

Thursday 31 October 2019

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

RECOGNITION OF VISITORS

Madam SPEAKER - Honourable members, I draw your attention to some wonderful guests in the gallery who have come all the way from Bracknell Primary School. They represent grades 4, 5 and 6. Let us be on our best behaviour.

LEAVE OF ABSENCE

Minister for Health, Ms Courtney and Deputy Premier, Mr Rockliff

Mr HODGMAN (Franklin - Premier) - Madam Speaker, I advise that the Minister for Health and Minister for Women, Ms Courtney, will be absent from the House today to attend the meeting of the COAG Health Council in Western Australia. In the minister's absence I will take questions relating to her portfolios.

I also advise the House that the Deputy Premier and Minister for Sport and Recreation, Mr Rockliff, will be absent from the House this afternoon to attend a sport and recreation ministers' meeting interstate.

QUESTIONS

Health - Effect of Budget Cuts

Ms WHITE question to PREMIER, Mr HODGMAN

[10.02 a.m.]

All this week the Coroner's Court has heard harrowing evidence of the crisis in our hospital system which led to Joseph Lattimer tragically taking his own life while waiting for a hospital bed. The court has heard that other patients have also attempted suicide while waiting for a bed. This is heartbreaking and a damning indictment on the state of our health system.

Yesterday, the Director of Emergency Medicine at the Royal Hobart Hospital, Dr Emma Huckerby, revealed that 1800 admitted patients waited more than 24 hours in the emergency department last year. That compares to just two across Melbourne's major hospitals, in a city with a population of 4 million people. Dr Huckerby has said that managers at the Royal Hobart Hospital do not have any resources with which to effectively address access block. She said the problems need a lot more time, money and skills to fix.

The latest Budget contains a further \$450 million in cuts including to health. Will you today commit to reversing your Government's cruel health cuts before more people die?

ANSWER

Madam Speaker, I thank the member for the question. From the outset, of course, any death is devastating. I can assure the House and the Tasmanian community that patient safety is always a top priority of government but also our health system. There is an inquest underway in relation to this matter and as such it is not appropriate to make further public comment whilst that is ongoing.

As a government we accept that our health system is not performing adequately. We have never said that it is. We accept that with a dramatic increase in demand on our health system in recent years; demands on capacity within our health system, significant growth in patient complexity over recent years, there is increased pressure on our health system.

It is why we have invested more resources into our health system. We have recruited more than 450 additional FTEs at the Royal Hobart Hospital since 2014. We have recruited over 200 additional nurses and almost 100 doctors FTEs at the Royal's emergency department, which is often where most of the pressure occurs. We have delivered a 34 per cent increase in staffing, compared with a 15 per cent increase across the hospital. This has been focused on the frontline: 44 per cent more doctors in the ED than in 2014; and 39 per cent more nursing staff. These staff are not just numbers. They are hard-working professionals in our health system, who are delivering more services, opening more beds and providing more support for the emergency department.

We have consistently opened new beds to support the RHH so we can improve patient flow to enable more Tasmanians to be treated. There are 22 new beds at the Repat, beds at New Norfolk, and 20 new beds and treatment recliners at the ED. These beds come on top of more services to meet mental health needs in our community, including new beds at Tolosa Street, the 12-bed mental health hospital and the home service which commenced this year.

The redevelopment of the Royal Hobart Hospital started under this Government. There was a decade where nothing happened; not a brick was laid and millions spent. It has happened under this Government. It is not a simple project; it has not been without its complexities but is not far from completion.

In stage 2 of the redevelopment, we have \$780 million to rebuild the Royal. Most importantly, these upgrades will deliver much needed space at the hospital and in the ED, so we can increase facilities and provide more of the services that we need.

There will be 44 additional permanently funded and staffed beds, part of the 250-bed plan on the commissioning of K Block imminently, 13 general medical beds, 15 surgical beds, six mental health beds, and 10 adolescent beds. We are delivering on a range of other initiatives as well to show that we need to be innovative in how we respond to this increased demand. This includes the new Southern Community Rapid Response Service which is delivering care to a number of patients who would otherwise have had to present at the hospital, and secondary triaging of calls to Ambulance Tasmania to ensure that more patients are accessing care appropriate to their clinical needs.

We have an in-principle agreement with Healthscope at the Hobart Private to further enhance integration between the Royal and Hobart Private, increased capital investment at the site itself and most importantly, health services including 24/7 at the Emergency Department. This will also take pressure off our ED.

We accept responsibility for the state of our health system. We accept responsibility for delivering all these things that have happened under this Government and are an improvement on our health system. That is what we are doing.

You will have noticed I have not spent a second on what happened under Labor and the Greens. Their record speaks for itself. If anyone thinks that what has occurred at the ED with respect to patients waiting 24 hours or more is suddenly a new thing that has only happened under this Government, it is not. Under Labor and the Greens in 2011-12, there were 1100 patients who waited 24 hours or more for a hospital bed at the LGH.

Ms White - But 1800 under you. It is getting worse.

Madam SPEAKER - Order.

Mr HODGMAN - There is increased demand on our health system. There are increased resources, which is only possible because our economy is strong and we got our budget back into shape. There is a lot more to do. We accept responsibility for it. We will get on with the job of delivering.

Health - Effect of Budget Cuts

Ms WHITE question to PREMIER, Mr HODGMAN

[10.08 a.m.]

The editorial in today's *Mercury* rightfully describes the evidence given in a Coroner's Court as 'frightening'. It rightfully condemns the hand-wringing responses of your Health minister, who is overseeing cuts to the health budget, while claiming that she is doing all she can in response to patients dying while waiting for beds. It calls you out for being missing in action when it comes to taking responsibility for this unacceptable mess.

I quote -

And where is the Premier? He should step up too and take some share of the responsibility. He should also declare an emergency and find whatever resources are required to fix it. Now.

Are you willing to finally admit that the crisis in our hospitals has, in fact, become an emergency? What are you going to do to fix it?

ANSWER

Madam Speaker, I thank the member for the question. I can refer her, the *Mercury* and any other political commentators to my last answer, which outlined all the additional things this Government is doing to improve health care. We accept there is increasing demand and increased complexity in presentations to our hospital system. It is why we have done those things.

It is entirely incorrect and unfounded for anyone who has had a proper look at these things to suggest that this Government has not responded to that increased demand in an unprecedented way.

As we often reflect, we are fast approaching 33 per cent of our whole state budget being applied to improving health services.

Without wanting to reflect too much on the past, it was not a great past when we were told by health professionals it would take a decade to fix the health system left to us. We are investing more, reopening beds and wards that were closed and employing more staff -

Opposition members interjecting.

Madam SPEAKER - Order, I would like to express some gratitude to the Opposition for interjecting more quietly than in the past but there is a lot of interjection and I urge some restraint.

Mr HODGMAN - Thank you, Madam Speaker. We are remediating the damage that was done under a former government and our record stands firm in what we are doing. I categorically dismiss any suggestion by the Opposition as to budget cuts that will impact on our health system because we have ruled that out from day one. We are investing more into our health and hospital system. The only way we can do that is by having the budget in good shape and cutting the things that -

Ms WHITE - Point of order, Madam Speaker. I draw your attention to the fact that the Premier may have misled the House when he said their budget cuts will not impact the front line. Can you confirm you have made a 15 per cent cut to elective surgery? If that is not frontline, what is?

Madam SPEAKER - It is not a point of order but I ask the Premier to be relevant and mindful.

Mr HODGMAN - Thank you, Madam Speaker. Here I am, accepting responsibility on behalf of our Government for all that is happening within our health system and for the implementation of all we are doing to strengthen and improve it.

With respect to political commentators, I urge those who offer nothing but political commentary, being the Opposition as well, to understand the facts. After all, it was not me who gave up the Health portfolio. That was Rebecca White.

Health - Effect of Budget Cuts

Dr WOODRUFF question to PREMIER, Mr HODGMAN

[10.12 a.m.]

It is surprising the Minister for Health is not here in parliament, today. It is an unfortunate coincidence with the front-page headlines in the newspaper, but my question stands just as well to the Premier because he is in charge. The Premier is in charge. He is responsible. It is on his head.

News from yesterday's coronial inquest into a suffering man's death by suicide at the Royal Hobart Hospital is shocking. Even people normalised to hearing stories of the harsh conditions in the emergency department would have been horrified at the evidence of your Government's mismanagement. The Coroner heard that 1800 patients waited more than 24 hours in the ED last year before being given a ward bed, compared to only two people in all four of Melbourne's largest hospitals. The Chief Psychiatrist reported that the working environment at the hospital is so poor that psychiatric nurses will not even apply for vacant positions. After five and a half years under

your helm, you can no longer pretend the Royal Hobart Hospital emergency department is okay and things will be fixed when the new hospital opens. What are you going to do to fix this catastrophic failure of responsibility to care for sick Tasmanians?

ANSWER

Madam Speaker, I thank the member for the question. I note the cheap shot to open it. The minister has not scheduled this meeting. It is scheduled by the national health ministers' council, which is the peak national forum in which to discuss important health priorities for each state and territory and the Commonwealth. To suggest the minister is doing anything other than working on our health system at this important forum is ridiculous and it shows the lack of depth in what the Opposition offer.

