicit drug and of those, three were charged for that offence alone. It is also the case that in that five-year period 188 people were issued with a fine for the same offence; a fine, in other words, for possessing an implement to administer an illicit drug. During that period 18 people were

imprisoned and 393 were fined for possessing a controlled drug and of those, four people and 101 people respectively were sentenced solely for possession of a controlled drug in personal, not trafficable, quantities. Two people were imprisoned in the period and 34 were fined for using a controlled drug, about half of whom were sentenced solely for the use of a controlled drug in personal use quantities. For possessing or using a controlled plant, between 2013 to 2018, 40 people were imprisoned and 1414 people were fined and most of those people were sentenced for multiple offences.

This a disgraceful and totally unacceptable outcome. As I have already documented, it is not supported by the Australian Medical Association, the National Drug and Alcohol Research Centre, the star-studded cast of ex-police chiefs, premiers and previous governors-general of Australia, as well as the United Nations and the World Health Organisation and the majority of the Tasmanian and Australian communities.

The Australian Institute of Health and Welfare's national drug strategy household survey in 2016 asked people what action should be taken against people who are found in possession of illicit substances. That survey found that most people believe drug users should be referred to treatment or an education program and most people supported a caution, warning or no action at all for the use of cannabis.

We know that criminalising people is not the approach to managing personal levels of drug use. If a person has an addiction that needs treatment they need public health, they do not need a prison. We have seen another example of this irrational, lack-of-evidence ideological approach from the previous Health minister, Mr Ferguson, in his absolute refusal to have pill testing at festivals. What a disgrace.

The New South Wales Coroner found, after the deaths of four beautiful young people, that there was absolutely no reason not to immediately have pill testing at New South Wales festivals and to immediately discontinue the use of high-profile police wandering through festivals with sniffer dogs because it has encouraged and led to the deaths of young people through pre-loading of drugs in a fright, concerned that they will be caught for a personal level of drugs on their body, so they have taken those drugs, overdosed which led to their deaths.

That is the sort of example we have seen: young people's lives cruelly snatched from them by an ideological type of drug control not based on anything other than an hysterical idea that we have do everything we can to stop people using some sorts of drugs, but completely turning our eye away from the real-life impacts of other drugs that are socially normalised, like alcohol - the obvious one. We all know the impact of alcohol on family violence, stress, leading to financial ruin for people who are unable to deal with alcohol addictions, and especially the breakup of relationships and the loss of stable family situations for young or older children.

We must pay far more attention to this as a society and, for our Health and Police departments, we should be spending much more on resourcing and support for people to recover from alcohol addiction and to have good treatment programs, rather than wasting the money on the policing resources that go into the thousands of Tasmanians who are criminalised for having an implement or personal-use levels of an illicit drug on them - thousands of people fined or put in jail over just a five-year period. All of that could have been avoided.

We know that people who end up in prisons generally are more likely to reoffend. They are more likely to be exposed to conditions that mean when they leave at the other end they

have a criminal record so it is harder to get a house, it is harder to get a job, and it is harder to move back into the community.

It is hard to deal with an addiction, if that is the reason you have ended up in jail in the first place. It is the last place that recovery can occur, especially when people are exposed to that prison environment themselves.

In 2016 the National Drug and Alcohol Research Centre reviewed 81 studies on what the effect of decriminalisation of illicit drugs for personal use would have and they found overwhelming evidence that the trends would be positive. They said:

> Decriminalisation improves employment prospects and relationships with significant others for those who are detected with drugs: Evidence from a number of countries, including Australia, shows that decriminalisation can lead to improved social outcomes … individuals who avoid a criminal record are less likely to drop out of school early, to be sacked, or to be denied a job. They are also less likely to have fights with their partners, families or friends, or to be evicted from their accommodation as a result of their police encounter.

The National Drug and Alcohol Research Centre also found that removing criminal penalties for personal drug use does not lead to more drug use. That is not a surprising finding given that decades of research have found exactly the same thing. I ask the minister to use the powers that he has with his Cabinet colleagues to press home the point. I know this minister is one of the few in the Liberal Cabinet who understands the importance of removing criminal penalties for personal drug use. He understands the impact on individuals' lives of criminalising them for illicit drug use and understands the health and social benefits of removing those crimes.

This is about public health and it is about evidence. It is about understanding that we can choose to have a more compassionate and a more effective approach to managing drug addiction and to supporting people to recover and to seek treatment.

It is not at all a radical agenda, and it is definitely the case that, fortunately, this sensible approach is sweeping the world now. It has been recognised by the United Nations, by the World Health Organization and at least 26 countries around the world already have some form of decriminalisation in place. Of the 34 OECD countries, 14 of them have already decriminalised drug use. Compared to the 26 countries worldwide that have decriminalised drugs, Australia is recorded to have a higher use of amphetamine type stimulants. We have a higher use of ecstasy and opioids than all of those other countries.

By that very measure alone, if that is something that political parties and governments are concerned about, then you would think that they would look at the strategies that are effective at reducing the total use of opioids, amphetamines and other types of stimulants. What we are finding is that when you remove those criminal penalties for personal drug use, you do not drive fear into people to have open conversations. People are able to be upfront and to seek support and you can regulate products.

We are very pleased to support this repeal bill, but clearly we still have a long way to go in Tasmania and the Misuse of Drugs Act itself has the power to arrest, charge, convict and

sentence a person to a period of detention simply for the crime of possessing personal levels of illicit drugs. We know that is not evidence-based. We know that that is straight ideology, based on a history of punishing people for using illicit drugs. That is not compassionate; it is not effective and it does not fit with our human rights obligations. We ask the minister to do what he can to be consistent between what this repeal bill will seek to do and what can be done and should be done across other related areas.

[2.43 p.m.]

Mrs PETRUSMA (Franklin) - Madam Speaker, it is a pleasure to speak on the Alcohol and Drug Dependency Repeal Bill 2019. I commend Mr Rockliff for his work in this portfolio of Mental Health and Wellbeing, as well as his staff, and all in the Department of Health for all their efforts, especially over this past year, addressing the COVID-19 pandemic and for all the hard work they have been undertaking in this portfolio. I know that at all times, the safety, health and wellbeing of all Tasmanians has been at the centre of the minister's, department's and this Government's decision-making processes.

I acknowledge the many years of work and dedication of Sylvia Engels, who is here with us today and is retiring very shortly. I thank her for her many years of service; it looks like it is 17 years of service. On behalf of all Tasmanians, congratulations. We wish you all the best in your retirement.

This Government is very committed to reducing the harms associated with the use of alcohol, tobacco and other drugs. We want to ensure that those affected by alcohol, tobacco and other drugs have access to appropriate, timely and effective services based on contemporary evidence-informed best practice.

This is why this Government has made a commitment to reviewing our current practices as part of the reform agenda for the alcohol and other drugs sector in Tasmania. We launched the reform agenda in November 2020 with an initial investment of $4.9 million for the first two years. This aims to ensure that Tasmanians affected by alcohol, tobacco and other drugs have access to appropriate, timely and effective support and treatment based on contemporary evidence-informed best practice and delivered by a highly-skilled workforce.

As well, Tasmania is also involved in the development of a national alcohol strategy through its representation on the National Drug Strategy committee and the Ministerial Drug and Alcohol Forum. I note as well that a new Tasmanian alcohol action plan is being developed which will guide activities and partnerships between government agencies, local government, community sector organisations and the liquor and hospitality industries. This document will also be informed by the final National Alcohol Strategy and will accompany a new Tasmanian drug strategy. On top of this work, we are also investing record amounts of funding into the alcohol and drug sector, including community services.

However, this Government knows that there is much more to be done which is why we recognise that some past practices, while well intentioned, were not always the best. This is why the Government supports the repeal of the Alcohol and Drug Dependency Act 1968 or ADDA because medical opinion is that it is out of date with current best practice and it is now unnecessary.

The Alcohol and Drug Dependency Act currently permits a person with decision-making capabilities to be detained against their will for up to six months. Two reviews, the first one

conducted in 2007 and another in 2012, recognised that the ADDA was out of date and recommended repeal of this act. Subsequent consultation with the stakeholders including the Alcohol, Tobacco and Other Drugs Council and the Alcohol and Drug Dependency Tribunal president confirmed the continued support for this approach.

On top of this, numerous amendments to the act have also rendered it confusing and difficult to apply and the act is also deficient in its adherence to the principles set down in the United Nations Declaration of Human Rights and the International Covenant on Civil and Political Rights. It is important to also highlight that while the act provides authority for admission or detention it does not provide authority for treatment. This means that treatment is only given to a person who is detained under the act and gives their consent or if the treatment is authorised by or is under the Guardianship and Administration Act 1995.

I note that the use of this act has been in steady decline. It has not been used since 2016 and the Alcohol and Drug Dependency Tribunal, which receives applications from the individual or their relative to seek a discharge from the treatment centre, only received two applications in the past 16 years, one in 2003 and the other in 2009.

The Alcohol and Drug Service works with individuals with severe substance dependence and their families and friends. Regarding admission pathways, I note that these individuals also do not require the use of the act. Instead as part of this model, individuals are admitted with consent as a voluntary patient or under authority for admission of the Guardianship and Administration Act. In this circumstance, treatment consent is also sought and people admitted are free to leave at any time.

When we think about the misuse of alcohol and drugs we usually think about the person taking the substance. We do not usually think about the great impact on families and friends of the individuals. We need to take time to pause and think about families and friends. They, too need support, understanding and the realisation that they are not alone in this journey and there is also help available for them, especially as they are often affected on a daily basis by their loved one's misuse of alcohol and drugs.

The number of family and friends impacted by alcohol and drugs in Tasmania is in the 1000s. For example, we know most people in Australia drink alcohol at some time in their lives and roughly one-eighth of the population will admit to using an illicit drug in a year. It is also estimated that in any one year at least 5759 to 6550 Tasmanians receive some form of alcohol or other drug treatment. At least 61 321 episodes or sessions for alcohol and other drugs use are delivered in Tasmania by a range of service providers. This includes government, non-government, and the public sector in a range of settings such as public and private hospitals by general practitioners and pharmacies and by government and non-government-specialised AAD services. While we know that many who misuse alcohol and illicit substances do so without adverse impacts, the cost to the individual can be devastating. This includes the risk of injury and death but also mental health problems, cancers, cardiovascular diseases and liver cirrhosis. There is also a broader cost to society through impacts on our health system and hospitals, law enforcement, the justice system, productivity, as well as family violence and child safety issues.

Individuals who misuse alcohol and illicit drugs can also experience stigma and discrimination when seeking help and accessing health services. This stigma is also experienced by their family members and by their loved ones. Therefore, for many families

involved, the impacts of a loved one's drinking and drug use can therefore be devastating regardless of background, economic, education, or social circumstances. In fact, it can be so pervasive that families will often avoid seeking help for themselves or a loved one out of fear that they will be judged, discriminated against or because they feel shame and embarrassment.

Many would describe the experience as one of the toughest emotional situations that they have ever had to live with. Sadly, this happens too often, resulting in too many families destroyed. This is why families and friends also need support in dealing with conflict and a setting of boundaries and to know that there are proven strategies to assist them to cope alongside their loved one.

It is also why, as I said earlier, that this Government has made a commitment to reforming our current practices as part of the reform agenda for the alcohol and drug sector in Tasmania. One initiative I feel very proud of is that in July 2020 most Australian states and territories, together with New Zealand, made a commitment to support a highly visible mandatory pregnancy warning label on alcoholic beverages. This was the right decision and a long time in coming. This decision to mandate the labels was first made nearly three years ago when Michael Ferguson was minister for health. He worked with his interstate colleagues at the Australian and New Zealand Ministerial Forum on Food Regulation in recognition that foetal alcohol spectrum disorder, or FASD, is a lifelong disability which is preventable. Mr Rockcliff then, as Tasmania's Minister for Mental Health and Wellbeing, Education, and Disability Services then continued this objective and voted for a highly visible red, white and black warning label which is already helping to raise greater awareness while also supporting women and their partners to make the informed decision to not drink when pregnant.

As a mum of four, and a grandmother to six, and a registered nurse who worked in child health and paediatrics, I believe this is a fantastic outcome for our future children. However, when this was announced, I was greatly alarmed over commentary at the time that the labels were not needed and they were an expensive waste of money because women apparently already know that drinking during pregnancy is bad for their baby. Unfortunately, from my own experience of working in paediatrics and in child health, and also my experience when I was minister for Disability Services, this is simply not true. In fact, it may surprise many but around 50 per cent of women from all demographics drink at some point during their pregnancy, and around 25 per cent will continue drinking even after they know that they are pregnant.

I have seen and heard firsthand the anguished stories of women who were, sadly, drinking before they found out that they were pregnant, only to feel the distress, shame, grief, and extreme guilt that their drinking has now caused a lifelong incurable disability in their child, a disability that was 100 per cent preventable. In recent years we have learned more and more about the importance of good health in pregnancy, including what foods are okay or not to eat.

We have also learned the true impact of a drink or two on the unborn child but, tragically, it is a fact that FASD can be undiagnosed for many years after a child is born and could be best described as a group of conditions that can be displayed as physical, behavioural, and learning difficulties. Ask many teachers about FASD and you will hear many stories of children they suspect suffer greatly from FASD. Over the years I have spoken to many parents who have struggled with their child's mental and physical health issues and have seen it go from a health issue to a law and order one.

In my previous portfolios, whether it was minister for women, or human and disability services, many of the children in Disability Services, Child Safety and the youth justice system, sadly, suffered from FASD. I would hazard a guess that FASD is also present to a high degree in our adult prison population as well. I know that many others have made similar comments.

While the alcohol industry has raised concerns about the additional cost of mandating the colour red on the label, the true cost of not doing so and not highlighting this potential harm is much higher to the child, their family, our broader community and our health, social and justice systems.

I am proud to be part of this Government and I congratulate both ministers Rockcliff and Ferguson for pushing this and for playing such a key role in this vital reform. I passionately believe that not drinking alcohol during pregnancy is the best start in life that any mum can give their child with a lifetime of rewards.

In regard to other measures it is important to know that it is under this Government that the number of alcohol and drug rehabilitation beds across the state is being boosted by an additional 31, under our plan to improve the sector's health services. This extra $6 million investment over three years represents the biggest increase in drug and alcohol treatment the state has ever funded and will take the total number of residential rehab beds to more than 100.

The Launceston City Mission and the Salvation Army are managing the boosted services as well as increased support programs around Tasmania. This funding is already seeing a mix of short and longer stay at residential rehab and day programs, after care and ambulatory and non-medical withdrawal management services around the state. I also note that the Launceston City Mission has increased its long-term residential beds at its Missiondale Recovery Centre in the north by 10. The number of beds at Serenity House in the north-west has increased by five to provide a flexible mix of non-medicated supervised in-patient withdrawal management beds and short stay at residential rehab of four to six weeks. On top of this the Salvation Army is providing 16 more beds at its Bridge Program south; 15 residential rehab beds for four- to ten-week stays, and one withdrawal management bed.

These programs are all providing a statewide step up/step down model and these two organisations are also working closely with the Alcohol and Drug Services and the Partnership and Other Drugs Residential Treatment Panel which provides a clear referral and timely admission pathway for those seeking residential treatment to help reduce wait times for access to alcohol and drug residential services and to also ensure individuals receive support before entering residential services.

I also note that these beds are in addition to the $2.5 billion to secure the 12 new residential rehabilitation beds in the north-west for three additional years. As part of last year's 2020-21 budget, we provided $1.2 million to community mental health and alcohol and drug supports, which includes $400 000 to the Good Sports - Alcohol and Drug Foundation; $200 000 to Pathways Tasmania Velocity Transformations for the women's residential rehabilitation program; $100 000 to the Holyoake Gottawana Program; $92 000 for the Salvation Army Street Team, and $45 000 to support the peak body of the Alcohol Tobacco and Other Drugs Council.

I acknowledge the great work of the Alcohol and Drugs Service, a statewide service that provides treatment to individuals and their families for alcohol, tobacco and other drug issues.

All their services are free, voluntary and confidential. They work with both adults and young people and are located in Launceston, Hobart and Ulverstone with services provided to rural areas. Referrals can be made by the individual family members, friends, their GP, other doctors and other services or health professionals. The ADS provide a variety of programs, interventions and treatment services to help people and their families with alcohol, tobacco and other drug issues including intake and assessment, case management and coordination of care, withdrawal management, secondary consultation, brief intervention, counselling, group work and therapy and health promotion information and community education.