For those who write about and those who have an interest in commenting on what we do, perhaps they might reflect on the lack of substance that comes from opposition parties when that is the best they can offer - no policies, no alternatives, and no alternative budget in the Labor Party's case - cheap and lazy commentary.

Dr WOODRUFF - Point of order, Madam Speaker, we asked the question. We have an alternative budget.

Madam SPEAKER - I accept that. Dr Woodruff, that is a bit disorderly, it is unparliamentary and they are being used as props. We accept that you have an alternative budget. Please resume, Premier. I urge those in the House to behave. We have some standards to set today.

Mr HODGMAN - It is the lack of substance and hypocrisy from members opposite that they would be critical of a minister attending a national forum of this type. They so often say to us that we have to demand more from the Commonwealth, that we have to fight for our state. When we do it, they complain about it. That is not helping improve our health system one little bit.

Mr O'BYRNE - Point of order, Madam Speaker. By inference, we have no problems with ministers going to these meetings. We support them and we have allowed the pair. To the point of clarification, in your answer you talk to the opposition parties. The point was made by the Greens. In interjections across the House, we made it very clear that we support attendance at these meetings.

Madam SPEAKER - I am taking that as a point of clarification. Thank you very much and I think the point was made. Please proceed, Premier.

Dr Woodruff - What are you going to do to fix the catastrophic failure? That is the question.

Madam SPEAKER - Dr Woodruff, I urge restraint.

Mr HODGMAN - We will do a lot more than you and your party ever did when in government. All that I have outlined is additional to the health system that we inherited from a Labor-Greens government. That is what we are doing. Our Budget applies greater priority to the Health budget than yours did. We are applying more resources. We are employing more staff. We are working with health professionals, true health professionals, to improve throughput in our hospitals, to increase access, to work in innovative ways, to change the system that we inherited and to improve health system service delivery.

Anyone who thinks we are not treating our health system and the challenges confronting it seriously need only look at what we are doing. This is another example of the Greens being wilfully ignorant in denial of what we are doing to improve our health system. Is it enough? Is there more to do? Yes. We have always accepted that. Health is a priority under our Government and it will continue to be so. I ask those who do comment on what is happening in the political arena to at least acknowledge that it is us doing these things that did not happen under a previous government. There is no alternative being offered by members opposite.

Public Transport - Bus Services

Mrs RYLAH question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr FERGUSON

[10.18 a.m.]

Can you update the House on how the majority Hodgman Liberal Government is improving public transport and giving local bus operators the confidence to invest in new capital?

ANSWER

Madam Speaker, I thank my friend and colleague, the member for Braddon, Mrs Rylah, for her question. Tasmanians can rely on the Hodgman majority Liberal Government to keep our economy strong, to manage our budget, to support local jobs, and provide the transport infrastructure that our state needs.

Let us be very clear: Tasmanians cannot trust the Labor Party. They are tricky. They change their policies by the day. As we saw yesterday, they will even change their voting position within the one day -

Members interjecting.

Madam SPEAKER - Order. I accept he is inciting you.

Mr FERGUSON - We understand how important our transport system is to support work and study opportunities for Tasmanians and to ensure that our local communities can be connected. That is why we are delivering on our long-term plan that Tasmanians voted for last year to improve transport services. We have made the largest single public transport investment in the state's history through our \$45 million investment for 100 brand new, Tasmanian-made buses for the Metro fleet. Mrs Rylah is thrilled that they are being built in her own community in the north-west.

This vital transport project is employing people, it is on time, it is on budget, it is creating jobs in north-west Tassie, and boosting our advanced manufacturing sector. The plan is working because the latest Metro Tasmania Annual Report, which I tabled yesterday, confirms more Tasmanians are now embracing public transport, with 8.5 million boardings in 2018-19. This is a 2.2 per cent increase in the number of passengers over the previous year. Congratulations to the team at Metro Tasmania. I also congratulate the previous minister, Jeremy Rockliff, who was presiding during that time, and also Rene Hidding. They have all been great contributors to this success.

Tasmanians voted for important transport investment such as the cross-Derwent ferry service and integrated ticketing, and \$1.6 billion in new and upgraded road and bridge infrastructure, which

sadly is now apparently opposed by the Labor Party. The Hodgman majority Liberal Government is providing a public transport network that connects Tasmanians with essential services, with their employment and education and with family and friends. We are working closely with our local bus industry to increase patronage and provide improved passenger experiences right around Tasmania.

With confidence in government, the local bus industry is able to invest and that is exactly what they are doing. The local non-government bus companies are investing in new capital, including new buses that are providing better passenger experiences, which means more people wanting to use those services. I am pleased to tell the House that Tassielink has two new buses and a further two on order for the use on their regional services, including their Tasman Peninsula, east coast and Dover public services.

Madam Speaker, can I get a hear, hear for Manions Coaches?

Members - Hear, hear.

Mr FERGUSON - They have one new bus and a further two on order for their use on their Riverside and Legana services, which are greatly valued in those communities, and also their other services in the West Tamar area. These buses are fully climate controlled and are built to the highest comfort and safety standards, with coach-style seating and USB charging points in every seat - again building a better passenger experience. The buses have low floors, with improved accessibility for passengers with mobility issues or with prams, and also luggage space.

This new investment helps to increase the attractiveness of public transport, will take cars off the road and get more Tasmanians to school, training and work. This investment proves that we are getting things right and confirms the benefits that flow when the Government has a plan, takes it to the people and the people vote for that plan. It is now for us to deliver on that plan, giving industry the confidence to invest and grow.

In conclusion, Tasmanian businesses are the most confident in the country. They were the least confident under the former economic development minister, David O'Byrne. It is a big change.

Mr O'Byrne interjecting.

Mr FERGUSON - You have a lot to say but you also have no policy, no plan. The recent Sensis Business Index confirmed that the Hodgman majority Liberal Government's policies are the most popular in the nation for the eighth quarter in a row, a huge contrast to what things were like in our state under the Labor-Greens deal days where business confidence was in tatters and two out of three businesses felt that the David O'Byrne policies were actively working against them. The minister who took 10 000 jobs out of our state stands condemned and is left with a reputation that shows that the Labor Party cannot be trusted with business confidence and cannot be trusted to allow the business environment to support these kinds of investments to be made in our state.

Second World War Veterans - Support

Ms OGILVIE question to MINISTER for VETERANS' AFFAIRS, Mr BARNETT

[10.24 a.m.]

The Second World War gave Tasmanians a deep sense of vulnerability, particularly as enemy mines were found at the entrance to the River Derwent and with the worrying reconnaissance flight

over Hobart. Tasmanians were enlisted to do the most important job of protecting our state and our nation. Tasmanian casualties were over 1100 and many died as prisoners of war. A total of 18 000 volunteers stepped up. As we move towards Remembrance Day, will the minister liaise with the Department of Veterans' Affairs, the state RSL and its subbranches, the media outlets and the three Tasmanian newspapers to highlight the lives and service of the dwindling numbers of Second World War servicemen and women, as all of them are now in their late nineties?

ANSWER

Madam Speaker, I thank the member for her question and her special interest in veterans' affairs. In fact, for the 10 500 Tasmanian veterans and their families in Tasmania, the people we want to honour and show every respect to - across the Chamber, in my view, and for and on behalf of all Tasmanians - are those who fought and died and gave their lives for us and the freedoms that we enjoy today.

I also want to thank the member for highlighting the anniversary of World War II next year. A few weeks ago, I met with the federal Minister for Veterans and Defence Personnel, Darren Chester, who is doing a terrific job advocating for and supporting those veterans all around the country. In that discussion I talked about what we could do in Tasmania to acknowledge our World War II veterans, so the question is an excellent one. It identifies that fact that we are well ahead of the game here in Tasmania in thinking about how we can provide honour and respect in 2020 to recognise that 75-year anniversary.

As the member has indicated, there is a dwindling number of World War II veterans alive in Tasmania and this is our chance - next year, the 75-year anniversary - to show our respect and honour in different ways. I want that to be through education and awareness in our schools and communities, not just on Anzac Day or Remembrance Day, not just at other commemorative events throughout the year, but every day of next year to remember the service and sacrifice of our World War II veterans. It will be a very special year indeed.

This Remembrance Day is an opportunity to think forward and to recognise our veterans. I know everybody here will be, wherever possible, recognising those veterans on Remembrance Day at 11 a.m. when we pause and stay silent as we recognise their service and sacrifice.

It also allows me the opportunity to say that in the Hodgman Liberal Government, we are so dedicated to our veterans in Tasmania; we want their best interests at the forefront. Tomorrow I will be able to announce the new members of the Frank MacDonald Memorial Prize group winners. That will be announced on the north-west coast with those wonderful students from grade 9 who participated in the competition who next year will have the opportunity to participate on that tour, all being well, God willing, to the north of France and to learn more about the contribution of Tasmania.

When I mention Tasmania, we punch above our weight. We have the highest enlistment rates of any state in Australia. We are proud of that fact in terms of serving in the army, navy and air force. It is fantastic.