There are also, for example, community teams which provide counselling and therapy to individuals and their families or carers to assist with alcohol and other drug issues. The community team includes the consultation liaison service that helps other services by providing advice and information for treating alcohol and other drug issues. They provide a range of physcosocial or non-medical interventions for people with alcohol and other drug issues. They also provide a range of specialist targeted services such as early intervention, which involves intervention at an early stage of a person's alcohol and drug use to prevent the development of serious drug problems later on and which focuses on service users who are engaged in patterns or a context of drug use that have the potential to harm. It also involves identifying drug use in assessing harm and intervening with service users who are consuming drugs in a potentially harmful way before problems become entrenched or dependence develops.

In regard to the management of complex needs, a large proportion of clients who access alcohol, tobacco and other drugs services are presenting with increasingly complex and multiple needs. In some cases these clients also present with difficult and at times high-risk behaviours and the needs of this client group can be complicated by the presence of coexisting mental health issues.

Therefore outreach services are useful in providing services to clients who would otherwise be unable to access specialist alcohol, tobacco and other drugs services in a timely and equitable manner. These services are designed to provide counselling, assistance with accessing other services, access to skilled and professional help, assistance with the development of strategies to reduce harm and access to specialist advice and information, and services can be provided to individuals or in group settings.

There is also relapse prevention, which is a collection of techniques that increases the client's ability to control cravings and urges, and enhances coping skills for handling high-risk situations where lapse or relapse is a possibility. By combining the learnings of specific skills with lifestyle changes, these interventions can assist clients to manage lapses and prevent relapses.

On top of all this, the ADS also offers the inpatient withdrawal unit which provides a statewide service delivered in the south of the state at St John's Park, New Town. This service supports all regions of the state, with transport available. People can also self-refer to the inpatient withdrawal unit and referrals can also be made by a doctor, a health professional, a psychologist, councillor or another service such as a residential rehabilitation service.

The inpatient withdrawal unit offers high-quality care to help withdrawal from alcohol and other drugs which usually involves a seven to 10-day stay at the unit for medically supervised safe withdrawal, health education and life skills, support during the different stages of the recovery process, stress management and relaxation therapies, development of relapse

prevention strategies, support when dealing with anxiety and/or depression, and discharge planning. The unit is also staffed 24 hours per day seven days per week by specialist nurses and alcohol and drug workers, with 24-hour medical cover from specialist doctors.

The ADS also provides a pharmacotherapy program, which is the treatment service for opioid dependence, and provides a replacement therapy for opioids supported by doctors and case managers. Pharmacotherapy support is provided in all three regions of Tasmania. I note that clients receiving opioid substitution pharmacotherapy can be managed by doctors in the Alcohol and Drug Service or by general practitioners within the community.

There is no doubt that Tasmania has great community sector services across the state. I am delighted that a range of community service organisations are partly funded by the Alcohol and Drug Service to deliver a wide range of alcohol, tobacco and other drugs services around the state, including efficacy support services, care coordination, counselling and support services, family support services, health promotion, education and training services, non-medical sobering-up facilities, places of safety facilities, residential rehabilitation programs, smoking cessation services and youth-specific services.

Some examples of organisations partly funded by the Alcohol and Drug Service include the Alcohol, Tobacco and Other Drugs Council, Advocacy Tasmania, Anglicare Tasmania, Alcohol and Drug Foundation, the Circular Head Aboriginal Corporation, the Drug Education Network, City Mission's Missiondale and Serenity House, Eastern Health Alcohol and Drug Telephone Information Service, Holyoake Tasmania, Quit Tasmania, Pathways Tasmania, Salvation Army, the Link Youth Health Service, Youth Family Community Connections and the Drug and Alcohol Clinical Advisory Service which provides a 24-hour seven-day specialist telephone consultancy service available to all health professionals in Tasmania. This service provides clinical advice to health professionals who have concerns about the clinical management of patients and clients with alcohol and other drug problems.

On behalf of the Government I acknowledge and thank all these organisations for their great work, commitment and passion for supporting their clients, families and friends. I also acknowledge the great work of the ADS which works closely with all these community service organisations to ensure the best service is provided to Tasmanians battling alcohol and drug addiction.

In regard to Tasmanians battling drug addiction I note that Mr Rockliff announced last July that a trial of free take-home Naloxone will be undertaken to help combat opioid-related overdoses. I hope the minister is able to provide an update to the House on this trial in his reply today, including how it is also keeping Tasmania safe as we address the impacts of COVID-19.

Finally, again I want to commend Mr Rockliff as Minister for Mental Health and Wellbeing, his staff and the department for this important bill before us today but also for all their efforts, especially over the last year during COVID-19. I thank ADS for all the services they will be undertaking in the future.

[3.05 p.m.]

Mr ROCKLIFF (Braddon - Minister for Mental Health and Wellbeing) - Madam Speaker, I thank members for their support of the bill before us today. I thank Ms Haddad for relaying her experience and knowledge of this subject, as well as identifying areas for continuous improvement. Dr Woodruff, I appreciate your policy advice across a number of

areas. I take a great deal of interest in policy on this particular matter. It was at an international conference we had one or two years ago where members had the privilege of seeing an expo -

Dr Woodruff - Public Health Association?

Mr ROCKLIFF - No, I do not think so, but it had very interesting presentations. I remember opening the conference very briefly and I stayed for a very comprehensive, interesting presentation about the policies you were speaking of, particularly in the United States, and some of the matters around decriminalisation and other issues. It is a very interesting subject to discuss and debate and evidence and data is very important when it comes to policy formation.

I thank Mrs Petrusma for her comprehensive account of her experience and her knowledge of this subject, and also the compliments around the work of our alcohol, tobacco and other drugs staff within our public service and community sector as well. I thank her for her comments regarding some of the reforms around FASD and alcohol labelling, which are important reforms. A national decision was made and Tasmania was very proactive in supporting visible alcohol labelling. I recall a conversation I had with Mrs Petrusma prior to that debate and I largely formed my view of how we would support that change to ensure we implemented visible alcohol labelling. I recall a conversation with Mrs Petrusma prior to that and her very strong views on this matter based on her experience gave me a great deal of confidence that we were doing the right thing. It is one area that I am very proud that Tasmania had such an influence in that very positive change.

I also thank, as others members have, all the people engaged in supporting people from Tasmania around alcohol and other drugs dependency. Of course there is no one treatment for alcohol and/or other drug dependency. The type required will differ in each case and will depend very much on the type of drugs involved, the outcomes of clinical assessment processes, and the degree to which dependency is impacting on the person, their families, friends and carers. A full clinical assessment, which includes consideration of the person's levels and patterns of alcohol and/or other drug use, will determine the most suitable treatment or other interventions and these will ultimately be decided in discussion with the person, their family, friends and carers as appropriate.

Treatment for drug and alcohol dependency in Tasmania is provided through the Alcohol and Drug Service which is part of the Tasmanian Health Service. I have visited the service and I commend the team for their wonderful work under sometimes very difficult circumstances. Treatment provided includes medically supervised withdrawal services and the opioid pharmacotherapy program. Community-based services for people who are alcohol- and other-drug dependent are also provided across the state through government-funded community sector organisations. Funded services of this kind include residential rehabilitation; youth and family specific support programs and these approaches support voluntary treatment in which the person is fully engaged in the assessment process and their treatment. This is because there is very little evidence of the effectiveness of compulsory treatment for long-term behavioural change.

One of the experiences that I had prior to entering parliament was my involvement with an organisation called Youth and Family Focus. That is now Youth and Family Community Connections. Youth and Family Focus was a Devonport-based service delivery, which included a youth shelter at the time. Community Connections was more Burnie, and they have

combined. Former senator, Nick Sherry, is now president of that service and is doing a very good job. We celebrated their 40 years of service very recently with a function at the Devonport Life Saving Club, which was fabulous, to acknowledge the many people involved, and long-term staff members who have been with that organisation for many many years.

I was reflecting on Dr Woodruff's contributions, ideas, expectations, and feelings within the community around this particular subject. I remember being president of Youth and Family Focus, probably in the late 1990s. The organisation then set up what was known as a needle exchange program. It was highly controversial at the time. As president, we publicly defended, very strongly, people's ability to access that service and save lives, but the stigma associated with it was unfortunate. There were other businesses around that particular location that were quite actively engaged in opposition to that service. When I reflect on that, fortunately communities' attitudes have changed significantly over 20 years as result of those types of services, which I strongly believe are excellent.

Of course, there is more we can do. Ms Haddad, member for Clark, raised the gaps between the modelling undertaken as part of the reform agenda, the alcohol and other drugs sector in Tasmania, and current service delivery. I acknowledge this gap. It is clearly identified in the reform agenda that we released last year in November. We are not shying away from acknowledging that gap, nor the challenges for an analysis that will help services either when it is needed. But we need to identify the gaps, and do all we can to ensure we are meeting community expectations and consumers' needs. Together with the reform agenda we also provided some $4.9 million over two years to support that reform.

Most of the funding has gone to the State Alcohol and Drug Services and includes an additional 10 full-time equivalent community staff across the state. We have prioritised funding that builds on existing government investments into Alcohol and other Drug Services, and also support some new initiatives as well. The Alcohol and other Drug Homeless Consultation and Liaison Project will complement the existing mental health homelessness outreach support team that started in September 2020. It is also intended to work closely with both Bethlehem House, and the Hobart Women's Shelter.

The trial program will use a consultation liaison outreach model of service delivery to support clients who have alcohol or any other drug use, and mental health issues that significantly impact their ability to attain or transition into stable housing.

The drug and alcohol ED brief intervention team will work closely with the Royal Hobart Hospital Emergency Department staff and the existing alcohol and drug services consultation and liaison team support the Emergency Department staff with patients who present under the influence of alcohol and/or other drugs. The team will provide specialist advice and interventions to staff and provide patients with both harm-reduction strategies and advice and referrals to alcohol and drug treatment options.

The new detox home program will be trialled in the south and complement the existing medically supervised inpatient withdrawal management service and ambulatory withdrawal service operated by the Salvation Army. It will provide supervised withdrawal management support services for people in their homes and will operate as a virtual unit of the inpatient withdrawal management unit.

The member also raised the current waitlist being experienced by the ATOD sector including the need for more funding in the community sector and the need for more residential rehabilitation beds. I acknowledge that. I engaged the ATDC, well, I and my office certainly do. I commend Alison on the work she does working with a number of community organisations in supporting them. I commend her also on her very strong advocacy in this area. Alison is doing a very good job in that area.

We certainly acknowledge there is more work and support that can come forward. While acknowledging more can be done, over the past few years we have provided just over $3 million in 2015 over three years for the new 12-bed residential rehabilitation facility established in Ulverstone, run by the Salvation Army. Just under $2.5 million in 2018 over three years for the continued operation of that facility. In 2018, $6 million over three years resulted in a total of 31 additional residential rehabilitation beds across the state being jointly provided by the Salvation Army and the City Mission. This consists of 15-short term beds from City Mission and one withdrawal bed from Salvation Army Bridge, 10 long-term City Mission, 5 long-term beds from City Mission, Serenity House in the north-west.

Additional funding of $1.2 million has been provided in the 2020-21 budget to continue to support health initiatives during COVID-19 response and recovery periods, including to the ATOD community services, $400 000 towards the Australian Drug Foundation Good Sports program, $200 000 for Velocity Transformation to Women's Residential Rehabilitation Service and $100 000 for the Holyoake program. The Salvation Army Streets' teams received $92 000 and the Alcohol, Tobacco and Other Drugs Council of Tasmania which I just mentioned for a consumer representative coordinator and that is an allocation of $45 000.

As part of the COVID-19 stimulus package, $150 000 was provided to the alcohol and drug sector and $15 000 has been used to support a six-month trial of free Naloxone which is a fast-acting medication that reverses the effects of opioid overdose. The trial took place through the needle-and-syringe program outlets across the state. A trial has been very well received and there were seven reported overdose reversals during the course of the trial.

I acknowledge Mrs Petrusma who, in her contribution, asked a question about Naloxone. We have jointly funded a small grant's program with Primary Health Tasmania which is now a total of $235 000 for small grants to support alcohol and drug community sector organisations. Fifty thousand dollars for the Alcohol and Drug Foundation You Haven't Been Drinking Alone campaign across various media in Tasmania and $450 000 technology fund grant was also made available to support community-managed mental health and alcohol and drug sectors to purchase technology required to adapt their service delivery. The member for Franklin, Dr Woodruff, asked whether there was any research undertaken on the outcomes of treatment since the inception of the ADDA. To my knowledge there has not been. She also asked about whether there was any consideration being given to decriminalisation of the use of illicit drugs for personal use. Notwithstanding my previous comments, it is not being considered at this particular time, of course, but I look forward to further discussion on that particular matter.

Dr Woodruff - I am not sure you necessarily have to add 'of course' to the end of that sentence because we always hold out hope, minister, that you are considering the evidence base for these things.

Mr ROCKLIFF - There you go, I always consider evidence when I formulate policy.

I want to speak more about the Naloxone trial. I have mentioned the $15 000 that we have invested in a trial of free take-home Naloxone. It commenced in July last year and ran until the end of February this year. It coincided with the Commonwealth-funded pilot in New South Wales, South Australia and Western Australia.

I am pleased to say that following the trial we have now approved the continuing distribution of free take-home Naloxone. For those who may not be aware, Naloxone is a fast-acting medication that reverses the effects of opioid overdose. It is safe to use and the side effects are rare. Following an amendment to the Poisons Regulations 2018 to allow certified needle and syringe program workers to supply Naloxone, there was extensive training on its delivery. It was made available from primary needle and syringe program outlets across the state in the form of a safe and easy to use nasal spray called Nyxoid.

Opioid overdose response training, including how to recognise and respond to a suspected drug overdose, was provided to all NSP employees and workers and also to interested alcohol and drug sector workers. The take-home Naloxone trial aimed to increase access to Naloxone for people at risk of opioid-related overdose to reduce opioid-related deaths and reduce, as I was speaking about before, the stigma associated with drug use.

There was a positive response from the needle and syringe program employees and clients to the trial. There were seven reported overdose reversals during the trial, which is very good news. That is seven lives saved, in fact. It is the most positive outcome that anyone could ever think of and supports a decision to continue the program. Our trial results will also be fed into the national trial as well.

I believe that has covered the questions from most of the members who spoke.

I acknowledge the work of all people and stakeholders who have contributed to this important legislation and reform. This includes the Chief Executive Officer of the Alcohol, Tobacco and Other Drugs Council, the President of the Alcohol and Drug Dependency Tribunal, and staff of the Alcohol and Drug Service within our Tasmanian Health Service. The time and commitment demonstrated by a number of individuals to achieve a contemporary framework for the provision of treatment and care to people with alcohol and drug dependency is recognised and very much appreciated.

Bill read the second time.

Bill read the third time.

JUSTICE AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2020 (No. 36)

Second Reading

Continued from 15 October 2020 (page 97).

[3.25 p.m.]

Ms HADDAD (Clark) - Madam Speaker, it has been quite a while since we began debate on this bill. I actually cannot remember when it was - 2020 or 2019? It must have been 2020

because it is a 2020 bill but in the previous debate I went through most of the comments that I had to make about the amendments that have been made in the bill to the Appeal Costs Fund Act, the Constitution Act, the Coroners Act, the Criminal Code Act, the Evidence (Audio and Audio Visual Links) Act, the Industrial Relations Act and the Promissory Oaths Act.

I made various comments about those changes, most of which, as is often the case, with justice-related miscellaneous amendments bills are pretty uncontroversial. I made some comments about the further reform that many Tasmanians believe is required to our Constitution Act. The amendment that has been made is a procedural one and is accepted and supported.

There has been much commentary in the Tasmanian community about what is missing from our Tasmanian Constitution and the clunky nature of the legislation as it currently reads due to the great number of amendments that have been made to it over the years.

There is definitely a very firm case that has been made by several people, not least of whom is Dr Brendan Gogarty from the Tasmania Law Reform Institute and the Law School at UTAS, about the need for a whole review of the Constitution Act. That is a debate that has been going on for quite some time. Dr Gogarty has been published a number of times arguing why that is required. A number of legal and other academics have been arguing for quite some time that a whole review of the Constitution Act in Tasmania is very much warranted. That said, the amendment that this bill makes to the Constitution Act is fine. We are not opposing that bill.

I will commence with some comments on the amendments that have been made in the bill to the Sex Industry Offences Act. Unlike the other amendments in the bill, I have some concerns about the way in which this particular part of the bill has been drafted. To be clear, I am not opposing the fact that a definition is required because, as the act currently works, there is a circular issue going on at the moment where the act refers to a definition in another act and when you get to that act there is no definition there.