In terms of the recognition for those that receive the highest honour, 14 of the 100 Victoria Cross recipients throughout Australia were from Tasmania. What a percentage - 14 out of 100 is terrific, and we are proud of that. They include Harry Murray, the most highly recognised and honoured soldier in the Commonwealth in World War I, whose statue is at Evandale.

Dare I sit down without mentioning Teddy Sheean. I know you were all waiting for that opportunity. Madam Speaker, I know everybody in the Chamber is waiting with bated breath. Teddy Sheean laid down his life on 1 December 1942, and the children from Bracknell Primary School here today will know that story, and if not, I am sure they will look it up and check out the story of Teddy Sheean. Here in Tasmania, we are hoping that he is recognised appropriately with a Victoria Cross in the not-too-distant future.

Thoroughbred Racing Horses - Transportation to Interstate Abattoirs

Ms O'CONNOR question to MINISTER for RACING, Ms ARCHER

[10.29 a.m.]

It is clear that not all ex-Tasmanian racing and pacing horses end up buried at Zoodoo, as did the unfortunate harness racer Alone Again. In a truly shocking expose, the ABC's *7.30 Report* has confirmed thoroughbred racing and pacing horses from Tasmania are being transported to die at slaughter houses interstate. Please inform the House how it could be that Tasmanian-born thoroughbreds are winding up at an abattoir in Caboolture, Queensland? What action have you taken, as responsible minister, since the ABC investigation went to air to stop this grotesque cruelty and waste of animal life? Can you detail to the House what happens to thoroughbred racing and trotting horses in Tasmania once they no longer turn a profit for their owners?

ANSWER

Madam Speaker, I thank the member for her question. I do not accept the first comment that she made in relation to Zoodoo. She knows full well that that has been fully investigated.

Ms O'Connor - Yes, and it was buried at Zoodoo.

Ms ARCHER - Yes. There have been various allegations that the Greens have made under the protection of parliamentary privilege in relation to that business and besmirching that business. She has never once apologised for doing so. That is unfortunate in itself.

To get to the issue that Ms O'Connor then referred to, the welfare of animals within the racing industry and across Tasmania generally, and indeed post-retirement from the racing industry is a priority for the Hodgman Liberal Government.

Following the airing of disturbing footage on the ABC in Queensland abattoirs there has been understandable -

Ms O'Connor - And New South Wales.

Ms ARCHER - I would like to address this because it is a very serious issue.

Madam SPEAKER - Ms O'Connor, please allow the minister to continue her contribution.

Ms ARCHER - I think members in this House and indeed the racing industry here, can I stress, are equally disturbed by what occurred in that Queensland abattoir as well because they realise that it besmirches their industry as well. There has been understandable concern from the community and the racing industry.

Accordingly, since allegations were broadcast of the slaughter of retired thoroughbred horses interstate, our Office of Racing Integrity in Tasmania has undertaken to: review the retirement processes of thoroughbred and standard-bred horses and the responsibility of owners; review national database statistics; work with other interstate regulatory bodies on a national horse traceability register; and national and local rule changes regarding the humane euthanasia of horses.

Importantly, I am informed that neither the Office of Racing Integrity nor Tasracing have received information or evidence from other parties that the mass slaughter of thoroughbred horses is an issue in Tasmania. Despite some reference to Tasmanian horses being killed in an abattoir elsewhere, the Office of Racing Integrity and Tasracing have not yet been able to investigate the claims as the ABC has not released information to Racing Australia.

Following the airing of the allegations, the Queensland Government announced an investigation into the abattoirs involved. The Office of Racing Integrity and Tasracing will consider any findings of the Queensland investigation and inquiry and will provide advice to me of applicability to the Tasmanian horse-racing industry.

I stress that if anyone, that is, the members in the House or indeed all Tasmanians, has any concerns in relation to animal welfare within the industry they should contact the Office of Racing Integrity, the RSPCA, or the Department of Primary Industries, Parks, Water and Environment to enable those concerns to be properly investigated.

It is important also that I mention our Off the Track Tasmania program. In this state there is traceability of racehorses from birth to retirement. It is a requirement of the racing industry.

Ms O'Connor - Retirement. And then what?

Ms ARCHER - I have just informed the House that a review will take place in relation to it. I am now turning to the importance of our off-the-track program. The House is entitled to know the details.

Ms O'Connor - Will it address what happens to racehorses after they are retired?

Madam SPEAKER - Order, Ms O'Connor.

Ms ARCHER - The national traceability rule was introduced by Racing Australia three years ago with which local owners were required to comply. This allows the Office of Racing Integrity to have the ability to track the registered horse's movements throughout its career until the owner retires and deregisters the horse.

Each year, many millions of dollars are invested across the industry to ensure that the welfare of animals is protected. Tasracing and the industry operates the Off the Track program, which is funded through contributions of prize money and additional money from Tasracing. The program is designed to promote the welfare of retired racehorses by encouraging those involved in horse sports to consider a retired racehorse and to recognise and reward existing owners of retired Tasmanian racehorses for their achievements beyond racing.

What Ms O'Connor is trying to do is besmirch the Tasmanian industry, which is doing very good work in this space.

Ms O'CONNOR - Point of order, Madam Speaker. I take personal offence to that. It is not about besmirching the local industry. This is about getting the minister to explain what action she has taken to ensure Tasmanian racehorses are not being sent to abattoirs interstate.

Madam SPEAKER - That is not a point of order, but I doubt the minister meant to besmirch you.

Ms ARCHER - Madam Speaker, I answered the member's question in relation to the review of the retirement process, the review of the national data base statistics, and continuing to work with interstate regulatory bodies on a national horse traceability register. National action would be required in that regard.

More than 500 ex-racehorses have participated in our Off the Track program in 2018-19 alone - about 60 per cent of thoroughbreds, with the balance being standard breeds. Tasracing is working with other principal racing authorities in other jurisdictions on a national approach to further enhancing equine welfare.

I urge the Greens not to come out -

Ms O'Connor - Do not give us a lecture. You have not said a word for the past two weeks. You have been silent on this.

Madam SPEAKER - Order, Ms O'Connor. That is extremely disorderly. It is awful.

Ms ARCHER - They have no evidence of that occurring in Tasmania and as I have informed the House, that work is being done.

Ms O'Connor - Honestly, the evidence that was put forward -

Madam SPEAKER - Excuse me.

Royal Hobart Hospital - Practical Completion

Ms WHITE question to PREMIER, Mr HODGMAN.

[10.37 a.m.]

The new Royal Hobart Hospital was supposed to be completed by the middle of this year. During budget Estimates, the failed former health minister revealed that practical completion was pushed back to September.

Mr Ferguson - It was actually supposed to be finished under your government.

Madam SPEAKER - Order, Mr Ferguson.

Ms WHITE - They are a bit sensitive over there, Madam Speaker.

Members interjecting.

Madam SPEAKER - Could we have this question started again please? I am sorry, I missed it.

Ms WHITE - Premier, the new Royal Hobart Hospital was supposed to be completed by the middle of this year. During budget Estimates, the failed former health minister revealed that practical completion was pushed back to September. In September, an update published on your department website says that the project practical completion date will be reached in October. It is now the last day of October. Is the hospital finished? If not, when will practical completion be achieved?

ANSWER

Madam Speaker, I thank the member for the question. The hospital should have been completed by now, if the Labor Party had delivered on what they promised or even had the capacity to lay one brick to start the work.

It will be built and completed under this Government. The 'failed former health minister' to which the Leader of the Opposition refers, was in fact her colleague, Michelle O'Byrne.

It is happening under this Government. We are in the final stages of delivering what will be, in many respects, a state-of-the-art health facility to service many generations to come, increase capacity, provide better throughput and to relieve the pressure on that hospital and also our health system.

The completion of the new K Block inpatient precinct is now imminent with final fit-out nearing completion. Once this occurs, the building will undergo rigorous inspection testing and defect rectification to ensure that it meets all the specified requirements and is safe and fit for purpose, which is essential before it is opened, needless to say.

I am not sure the shallow Opposition would appreciate or would care to acknowledge that but we need this hospital to meet those requirements and to be safe and fit for purpose. This will be followed by the movement of major inpatient services into K Block. It is important also that the managing contractor completes construction of the building as efficiently as possible but without compromising quality and that there is well-executed and supported commissioning processes.

Once again, the all care, no responsibility Opposition seem to suggest that if they were in government it would have all happened by now and it would have been easy. Clearly that is not true because it did not happen under them. This will be done by experts, not politicians, and appropriately so.

That is where we are at. We look forward to the hospital operating and delivering on those additional beds. This is one of the things we are doing to improve our health system, which members opposite deny. Yes, we accept responsibility for it and it has been a complicated process but not at one step of the way has the Opposition offered anything constructive. In fact, the Leader of the Opposition, who cannot be trusted, is on record making claims about the hospital and the redevelopment process which were found to be untrue. That is what the Leader of the Opposition has contributed to this major project which will be delivered by my Government.