I am told that the change that is proposed in the bill to amend the definition of 'sexually transmissible infection' was a request from the Director of Public Health. It has been drafted by the Justice Department in consultation with the Department of Health. The section being amended needs amendment because, in the act, it currently provides the definition of 'sexually transmissible infection' that refers to a table that does not, in fact, exist. The current section reads:

> Sexually transmissible infection means a disease specified as a sexually transmissible infection in Table 1 of the Guidelines of Notifiable Diseases, Human Pathogenic Organisms and Contaminants issued by the Director of Public Health under section 184 of the Public Health Act 1997.

If you look for that table you will find that it does not exist. A definition needs to be updated and inserted into this legislation.

However, I am concerned about the wording of this new definition. As you can read in the bill, and I believe it was in the second reading contribution from the minister, the definition as proposed uses the Macquarie Dictionary definition of 'sexually transmissible disease' and it includes a catch-all for any other infection to be later prescribed by the director. The problem

with this is that there is a big difference between the dictionary definition of a sexually transmissible disease and what constitutes a notifiable disease under the Public Health Act, or nationally under the databases of notifiable diseases. The infections included in the dictionary definition being inserted into the act through this bill will now be linked to offences, because we are not creating a change to the Public Health Act; we are creating a change to Sex Industry Offences Act. The infections that are listed in this amendment bill will become part of the Sex Industry Offences Act and those infections will be attached to the offences that are created under the Sex Industry Offences Act that can be taken against sex workers and their clients. In my view, it is fundamentally important that any new definition is carefully considered, is practical and applicable in practice and is fair.

It was my expectation that there would have been consultation on this significant change for sex workers. There is a peak body representing the rights of sex workers in Tasmania, and nationally called Scarlet Alliance. I contacted the CEO of Scarlet Alliance when this bill was first tabled to seek her views on the change. At that time, she was deeply concerned that she and therefore sex workers had not been consulted about this change, but more worryingly, she was concerned about the proposed new definition itself.

The new definition, as I said, is from the *Macquarie Dictionary* and includes seven transmissible infections as a new definition. However, not all of these seven infections are notifiable infections currently in Tasmania. I will go through them now. The bill proposes to include these infections: syphilis, which is a notifiable infection under the national notifiable diseases database; gonorrhoea, which is a notifiable infection under that same database and under the Public Health Act; chlamydia, which is a notifiable infection; and human immunodeficiency virus, otherwise known as HIV, which is a notifiable disease.

It then goes on to include herpes, which is not a notifiable disease under the national notifiable diseases database, and hepatitis. I am told that the sexually transmissible forms of hepatitis are notifiable diseases and those are hepatitis B and hepatitis C. Hepatitis A is not a sexually transmissible infection and is usually acquired from contaminated food products and should not be considered a sexually transmissible infection and it certainly should not be associated with offences under the Sex Industry Offences Act. Finally, it includes genital warts, which is not a notifiable disease under the national notifiable diseases database.

In other words, there are diseases or infections on this list that would now be associated with offences under the Sex Industry Offences Act. Yet those infections are not notifiable diseases under the Public Health Act or the national notifiable diseases database. It puts sex workers in a very unfair situation, particularly in the case of herpes, being responsible for or potentially held liable for having something that 85 per cent of the population can have.

I asked the CEO of Scarlet Alliance her view on the new definition and was saddened by what she had to tell me. She said that there had not been consultation with her organisation on the change. She said she had not heard from the Health minister; the minister had not reached out to Scarlet Alliance to see how sex workers were going at that time or responded to emails. She said that reading the new definition made her feel like her body was being criminalised. She said the new definition was problematic in how broad and unspecific it is. She said herpes is not a notifiable disease under the Public Health Act but under this new broad definition it would be an infection within the scope of the offences under the act.

Herpes includes the herpes simplex virus 1 and 2, which are the common cold sore. As the CEO of Scarlet Alliance explained to me, many people are carriers of the herpes simplex virus without knowing it. It is not always found on the genitals. It can be found in the mouth and elsewhere on the body. She is concerned that sex workers will potentially be treated like criminals for having something that most people already have. She told me there are no free tests available for herpes and the government-run clinics do not view it as something that should be tested for, so in her view it is very impractical and unrealistic to have herpes on the list of transmissible infections listed under the act associated with those offences. Here is what she wrote to me:

> Thank you for bringing to our attention the proposed amendment bill which includes changes to the wedding of the Sex Industry Offences Act 2005. Scarlet Alliance raises the concern that sex workers were not consulted about this. Scarlet Alliance's Tasmanian sex workers project, funded by the Tasmanian Health department, was not informed of the proposed change by the Government.
>
> Sex workers have a long history of being leaders in effective responses to sexually transmissible infections and blood-borne viruses, resulting in similar or lower levels of infection than the broader community. The broadening of the definition of STI when it is linked to these offences flies in the face of evidence-based practice for infection management. No other state or territory manages STIs by fining people who have HSV or HPV, for example. It is not a manageable or practical response. It is also a significant departure from previous Tasmanian government practice, which was to include only notifiable infections in the act.
>
> Sex workers in Tasmania want greater access to affordable appropriate healthcare, not a sex workers offences act that subjects them to fines and criminalisation. The Government has provided no justification for including non-notifiable STIs in this amendment bill. The failure to consult with key stakeholders and to act on health management evidence is very concerning.

Madam Speaker, for these reasons I am concerned about this broadening of the definition and ask the minister to consider refining the definition to at least limit it to notifiable diseases alone, or better still to withdraw this clause in the bill until the Government has had a chance to consult with sex workers and medical professionals to form a more workable definition for introduction at a later time.

I also note that notwithstanding the comments the CEO made around offences for sex industry workers generally, the list not only includes some infections which are not notifiable diseases and some which are not actually sexually transmissible, but it also misses two sexually transmissible infections which are notifiable under the national notifiable disease database. They are donovanosis and lymphogranuloma venereum, or LGV. While the reported rates of those two infections in the most recent Department of Health reports around notifications of those diseases admittedly are very low with rates of infections between zero and one, they are still currently notifiable diseases under the national notifiable diseases database. Therefore, for completeness, if we are listing diseases that are associated with offences under the Sex Industry Offences Act, the list needs to be accurate.

I encourage the minister to withdraw that clause for a redraft or alternatively to amend it on the Floor. I have drafted some amendments I could move in Committee, but I would prefer to wait and put my questions on the record to the minister for her summing up, recognising that there has been quite a lapse of time between the beginning of the debate on this bill and where we are today. It is possible that the consultation I criticised the Government for not having conducted may have happened in those intervening months. If that is the case, I am very interested to hear the results of that consultation and any potential change of approach the Government might have had to inserting a dictionary definition of sexually transmissible diseases into the Sex Industry Offences Act.

I am not arguing about the fact that an amendment needs to be made. As I said in my earlier comments, the current definition is unworkable because it refers to a table in another act and that table does not exist. I acknowledge that a change is required. I am not satisfied that this change is the right change and I am deeply concerned about some of the things that Scarlet Alliance has said to me about how this amendment has come about, and particularly about the inclusion, not only the lack of inclusion of two diseases which are notifiable but also the inclusion of some transmissible infections which are not notifiable and at least one of which is not sexually transmissible.

That is all I have to say on that part of the bill. I am pretty sure I have said everything I intended to say about the various changes to the other pieces of legislation this bill amends. I conclude my comments there but foreshadow that, depending on what happens in the summing-up stage around that particular change on page 12 of the bill, we may go into Committee to amend it.

[3.41 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, it seems like a long time ago since I had the briefing on this but it was actually not that long ago. I thank the staff who gave me a very good briefing on this bill and outlined the many changes it will bring into law. They are very sensible. I understand that these bills take a very long time coming here. All the hard work has been done over a long period of time taking people's views from the various sectors who are involved in justice and related pieces of legislation that this act changes.

I will go through my comments about the changes that have been made, on behalf of the Greens. Regarding the Appeals Cost Fund Act 1968, this will make no fee payable for a number of summary offences and indictable offences and we totally support that. That was an important suggestion that I understand was made by the Legal Service, Legal Aid, and the Tasmanian Bar, or at least, they were notified of this and the other changes that are in this bill and they are comfortable with them.

The power to grant indemnity certificates will now be changed so that appellants can get a certificate in the Supreme Court and I understand that was proposed by the Chief Justice. It will then bring the Supreme Court into line with the Magistrates Court and that will reduce some court time and simplify the processes and do a little bit towards contributing to easing the unnecessary administrative burden in the court system, so that is a good idea.

The change to the Constitution Act 1995 was requested by DPAC, I was told, to clarify that all members, including me, would continue to remain as a member of parliament in the event that Her Majesty the Queen dies, without us needing to take a new oath. I have to say, despite the fact that I very strongly support Australia becoming a republic, I greatly respect

many of the things Her Majesty has done in her lifetime and I certainly do not hasten the day when she will not be with us. In the event that it will happen, as we all will die, it is good to make sure there is not going to be any administrative hiccup and members will continue to be fully-fledged elected representatives on behalf of the people.

The change to the Coroners Act 1995 was, I understand, proposed by a combination of Tasmania Police and the Magistrates Court and deals with the situation where there is a very large accumulation of sometimes very large amounts of evidentiary material. It could be bags or clothes or cupboards and things, but it could also be as large as cars in the case of an accident where a person has died and there is an ongoing coronial inquest, or where there is another crime that has been committed and a death has resulted, or where there are any suspicious circumstances and the coroner is in the process and has not yet finalised their determination about the cause of death.

In the process at the moment all that evidentiary material has to be kept somewhere and I imagine it could be very large, for example if somebody died on board a ship that ship might be impounded as evidence of a suspicious death. In that instance, it is important that all the material evidence has been comprehensively documented and that information can be retained so that at any time the coroner or anyone else who has the right to access that evidence can view it and make sure they are not missing any information they would need in deciding how a suspicious death occurred.

At the moment this will make the decision to destroy that evidence for practical purposes so it does not create a burden, it will be at the coroner's discretion and there will be a process to make sure photos, videos, forensic samples and any other tests that need to be made have been made and are stored in a place where they can be reviewed at any time they need to. That sounds like a manifestly sensible approach.

The Evidence (Audio and Audio Visual Links) Act 1999 is being amended because previously the use of that act has been constrained to the taking of evidence and the making of submissions. I believe it was the Chief Magistrate who made a request to make this proposed change so that now audio and audiovisual links are able to be used by courts for any purposes the court sees fit which will lead to a more open justice system and we fully support that.

The changes to the Industrial Relations Act 1984 have been requested by the Industrial Commission and we are comfortable with what has been proposed there. There were also changes proposed by the Supreme Court and the Chief Justice. Currently there is a two-stage application process where a full bench of the Industrial Commission has to be consulted first to say whether there is any reason that a matter should not be heard. That step will now be removed. Instead, an application for an appeal of an Industrial Commission decision will simply be made to the Supreme Court and it will be decided on a matter of law.

The Sex Industries Offences Act is the last of the acts I will speak to where there are proposed changes. I have a similar range of issues that have previously been discussed by Ms Haddad. I also asked questions in the briefing and was informed that in relation to this the Australian Sex Workers Association had not been consulted in the making of that amendment. That is a mistake. They clearly have a strong view about the potential impact. That is something that was a mistake - it was an oversight. I think it has been accepted as an oversight.

To the matter of the issue itself, it is about tidying up an outdated page in Public Health where the Sex Industry Offences Act as it stands refers people to a website which is not updated or is no longer correct and so that is out of date. In seeking to find a more enduring definition the proposal has been to use the definition of sexually transmitted infection which has been taken from the *Macquarie Dictionary*. On the face of it, that might sound like a reasonable solution but there is a range of concerns that come from that. There is a whole range of different definitions. The problem with the *Macquarie Dictionary* is that it is not a medical resource and it is not a peer reviewed resource. It is not looking at a definition of sexually transmissible infections from the Public Health lens but that is functionally what this amendment is trying to do. It is trying to fix up something in relation to a public health issue.

We wrote to the minister and she responded. I wrote raising the issues that had been raised with me by people from the Scarlet Alliance; the national body is in New South Wales. I spoke to some women from the national body and they were surprised and disappointed that the body had not been consulted. Their concerns about the definition are that the *Macquarie Dictionary* contains two diseases that are not listed as notifiable in Tasmania and not in other places in Australia, and that is herpes and genital warts. They say it is a substantial change. It is not clear how a disease that is not notifiable could practically be used to enforce a prosecution. They argue it extends the current legislation far beyond what is practicable or reasonable.

The bill as it stands proposes a definition to keep the STI list on the Public Health website updated by including an extra clause which is here in Schedule 1. Section 3(1)(h) will add any other prescribed infection. It is a problem. I would like the minister to clarify who has the authority to prescribe any other infection in this instance. Would it be the Director of Public Health? I assume it would be the Director of Public Health. What form would that take?

We had a look at the notifiable conditions within each state and territory according to Public Health legislation. It is the case that Queensland, Victoria, the ACT, the Northern Territory, New South Wales, South Australia and Western Australia all exclude herpes and genital warts from their notifiable conditions under their Public Health acts. So, Tasmania is different from the other states.

We also looked at the references to sexually transmissible infections in state and territory sex work legislation. In Victoria, the definition is that a sexually transmissible infection is a disease or condition described by the regulations to be a sexually transmissible infection. There are three definitions within that. Those conditions are chlamydia, chancroid, donovanosis, genital and anal herpes where lesions are visible and genital and anal warts where lesions are visible, gonorrhea and infectious syphilis.

We straight away get into the issue which some people in Scarlet Alliance would point to and it is a question of how you determine whether a person has syphilis or genital warts or herpes. You can have the virus circulating in your body but not have lesions present and it is not clear how that would be interpreted, whether presence or absence of legions would be interpreted within the definition of a sexually transmissible infection that is proposed. It just simply has (e) herpes and (g) genital warts but does not talk about whether there is a presence or absence of lesions.

Queensland also has a similar addition that the lesions have to be present, whereas other states have not attached a list of definitions of STIs in the Summary Offences Act at all. South Australia has not, Western Australia has not, and the Northern Territory has not.

There are a number of things that are not clear to me from where we have landed with this definition. I accept the minister's response - and thank you for your comprehensive response to the letter I wrote, minister. The minister's explanation is that the definition exists to educate and inform sex workers and their clients that while providing or receiving sexual services that involve sexual intercourse or any other activity with a similar or greater risk of transmission of an STI they implement safe sex practices.

That is actually not what this list is doing. That list is saying that if infection is transmitted through sexual contact between people, including if you have herpes or genital warts, it is about the responsibility of the worker and the client to make sure that transmission does not occur. It is really important that we understand the role of viruses circulating in the body where there is no expression of that virus as a lesion, an obvious lesion itself.

Clearly, everyone would want to make sure that the rate of STIs in the population stays as low as possible. Everyone would want to agree with that. Sex workers and clients along with everyone else who is having sex should always look at having protected sex where there is a risk of transmission of STIs. When we are introducing things into law about these matters I believe we should be quite precise about the language. We have concerns that there is a lack of clarity, particularly about herpes and genital warts. I would like the minister to explain any other prescribed infection. What is that leaving the door open to, and why would we be taking this step when other states have not taken that step? Who would be prescribing it? Would that be at national or state level? I presume it would be a state level Director of Public Health prescription.

I would support this clause being removed from the bill and some more consultation and detail go into it. That is the appropriate thing because there is a lack of clarity around it. I hope that some more consultation with Scarlet Alliance and any other appropriate medical body could happen in relation to that.

[4 p.m.]

Mr STREET (Franklin) - Mr Deputy Speaker, I rise to make a short contribution on the debate around the Justice and Related Legislation (Miscellaneous Amendments) Bill 2020.

I do not think this debate is going to win the excitement award for the parliamentary year but the fact that we are amending 10 pieces of legislation indicates the amount of work that has gone on behind the scenes within the department to make sure that our acts are up to date and as efficient as possible.

As the minister outlined in her second reading speech, from time to time legislation requires amendment to ensure it remains up to date and to correct minor errors that may become apparent after legislation has been operational for some time. A number of such minor amendments have been identified in legislation administered by the Department of Justice as well as acts administered by the Department of Premier and Cabinet, the Department of Police, Fire and Emergency Management. Therefore, this bill makes some minor technical and administrative amendments to 10 acts, as I said.

The amendments arise from requests from various stakeholders to clarify or improve the operation of particular legislation. As is common with miscellaneous bills, the draft was provided to agencies and stakeholders who proposed amendments or were key stakeholders in relation to the proposed amendment. This included the Chief Justice and the Chief Magistrate, the Director of Public Prosecutions and the Tasmanian Industrial Commission. The draft bill was also subsequently provided to the Tasmanian Bar Association, the Tasmanian War Society and the Legal Aid Commission for a review on comment. These amendments are minor and some are administrative. I will take a short time to go through a couple of them.