Child Protection System - Budget

Ms WHITE question to PREMIER, Mr HODGMAN

[10.41 a.m.]

Today we have heard shocking confirmation that the Coroner has requested reports into the serious incidents or deaths of five children who were known to the child protection system. One of the most important responsibilities of government is to keep children safe. Despite persistent concerns about resourcing of the child protection system, you are embarking on a further \$450 million in budget cuts, including from the Department of Communities. We are not asking you to disclose the identities or personal information of these children, but Tasmanians have a right to know if system failures were a contributing factor in the deaths of these vulnerable young people. Did children die because your Government failed to keep them safe?

ANSWER

Madam Speaker, I thank the Leader of the Opposition, to an extent, for this question. The Opposition often expects and demands of us to speak about very sensitive cases, inappropriately so, and against what our law allows and prescribes.

Ms White - Are there system failures?

Madam SPEAKER - Order, please.

Mr HODGMAN - Under the Children, Young Persons and Their Families Act 1997, it is not appropriate to discuss individual matters but they often publicly demand that of us. They might not always do it in this place, but outside and through other members of the Labor team, they will do it. It is inappropriate and we will not breach our responsibilities under the Children, Young Persons and Their Families Act. We will not speculate, as the Leader of the Opposition has done in this question about the cause of these tragic deaths, which are treated most seriously by this Government and should be subject to appropriate inquiry by the relevant agencies.

With respect to what we are doing to improve the care of children by redesigning our child safety system, which is happening under this Government and was commenced under this Government, the state Budget supports the continued rollout of the Strong Families, Safe Kids implementation plan. We have committed an additional \$2.3 million into strengthening quality assurance processes and improved practice in investigation and response; an additional \$2.3 million for the delivery of the Child and Youth Wellbeing Outcomes Framework and ongoing change management activity to imbed the principles of the redesign within the operation of Child Safety Service. That is not a cut.

This is on top of an additional \$24 million over four years from 2018-19 to continue to support the implementation of the redesign. That includes employing additional child safety officers and other frontline staff and supporting vulnerable children with complex needs in out-of-home care. A major milestone was recently reached in the Safe Families, Safe Kids redesign with the launch of a new 24-hour statewide advice and referral service, a single front-door service staffed by qualified community-based providers and government officials who will link Tasmanians to a range of government and non-government services and programs, and we are also providing further investment into improving the lives of Tasmanian children, young people and their families through a range of initiatives.

I do not accept the speculation of the member who asked the question. It is inappropriate for us to do that. It would breach the law for us to do that.

Ms WHITE - Point of order, Madam Speaker, going to standing order 45. I ask you to draw the Premier's attention to the question which is to reveal whether there were system failures that contributed to the deaths of those five vulnerable young children. He has not gone anywhere near answering that.

Madam SPEAKER - The Premier knows he needs to be relevant so I am sure he is on subject.

Mr HODGMAN - Thank you, Madam Speaker. I could not have been more relevant to the question which, if I were to be generous, should ask of me and the Government the things we are doing to keep our kids safe, those in care. I have a lot more I could outline for the benefit of the member and the House. We are not cutting, as they say, we are investing more. We are strengthening our processes and improving the way we care for children. As to the cause of any tragic death, it is not for me or the Leader of the Opposition to speculate as to those matters. It should be appropriately done by the Coroner.

Education - Improving Outcomes

Mr TUCKER question to MINISTER for EDUCATION and TRAINING, Mr ROCKLIFF

[10.46 a.m.]

Can you please inform the House how the Hodgman majority Liberal Government is delivering our plan for education, and does he know of any alternatives?

ANSWER

Madam Speaker, I thank the member for his question. Since coming to government the Hodgman majority Liberal Government has developed and is delivering a clear long-term plan to improve education outcomes for Tasmanians. We know if students have greater access to an inclusive, high-quality education we are improving their lifelong opportunities to lead happy and fulfilling lives. We are investing a record \$7.1 billion into public education over the next four years.

Our plan to deliver and improve the public education system is working. The facts are that we have employed more staff in our schools since coming to government - 221 more teachers, 231 more teacher assistants, and 64 more support staff. Next year there will be even more teachers working in our schools, with an additional 113 teachers starting in 2020.

Students are staying at school longer and achieving better results. Since the introduction of our years 11 and 12 school extension program, 43 school communities have elected to provide students access to a senior secondary education in their local community. Over the last four years this has resulted in the TCE attainment increasing by 10 per cent since 2014.

We are leading the way in supporting whole-of-school approaches to student wellbeing. In 2020, for the first time, we will be introducing funding to address the needs of students with behavioural challenges that are often the result of traumatic experience.

Improving literacy skills for both adults and children continues to be one of our Government's highest priorities, with important initiatives such as Learning and Families Together, which next year will be extended to a further 29 schools and will support 5000 more students and their families. Yet, it was demonstrated yesterday that all we get from those opposite is politically motivated misinformation with little regard for the truth or what impact their scaremongering has on teachers, students and their families.

To be clear, the Government is delivering on our literacy and numeracy coach election commitment, with 85 in 2019 and a remaining 35 in 2022-23. This is in order to allow a one-hour reduction in teacher instructional load, which was agreed to with the AEU as part of the latest wage negotiations. This will see teachers have more time for lesson planning and mean primary school students will get one hour of specialised learning every week in subject areas such as art, drama, STEMM, health and physical education, maths and even literacy. We have listened to the AEU on workload and have delivered for the AEU in reducing that instructional workload, which is also nation leading.

I was particularly disappointed in Labor's overreach yesterday when they attacked the new needs-based disability model, which will see around 2000 additional students in Tasmania receive support from next year, and support tailored for them for the first time to improve their educational outcomes. This is a nation-leading model that was a key recommendation from the disability taskforce report and is being developed and backed by disability advocates. The number of students who get support will almost double and we have committed an additional \$34 million over four years to implement this model. Kristen Desmond from the Tasmanian Disability Education Reform Lobby put it best. She said -

What Labor did today will undermine people's confidence in the new model, even before it has begun. Talking about winners and losers and implying that other students will miss out because schools have to top up funding for students with disability is not okay, indicating that inclusive principles are funds-based, not needs-based, shows that their actions today are nothing less than a political point-scoring exercise.

Ms Desmond went on to say that the current IQ model is broken and must go. It has taken a majority Liberal Government to turn around Education in Tasmania. We will continue to deliver on our plan because it is working and we will not be distracted by cheap political stunts by those Opposite, particularly when they have no alternative plan in Education. We have achieved a lot in Education through collaboration. There is more to do but we are getting on with the job.

Child Safety - Investigations

Ms WHITE question to PREMIER, Mr HODGMAN

[10.52 a.m.]

In addition to the Coroner requesting reports into the serious incidents or deaths of five children, can you confirm that the serious events review team in the Department of Communities Tasmania has opened another three investigations? When did these serious events or deaths occur, when will these investigations conclude and will you commit to being open and transparent with the Tasmanian community about any system failures that contributed to these incidents?

Mr FERGUSON - Point of order, Madam Speaker. I am not sure how to frame this point of order. Can I ask you to give thought to the appropriateness of questions from the Leader of the Opposition, which are potentially undermining the judicial process in the Coroners Court, sub judice, because, specifically, the Leader of the Opposition has been asking questions about a live case before the Coroners Court at this time. The previous question certainly did, and I am asking that you give thought to that in deciding how to call the next question.

Ms WHITE - Madam Speaker, I advise that these matters are not before the Coroners Court. The minister is wrong.

Madam SPEAKER - I have a ruling. There is a sub judice convention. This has been in the paper. As long as it is discussed at a high level and no children are named, et cetera, we can proceed with the question.

ANSWER

Thank you, Madam Speaker. In relation to that question, I am aware that those cases are currently the subject of inquiry by the review team established by this Government in addition to the other measures and improvements implemented by this Government to strengthen our capacity and that of the system to better care for those vulnerable children in care. Those matters will be appropriately reviewed by that team. They are experts, I hasten to add, and are far from what the Opposition is when it comes to matters as sensitive as this. If they were serious, they would acknowledge that it is those people, the Coroners Court and other investigative agencies, who are best placed to make determinations on these matters and not to speculate.

I find this galling because there are explicit provisions in the law that prevents members of government and others from commenting and speculating about very sensitive cases, yet the Opposition continue to do it and it is only for political gain. It is the only reason they would do it. If they were serious, they would pursue this through other avenues and not use it in this place for political grandstanding.

You cannot trust the Leader of the Opposition because she said in the last question that we do not expect the release of details, the names or discuss these cases, yet she had a Labor member of the Legislative Council on the radio this morning saying that the Government is being secretive because we are not disclosing information about these matters. You cannot trust them. They are reckless when it comes to matters as sensitive as this and I would say to the Leader of the Opposition to show some degree -

Opposition members interjecting.

Madam SPEAKER - Excuse me. This is a very delicate matter and screaming across the Chamber is not assisting.