The bill amends the Appeal Costs Fund Act 1968 to clarify and simplify some matters. The Appeal Costs Fund Act is established under this act. Its purpose is to assist in the payment of costs incurred by litigants through no fault of their own in certain circumstances, such as when decisions are upset on an appeal or proceedings are rendered futile.

With regard to the amendment to the Criminal Code of power to stay or suspend the operations of sentencing orders of all types, 'pending the hearing and determination of a criminal appeal' is to be inserted into the code. This change was requested by the Chief Justice who identified that where a person has been sentenced to home detention and has appealed to the Court of Criminal Appeal there is an issue in relation to how the court can deal with the sentencing order while the appeal is being heard. A Home Detention Order, for example, is not a proceeding but an order that has to be complied with after all proceedings have been concluded. This amendment corrects the issue and also addresses an inconsistency with the powers of the magistrate.

Mr Deputy Speaker, for the life of me I could not remember why I asked to speak on this particular bill but in reading through the minister's second reading speech I came across the element that led to me asking if I could speak and that was the Extension (Audio and Visual Links) Act 1999. The reason I wanted to speak on it is that I also, for my sins, sit on the Subordinate Legislation Committee, another exciting, fun-filled opportunity that this place provides. This time last year during lockdown, the Subordinate Legislation Committee played a really important role in reviewing the COVID-19 notices that were coming through from ministers in the absence of parliament sitting.

One of the notices that came through was to extend the use of audio-visual facilities to help with court processes in both the Magistrates and Supreme courts. It raised a question at the time in the Subordinate Legislation Committee of why we were not already using audio-visual means in improving the efficiency of court. It seemed to us sitting on the committee that there was a cost and a time involved in transporting remandees from Risdon over to the court system for very brief appearance and that the use of audio-visual equipment was a sensible thing to do.

The most annoying question in government, when you ask why something is done a certain way, is the answer 'that is the way we have always done it'. So, it was pleasing when the Chair of Subordinate Legislation Committee wrote to the Attorney-General and asked for this provision to be extended beyond the state of emergency. The Attorney-General put in place this particular amendment to make sure that the extension of audio-visual proceedings happens after the state of emergency has been lifted. So, audio-visual will now be an option for courts for any purpose that the Chief Justice and the Chief Magistrate that they direct.

The other element that I briefly want to talk about is the amendment to the Constitution Act of 1934, which Dr Woodruff spoke about as well. Currently, section 30 requires a member of parliament to take an oath of allegiance before they can act or vote in parliament. The wording of the oath in the Oaths Act of 2015 refers to Her Majesty the Queen. The bill seeks to address any ambiguity as to whether members of parliament need to retake the oath of allegiance on appointment of the Queen's successor. Dr Woodruff indicated that she spoke about it about seven months ago when we first debated this legislation. I do not hasten the day that the Queen is no longer with us, despite my republican leanings which I have been pretty clear about in this place. I have a great deal of respect for the Queen. Unfortunately I cannot say the same for some members of her extended family, so the sooner we become a republic the better.

Mr Jaensch - Relevance, standing order 45.

Mr STREET - When we are amending the Constitution Act I am well within my rights to reflect on my republican leanings and make sure that everyone is this place is clear, or the Attorney-General might find the need to express her own opinion when she is summing up as well, and we do not need that.

Ms Archer - It is a justice miscellaneous. I would prefer it if we did not go there.

Mr STREET - I think the Attorney-General might be a constitutional monarchist. It is her bill and in respect of the minister who is taking this bill through, let's not go further into the republican debate. The Attorney-General might find it necessary to express her own opinion when she sums up.

Ms Archer- Exactly, you are asking for it.

Mr STREET - Mr Deputy Speaker, to finish, these regular justice miscellaneous bills are important. I thank the work of the department in bringing these amendments forward to ensure that we have efficient acts in place. I support the bill.

[4.08 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Mr Deputy Speaker, I thank all members for their contributions, not all their contributions or the entire content of their contributions because as the member for Franklin, Mr Street, just said, I am a constitutional monarchist and a proud one at that. You really do not want to get me started on that, so I am not going to go there.

I will stick to the subject matter at hand. Justice miscellaneous bills are a necessary part of what we do and what the department does. I thank all our departmental officers in that regard and particularly our people from SLP and those accompanying me today. They do an enormous amount of work. With justice miscellaneous bills, the enormous amount of work is something that ticks along throughout the year. Quite often I am written to by the Chief Justice, the Chief Magistrate and others in relation to possible reform that is identified both within and outside of Government. We put together these justice miscellaneous bills. Sometimes there can be one a year but more frequently it will be multiple times throughout the year that we have justice miscellaneous bills. We did one earlier in the week and a few other bills at the same time in relation to the powers of the commission of inquiry. This one, as members have

identified, is the resumption of debate we had last year before the parliamentary year came to an end in 2020.

I want to address something at the outset before I go into the main issue that members identified, namely Ms Haddad and Dr Woodruff, in relation to the concerns regarding the definition of sexually transmissible infection. This provision is about wearing a prophylactic, so a condom or other device, in the provision of services that involve sexual intercourse. The provision makes it an offence to provide such services without a prophylactic. The section refers to STIs in the context of describing other services in respect in which a prophylactic must be worn or used. It is not the fact that you may have herpes or some other diseases or condition, it is that it is an offence to provide services without a prophylactic. I want to make that really clear because I think members are getting a bit tied up and concerned about the wrong thing here, so I wanted to say that at the outset.

I understand that following the correspondence between Scarlet Alliance and Dr Woodruff to which she referred in her contribution today, my department provided a briefing on this amendment to representatives of Scarlet Alliance in October last year. I need to stress that consultation on justice and related legislation miscellaneous amendment bills do not usually include public consultation due to the nature of the proposed amendments being considered which are minor, technical and administrative in nature.

This one is probably a bit of a grey area because although it is administrative and technical and all those other things and we refine our consultation to the usual bodies at the legal profession, with this one perhaps it could have been identified that Scarlet Alliance had an interest and therefore should have been consulted. In any event, the briefing was provided so I wanted to confirm that with members of the House following the issue being raised. We acknowledge the role of Scarlet Alliance in supporting the rights of sex workers in Tasmania including in relation to legal and health matters.

To the crux of the matter now. The definition of sexually transmissible infection or STI in the Sex Industry Offences Act requires amendment because the current definition refers to diseases specified as sexually transmissible infections in table 1 of the guidelines for notifiable diseases, human pathogenic organisms and contaminants issued by the Director of Public Health under section 184 of the Public Health Act 1997. The current guidelines effective from 18 January 2016 are now entitled Guidelines for Notifying Diseases and Food Contaminants and do not include a table or specification of STIs that aligns with the definition of the act. Sexually transmissible infection is therefore effectively undefined under the Sex Industry Offences Act 2005. The definition of sexually transmissible infection in the Sex Industry Offences Act 2005 does not create any requirement for notification of diseases to the Director of Public Health, although the previous definition referred to the Tasmanian notifiable diseases guidelines. Nor does it create a list of diseases for which sex workers could be charged with transmission of an infection, a concern raised by Scarlet Alliance. Again, I stress that it does not do that.

STI is defined under the Sex Industry Offences Act 2005 for the purpose of section 12. Section 12 of the Sex Industry Offences Act 2005 does not create a list of diseases for which sex workers could be charged with transmission of infection. The provisions relate primarily to the requirements of the use of prophylactics and related matters, including a general requirement to take all reasonable steps to minimise the risk of acquiring or transmitting a STI. STI is defined under the act in relation to the requirements for both sex workers and clients to

adopt safe-sex practices during sexual intercourse or any other activity with a similar or greater risk of acquiring or transmitting sexually transmissible infections.

The definition assists the understanding of the types of diseases that are STIs and the circumstances in which the requirements for safe-sex practices apply. It is important to note that section 12 in the Sex Industry Offences Act aims to protect both sex workers and their clients. It clearly imposes obligations on their clients to adopt safe-sex practices as well. For example, under section 12(2) it would be an offence for a sex worker's client to discourage the use of prophylactics, or misuse, damage, or interfere with the efficacy of any prophylactic used. The definition in the bill was developed in consultation with the Department of Health, including the Director of Public Health. It is based on the broad definition in the *Macquarie Dictionary* of 'sexually transmissible infection' and includes a list of examples to assist with interpretation.

I note that the Scarlet Alliance raised particular concerns about the inclusion of genital warts and herpes in the definition of sexually transmissible infection because they are not notifiable diseases or tested for in Tasmania. I note that the inclusion of these diseases in the list is linked to a concern that the list expands the diseases for which a sex worker could be charged with transmitting. However, the definition of sexually transmissible infection in the Sex Industry Offences Act is not intended to create a list of diseases for which sex workers could be charged with transmission of an infection, which is what I said at the outset, so it is a misunderstanding by Scarlet Alliance. The provisions related primarily to requirements of the use of prophylactics and related matters, including a general requirement to take all reasonable steps to minimise the risk of acquiring or transmitting an STI, which I already previously stated.

I note that genital warts and herpes are included in the definitions used in legislative provisions in Victoria and Queensland, albeit there may be some differences in the specific wording of those provisions. The definition is modelled on the definition of 'sexually transmitted disease' in the online *Macquarie Dictionary*, with some contemporary changes. The dictionary definition provides a broad and common understanding of the definition of an STI. A broad definition was favoured, as the underpinning public health objectives are to promote behaviour that prevents transmission of any infection spread via sexual contact, whether they are notifiable or not, for example human papilloma virus, herpes simplex virus and so on. A broad definition was also considered preferable to maintaining a specific list of STIs purely for the purposes of this act. Without a definition the broad English meaning of the terms would be expected to apply in interpreting diseases considered to be an STI. The *Macquarie Dictionary* will be a key reference in this interpretation.

The broad *Macquarie Dictionary* definition of STI includes a list of examples to assist with interpretation. It underpins public health objectives to promote behaviour that minimises the risk of acquiring and transmitting any infections spread via sexual contact, whether they are notifiable or not, and it removes the linkage of the definition from notifiable diseases. This is because diseases which are notifiable are for other public health purposes distinct from the sex industry regulation.

A jurisdictional review of sex industry-based legislation indicates that states and territories have approached the task of safe-sex-related offences differently. The proposed definition in the bill is broadly consistent in approach with many other jurisdictions, which either take a broader approach to defining STIs or do not specifically define STIs, with the exception of New South Wales which has a different regulatory framework. The ACT, Victoria and Queensland either define STI through reference to a list of diseases in the act with

additional diseases included in regulations or they prescribe the list of diseases in regulations. I note that in Victoria and Queensland these lists include genital herpes and genital warts. Victoria also references anal herpes and anal warts as STIs.

The Northern Territory's legislation does not include a definition of STI and the broad English meaning of the term would be expected to apply in interpreting the diseases considered to be an STI. Western Australia links the requirement to use prophylactics in their equivalent legislation to the transmission of bodily fluids and does not define or use the term STI in their act. These jurisdictions do not make any reference to the national notifiable disease surveillance system in defining STIs for the purposes of these provisions.

New South Wales is the only jurisdiction that links notifiable diseases with sexually transmissible infections. New South Wales has decriminalised the sex industry and does not have specific legislation requiring safe sex practices that is equivalent to the acts in other jurisdictions. Instead, the New South Wales act focuses on the transmission of notifiable diseases from a public health perspective. The New South Wales Public Health Act 2010, section 79, imposes a duty on a person who knows that he or she has a notifiable disease or scheduled medical condition that is sexually transmissible to take reasonable precautions to prevent the spread of the disease. It also creates an offence in relation to an owner or occupier of a building or place that is for the purpose of prostitution, who allows another person to have sexual intercourse in contravention of the duty to prevent the spread of the notifiable disease that is sexually transmissible.

The act then lists the notifiable diseases but does not include a specific categorisation of any of these diseases as an STI. The definition in the bill before us also provides for a prescribed infection which will allow other STIs to be prescribed in regulations under the Sex Industry Offences Act 2005 for the purpose of section 12 in future, if necessary. This will allow listing of the infections that may be identified in the future as sexually transmissible for which it should be highlighted to sex workers and clients that safe sex practices apply.

As with all regulations, these will go through the ordinary subordinate legislation committee process in this parliament and could be disallowed. For the reasons I have just outlined, the definition of 'sexually transmissible infection' included in this bill is considered appropriate for the purpose of section 12 of the Sex Industry Offences Act 2005. That addresses the main issue that was raised by both Ms Haddad and Dr Woodruff.

There was another issue that Dr Woodruff raised and that was in relation to prescribed infections because another issue that Scarlet Alliance raised as a concern was the reference in the proposed definition to 'any other prescribed infection'. Scarlet Alliance had concerns about what this means and who would be prescribing an infection as a sexually transmissible infection. I note that the reference to 'any other prescribed infection' is aimed at allowing the inclusion by regulation of infections that may be identified in the future as sexually transmissible.

Some other jurisdictions also provide for the prescribing of infections by regulation. As with all regulations, just as I have outlined, there is a process for the development and making of regulations, including approval by the Governor-in-Council, gazettal, examination by the Subordinate Legislation Committee and potential disallowance by parliament.

Dr Woodruff - It would be the Director of Public Health who would make that prescription?

Ms ARCHER - It would be on his advice, yes. I have addressed that main issue in summing-up. I need not go through the other acts which this bill relates to because all members largely, I think - or actually did agree with all of that. In relation to all of this, I hope that satisfies members to avoid moving any amendments because as I said at the outset this provision is about wearing a prophylactic in the provision of services that involves sexual intercourse. It is not a section that does anything else other than make it an offence to provide such services without a prophylactic.

Ms Haddad, I forgot that you had asked a question about the Coroners Act and I did not see my trusty sidekicks trying to get my attention. The question was about: are there implications for criminal cases or appeals in relation to the amendment to section 59B of the Coroners Act 1958? The amendment to that section requires the Commissioner of Police to apply for an order to render safe or inert or dispose of evidentiary material.

The amendment is proposed to facilitate the release of vehicles from storage arrangements where the evidentiary value of those vehicles can be preserved by other means. It is not the intention of Government to compromise evidence under a section 59B order if there are any evidentiary appeal rights or any further likely court action that might be reliant on that particular evidence being produced. The Commissioner of Police will consider this in determining if an application under section 59B will be made. The provisions on securing evidentiary value of materials through sampling and/or recording remain intact under the proposed amendment as does the discretion of the coroner to approve or reject an application.

Considering all the information before them, the Coroner may decide, including any court proceedings, not to make an order under section 59B. While audiovisual and photographic evidence can be stored in large volumes relatively inexpensively and easily, other coronial evidence, including vehicles, are not suited to retention by the Coroner's Office for lengthy periods. You can imagine the size of things, particularly involving motor vehicle accidents.

The evidentiary value of vehicles in most cases can be captured through forensic analysis, photographic or audiovisual records and samples. These processes preserve the evidence and its value for possible court appearance or criminal proceedings. The Commissioner of Police is also obligated to ensure that samples are kept securely for as long as they are reasonably likely to be required for evidentiary purposes.

I hope that addresses Ms Haddad's other question. I missed that due to the time in which we first commenced this debate.

With that, I commend the bill to the House.

Bill read the second time.

JUSTICE AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2020 (No. 36)

In Committee

Clauses 1 to 4 agreed to.

Schedule 1 -
Consequential Amendments

Ms HADDAD - I will speak from my chair because I do not intend to move the amendments but I did not have the opportunity to speak again because I had already had my call to speak on the second reading. I want to respond to some of the comments the Attorney-General made. I take on board the explanation she gave, both in her summing-up comments and also her written response to Dr Woodruff, who also expressed many of the same concerns I did around the new definition of 'sexually transmissible infection' being included in the bill.

I acknowledge that the Attorney-General has said the section is actually not dealing with creating offences for transmitting or failing to notify a particular transmissible infection; it is around the use of prophylactics. I wanted to put on the record the fact that it is well known that rates of sexually transmissible infections in sex workers are generally much lower than in the general population. The reason for that is people who work in the sex industry are acutely aware of their own safety and the safety of their clients; indeed their businesses rely and their work relies on them and their clients being acutely aware of the importance of safe-sex practices. Certainly in Tasmania I am told that the commitment to safe-sex practices amongst sex industry workers is extremely high and indeed nationally rates of sexually transmissible infections amongst sex workers is generally lower than the general population.

Some of the transmissible infections that are now to be included in that definition are transmissible orally. Section 12 of the Sex Industry Offences Act does not specify whether prophylactic use is required for all giving and receiving of sexual services, including oral sexual services. I note that the penalties created for the offence are very high, so each offence would attract a fine not exceeding 500 penalty units and in today's dollars that is $86 000, so it is a significant penalty.

I wanted to put those views I hold on the record because I appreciate the intent of this amendment. It is about education and explaining to sex workers and their clients about the responsibility they have to practice safe sex. I also wanted to put on the record the fact that sex workers already know that and putting a list of transmissible infections in legislation that will sit on the statute books is not something that will change that attitude to safe-sex practices, which sex workers already take very seriously. Even though I acknowledge that this section of the Sex Industry Offences Act is not creating an obligation to notify, and is not creating the opportunity for an offence to have been committed if somebody does not notify having or indeed transmits such an infection, it creates confusion to have multiple lists across different legislation.

To have a national database and other legislation that lists notifiable diseases and then to have in another piece of legislation a list of diseases and infections that are there really as a bit of a guide or information for people practicing sex work in this state, I believe runs the risk of an unintended consequence amongst sex workers that they are somehow more responsible for those infections. As we have said, some of them are transmissible in ways other than sexually, in particular hepatitis A, which is usually acquired through contaminated food products. I acknowledge what the Attorney-General has said and I take that on board but a safer way to go would be to not have a list at all in this legislation and to find other ways to support sex workers in understanding their responsibility for safe sex practices which, as I said, I believe they already do take very seriously because their livelihoods rely on safe-sex practices.

I am not intending to move my amendments. I was going to suggest removing the infections that are not notifiable and inserting those that are notifiable but are missing from the list. I do not intend to move those amendments today because I acknowledge the explanations and the reasoning behind the amendment that the Attorney-General has given to the House today. I respect it but I do not agree with it and I believe the safer way to go would be to not have a list of infections listed in our legislation, as some other states and jurisdictions have done.

I acknowledge it takes some time for the House to go into Committee and I apologise for taking up that extra time of the House but, as I said, I did not have another opportunity to speak on the bill as I had already had my go at speaking on the bill but I wanted to put those views on the record today.

Schedule 1 agreed to.

Bill taken through the remaining stages.

Bill read the third time.

ELECTRICITY SAFETY BILL 2020 (No. 38)

Second Reading

Continued from 14 October 2020 (page 49).

Ms BUTLER (Lyons) - Madam Deputy Speaker, I will continue from where I left off last time. I will track back a paragraph to clause 29, Safety and compliance audit. The clause states that:

> The Director may engage, direct or authorise a person to conduct an audit in respect of any electricity infrastructure, electrical installation, electrical equipment or a particular practice.

Clause 100 of the bill is about the Audit of safety management system and it states:

> (1) An electricity entity, owner or operator must have the operation of its safety management system audited as determined by the Director.
>
> …
>
> (3) The Director may audit an accepted safety management system.

There is no specification that audits be conducted independently. The director is not required to be a qualified auditor and has the power to conduct audits themselves. This promotes biased audits in my humble opinion. The term 'independent auditor' needs to be inserted in those clauses and the bill specifies that electrical safety audits must be conducted independently, especially if the outcome of the audit is severe injury or a penalty.

Clause 110, Audit of electricity safety officer administration and management:

> The Director, may audit, or require an independent audit, of an electricity entity's administration and management of its electricity safety officers.

I suggest the term 'independent audit' be adopted for all audits in the bill removing the director from the process as there is no requirement for the director to be a qualified auditor. Also, that all audits be conducted on a cost recovery basis. As the director has the ability to implement codes of conduct, regulations and standards without check the director could also have a potential conflict of interest. It would be prudent to ask that the term 'independent' be included in all audit functions outlined in this bill. I would appreciate the minister's consideration in relation to that.

The meaning of 'electrical work' in section 4 of the Occupational Licensing (Electrical Work) Regulations 2018 meaning of work is also a problematic section of this bill and it states that electrical work does not include any low voltage electrical work carried out by technical workers trained in the telecommunications industry on telecommunications industry or telecommunications equipment that is owned and operated by a telecommunications network provider.

I am advised that this section is rolled over from previous regulations. When implemented historically, Telstra had a team of technicians who were trained and employed by Telstra. As most of those technical workers undertaking functions in telecommunications are now subcontractors this section creates uncertainty about qualifications and technical expertise.

The pink batts scheme, which in essence was a brilliant concept to stimulate the economy, saw workers losing their lives due to the lack of regulated administrative guidelines around safety and training. The minister also should address this deficiency. In section A, meaning of electrical work - and I raised this in a briefing as well - the words 'other than' look like a typo as well in that section, as the term excludes the rest of the definition. I have an amendment on that which I have circulated. We can speak to that later on.

It is important that qualified electricians are required to undertake repairs on appliances such as washing machines, for instance. Metal frames of washing machines are a conductor and there are many cases where people undertaking repairs have been seriously injured, some critically. The meaning of 'electrical work' and the reference to training expertise is lacking in this bill.

Clause 36, Inspection of aerial wiring systems and supporting structures.

> (1) The owner of an aerial wiring system and any supporting structures must ensure that the system and structures are inspected by a competent person to ensure that the system and structures are safe to be, or remain, energised.
>
> …
>
> (2) The Director may determine a periodic inspection schedule for aerial wiring systems and supporting structures.
>
> …

(5) The owner must maintain a record of the inspections carried out in accordance with subsection (2).

Master Electricians Australia is seeking clarity around home owners who do own aerial wiring systems and supports, for example, on rural properties. Will they be required to undertake that themselves? The question is, does a home owner need to maintain a record of the inspections carried out?

We will move to clause 44, Inspection and maintenance of prescribed generation and storage systems:

> The owner or operator of an electrical installation with a prescribed generation and storage system, must ensure that the generation and storage system is tested and maintained, as determined by the Director, so as to ensure that the generation and storage system -
>
> (a) complies with -
>
> (i) any relevant design standards; or
>
> (ii) any other relevant standard or code of practice that the Director determines; and
>
> (b) is safe.

In their consultations, Master Electricians Australia stated that it is a positive obligation on all households to undertake regular inspections where they have a solar/PV system or generating equipment. Minister, can you clarify whether this is the intent of the bill? If so, has this obligation been communicated to relevant home owners and other property owners for consultation? It is the opinion of Master Electricians Australia that this introduction will lead to significant changes to the industry and home owners' responsibilities and costs for maintenance of PV systems.

Under this bill, Hydro and TasNetworks, the main groups that own and operate network assets in Tasmania will be provided an opportunity to appoint an electricity safety officer.

Clause 114, Entry to inspect electrical installations, reads:

> (1) An electricity safety officer may, at any reasonable time, enter and remain on any land or premises -
>
> (a) to inspect electrical installations on the land or premises to ensure that it is safe to connect, reconnect or remain connected to, the electricity supply; or
>
> (b) to take action to prevent or minimise the risk of an incident occurring; or
>
> (c) to investigate any suspected unsafe electrical installation.

(2) In an emergency, an electricity safety officer may exercise a power of entry under this section at any time and, if necessary in the circumstances, by the use of reasonable force.

Minister, I find this an extreme measure which we simply cannot agree with. Again, the use of 'reasonable force', and we must also keep in mind that the only workplace or group of workers in Tasmania that actually have the use reasonable force are police officers. So, this seems really over the top to provide electricity safety officers with the opportunity to use reasonable force and I will go into that further. If you really dissect that, it is so problematic.

Clause 117, Emergency powers of electricity safety officers, reads:

In an emergency, to protect persons or property, an electricity safety officer may -

(a) exercise the powers of entry under this Part at any time and without prior notice if it is not practicable to give such notice; and

(b) make safe, if it is possible to do so, or isolate, the electricity supply to any land or premises without entering the land or premises; and

(c) use reasonable force if it is necessary in the circumstances.

Again, in clause 126, Powers of entry:

(3) An authorised officer may use reasonable force to enter any land or premises under this Part if -

(a) the entry is authorised by a warrant and the authorised officer is accompanied by a police officer; …

That makes a lot more sense. To me that would be much more in keeping with our laws and responsibilities and understanding of the term 'reasonable force'. Reasonable force is something that we provide to our police officers after they have undertaken years of training and they are selected. These electricity safety officers will most likely be contractors. There will be no control over what kind of training they have in the use of reasonable force against members of the public.

I cannot see the logic behind that. Then you are also opening up potential problems such as what happens if that electricity safety officer does use reasonable force against a member of the public and that member of the public is injured? Who is liable? What happens if they are not injured? What happens if that becomes a fatality?

Or on the other side of that, what happens if the electricity safety officer does not use reasonable force and there is a catastrophic incident? Who is liable then if they have not used what is in the act? If they have been given the opportunity to use reasonable force against the public, what happens if they do not use that? We will be asking for reasonable force to be removed from 'electricity safety officers'. It is over the top.

I would like to again state with the reasonable force that you would like to have clauses 114 and 117, yet there is also an opportunity to have a police officer accompany a person. I have not been able to get my head around why electricity safety officers in Tasmania would be given the opportunity to use reasonable force against members of the public. I cannot understand that. I have some quotes from electricity safety officers on that, because I did some consulting around what they would think about being given the opportunity to use reasonable force. I explained to them where it fits in the legislation and that it is moments of emergency and they stated, quote: We are not trained fighters. That is what one of them stated. Another one was: Our job is to avoid confrontation with the public, not to use force. So, I do not think there is much industry support from electricity safety officers being given that huge amount of responsibility.

The bill gives effect to the requirements of the intergovernmental agreement on the electrical equipment safety system. It provides a national framework for the certification of electrical equipment, including marking, supply and management of the scheme. As we have previously stated the penalties are different. The bill does not regulate the carrying out of electrical work by electricians licensed under the Occupational Licensing Act 2005, or safe work practices under the Work Health and Safety Act 2012. This bill represents many inconsistencies with the Work Health and Safety Act 2012. I will find it very hard to support something that actually diminishes electricity safety laws, and which also contradicts the Work Health and Safety Act.

Clause 35 deals with bushfire mitigation by providing clarification around growth of vegetation into electrical conductors and vegetation clearance space around those electrical assets. That is very necessary. I think that having some more clarity around what the rules are is very important.

In clause 36, Inspection of aerial wiring systems and supporting structures, it states:

> (1) The owner of an aerial wiring system and any supporting structures must ensure that the system and structures are inspected by a competent person to ensure that the system and structures are safe to be, or remain, energised.

Can you outline for the House a 'competent person'?

In Part 1, *a serious electrical accident* means an accident involving -

> (a) electrocution; or
>
> (b) electric shock serious enough to cause temporary or permanent disability or to require medical treatment; or
>
> (c) electricity that produces a burn serious enough to cause temporary or permanent disability or to require medical treatment; or
>
> (d) an electrical failure that causes significant damage to electrical equipment or property;

Minister, all electrical shocks should be considered serious as all can have serious health consequences and all should require medical attention.

There has been much consultation about the doubling up of sorts of the serious electrical accident provisions outlined in this bill. Part 6, Serious Electrical Accidents, clause 102, refers to notification or reporting serious electrical accidents:

> (1) If there is a serious electrical accident the responsible person must, as soon as practicable after the accident, notify the Director of the time, place and general nature of the accident.
>
> Penalty: In the case of -
>
> (a) a body corporate, a fine not exceeding 250 penalty units; or
>
> (b) an individual - a fine not exceeding 100 penalty units.
>
> (2) The responsible person must, within 21 days after the accident or a longer period accepted by the Director, submit a written report to the Director containing full details of the accident, including the main cause, any contributing factors leading to the accident and any relevant outcomes.
>
> Penalty: In the case of -
>
> (a) a body corporate, a fine not exceeding 250 penalty units; or
>
> (b) an individual, a fine not exceeding 100 penalty units.
>
> (3) A notification or report under this section is in addition to any notification or report required under the *Work Health and Safety Act 2012*.

It is suggested by the Tasmanian Minerals, Manufacturing and Energy Council that Part 6 be removed as the Work Health and Safety Act 2012 already details what is required for a no-fault accident, so it is another doubling up of sorts. That could lead to confusion. We already have the Work Health and Safety Act 2012 which works well for notifying. Part 6 requires there be two points of notifiable reporting and investigation. That is really unnecessary. It is suggested that it is not fair or reasonable for a person conducting a business or undertaking to report notifiable electrical accidents differently to any other notifiable accidents.

The regulator, as defined in the Work Health and Safety Act, is responsible for the investigation of notifiable accidents so I am not sure why you would like that system to be changed so if you could clarify that to the House.

Also, we will move an amendment, Part 1 definition of 'serious electrical accident' means an accident involving -

> (a) electrocution; or
>
> (b) electric shock, serious enough to cause temporary or permanent disability or to require medical attention; or

(c) electricity that produces a burn serious enough to cause temporary or permanent disability or to remove medical treatment; or

(d) an electrical failure that causes significant damage to electrical equipment or property.

It was suggested through consultation with the Tasmanian Minerals, Manufacturing and Energy Council that subclause (d) of the definition would be difficult to interpret and it is also not compliant with the Work Health and Safety Act 2012 which supersedes this act.

Minister, could you clarify for the House why you have included ssubclause (d) in this definition when consultation advised it would be difficult to interpret and it is not compliant with the Work Health and Safety Act. Our amendment would use the term 'that would be notifiable', which consultation suggests would suffice.

[4.58 p.m.]

Dr WOODRUFF (Franklin) - Madam Deputy Speaker, the Greens are happy to support this Electricity Safety Bill.

We are concerned by the issues that have been raised by Ms Butler and we will look closely at the amendments that she has proposed when we go into the Committee stage, which is what she has signalled she will do.

We do not have many questions about this except I wanted to make some comments about electricity safety in general and the changing circumstances that we have in Tasmania and around the world as a consequence of the continuing heating of the climate system from the continual greenhouse gas emissions, and the heating of the global atmosphere and the impact that is having on changing climate, and the consequential impact that is having on all large-scale infrastructure, and the safe delivery of electricity services.

It is not something directly detailed in this bill but it is something I raised in the briefing I had and I want to thank the staff for that briefing. I had a number of questions I raised in relation to that.

We have a situation where the combination of bushfires, overhead power lines, particularly distribution lines, and climate change is rapidly evolving. It is a matter of record that the royal commissions into a number of bushfires in Victoria and coronial inquests in relation to deaths from bushfires that have occurred have all raised concerns about the safety of overhead power lines and the capacity for them to ignite fires. The sort of safety equipment and product that has to be fitted in the new installation of overhead power lines or retrofitted to existing power lines to make sure the risk of electrical sparks and the creation of bushfires as a result of that is minimised as much as possible.

The key change to the existing infrastructure that has come as a result of the royal commissions into bushfires has required modification of automatic circuit-breakers. The current generation of circuit-breakers that was in place prior to the 2009 Black Saturday Victorian bushfires was clearly inadequate and was shown to cause bushfires by sparking when there was an attempt by power authorities to reconnect power.

It was found that modifications to remedy that fault could result in blackouts on days of high bushfire risks, so that is a concern in itself but it is also a concern that bushfire ignition by power line faults has a very serious legal dimension and there have been some substantial settlements in the past post the Black Saturday bushfires. Powercor paid Horsham residents and businesses $40 million and they settled a class action in relation to those bushfires. The electricity provider SP Ausnet paid $19.7 million to settle a class action over the Beechworth fire that also occurred on Black Saturday and that company was contesting other class actions that were allegedly caused by electrical faults.

It is the case that power companies may need to cut electricity during bushfire conditions and that has consequences. Obviously it is an increase in safety for people from the potential risk of bushfires being created by sparks but also it creates real issues for people who are vulnerable who need electricity and who rely on it at a time where it is desperately critical. These are serious and weighty issues. Not all of these are directly relevant to this bill but they are a package of understanding electricity safety. There are very few opportunities to raise them and it is important that we have a conversation and understand how we are modernising our electricity transmission and distribution systems to take account of the changes that have been instituted in other states as a result of the royal commissions there.

Of course there are unforeseen results of actively shutting down power distribution systems and we do not know what they are but we do know that they are weighty matters. Other states do that. South Australia has done that at times. I do not know how much that happens or has happened in Tasmania. I understand Aurora Energy has signalled or may indeed have cut power in extreme fire weather conditions. I assume that must have happened around the Geeveston/Huon Valley region in the summer of 2019-20 when the fires were there, so there are issues I suppose then about the health effects of that and the survival of blackouts and the human and financial cost of having blackouts imposed.