Mr HODGMAN - They simply cannot be taken seriously. It is so dangerous in matters as important as this and offers nothing at all by way of a positive contribution. In relation to those matters being appropriately handled by the SERT and any other authorities who would do so, we will respond to any recommendations or findings that can better inform what we need to do to improve our systems further. That is what we have done during the term of this Government, with the additional resources and the system improvements that have occurred. These cases are tragic and they deserve so much more than the political play time that this Opposition Party uses them for.

Northern Regional Prison - Concerns of Residents of Westbury

Ms BUTLER question to PREMIER, Mr HODGMAN

[10.57 a.m.]

The community of Westbury is angry about your Government's evasion and lack of transparency over your plans to build a maximum-security prison on their door step. Last night, Westbury residents Emma and Martin Hamilton wrote to Liberal members expressing disgust about your refusal to answer simple question, and they said -

You either don't understand or don't care about the emotional distress of the residents here, distress that was caused by the Liberal Party's poor handling of this issue. This has nothing to do with the Labor Party and everything to do with deals done in secret by the Liberal Party. The Liberal Party needs to start answering our questions properly and not palming us off on consultants or replies from members of staff. We want real answers from people in political positions that can answer us directly. The sleepless nights and tears we cry are on your heads, not Labor's.

With the indulgence of the House, I am seeking to table this letter.

Madam SPEAKER - You can do that in other formal business.

Ms BUTLER - Premier, do you acknowledge that your minister, Elise Archer, has badly mismanaged this process? Will you finally step in and respond to the community's calls for you to release the shortlist of alternative sites?

ANSWER

Madam Speaker, I thank the member for the question. We will respond to correspondence we receive from concerned constituents on this and other matters and do so in a way that we hope provides them with the facts of this matter and the Government's decision-making process. The importance of ensuring that we consult and engage with the community to alleviate fears and concerns will be best done with the facts. The member who asked this question is demanding of us those things she herself cannot do, and that is to ensure that the community she represents - and that we do acknowledge many in that community have concerns about this prison - are being apprised of the facts and not being scared or misled in a way, which is so often the case with this Opposition, doing more damage to that community than good.

We will continue to consult and engage with them. I will, the Attorney-General will, our local members will, and we will do so in a way that I am sure will best apprise that community of the facts. There is an extensive process to be undertaken here. We are not going to compromise the process. Again, you cannot trust the all care, no responsibility, reckless Opposition and they are not mature enough to acknowledge there are appropriate processes that should be undertaken with a range of matters that are the subject of discussion today, but including on a matter as important as this.

I am not going to do as the member who asked the question suggests and breach appropriate process -

Mr O'Byrne - You could talk to the community.

Madam SPEAKER - Order, Mr O'Byrne.

Mr HODGMAN - but what I will do is commit to -

Ms White - Go to Westbury.

Madam SPEAKER - Order, Leader of the Opposition.

Mr HODGMAN - responding in a way to the community that she represents -

Ms O'Byrne - I suggest you should read the letter.

Ms Standen - When will you front the people of Westbury?

Madam SPEAKER - Order, Ms O'Byrne and Ms Standen.

Mr HODGMAN - more honestly, more accurately and be upfront about the Government's position on this matter. I ask the Leader of the Opposition and her colleagues to be equally as honest with the Tasmanian community and for any other community where the Opposition might wish that a prison could possibly be located. Would the Leader of the Opposition say where that prison might be built? Does the Opposition have a position on this? They say they are not supportive of this particular prison in this particular place but they will not say where they are. At least the Greens will do it. At least the Greens have the courage to state their position on this, but once again the Labor Party cannot be trusted. They have no position on this matter. The only position they have is raising concerns in their communities.

Agriculture - Long-Term Plan

Mrs RYLAH question to MINISTER for PRIMARY INDUSTRIES and WATER, Mr BARNETT

[11.02 a.m.]

Can you update the House on how the Hodgman majority Liberal Government is delivering on its comprehensive plan for growing Tasmanian agriculture and do you know of any alternative plans?

ANSWER

Madam Speaker, I thank the member for her question and strong support for agriculture, not just on the north-west coast but across Tasmania, and it is the Hodgman Liberal Government who is delivering on our plan.

Agriculture is the lifeblood of our rural and regional communities, with 7500 jobs across this state, which is fantastic, and \$700 million in exports in the last 12 months, highlighting our quality products and capturing the world's attention. We are on track to get to our \$10 billion target by 2050 of the farmgate value. In the last 12 months assessment, there was a 9.1 per cent increase in

terms of agricultural production and that is good news. That gets us to \$1.6 billion in terms of agricultural production at the farm gate.

Last night we were able to showcase some of the best of the best in terms of Tasmanian wine. There has been a 20 per cent increase in production over the last 12 months and likewise some of the best of the best of Australia's oysters, with a 9 per cent increase in production there as well. I thank and acknowledge Wine Tasmania and Oysters Tasmania for their contribution.

In this year's Budget we have invested \$100 million into our comprehensive agrifood plan to deliver more in terms of irrigation, industry development and increasing border biosecurity, with 20 new biosecurity positions, because they are at the front line in terms of research and innovation. We are investing not only in our land but in our people. We are putting land back into Landcare. Investing in Landcare is an investment in our future, the future of our farms. Tasmania has a reputation for producing premium food and agricultural products. It is part of the Tasmanian brand and that is why we like it and why we are supporting it.

We recognise the thousands of Tasmanians who are volunteers working on Landcare projects and I can advise the House that we have now more than 250 Landcare groups around Tasmania and we have doubled the funding for Landcare Tasmania. That is good news because we recognise they reached their 25-year anniversary just last weekend and I congratulate all those winners of the Landcare Achievement Awards.

There is \$2 million for Landcare action grants supporting the TFGA, farmers and landowners around Tasmania on practical, on-the-ground projects across the state, maintaining healthy and productive soils, supporting our riverways, our waterways, supporting our biodiversity and including the DairyTas Cows out of Creeks project - a very good one.

We are supporting our three Natural Resource Management groups in the north-west, south and north around Tasmania with \$4.2 million of investment. The Weeds Action Fund received \$5 million, and as I have indicated before, it is the worst time in Tasmanian history to be a weed in Tasmania, absolutely the worst time.

We are also investing in people who support our farmers by providing them with information about the latest research, technologies and best practice to grow on-farm production. The new Extension Accelerator pilot program will fast-track the development of recent graduates working in agriculture extension and agribusiness providing them with mentoring, networks and the skills required for a long and successful career. This is just another example of the Hodgman Liberal Government delivering on our plan in terms of working together, the landmark white paper for growing agriculture, research development and extension through to 2050.

The Greens may not want to hear it but this is good news. We are delivering on our plan. We are working shoulder-to-shoulder with the TFGA and the Tasmanian Agricultural Productivity Group and they are backing the Extension Accelerator program so we know agribusinesses will do that as well. We have our commitment to Landcare, developing the future of agribusiness professionals and it is just proof of how we are delivering on our long-term plan.

I was asked about alternative policies. The fact is that there is a vacuum on the other side in terms of Labor. No plans, no policies. They are all talk, no policy. All cat, no cattle. As I have said before, they are spraying dust on those Labor Party four-wheel drives and they are going nowhere. They are not getting north of Hobart -

Members interjecting.

Mr BARNETT - They are so city-based. What did Paul Lennon say? They are based on policies focused on the city -

Members interjecting.

Mr BARNETT - They are for city slickers. The Labor Party is standing up for the city slickers, the green-left urbanites -

Members interjecting.

Madam SPEAKER - Order. Excuse me, this is not a circus. Minister, you have had a long time. I ask you to wind up, please.

Mr BARNETT - I will, Madam Speaker. I was just going to refer to the splinter group of Jen Butler, member for Lyons, and I notice that Dr Shane Broad has joined the Australian Workers Union. I wonder if he has joined the Labor Wise Use of Resources, or is he part of the Labor Environment Action Network. Which one is it? Are you standing up for the green urbanites and the socialites, Dr Broad? That is the question. They have an identity crisis. They are split. What is it to be?

Ms O'Connor - Madam Speaker, on a point of order so it is really clear, the minister just spent six minutes on that Dorothy Dixier, most of which was highly political.

Madam SPEAKER - Yes, I appreciate your help with the timing, thank you.

Northern Regional Prison - Use of Consultants

Ms BUTLER question to PREMIER, Mr HODGMAN

[11.09 a.m.]

You attempted to justify your Government's savage \$450 million budget cuts by promising to slash spending on consultants. We already know that you have outsourced community consultation for the maximum-security prison to a consultant for \$115 000. Can you confirm that you also awarded a \$250 000 contract to another consultant to conduct due diligence on the project? Taxpayers have paid for this work which you are keeping secret. Will you release the consultant's due diligence report to better inform the Westbury community why you have chosen their town as a site for the maximum-security prison?

ANSWER

Madam Speaker, I thank the member for question. Under the good, old Labor Party, they would be able to do it themselves. The \$270 million prison is a major infrastructure project which will create a lot of jobs but also, importantly, improve our justice system and increase access to it, which our prison service needs to meet increasing demand. It is appropriate to engage those with expertise to assist in the implementation and delivery of a project of this type.

If Labor had ever bothered to start on building the Royal Hobart Hospital they would have, you would hope, engaged experts and consultants along the way. They did. They spent \$10 million on consultants to not even lay a brick at the Royal Hobart Hospital but to come up with a range of options and ideas and plans, none of which were delivered. Then they have the gall to complain to us about engaging consultants on a project of this nature.

We will ensure that our expenditures are appropriately directed to not only facilitating the progress of this preferred site -

Ms WHITE - Point of order, it goes to standing order 45. The Premier has just confirmed that there is a secret \$250 000 consultant report. The question was whether he will share that report with the community.

Madam SPEAKER - That is not a point of order. Premier, I am sure you heard what the Leader of the Opposition said.

Mr HODGMAN - That was not a point of order. It is dishonest and, from a leader of the Opposition who cannot be trusted, it deserves nothing more than contempt.

We will work as assiduously as we can with the local community on the preferred site for the prison, and ensure they are informed of the facts. We are aware and alert to their concerns and respond where appropriate.

Ms White - Share the report with them.

Madam SPEAKER - Order, Ms White. Could you keep it down a bit, please?

Mr HODGMAN - We will do so and we will accept responsibility for our position on this. We understand it is not universally supported, but we do have a position.

We have the courage to acknowledge that there is increasing demand in our prison service, which you so often complain about. Yet, when we do something about it, you complain about that too. That is the carefree nature of life in opposition. I understand that. But we are accepting responsibility for doing what our state needs.

The infrastructure that our growing state needs has always included a northern prison. We went to an election on it. We acknowledge that there is a community around the preferred site that we should work with to understand their concerns and to address them. We will do so as openly, as honestly and as transparently as we possibly can. That is not something that the Opposition can claim they were doing; they are doing the opposite.

Trust in Leadership

Mr TUCKER question to PREMIER, Mr HODGMAN

[11.13 a.m.]

Can you please update the House on why trust is so important in leadership and why Tasmanians can trust the Hodgman Liberal Government to keep delivering our long-term plan for Tasmania? Is the Premier aware of any other approaches?

ANSWER

Madam Speaker, I thank the member for the question, the good authentic trustworthy bloke that Tasmanians can trust. He knows a lot about that.

This parliamentary week concludes off the back of yet another national economic scorecard that reports Tasmania's economy is, in so many respects, the best performing in the country - a massive turnaround from where we were six years ago. It does not simply happen by chance as Labor would have you think. The economy that has gone from the bottom of the pack under them to the top under us, is supported by the most confident businesses in the country. In fact, there are 1600 more of them now than when we came into government. They are reporting the best business conditions in the country and the most support for any state government's policies in the country.

Labor say we should not go back to the past. They blame the good old GFC for the economic ways that occurred under them when we slipped into recession. The GFC was in 2008. The recession happened in 2012-13.

The difference with Tasmania being the only state going into recession, was that we had a Labor-Greens government and a 'minister for economic recession', David O'Byrne. Now he is their alternative treasurer. That is something to be very scared about.

Under our plan, our businesses are confident. They are more positive and it has always been our priority to back our businesses to ensure that they can create more jobs to grow our economy so that we can invest more into our schools, hospitals and public safety - not cut them, as they talk about, and as they did. We should never take it for granted. Those, like the Opposition, who want to dampen the confidence in our community only for political gain, are doing nothing but damaging our state.

Yes, there is a lot more to do. We want more Tasmanians to feel the benefits of a stronger economy. We acknowledge many are not. Yes, we want the unemployment rate to be lower. It is lower now than when we came into government. It is a lot lower than it got under Labor and the Greens, but we want to bring it down. That is what our plan is all about. For those who deny the existence of the plan, the plan deniers, look at the state Budget.

It is a budget that contains a range of policies and initiatives that is anticipated to create 10 000 more jobs. For those who say, 'You are not doing it quickly enough', our record structure investment, last year, went up 46 per cent on the year before. So, we are doing it at quite a rate.

Members interjecting.

Madam SPEAKER - Order.

Mr HODGMAN - For those who say we need 'a more exciting reform agenda', there is nothing more exciting than seeing more Tasmanian students complete their education. There is nothing more exciting to me than seeing more Tasmanians getting jobs. There are 15 000 more people in work now than we came into government.

In conclusion, last year we were elected by the majority of Tasmanians to continue the job we started.

Members interjecting.

Madam SPEAKER - Premier, I know everyone is having a lot of fun. I am reluctant to interfere, but I know you have some really good news that you would like to share and so could everyone just be calm for the next minute?

Mr HODGMAN - Thank you, Madam Speaker.

Only last year we were re-elected by the majority of Tasmanians who trusted us not only to continue to deliver on the job we had started, but to provide the majority government that provides that certainty and confidence that we are getting on with the job.

Yes, it does include making some tough decisions. Yes, there is a lot more to do, but people know where we stand. They know what we stand for. One of life's great mysteries is what on Earth does the Labor Party and their Leader, Bec White, stand for? We know Labor have a number of positions on a range of things. Bec White set a course back in the election. She reserved the right to form government again with the Greens, or govern in minority. David O'Byrne previously boasted -

Madam SPEAKER - Premier, you have been inciting -

Ms WHITE - Madam Speaker, the Premier is misleading the House. I ask him to withdraw that statement.

Madam SPEAKER - Premier, please withdraw the statement because I do not know whether it is true or not.

Mr HODGMAN - By way of clarification I ask the Leader of the Opposition, what did she mean when she said she would reserve the right? Clearly, having a bob each way again. If it offends the Leader of the Opposition for me to repeat her words about what she might do in the case of a minority government, then she should be embarrassed.

David O'Byrne previously boasted about the constructive and cooperative way that governing with the Greens was providing strong stable government. But now they suddenly say, 'No, we are never going to do that again'. The record shows that when it comes to the crunch, more often than not in this place they are voting with the Greens. You cannot trust them on that.

Rebecca White said that removing poker machines was a fight she was prepared to have because it was so important. She suddenly dumped it like it did not mean a thing. I will only be 30 seconds - I could go on for hours about the lack of transparency, honesty and accountability opposite, who quietly supported land release for public housing in here, eventually, but went out publicly in that community in Kingston and scared everyone about it. In the lower House, they voted against stronger sentencing laws but voted for them in the upper House. Yesterday, in one day, they voted for our tourism in parks policy and then they voted against it. They voted for it and against it in the space of two hours.

It is impossible to know where they stand. They cannot be trusted. They say one thing and do another. What people want, need and what they voted for was certainty and stability and leaders who do not backflip when the heat comes on. After half a decade in Opposition, Labor have admitted they have not done the work, they have no plan, they have no alternatives and they stand

for nothing. Just under two years ago, we were re-elected to deliver as a majority Government and that is what we are doing.

Time expired.

INLAND FISHERIES AMENDMENT (ROYALTIES) BILL 2019 (No. 46)

First Reading

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

SITTING DATES

[11.26 a.m.]

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

That the House at its rising adjourn until Tuesday, 12 November next, at 10 a.m.

Motion agreed to.

TABLED PAPER

Letter from Mr and Mrs Hamilton of Westbury

[11.27 a.m.]

Ms BUTLER (Lyons) (by leave) - Madam Speaker, I table a letter from Mr and Mrs Martin and Emma Hamilton of Westbury. I have provided a copy to the Greens, Ms Ogilvie and the Leader of Government Business.

MATTER OF PUBLIC IMPORTANCE

Racing Industry Cruelty

[11.28 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, I move -

That the House take note of the following matter: racing industry cruelty.

Next Tuesday in Melbourne, the race that stops the nation will be underway at 3 p.m. Beautiful thoroughbred horses will barrel down the straight and, no doubt, at the end of that race, some trainers and owners will be all that much richer, as will some punters. The question after the *7.30 Report* went to air on 17 October, that is two weeks ago today, is, what happens to those horses once they have reached the end of their profit-making life for trainers and owners?

What we know is that, in Australia, thousands and thousands of beautiful racing horses and trotters, are sent off to slaughterhouses and abattoirs in New South Wales and Queensland, at the

very least. We do know, despite what the Minister for Racing said this morning, that it has been confirmed by the ABC's meticulously thorough investigation that Tasmanian racehorses, at least, have been identified at the Meramist Abattoir in Caboolture in Queensland.

The reason we ask this question today is that the story went to air two weeks ago. Like many Tasmanians, we have been waiting to hear something from the Racing minister or Tasracing in response to a very serious and damning allegation and a finding made by journalist Caro Meldrum-Hanna that Tasmanian horses are being sent to an abattoir in Queensland. There is no explanation for the minister's silence on this issue. There is no justification for Tasracing's silence on this issue, either. We have clear, unequivocal evidence that horses are travelling from Tasmania to slaughterhouses interstate.

The minister said this morning that the Office of Racing Integrity is working with Racing Australia on traceability of racehorses that have been retired from the industry. That process began three years ago and there is still no real traceability of thoroughbred horses in the racing industry. What we do know is that under the rules of racing in Tasmania there is no requirement for any rehoming of former racehorses and under the national rules neither is there any requirement whatsoever. The fact of the matter is neither the minister, nor TasRacing, nor the Office of Racing Integrity can provide any reassurance to Tasmanians that they know what is happening to ex-racehorses in this state.