We have to balance the costs and the risks of managing power supplies in increasingly flammable landscapes. I do not understand why there is not an active assessment of moving distribution lines underground. I will never forget the image of driving south towards Dunalley after the Dunalley bushfires - it must have been about six months later - and seeing that the whole side of the road for tens of kilometres had new powerlines that were laid out on the ground that were all going to be re-stood in the air. I thought they burnt once, they can burn again. Why are we continuing to put these things above ground in what is obviously a highly flammable landscape? These are big expensive issues for power companies to consider but we have a publicly owned GBE. We should be asking these questions about the safety and the sense of keeping distribution lines above ground into the future.

We hope and expect that with changes to the way energy and electricity is produced that we may have more micro group communities that are able to withstand bushfire conditions and be resilient with their own local power supply which is not affected by being switched off because they have an alternative or a regular power supply which give them resilience from climate change conditions.

I would like the minister to make some comments about whether there is any serious assessment of the infrastructure and the equipment that is used on our powerlines, particularly our distribution network, and how we have made sure we have adopted the recommendations and findings from other states on serious bushfires so we can make sure we do not have the same experiences those communities have suffered.

I have a question in relation to climate change. When we are looking ahead at electricity infrastructure, it has to be safe for long periods of time and electricity infrastructure I expect would have 20-, 30-, 40- or 50-year horizons, depending on what it is. I would appreciate the minister commenting on the climate change risk assessment that is undertaken for all new electricity infrastructure. What is the climate change risk assessment that is undertaken? Do the safety management plans that are written take account of climate change? Who is doing the work of future proofing our electricity supply system for not only bushfires but for the tremendous additional wind forces we are likely to be seeing much sooner rather than later? We have already seen the changes that are happening on mainland Australia and in Tasmania where we get much more violent and more volatility in the climate system. That means more intense winds and much more intense rain. We are now seeing the intense rainfall that is happening across Australia.

These all have impacts on electricity infrastructure. Who is doing the work of future proofing it? Is it happening? Or are people just hoping that what we have at the moment should suffice? We have to think for long horizons on this sort of stuff.

They are the main questions that I had in relation to this bill. Otherwise I do not have any comments about the rest of it. I look forward to the discussion in Committee about Labor's amendments.

[5.10 p.m.]

Mrs PETRUSMA (Franklin) - Mr Deputy Speaker, it is with pleasure that I rise to speak today on the Electrical Safety Bill 2019.

First, I commend the Minister for Building and Construction, her staff and the great team at the Department of Justice for all their efforts, especially this last year during the COVID-19 pandemic and for all the hard work that I know that they have been undertaking in all her portfolios. I know that over the last year that foremost is been the safety, health and wellbeing of all Tasmanians. I know that has been at the centre of the ministers', the departments' as well as the Government's decision-making. I commend them all for their efforts during this time.

The Tasmanian Government recognises that electrical safety is of great importance to all Tasmanians. The fact is that Tasmanians everyday live and work with electrical devices. In fact, all of us in this House, depend on electrical devices and that is why our Government takes seriously the requirements to have modern legislation and compliance requirements to ensure the safety of all Tasmanians.

Most importantly, this bill introduces the Director of Electrical Safety which will be a new statutory authority who will take over a number of regulatory functions that are currently spread between the Electricity Supply Industry Act 1995 and the Electricity Industrial Safety and Administration Act 1997. By centralising the functions under one Statutory Officer, it will be far easier for the Director to provide oversite and regulation of the industry. Also, the Director will now have the power to make electricity safety orders, make determinations as well as to issue codes of practice as required.

I know that this bill will ultimately repeal the Electricity Industrial Safety and Administration Act 1997 as well as make amendments to the Electricity Supply Industry Act 1995, as well as the Occupational Licensing (Electrical Work) Regulations 2018.

I also note that this bill includes the adoption of the National Electrical Safety System Requirements for Approval, Marking, Supply and Management of In-Scope Electrical Equipment.

This will replace current legislative requirements and that also included in this bill is the introduction of mandatory electricity networks safety management systems for entities that own or operate electricity networks which will require compliance with nationally agreed standards.

I have been listening to the contributions of the members up for Lyons. From listening to the contributions when we were previously debating this bill, it is quite bewildering to me and to many Tasmanians that the Labor Party is not supportive of the bill that actually enhances industry safety.

We all use electrical devices and I cannot think of anything more important, especially for the electrical industry, to make sure that we have the safest industry as we can possibly can. I am sure the Minister for Building and Construction, will be able to help in this regard but it seems to me that by not supporting this bill that Labor will be putting Tasmanians at risk.

Labor needs to speak to workers about how they see this legislation. From what I have seen and heard Tasmanian workers support this bill because they do not want to see Tasmanians exposed to increased risk either. When we get to the final vote on this bill I encourage Labor to consider their position, which will increase the safety of the industry. To me it makes sense to consolidate current electricity safety laws and to modify and to modernise existing provisions where appropriate. This Government makes no apologies for our Government's approach in increasing industry safety for the benefit of all Tasmanians.

Given that electrical technology, equipment and storage systems are being developed at lightning pace, it is so very important that legislation and regulatory requirements are modern and also adaptable for Tasmania's future. So in modernising the existing requirements, clarification has been provided for the interpretation of electricity infrastructure and electrical installations, the requirement for due care and consideration being given to safety risks and good industry practice when conducting maintenance and operation of electrical infrastructure and electrical installations, clarification on ownership of and access to electricity supply lines and aerial wiring systems, allowing for periodic inspection, testing and maintenance to be conducted of non-residential installations, as well electrical safety requirements for connections of the electrical installation to the network, including the requirement for confirmation that it is safe to connect, safe work envelope spaces, restrictions on certain working close proximity to electrical assets, and identification of electricity assets prior to undertaking works.

I also note that, as is consistent with other statutory roles, the Director will have similar powers and functions to that of the Director of Gas Safety and the Director of Building Control which are currently legislated by the Tasmanian Government.

This bill also provides for the role of electricity safety officers, similar to the current electricity officers who exist under the Electricity Supply Industry Act 1995 who will be appointed and managed by electricity entities. These officers will be provided with powers specific to electrical safety under the new act and the Director will also have the power to appoint authorised officers who may enforce the new act.

As is consistent with other statutory roles, there will be a requirement introduced for serious electrical incidents to be reported to the Director.

This bill, as highlighted by the minister, fulfils an important requirement for the Ministerial Council on Energy into Governmental Agreement in providing nationally consistent minimum safety requirements for electricity entity-owned network assets through an electricity network safety management system. This involves the certification of electrical equipment which is paramount to consumer safety.

As this bill is, in regard to work safety, I think that this is a great opportunity to put on the record just how grateful we are as a government for how Tasmanian businesses, organisations and individuals have demonstrated excellence in their workplace response to the COVID-19 pandemic. For this and many reasons we want to recognise these businesses, organisations and individuals with a special award as part of the 2021 Worksafe Tasmania Awards. These awards, which have been running since 1996, recognise leadership, innovation and commitment to work, health, safety, wellbeing and injury management. They demonstrate that safe and healthy workplaces are better workplaces and in many cases it only requires a little thought and participation to make the workplace safer and healthier.

Especially over the last year our Tassie businesses have really stepped up, which is why there is a special award this year to recognise the response by work places to the changing work environments brought about by the COVID-19 pandemic. The WorkSafe Tasmania Awards categories for 2021 are excellence in work health and safety systems; excellence in implementing a work health and safety solution; excellence in work health and safety culture; excellence in contributions to work health and safety; excellence achieved by a health and safety representative; excellence in injury management; excellence in an individual's contribution to injury management; excellence in a work place health and wellbeing initiative and excellence in a work place response to COVID-19.

Entries are now open and they close on Monday 31 May 2021 with winners to be announced at a gala presentation dinner during WorkSafe Tasmania month in October. I encourage all Tasmanian businesses to visit the WorkSafe Tasmania website at worksafe.tas.gov.au for entry information or to call 1300366322 or email wstinfo@justice.tas.gov.au.

Once again, I commend the bill to the House. This bill brought in by the Minister for Building and Construction is an excellent bill because it consolidates existing safety requirements that exist within the current acts, and provides a consistency and modernisation to provide comfort, confidence and most importantly safety to all Tasmanians. I encourage the Opposition to consider their support for this bill. It is a bill that has the benefit for Tasmanians through greater electrical safety.

[5.22 p.m.]

Mr ELLIS (Braddon) - Mr Deputy Speaker, I am delighted to speak on such an important matter as electrical safety. It affects every tradie out there whether you are a plumber and gasfitter as I am, or a builder. There is so much risk that occurs with electricity because, unlike gas, you cannot smell it. Unlike a lot of the risks on a building site you cannot see it and you can find yourself in terrible strife very quickly in ways you probably did not expect. As tradies, we all rely on sparkies to do the right thing. Often, they are the only ones who know when there is a safety issue with their work.

It is extraordinarily important because the consequences of an electrical safety mishap are catastrophic. They can range from serious burns and major illnesses including cardiovascular issues with the heart right through to death. That death can occur in installations that do not even look particularly unsafe. It is important that as a Government and as a community we get electrical safety right.

One of the points Ms Butler raised about her concerns regarding reasonable force use was interesting. My experience as a gasfitter reminded me that reasonable force is, for gasfitting safety inspectors, what we currently have. Gasfitting inspectors already have the power to use reasonable force. Interestingly enough, that passed in 2019 when you were here. I am sorry to say but I am not sure why you support it with the gasfitting industry and yet you do not support it for the electrical industry. It seems that you have not done the homework, have not looked into it enough, or have not taken the time.

Reasonable force in these situations is not about bashing some home owner over the head. The definition of 'reasonable force' suggests it is mostly about gaining access and entry. For example, there may be a neighbour who has pointed out that there appears to be a significant issue in terms of an electrical installation in the house or, in my industry, there might be a significant concern with a gas installation in the house and that affects everyone. It affects the people who live in that place, it affects the people who may buy it down the track, but it also affects their neighbours because electricity, like gas, causes fire. When your neighbour's house is on fire that is a risk to your property as well. The reasonable force component of that for gasfitting inspectors is that it allows them to gain access and entry. We are talking about things like breaking a lock or a window. You might kick in a door to essentially gain access to a property where you have a reasonable suspicion that seriously faulty and defective installations are currently in existence. It is definitely not used regularly. In my time as a gasfitter it was not something that I had ever anecdotally heard about, but it is an important safety floor in that the inspectors are able, in a pinch with a non-compliant home owner or potentially, let us say for example, a landlord because there are a lot of requirements for landlords renting property they own to tenants to actually have a higher standard for electrical safety, or certainly ahead of where the other requirements are. If a landlord refuses entry to an electrical inspector or a gasfitting inspector, as currently happens, that inspector has the right to gain access to that property. It is important because kids' lives are at risk when you have faulty installations; neighbours lives are at risk as well.

In these kinds of industries, particularly in the construction industry, is really important to apply common sense to a lot of the approaches that we take in terms of regulating it. If there is a situation where a cowboy sparky or someone potentially who is not even registered has done the wrong thing and there is some information that might suggest that, then we need to get access to that property. It is vital. It is not rocket science. It is common sense. It surprises me that those on the other side would be so hell-bent on not granting those powers to electrical inspectors when they are already existing for gasfitting inspectors. I do not know what the difference is in their minds.

I applaud the work of the Attorney-General and Consumer, Building and Occupational Services (CBOS) and the department on this. There are lot of cross-overs in the way that we apply our safety regulations and our safety compliance across the building industry. We are dealing with dangerous materials, we are dealing with hazardous situations, and we are also dealing with a setting which is extraordinarily close to the hearts of a lot of people. That is the

place that their kids live. We need to make sure that we live up to community expectations in reining in potential cowboy installers as well as making sure that everything is ticketyboo as they like to say in the trade.

One of the important things, particularly with electrical installations, is that there are categories of people who can undertake electrical work who are not electricians. For example, plumbers and gasfitters can get restricted electrical tickets as can a range of other trades.

That can mean there may be people who get those tickets who are not a fully qualified electrical installer. We need to make sure that those people are doing the right thing, that they comply with the national rules and regulations and they are doing work which is fundamentally safe for the people they are trying to serve, their customers.

In a situation where you have people who are not electricians carrying out electrical work, you need rules and regulations that are well-understood by those people, that are modern, that adapt to the new technologies that are coming online each and every day in the electrical space, digital technology and the many appliances that are now seen throughout homes, workplaces and industrial sites right across the state and the country.

It is one of the things about a lot of construction regulation in that for some people who are not intimately aware of the industry, it may seem like there is not too much to worry about. It is just a couple of rolls of copper and it is up in the roof, it is insulated and everything will be fine. What could possibly go wrong? I can tell you as someone who has spent many hours and many days, unfortunately, crawling under houses, crawling in roof spaces as a plumber to fix plumbing work, these are the kinds of installations that you really need to make sure or that you really want to hope are right up to standard. Sadly, when you are in very proximity to a lot of electrical work and a lot of electrical installation, that is a very dangerous time for you.

As we saw under the disastrous Labor policy of pink batts, a time where electrical installations combined with some shoddy installations of insulation led to the deaths of four young people. That was a terrible tragedy, and there were countless numbers of house fires as well. People will remember the catastrophe that was Labor's pink batts policy where they could not even hand out free insulation without killing people. We want to make sure that we hold ourselves to a higher standard than that.

Ms O'Connor - What about your Prime Minister's policies on climate and the bushfires? Seriously.

Mr DEPUTY SPEAKER - Order, Ms O'Connor.

Mr ELLIS - I should have mentioned that perhaps it was a Labor-Greens government. I am not sure why the member is quite so offended by the pink batts reference.

One of the important things is that you can get yourself into a situation where installations are done incorrectly and years - potentially even decades - down the track there are people who are going to need access and egress to those kind of spaces - roof spaces, cavity spaces, under floor and service ducting. You may not necessarily know what has been done before. You may not have the full picture. You almost certainly won't know the people who undertook that work.

If the standards are to a certain level, they are well understood, they are well-enforced and well-regulated then we have a much higher chance for those of us who are, by necessity, exposed to those kinds of situations. We have a much higher chance of making sure that those people will be able to go to work, earn a dollar and come home safely to their family.

Broadly speaking, that is something that we all agree on in this place. We do want our tradies to operate at the very highest standards of professionalism and safety, making sure that their customers and the people they are intending to look after is done so in a safe manner.

I wanted to touch on a very important aspect for the construction industry as we move into the 21st century and that is the involvement of women in the construction industry. It is something that a lot of tradesmen and women are starting to get very passionate about because we want our industry to more closely reflect the society that we serve, customers who we are there to look after. We know there are enormous opportunities for people in the construction industry. You do not need to go to university to make a good dollar. You just need to get your apprenticeship.

One of those industries that is particularly accessible to women in the construction industry is being an electrician. Across the broader population, there are certain strength and size requirements that may be difficult for the majority of women to meet. We are talking people who are potentially concreters, riggers, steel fixers, brickies, but one of the brilliant things about electrical work - and similarly with painting as well - is that it requires a high degree of dexterity, a high degree of technical understanding. One of the things that often keeps women away from certain industries is the high prevalence of people dying at work.

We see that across our economy. Where there are industries where people sadly do not come home from work at a high rate, those are the industries where we typically see a lower rate of female participation. That is why it is so critical to improve electricity safety right across our state. We want to open up the opportunity for young women who want a job in construction, who want to be building homes and getting after it, running a small business, enjoying being onsite and really getting stuck into it.

If there are concerns that those women may not come home safely, then often they drop out. We see this in other industries that have also had difficulty raising the rate of women who participate in them. We often talk about them as the male dominated industries. We talk of things like fishing, farming, forestry, mining, agriculture and construction is some of those.

I firmly believe that in the next few decades we will see an explosion in the number of women who are taking part in the construction trades and much of that is coming down to the ability for women to go to work, to earn a living and to feel that they are safe doing that as well.

Sadly, nine out 10 workplace deaths are male. If we can reduce that number for everybody, if we can make the entire industry safer, whether it is electrical, gas fitting, whether it is the entire construction industry, then we are going to make that a much more attractive place for young women to be involved and have an apprenticeship. We also going to make it a far more equitable place as well.

We know that when we have greater diversity in our workplaces, often there is better decision-making as well. We talk about how important it is to get women on boards and that is absolutely vital. But I also believe that it is really important that we get women involved in our construction industry as well. It does not quite have the same ring for many people, but it can make a huge difference.

Some of these companies, some of the biggest and best companies that we have, particularly in my neck of the woods, is Tasmania's largest private company, Vos Constructions. One of the most admired businesses that we have in the north-west is Fairbrother Constructions and we have so much capability in this state. There is so much scope to bring people on board, get them opportunities and we are exporting our building knowledge and our capability right around the country.

The Fairbrother model, do not quote me, Mr Deputy Speaker, but I am pretty sure that they do more work on the mainland now than they do here in Tasmania. That is all about what is essentially the intellectual property of Fairbrother, the way that they build houses and buildings and the way that other companies like Vos are able to deliver on time, on budget and in a way that brings their employees with them as well. They actually want to come to work.

I applaud the companies out there who are employing a higher rate of women than the industry average, who are bringing on the next generation of female apprentices. I can almost guarantee that typically they will be more diligent because in many cases there have been many people who told them they could not do it; they will be more determined, they will stick with and they will do a fantastic job.

One of the experiences that I had anecdotally in the construction industry is that many of the women we work with are the real go-getters. We want to encourage them to come into the industry and enjoy what it is to be a part of the construction industry.

One of the other increasing trends that we are seeing in Australia and also right around the world is, sadly, the importation of faulty equipment, equipment that is not up to spec, it does not meet our quite stringent Australian standards. You can see this in many examples across our economy but particularly in the building and construction industry. You often have home owners who are dealing with a retailer online through eBay, Amazon or potentially other places whereby they are able to buy equipment or parts that do not meet the Australian standards for safety. We are seeing a greater increase in this sort of stuff. There have been some very disturbing cases of prime contractors bringing equipment and materials into Australia that simply do not meet our standards for safety. We are talking lead in taps and thermostatic mixing valves, electrical equipment that sadly causes the death of people. We do not want to see that kind of thing,

It speaks to how important it is to make sure that every electrical installation that happens in our state is well monitored: that inspectors have adequate powers to make sure that the work that has been done is up to scratch but also the equipment that is put in and the parts that are used meet the Australian standards. I know in my old industry of plumbing, the standards that we used was the water mark. In gas fitting it was AGA. When things comply with that, as a tradesman, we know that it is safe to use.

Sadly, there are many examples in electrical whereby consumer goods might get brought in that are simply not up to scratch. You do see situations where home handymen, who do not

have the adequate qualifications think, it is only three wires, how hard could the red, black and green be? They can get themselves into a lot of trouble. We need to make sure that compliance comes through in this industry because electrical safety is everyone's safety.

We always like to say that safety is no accident. It is about making sure that every person right throughout the chain of custody to getting a house or a building or an industrial application installation that every person involved is qualified; that they are making the right decisions; that they are doing so knowing that they will have to be transparent and accountable for the work that they do. It could lead to the death of a person. Whether it is the person who is importing a product, or the person installing it or the person buying it, they all need to be accountable in some way for the installation that they have put in.

It is not just the end user who is at risk and who sometimes does take matters into their own hands and does the handyman job. It is also the people around them and it is people in decades to come. Once a house is sold there is no telling the history of these things. An electrical installation in many cases, like plumbing, is hidden. One of the old gallows jokes that we like to use is that plumbers and electricians are like doctors; we bury our mistakes. That gives some people a sense of what we are really up against in this industry. There are fundamental reasons why it can be dangerous and unsafe. In terms of mitigating that a lot of the time we need to be putting in place standards, protocols, procedures and inspection to make sure that what people are doing there is up to standard.

The Tasmanian Government recognises that the electrical safety is of paramount importance to Tasmanians. It is some of the feedback that you get on building sites. People will often admit that they will muck around with a lot of other trades but one of the things that they will not touch, along with gas fitting - which is the closest equivalent, in my mind - is electrical. It speaks of a sense of community standards in our approach to the electricity industry more broadly. There is, I believe, a certain sense of respect and a desire to make sure that every person who works in that industry is well regulated and has a strong understanding about the expectations that they have every day when they go to work. Other people's lives are in their hands. That is a big responsibility.

In other cases throughout our society, whether those people work in healthcare, or on our roads as truck drivers or in many other applications where people's lives may be at stake, based on the decisions, potentially the mistakes, that those people make, we expect those people to be well regulated and accountable.

An interesting element of this bill is that it introduces the Director of Electrical Safety. It is a new statutory authority. It takes over a number of regulatory roles that currently exist so it is essentially bringing in the Electricity Supply Industry Act 1995, the Electricity Industrial Safety and Administration Act 1997 and it is bringing these things together. One of the things that you find as a tradesperson is that you really want to know who you are dealing with at any one time. You want essentially a one-stop shop, a single authority, so that there are no mixed messages, it is clear who you need to be dealing with, it is clear who you need to be accountable to.

To have that sort of oversight from that one person has been acknowledged in the gas industry. There is a Director of Gas Safety and so we want to bring in place a Director of Electricity Safety as well. I do not think that is rocket science; I think that is common sense. It is practical and pragmatic. It is essentially about making sure that the rules that govern

important industries like construction are simple, clear, efficient, and that they serve the people of Tasmania in a way that makes sure that they able to live their lives in their homes in a safe manner.

One of the critical things that all governments, I believe, need to be doing in this time is making sure that we roll some of the regulations of the past that have been built up in a sort of ad hoc manner and put them together in a way that is rational, focused, clear and streamlined. Government can be such an enabler of business and the lives of people.

A well-regulated industry - and when I say well-regulated, I do not mean over-regulated, what I mean is efficiently regulated, when it is clear the expectations that the regulator has upon the people who are being regulated by it, that enables them to thrive and flourish and to get about the business that they do every day of the week in a much more sensible manner when they know what the rules are and then they are just willing to play by them and compete in the way that commercial entities do.

They are up against other competitors who also have cost pressures, who also have a desire to deliver a quality outcome for their customers. When everyone knows what the rules are, that everyone else will be judged by those same rules and that they will be accountable to it, it makes it better for everyone. One of the most frustrating things for a trade business is that you might be undercut by people out there who are either home handymen or who are in that sort of cowboy space where they just do not seem to care.

That is disheartening for small businesses right across the spectrum because they do not want to have their profit margin taken away by someone who is doing the wrong thing, who is doing an unsafe installation. They want to compete on a level playing field. When you take that margin away, particularly in a service business, particularly in industry, that is typically quite efficient as the Australian and Tasmanian construction industries are, that means you will not have anything to take home to your family. We have an industry where people are delivering solid outcomes for their customers but we need to make sure that they are also financially rewarded. If people can come in under them and behave in a manner that is unsafe that does not deliver a quality product, or are using some cheap import which does not meet Australian standards, then people become disheartened and they leave the industry. We do not want that. We want to make sure that everyone can play on level playing field.

An interesting thing about this bill is the adoption of a national electricity safety system, requirements for approval, marking supply and management of in-scope electrical equipment. You will see in this bill a focus on making sure that Tasmania's laws are also more closely aligned with the national laws that are being brought into place. One of the most beneficial things for the construction industry, that has typically high rates of itinerancy - people moving between states - is making sure that things are streamlined across the board so that, for example, a sparky who has been working in Queensland, when they move to South Australia they broadly know that the rules they are playing by are similar, that the people who they need to speak to about compliance, transparency and accountability are performing a similar role and have similar expectations to the people they needed to be accountable to in their home state where they did their time as an apprentice.

Time expired.

[5.52 p.m.]

Ms O'BYRNE (Bass) **-** Mr Deputy Speaker, I had no intention of speaking on this bill. I commend the work of my colleague, Ms Butler, for her contribution on it and the work and consultation she has done but, quite frankly, sometimes when you filibuster, people stand up and say things they really should not.

I would like the member to reflect on some of the things he said and consider coming back in on the adjournment and apologise, because this week of all weeks, this month of all months, raising reflections around women's capacity to do their work is completely unacceptable.

I stood in this House only a couple of days ago when we talked about an attack on women paramedics and a letter to the editor saying women simply are not strong enough to do the job of being a paramedic; they are nice and caring and skilled but they are not strong enough. I am sorry but I just heard Mr Ellis end his contribution by reflecting on the ability of women to do their job because of, effectively, size and strength constraints.

I find it incredibly offensive at a time when we should not be talking down women and a time when this Government is pretending to try to grow the number of women in the construction industry that he would come into this House and make those kinds of reflections. He implied that strength was an issue in a number of areas including construction, but it is good news for women because careers like electricity and painting are more about dexterity so obviously women are going to be better at those because we are quite good at being dexterous.

Ms Archer - Calm down!

Ms O'BYRNE - Do not tell me to calm down. No-one on your side stands up for women, and you talk them down in your language all the time.

He said that one of the reasons that women were good in this job is because they are much more diligent because they have been told they cannot do it. They are good at the job because they are good at the job. Gender has nothing to do with it. He then talked again about his home handyman. He talks about his home handyman a lot. He did that the other day, saying how dreadful it would be if your home handyman makes a mistake because the wife is upset.

Sometimes you just have to get around the fact that women are competent. They are competent in these jobs, they are competent at jobs at home. You cannot continue to use language that demeans them. I ask you to reflect on your commentary, come back to this House tonight and talk about the fact that women are capable and competent and you do not have to be a bloke to be good at construction.

[5.54 p.m.]

Ms ARCHER (Clark - Minister for Building and Construction) - Mr Deputy Speaker, I thank most members for their contributions but that last hysterical one -

Ms O'BYRNE - Point of order, Madam Speaker. We also do not talk about women being hysterical, okay?

Ms O'CONNOR - On the point of order, Ms O'Byrne, I remember you trying to have me named when I was defending myself from Ms Haddad calling me a racist. I remember you and I remember your brother saying I had been screaming in the Chamber. Please spare us your hypocrisy.

Ms O'BYRNE - To the point of order, I never referred to you as being hysterical. I may disagree with you but I have never called you hysterical. We have had this debate in the parliament -

Ms O'Connor - You wanted me named for defending myself.

Ms O'BYRNE - No, we wanted you named because you were not behaving appropriately in the House. I have been kicked out for that and I am sure you have too.

Ms O'Connor - Really, by your judgment, when one of your mates calls me a racist?

Mr DEPUTY SPEAKER - Order. The point of order was not about previous behaviour. If you are offended -

Ms O'Connor - The hypocrisy is vomitous.

Ms ARCHER - If it helps resolve the matter, Mr Deputy Speaker, I will withdraw the word. I did not mean to cause any personal offence to Ms O'Byrne, but she was highly animated in her contribution.

I am going to go back to questions that were asked by Ms Butler in her contribution back on 14 October of last year when we first debated this bill. There are a lot of answers to get through and in the five minutes remaining of tonight I will not get through answering all of them. The first one asked why the powers of the director are so broad in clause 10. That is, 'all things necessary and desirable of the act', and what is an example of action the director may take?

The Government has taken a commonsense approach in creating the role and prescribing the functions of the director. Given its similarities to existing statutory roles I cannot understand Labor's thinking that the powers attributed to it are too broad. We are basically talking about the functions of a statutory officer who will carry out those functions to keep Tasmanians safe. We are talking about an industry that literally deals with electricity. Not only that, it is absolutely about the safety of Tasmanians and protecting those working in this vital industry. Obviously our approach and our want, need and desire is to increase industry safety for all Tasmanians.

The bill provides the basis of electricity safety for the Tasmanian community to minimise the risk of electric shock and fire. We know how devastating both are to our communities and to families who are the subject of both.

The bill provides the director with both specific and general powers for the administration and oversight of electricity safety powers. The specific powers relate to key features of the bill such as safety management systems to provide for compliance and enforcement. An example of these powers is clause 93, which allows the director to accept a safety management system, or clause 100, which allows the director to audit a safety management system.

The general powers, which are included in Part 2 of the act and include clause 10 referred to by Ms Butler, provide the director with the powers necessary to administer the act. These include powers to enter property, take photographs and collect records. The purpose of these provisions is to ensure that any evidence that is later required for compliance and enforcement under the act is validly collected and will be accepted by a court in the context of a prosecution.

Examples of when the general powers included in Part 2 may be used include to investigate a serious electrical incident. For example, in the event that there is an electrocution as a result of contact with powerlines, clause 10 allows the director or his or her delegate to enter property and collect evidence so as to determine the cause and take any relevant enforcement action.

With regard to Ms Butler's concern as to the use of the language which allows the director to 'do all things necessary or desirable' in connection with the act, this language is consistent with other legislation in the Building and Construction portfolio, which I hold. For example, section 12 of the Building Act 2016 provides for the Director of Building Control to do 'all things necessary or convenient to be done for, or in connection with, or incidental to the performance of his or her functions'. Without the powers included in Part 2, the director's ability to investigate and enforce the provisions of the bill will be significantly compromised to the detriment of the safety of Tasmanians.

The next question relates to the powers for the director to adopt codes of practice being broad and what safeguards exist regarding the making of a code of practice. Clause 15 of the bill provides for the adoption by the director of codes of practice. It is important to note that matters to which a code of practice -

Debate adjourned.

ADJOURNMENT

Ashley Youth Detention Centre - Matters raised by Ms O'Connor

[6.00 p.m.]

Mr JAENSCH (Braddon - Minister for Human Services) - Mr Deputy Speaker, the Department of Communities Tasmania has advised me that in relation to matters raised in question time this morning by the member for Clark, Ms O'Connor, one matter was referred to Tasmania Police and the Strong Families, Safe Kids advice and referral line and was also subject to an internal review.

I am advised the department's review was provided to the Commissioner for Children and Young People and the commissioner has confirmed satisfaction and progress against the recommendations from the internal review. I am advised the other matter is the subject of an ongoing investigation and it is not appropriate to discuss further, although I am advised that this matter was also referred to police.

Ashley Youth Detention Centre - Management Issues

[6.01 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Deputy Speaker, we have tried all day to get a straight answer out of the minister. We tried twice in question time, we tried during an urgency motion debate and, as I understand it, journalists at Mr Jaensch's press conference today also tried to get some straight answers out of the minister.

What Mr Jaensch did this morning in question time was avoid answering the question and pretend he did not know which specific allegations we were raising. I will go back briefly to the question that was asked without too much detail. The first question related to an historical rape allegation first raised with Ashley management in January 2020 and where the employee in question, the alleged potential child rapist, was not removed from AYDC as a staff member until November 2020. That is serious.

The minister pretended he did not know which circumstance we were talking about and it raises the question: how many alleged historical rapes were reported in January 2020 which led to an employee being stood down last November? There is only one. It is the same one we raised with the minister in budget Estimates last year?

We are accustomed in this place to hearing slippery language from government ministers. We have seen Mr Jaensch walk up to the lectern in this place and knowingly tell an untruth about a plan to make it easier to evict tenants through amendments to the Residential Tenancy Act. This minister has form. He pretended not to know which allegation I was talking about. Then he pretended again not to know about an incident at Ashley Youth Detention Centre reported in August 2019, which has become known, tragically, as the coke bottle incident. They are two specific allegations with two specific dates attached to them and we have this minister getting up to the lectern and pretending he does not know what the Greens are talking about.

Then at the media conference today he said in answer to a journalist's question:

> Ms O'Connor made reference to certain incidents and time frames. It's very important we understand which actual cases and join those dots so we know which actual case she's talking about.

The minister knew exactly which cases I was talking about and if he did not, he should not be administering his portfolio.

He also said, 'All of those cases, I am advised, were reported to police'. So from December last year in a statement to ABC we have a Tasmania Police spokeswoman confirming that, 'The force has not received a formal complaint related to any of the three staff members', and again today a statement from Tasmania Police media and communications says:

> Tasmania Police has not received a formal complaint, however, we actively seek to engage with potential victims to formalise complaints. Tasmania Police encourages any victim or witness of criminal activity to make a formal report to police who will assess the information and progress the matter appropriately.

Mr Deputy Speaker, we are talking about some of the most vulnerable, damaged, traumatised children and young people in Tasmania. Because of the way the youth justice system works they are put into Ashley Youth Detention Centre, often on remand, and those kids are being brutalised. There has been a culture of cover-up at AYDC and the minister just reinforced it today. We got a series of generalities about it being common practice to refer matters to Tasmania Police. Were those matters referred to Tasmania Police? Not according to Tasmania Police as far as we can tell. So we had misrepresentation or playing dumb over the alleged events we brought to the minister's attention this morning and to the media in the lunch break from the minister.

Then we had misrepresenting the experts who pulled together the Noetic report into options for AYDC, where the minister pretended that there was any support at all for the refurbishment of Ashley. There were four recommendations made and the fourth and most strongly supported recommendation was for AYDC to be closed, for two therapeutic facilities to be established which would deliver much better outcomes to young people who go into AYDC, because as we know, about three-quarters of them either end up back in Ashley or in Risdon Prison. So we had misleading, at best, about that independent report from 2016.