We know that at least some of them are ending up feeding greyhounds because as we heard in the parliamentary inquiry into the same shocking kinds of cruelty and wastage in the greyhound racing industry, beautiful thoroughbred horses are being sent to greyhound trainers and they are feeding greyhounds as they are, for example, at Anthony Bullock's property in the north of Tasmania and interestingly, in Tracing's annual report this year, Mr Bullock is the leading trainer.

I want to read to the House some of what ABC's *7.30 Report* found:

Big business, big government revenue and big prize money requires big breeding, with the industry producing more than 14 000 foals last financial year.

The Tasmanian Government is complicit in the breeding of animals that are sent off to abattoirs and knackeries for destruction. The Tasmanian Government funds breeding so that horses can be bred up because someone may want the next Black Caviar or the next Phar Lap but if they do not turn out to be a big cash turner for their owner, those animals, like the greyhounds, are discarded. The Tasmanian Government has a breeding bonus scheme on top of the \$30 million annual subsidy, public money, that it gives to TasRacing. Here we have a statement from Sarah Courtney, former minister for racing, from July last year, that says:

The Hodgman Liberal Government recognises that breeding horses is an important primary industry and funding a breeding incentive program will allow it to grow further.

That is obscene. We have state-sanctioned breeding of animals only to be discarded and die the most terrifying and awful deaths.

As Caro Meldrum-Hanna, an outstanding journalist, says in her *7.30 Report* story:

Each year around 8500 horses are retired from the track and according to the racing industry, less than 1 per cent of them are ending up at an abattoir.

But as experienced vets are saying, the figures do not add up. At one abattoir alone in Queensland, and this is the one where they identified Tasmanian horses, around 4000 racehorses a year are killed. They had covert cameras at the abattoir recording horses being beaten and abused from the moment they arrived at Meramist, trampled and trapped and forced to slaughter. They were trapped in a maze of holding pens, frantic and disorientated and subject to electric shocks.

Caro Meldrum-Hanna says,

We've detected horses from Victoria, South Australia, the ACT, Queensland, Tasmania, even the Northern Territory, ending up at Meramist, despite Racing Australia introducing a traceability rule three years ago to track all thoroughbreds from birth to retirement.

It is very clear that the overbreeding of these animals for profit is a huge part of the problem. The RSPCA has identified that as a significant contributor towards what has been described as wastage, just as it was with the greyhound industry, but it is the needless overbreeding and then discarding for slaughter of beautiful animals in the name of sport. We know it is not a sport. It is an industry that depends on cruelty in order for profits to be turned. If you do not believe that these animals are being discarded, I recommend to everyone that they watch the *7.30 Report*.

Time expired.

[11.35 a.m.]

Ms ARCHER (Clark - Minister for Racing) - Madam Deputy Speaker, I will place on the record a few things from the Government's perspective. The Hodgman Liberal Government is a strong supporter of Tasmania's racing industry and will continue to be. It contributes more than \$100 million to the local economy each year and 5000 people are involved in the Tasmanian racing industry, either as an employee or participant across Tasmania, many from our regional areas and communities. I want to state that at the outset.

Animal welfare is a concern and that is another priority of our Government, as evidenced by the increase of penalties for animal cruelty. There is a lot of work that has been done on the welfare of animals within the racing industry and post-retirement and it is our priority as a government.

As stated this morning during question time, following the airing of disturbing footage on the ABC on the Queensland abattoirs, there has been understandable concern from the community -

Ms O'Connor - Then why have you been silent for two weeks?

Madam DEPUTY SPEAKER - Order, Ms O'Connor.

Ms ARCHER - and the racing industry as well. Accordingly, since allegations were broadcast last week -

Ms O'Connor - It was 17 October. You should watch the story.

Ms ARCHER - I did, Ms O'Connor - of the slaughter of retired thoroughbred horses interstate, the Office of Racing Integrity has undertaken to review the retirement process of all thoroughbred and standard breed horses and the responsibility of horses and the responsibility of owners, review national database statistics and work with other interstate regulatory bodies around a national horse traceability register and local rule changes regarding the humane euthanasia of horses.

I am informed that neither the Office of Racing Integrity nor Tasracing have received information or evidence from other parties that the mass slaughter of thoroughbred horses is an issue in Tasmania. That is important for this House and Tasmanians to note and to know. Despite some reference to Tasmanian horses being killed in the Queensland abattoir, ORI and Tasracing have not yet been able to investigate the claims, as the ABC has not released information to Racing Australia.

Following the airing of the allegations, it was the Queensland government that announced an investigation into the abattoirs involved and our Office of Racing Integrity and Tasracing will consider any of the findings of the Queensland investigation and inquiry and will provide advice to me in terms of applicability to the Tasmanian horseracing industry.

Ms O'Connor - So you won't investigate locally?

Ms ARCHER - I have said, Ms O'Connor, that the information has not been released to Racing Australia.

It is important to note, and I also mentioned in question time, the Off the Track program. There is a lot of good work that is being done in the Tasmanian racing industry.

Ms O'Connor - You are paying people to breed horses.

Madam DEPUTY SPEAKER - Ms O'Connor, the minister listened to you respectfully in silence. I ask you show her the same courtesy, please.

Ms ARCHER - Importantly, it is also a priority for animal owners and the industry itself. The Tasmanian racing industry is a close-knit community who genuinely care for and are devoted to their horses and greyhounds. I take the opportunity to thank and acknowledge those within our industry who take such good care of our animals. In particular, I recently had the pleasure of attending the Tasmanian Thoroughbred Awards in Launceston and again seeing Ms Rhonda Hall who won the 2018-19 Tasracing Welfare Award. Her dedication to rescuing and rehoming Tasmanian thoroughbreds is to be commended. I thank her for her continued work in the industry. It is important to highlight the good work that is being done within the Tasmanian racing community with people like Rhonda Hall, who have sheer love for their animals. All too often we hear this one-sided view from the Greens without an acknowledgement that there are some very good people within the racing industry; vast majority.

Ms O'Connor - I have acknowledged that a number of times.

Ms ARCHER - It is these cases we have seen in Queensland recently which, unfortunately, call into question the good practices of those who abide by animal welfare laws, who care for their animals under their care and rescue and rehome Tasmanian thoroughbreds and our greyhounds.

I want to make an important announcement in relation to greyhounds. It is in relation to our Greyhound Adoption Program. It continues to be a key welfare initiative for the greyhound racing industry. It facilitates the rehoming of retired greyhounds and promotes greyhound ownership in the community. This financial year, Tasracing has invested an additional \$100 000 into the GAP and the Government has provided an additional \$30 000 to Brightside Animal Sanctuary aimed at further reducing euthanasia rates.

I can announce today that, following an expression of interest process, Tasracing has purchased Mangalore Kennels and Cattery and works will begin shortly to ensure it is converted toward accepting retired greyhounds. The facility will be used to continue to run Tasmania's greyhound adoption program. GAP operates on protocols that have been adopted nationally to best care for retired greyhounds and ensure their new owners understand their obligations. These protocols include behavioural assessments to ensure that a retired greyhound is suitable to be placed in a family home and be part of the community. The dedicated facility, which will be owned and operated by Tasracing, will allow public access, enabling GAP to better demonstrate to the community the suitability of greyhounds as pets.

We saw the new law that we introduced in relation to the demuzzling of greyhounds. I note the matter that is on the blue for today that is continuing for debate in relation to further improvements.

Time expired.

[11.42 a.m.]

Mr O'BYRNE (Franklin) - Madam Deputy Speaker, at the outset, it is important that this House acknowledges the ABC reporter and condemns the inhumane treatment of the horses at that Queensland abattoir. The footage that was shown about animal welfare issues at that abattoir, and in some of the knackeries in Queensland, is abhorrent. There are many people across the spectrum of views of horseracing would join in the absolute condemnation of the treatment of those horses in Queensland.

The Labor Party has for many years been a strong supporter of the racing industry. We continue to do so but it is not without qualification, it is not without caveats, and it is not without expectations and standards that should be upheld. There are many people within the industry who were just as outraged about what has happened to those horses in Queensland as those who advocate for the banning of horseracing. For people to claim that people within the horseracing industry do not care or love their animals is plainly untrue.

Those in the industry know that they have an obligation and a responsibility to ensure there are strong and robust regulatory measures, assessment and transparency in dealing with animal welfare during the horse's racing career and post-retirement. That has been acknowledged. I have spoken to a number of people in the racing industry who believe there are practices that do need to be stamped out; that it is a poor reflection on the industry but it should not be seen as the industry's acceptance of those behaviours.

Ms O'Connor - It is not behaviours. It is practices.

Mr O'BYRNE - Sorry, that was a poor choice of words. It is the behaviour and practice of the minority and a section of the industry that does need to be stamped out. It is important that the industry acknowledges that they need to take necessary steps to ensure that animals, particularly in

the industry, are cared for and are loved and, at the end of their racing life, that there is a strong and robust set of measures and transparency in tracking to ensure those horses are treated humanely.