Then we had the minister come in here and say that all those kids at Ashley have care plans. In March this year we had the report from the Inspection of Youth Custodial Services in Tasmania 2019 and the Ombudsman, who is the Youth Custodial Inspector for the purposes of this statutory requirement, said:

> Discussions with staff indicate that the records of young people are current, confidential and accessible to relevant staff.

Having said this, the inspection audited a number of folders that had been created for new residents and the random sample reviewed were all empty folders. That is, there were no current assessments or plans in any of these resident files.

Time expired.

Sexual Assault Support Services - Consent is a Conversation
Glen Dhu School Swimming Pool

[6.08 p.m.]

Ms O'BYRNE (Bass) - Mr Deputy Speaker, I have two matters to raise.

The first goes to services and things runs by Sexual Assault Support Services. I wanted to start by congratulating Adie Delaney who has produced a phenomenal TED talk on consent which has been widely accepted. Adie is an aerialist and she uses the teaching of being an aerialist to explain consent and how to listen to your body. It is an excellent podcast. I encourage members to look at it but also share it as widely as they can. It talks about the fact that consent is an active ongoing agreement and not a check-box to be ticked. That plays into the discussion about whether we can have an app to provide consent when what we really want is genuine engaged education programs.

In fact, the whole-of-school primary prevention of sexual violence program received an award in the community category of the 2018 Crime and Violence Prevention awards, because the work that is provided in this whole-of-school program addresses underlying causes of sexual assault and reduces incidents and impacts through promoting respectful sexual

behaviour amongst young people and by enhancing the capacity of school communities to respond to and prevent sexual assault. It has been very successful and there have been some really good outcomes in this program to improve students' knowledge of and attitudes towards harassment, violence, consent, ethical decision-making, bystander intervention and how to access help when you need it.

This is important because over the past five years the SASS has received $100 000 a year from the state Government to deliver its award-winning Consent is a Conversation program in schools across the state. The funding for this program is due to run out on 30 June. I genuinely cannot imagine that Mr Rockliff will not be continuing the funding. So far the response has been that it will be considered within the budget context. There are two points on that. One, I wonder whether it would be possible for the minister, Mr Rockliff, to provide some kind of commitment to this organisation in the period from 30 June - when the funding runs out - to when the budget will be taking place in August, so that they are not in a position of losing their incredibly valued staff. They are concerned about their work continuity. That is the first thing.

The second is that there has been a request to extend this plan and this program through a number and range of schools. Given the context of the debates we have had lately, around changing the attitudes of everybody, particularly our young people, that would be a really valuable thing for the Government to do, to adopt the request of the Sexual Assault Support Service to extend this program more widely. It has been successful and the schools where they have been running it for some years have been able to track changed behaviour and changed outcomes. I cannot imagine that the minister is not going to continue its funding but a commitment to the organisation before their budget runs out would be a great comfort and also a great efficacy in keeping the program going.

My second issue goes to the Glen Dhu school and it is one of those things that you do not always know what you have got until it is gone. We have been really fortunate in Launceston and I know that there used to be Education department-owned and managed schools all around the state which were staffed with specialist swimming teachers. We still have one in Launceston. What happened in 2019 was a problem was identified with the boiler and quotes were obtained to see how expensive it would be to fix it. The Government did nothing. They closed it down for the year. Then we went into COVID-19 and nothing happened. Now the Government thinks they should repurpose it.

I am really concerned about this decision for a number of reasons and mainly because it is a dedicated swimming environment that is at a shallow one level so that those young people who are not familiar with water - who do not get to go to swimming pools all the time, who do not get taken away to holidays with pools, who might only get to go swimming when they are involved in the water safety programs that are offered at Glen Dhu - can do so in a really safe way. For some of these kids it can take a couple of days of them sitting on the side of the pool just having water poured over their head. Large, noisy, swimming environments with graduated flooring is actually not a really safe place to teach these young people.

There are supports for stronger swimming schools and for swimmers in other environments. With these kids it is shallow water that is particularly designed to provide that safe environment. It has been used by people with disability, it has been used by our primary schools, and it is particularly used by people who cannot necessarily afford to go to the more expensive swimming pools.

It was one of the models that when the Victorian government announced back in 2016 that they were mandating learn to swim classes because of the number of drownings, they looked at the sort of work that was being done at Glen Dhu. In fact, when this program was originally designed, back in the 1960s, there was a lot of respect for it. The program that Bill Brain ran there was as good as any in the world. All over the world people are looking at the program that he ran there and the venue that we had.

I cannot imagine that it is going to cost a ridiculous amount of money to fix the boiler but even if it does, if that is what we need to do to ensure that low income and disadvantaged communities get to access that swimming pool and safe environment, then we should do it. In fact, we should not only fix the boiler, we should look at doing some covering to make sure that it could be available all year round.

Swimming trainers, former teachers, health professionals have all been very angry about this decision. We are trying to get some kind of information from the department and an announcement was made and principals were told that they would be advised about what was going to be happening on the 19th of last month. There was a meeting on the 19th of last month, which was the same day as the principals conference, so obviously the turnout was not that great. The department could not tell any of the people there exactly what repurposing the swimming pool means.

It is not okay. It is a valuable community facility. It is incredibly well embraced by the community. There is a petition that is being circulated and it is getting a great turn out. There are also a whole lot of people who work for the department who are just too scared to put their name to it because they think that this Government is a bit vindictive and would seek retribution upon them. That alone speaks to a cultural problem that the minister should be very concerned about.

At this stage, what I really am asking is if he can have a look at why he wants to get rid of the Glen Dhu pool, why he does not think that we should have a fit for purpose facility that really does apply to those young people who cannot access the more expensive swimming schools, whose schools cannot access the more expensive swimming pools, and for those other community members who use it.

The Glen Dhu swimming pool has been a really important part of the Tasmanian swimming environment. It plays an important role and it is negligent of this Government not to have repaired it when it needed it in 2019, and then to have waited long enough to be able to try to slip through getting rid of it without any genuine consultation with the community.

Traffic Congestion - Hobart CBD

[6.15 p.m.]

Ms STANDEN (Franklin) - Deputy Speaker, I rise to talk this evening about the Tasmanian way of life and specifically traffic congestion. I am not a traffic engineer and I do not pretend to know the ins and outs of traffic congestion and road infrastructure. But I do know the Tasmania way of life. I have lived in Tasmania for most of my life, more than half of my years in Southern Tasmania, and at least 15 years on the Eastern Shore.

Since being elected to this place three years ago I have been travelling more and more across the electorate and particularly to my electorate office in Kingston, travelling frequently

across the bridge and up and down the Southern Outlet. I have noticed that people who are living within a 20 kilometre radius of the CBD are frequently experiencing delays and spending more than an hour every day in their cars. I know that is a source of great frustration to many people living in the Hobart area.

Governor Lachlan Macquarie, I understand, designed the Hobart roads in 1810. I was only able to find an outdated figure on the great Wikipedia 2007 that says the annual average daily traffic on Macquarie Street is 28 500 every day. Over the course of two centuries there has been a huge explosion in the traffic on the couplet of Macquarie Street and Davey Street and our needs have changed dramatically in that time.

I raise this evening a letter to the editor printed 15 March from a constituent of mine, Barry Campbell of Blackmans Bay, where he puts forward a simple solution. It's titled 'A Lick of Paint Could Ease the Outlet Pain' -

> A simple cost-effective solution to improve traffic flow on the Southern Outlet would be to firstly make Macquarie Street a clearway, no stopping, no parking from Cascades Road through to Harrington Street each morning from 7.a.m. to 11.a.m. or similar. Extra traffic could proceed unhindered along Macquarie Street. The bus stop near Vaucluse remains as is.
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> Secondly, with the assistance of St Michaels Collegiate School, the school could alter its present student set-down procedures. Collegiate should arrange morning set-down for students in Davey Street with afternoon pick up in Macquarie Street. Such a change would improve traffic in both Macquarie and Davey streets.
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> Alterations could be made quickly and cheaply. My assessment would be six weeks to initiate peaceful, uncluttered progress to work, hospital visits and for shopping. The longest period to put this project in place? Waiting for the paint to dry on the new clearway signs in Macquarie Street.

Solving the traffic crisis and enabling thousands of commuters to access their workplace, to shop, to access services like the Royal Hobart Hospital is obviously a tremendously attractive thing.

Since the Government took over the couplet from the Hobart City Council, I think it was in 2019, I understand that the Government has implemented some clearways on Macquarie Street and extended them by an hour and enforced towing in the area each morning from 6.30.a.m.; clearways are Dennison Lane to Molle Street and Barrack Street to Harrington Street, which is a tiny area, two small blocks and only on the left-hand side of Macquarie Street.

This simple solution seems to be pretty attractive to me. Mr Campbell is looking to have it implemented by Mother's Day, 9 May 2021. In the meanwhile, Michael Ferguson, minister for Infrastructure has simply promised he will look at engaging planning engineers. I wonder whether looking at this simple solution might be part of the answer.

The promise to implement a fifth lane on the Southern Outlet seems to be a very long way away. This week we heard a promise to implement a pilot of ferries on the Derwent - bring it on I say but there was no commitment from the minister for Infrastructure as to when this pilot would commence and what its capability might be over what sort of time frame.

I urge Mr Ferguson to look at this simple solution and maybe it is something that could be done sooner than later.

Taroona - Traffic Issues
Lenah Valley - Fire Safety Risk

[6.20 p.m.]

Ms HADDAD (Clark) - Mr Deputy Speaker, I will make a few comments tonight about one of the loveliest things about the suburb of Taroona in the electorate of Clark. It is a close-knit community, it is a relatively small community, people know their neighbours and are well connected. There is significant community engagement across the lovely suburb of Taroona. It runs from the beautiful foreshore and beach up to the hills behind the beach. There are beautiful things to see and do in Taroona and there is significant community engagement. There is a community garden, several sporting clubs, the Taroona Community Association who are really active in that community and the two schools, Taroona Primary School and Taroona High School, which share a site that runs between Flinders Esplanade and the Channel Highway.

I have been approached by residents as a result of some of the traffic issues that are happening around the school. In May of 2019 a child was struck from his bicycle by a vehicle travelling along Flinders Esplanade. For anyone who does not know it, it is parallel to the highway but closer to the water. Thankfully he was not badly injured or hurt but for the school and the community it has raised the issue of safety of kids travelling to and from the school along the Esplanade rather than along the highway. This is a much more appealing way for many students to travel to school, to walk to school or to ride and to scoot to school. It is one of the nice things about Taroona that people who live locally can ride, walk and scoot to school.

I have started a petition. I have been doorknocking with the petition calling on the Government to work collaboratively with the council to improve traffic safety along Flinders Esplanade to ensure adequate crossings for children riding and walking to school to create a school zone in the proximity along Flinders Avenue. There is one on the Channel Highway but not along Flinders Esplanade. A school zone would reduce the speed limit to 40 kilometres along the Esplanade. Also, we want to look at traffic calming measures in the three streets that run between the Channel Highway and Flinders Esplanade.

Several do not have adequate footpaths, some have very wide junctions when you get to the Esplanade that require give way signs or some simple road markings. I have been doorknocking with that petition and I encourage people to jump onto my website or to my Facebook to sign that petition. I will keep communicating with the community about that as well.

It raises the issue for students who go to Taroona High School and Taroona Primary School who are not lucky enough to live as close as those who can scoot, ride and walk along the Esplanade to school. We have been hearing a lot in the media lately about the overfull school buses that transport children and young people or students travelling from the central and southern suburbs like Mount Nelson, Lenah Valley, West Hobart, North Hobart, South Hobart, Sandy Bay and other areas in the central and northern suburbs. We have heard lots of stories of kids either missing buses because they are too full to stop and pick up children travelling along. Similarly, students are having to stand or some students are feeling unsafe to

catch the buses which adds to more traffic on the roads. That is something I intend to keep raising as well in the community.

I also have a petition going at the moment about fire safety risk in Lenah Valley. It is another one of those Hobart suburbs that has a really nice urban environment as well as a lot of beautiful bushland that we all enjoy but brings with it a risk of fire. We have seen some devastating fires in Tasmania in recent years, as recently as 2019 in the Huon Valley and the devastating fires in 2013 in Dunalley.

I have been approached by residents living along Lenah Valley Road with their concerns specifically about some pine trees but also the bushland that extends right up into the Mount Wellington National Park part of Lenah Valley. I have met with many of those residents but I have also met with the council which was very helpful. I am grateful to the Lord Mayor and to some of the representatives from her fire safety department who talked me through some of the issues from a council perspective about how to reduce fire risk in Lenah Valley. I will be doorknocking in the suburb with a petition I have going about this issue specifically calling on the state government to allocate money from the state's Fuel Reduction Program to a fuel reduction project in Lenah Valley to provide funding for projects to reduce fire risk in Lenah Valley, such as fuel break extensions and the removal of risky roadside vegetation.

I am told the council has the resourcing to assess that risky roadside vegetation but not to act on removing it and that is something that would need to be funded from state government revenue, and also to fund a bushfire-ready neighbourhood program in Lenah Valley. That is a program that exists within the Tasmania Fire Service to help residents to prepare their own properties and make them as safe as they can to combat fire risk.

There has not been one of those programs run in Lenah Valley so that is something that I intend to be raising with Government and continue to raise in the community as well so that we can make sure that our lovely suburbs in and around Hobart can stay as safe as possible.

Sexual Assault Support Service

[6.26 p.m.]

Mr ROCKLIFF (Braddon - Deputy Premier) - Mr Deputy Speaker, tonight, I will make some comments following Ms O'Byrne's contribution regarding the Sexual Assault Support Service. I concur with Ms O'Byrne on the importance of the service and its value within our schools and the service and support that it delivers.

Many of our schools engage with a range of support services such as the Sexual Assault Support Service, otherwise known as SAS. The service is currently working with a number of schools across the state to deliver sexual assault awareness prevention program. Another of these is the highly successful consent as a conversation program as well. In order to support these valuable services, and I expressed the other day and asked a question around these matters about an article in one of the northern papers, the highly valuable service that it is and we have provided funds of $100 000 to SAS every year since 2016. It is a commitment and a very important investment and I am very proud of that.

Notwithstanding that, there is a grant deed process that is being worked through for funding delivered to SAS for their consent education in schools program to continue beyond

30 June 2021 so funding is being extended for another 12 months. I understand that SAS now understand this and were assured of the prospect of their funding continuing; it should continue and it will continue.

I also note that the Government is providing an extra $124 000 in funding to support the sexual assault support services increased operational capacity from July 2021 to June 2022 through the Department of Communities.

Ms O'Byrne expressed the view that she believed that we would not allow this important funding to cease - if I could use her words that way. I can assure members that it is a valuable service for our students within our schools and it will continue.

State Emergency Service Volunteers

[6.28 p.m.]

Mr SHELTON (Lyons - Minister for Police, Fire and Emergency Management) - Mr Deputy Speaker, I rise tonight to acknowledge the readiness of our magnificent State Emergency Service volunteers who have stood up across the state ahead of the significant weather event that we have just had, with heavy rain and damaging winds and damaging surf across the north and east and southern Tasmania.

The wet weather is due to a low pressure system across mainland Australia. This weather system has moved south from Queensland and New South Wales where unfortunately there has been a loss of life and significant flooding, as we have all seen across the national television screens.

Our hearts go out to the communities and families where these lives were lost and our sympathies go to them and to the hardworking volunteers on the mainland SES and all the people who are out assisting.

The SES stands ready to send assistance interstate when requested and if needed. We are now at the tail end of our weather event and do not expect any significant issues from this time forward. It is the hard work of our career and volunteer staff across the SES and their readiness and preparedness ahead of this event that keeps Tasmanians safe. A significant number of roads were closed on the east coast due to the flash flooding. We had a severe weather warning for damaging winds and heavy rain and I encouraged all Tasmanians - which they have done - to stay out of the floodwaters whenever they are around. The SES had 20 requests for assistance, mainly in the northern region. Tasks varied from home and business ingress and assistance at road blocks and so on.

I thank all those who have responded and those in the northern area and the Northern Operations Centre, which was activated.

I wanted to speak about the SES tonight and the significant event that just happened but also in my other portfolio of local government - and I declare an interest here because I have a son who works for local government. Given my experience in local government, it would be remiss of me not mention the local government outdoor workforce in these situations who are out there clearing the roads and making sure that people have access to work and that sort of thing. The SES does a fantastic job and whenever there are issues in Tasmania, the community comes out to assist, particularly local government. I want to acknowledge that fact and

hopefully the weather has abated now and we can get back to some reasonable weather in the rest of the autumn.

The House adjourned at 6.32 p.m.