The ABC report came off the back of an unfortunate incident in Victoria. A leading trainer is before the court so I will not be making too many comments. A number of serious allegations were made of a leading trainer in Victoria using jiggers, jiggers is the common term for it, and using inappropriate practices. It is important that the industry stands up and they have, from what I have seen in the reporting and discussions. I was fortunate to be at the Tasracing's hosting of the national Hall of Fame dinner in Hobart recently. It was a good event. I was talking to a number of owners and trainers. They were all in agreement. There was not one divergence of view, that the industry does need to have a level of integrity and transparency in how they are treating horses and they need to do better.

We saw, from the VRC in Victoria and the Victorian Government following this exposé screened by the ABC, that they announced a \$25 million package to immediately respond to these kinds of instances, and we think that is a very important first step. Tasracing made a statement recently that they are reviewing instances or allegations of Tasmanian horses being involved in that story and Tasmanian horses bred here ending up in those abattoirs and being treated appallingly. If that is the case, it is important for the industry's integrity that those matters are fully investigated. If there are instances, appropriate action will be taken.

It is important that we acknowledge that the industry has come a very long way in dealing with animal welfare issues. Some may say that there is a way to go but they have come a long way and we do expect the highest of standards and, in the regulations and the requirements the community expect of the industry, the industry is responding to this. Many trainers, and I spoke to them on that night, have a genuine their love for their horses and the beauty of the horses that are entrusted within their care upon purchase and in the ongoing obligation following their racing life.

The industry has responded. The footage from that abattoir in Queensland was sickening and the industry is responding appropriately in investigating and dealing with issues such as the potential for over-breeding and ensuring that animal welfare issues are considered in the breeding numbers of horses for the industry. They are talking about tracking systems. I think it was the Victorian RSPCA that said there are issues in animal welfare for horses in the racing industry, for ponies and a whole range of different forms of ownership of horses, across the country. It is not only the racing industry that needs to ensure that they have high standards. There is a range of animal welfare issues across the spectrum.

Time expired.

Dr WOODRUFF (Franklin) - Madam Deputy Speaker, it gives me no pleasure to speak on this matter of public importance but, for any person reading the transcript or watching the telecast, I would strongly recommend that if they love an animal they look at the ABCs really disturbing report from two weeks ago. The *7.30 Report* uncovered the darkest side of the racing industry in Australia. It pieces together the endemic cruelty on which that racing industry is fundamentally based.

Regardless of the individual caring practices of particular trainers, or individual stewards or people involved, the fact is the industry as a whole is there for one reason: it is there for profit. Fundamentally, profit drives every part of this industry. For me, as a person who owns two horses, what I found most shocking was an image of a beautiful, elite, athletic horse at the peak of its prime

and beauty, sleek and being tended by a young stablehand, a person obviously showering love and affection on that horse as well as every supplement and every feed and bit of exercise they could possibly need. Then, just a short time afterwards, once that horse is finished with, it is in the back of truck jammed in with other horses being transported to an abattoir in Queensland in fear and distress.

The scenes of those horses being beaten as they get out: it was described as a sea of horses flowing out of the back of the truck. They were being chased and beaten to get out, on top of each other, in incredible distress; some of them already had terrible injuries inflicted upon them. To stand there and listen to the sound of other horses dying with mares and foals together, it is unbelievable.

This is footage that is happening to cattle and sheep, and many other animals at abattoirs too. Let us not forget that the process of killing animals that we endorse in Australia is far from humane. That is another story. This is about an industry which is built on profit. The only way it survives is to dispense with the thousands and thousands of horses a year, which are wastage to an industry that does not want to spend another cent on them. What Caro Meldrum-Hanna uncovered was that 8500 horses a year are retired from the track. Only 1 per cent of them are supposedly meant to end up in an abattoir, but the numbers clearly do not stack up. This damning report shows that 4000 to 5000 horses a year are going secretly, in secret trucks to doggers, and from abattoirs, and then ending up in doggers.

That is the other part of this disgusting industry; the relationship between it and the greyhound industry. The racecourse industry literally feeds the greyhound industry. There is a literal feeding relationship with racehorses ending up at doggers and going to feed greyhounds. If all of this was done in an open way with animals that needed to be euthanised, then many people would feel differently about it. The fact is, this is hidden, secretive and cruel. We are meant to have bodies such as the Office of Racing Integrity Tasmania and Racing Australia overseeing these practices and flushing them out and they are failing. They are failing. Clearly they do not want to see because they would have to inalterably change their practices.

The minister's words sound reasonable when she says that ORI will be undertaking a review of the retirement process, a review of the national database statistics, and will be working for a national horse traceability register. What a load of hogwash. If you watch the ABC, a national traceability register has apparently been there for three years. It is totally failing. It is failing the 5000 horses that the ABC indicated in its documentary are being killed in abattoirs each year. They are not being traced.

Far from being traced, everything is being done to hide what is happening to those horses. There is no rehoming going on. There is no requirement in the national rules or the Tasmanian local rules to rehome a horse. There is a requirement to register the death, that is all. It is false; it is a total sham. This Government is not only failing to look, they are spending public money feeding this system. According to the report from the ABC, a massive breeding industry produced 14 000 foals last year. I do not know how many in Tasmania, but we are party to that. This Government is spending money breeding up an industry to get a horse to market. The market is to win the race, and once it is won, goodbye. A bolt in the head if it is lucky, but not before it has been beaten off the truck and in incredible distress. Who knows what else happens to it.

Time expired.

Ms O'CONNOR - Madam Deputy Speaker, I want to make the point that usually during matter of public importance debates, there are other speakers. There is no-one from the Government's side here who wanted to defend your position, minister.

Matter noted.

DOG CONTROL AMENDMENT BILL 2019 (No. 43)

Second Reading

Resumed from 30 October 2019 (page 48)

[11.57 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Deputy Speaker, I will wind up my contribution with some observations relating to the greyhound section of these amendments to the Dog Control Act.

As members are aware, in 2015, again, outstanding investigative ABC journalist, Caro Meldrum-Hanna, put to air a story on ABC's *Four Corners* that detailed in horrifying, minute detail the terrible and sad lives of greyhounds in Australia. The fact is that around 10 000 greyhounds across the country each year are killed for no good reason other than that they are past their use-by date or they are injured or they are no longer turning a profit for their owners. That is the same story as we now know for thoroughbred horses in Australia.

It is naïve or disingenuous in the extreme for any member of the Government to try to tell Tasmanians that we do not have huge enduring problems here in the greyhound racing industry and systemic cruelty in the horse -racing industry.

This is a matter of very serious public interest because the people of Tasmania subsidise Tasracing to the tune of \$30 million a year. What we are dealing with is state-sanctioned cruelty, the waste of animals' lives and the breeding of animals to increase owners' bank balances. Once those animals, be they a greyhound or a beautiful racehorse, are no longer fast enough, too old or have been injured, they are disposed of and their short and sad lives often end in absolute terror.

Yesterday, Tasracing tabled its 2019 annual report. Of course, it is all about the money. It is all about the capacity of the industry to turn a profit. As we know, under this Government, horse owners and breeders, are paid to breed animals to feed into this industry. It is imperative of the industry to breed up to keep getting foals produced, just in case the next Phar Lap or Black Caviar is produced.

We see here - I mentioned it earlier and I will mention it again - a person who appeared before the greyhound racing inquiry, northern trainer Anthony Bullock. We have pictures of Anthony Bullock's practices on his property of horses being led into his property to be killed and fed to the greyhounds. There is a picture here of Mr Bullock carving up a horse carcass, a picture here - I am not holding them up, Madam Deputy Speaker - of horse guts and half a horse carcass in the back of a trailer at Mr Bullock's property and there is an image of horsemeat in vats to be fed to the greyhounds. But, in Tasracing's annual report, who is the star of the show? What do you know? It is Anthony Bullock. He is noted on page 31 as greyhound award winner and leading trainer

Anthony Bullock, with 181 winners. As we know, there have been charges laid against Mr Bullock in the past for his practices in relation to trying to make dogs go faster on the track.

This is the sort of institutionalised cruelty and waste that underlies the racing industry in Australia and in Tasmania. Whether they are thoroughbred horses, for the races or the trots, or whether they are greyhounds, these animals are bred simply to turn a profit. When they cannot do that anymore, they are killed. They are not euthanased, they are killed, because euthanasia is a mercy killing. The meaning of the word is 'good death'. It is not a good death if you have spent your life being cosseted as a racehorse because you turn a profit and then in some instances, as we know from the *7.30 Report*, a week after your last race you are sent off to the abattoir to be killed, not euthanased. There is a grotesque cycle of dependence between the horseracing industry and the greyhound racing industry, as we know. Just ask Mr Bullock.

This is a cruel industry which within itself feeds off the breeding and waste of beautiful animals, not for sport but for an industry and for profit. I predict that, as it was with the greyhound racing industry, the thoroughbred racing industry is losing and will lose its social licence, because it still cannot explain what happens to the thousands of ex-racehorses after they retire.

It is the same here. The minister and Tasracing have no idea what happens to Tasmanian thoroughbred horses after they are retired. There is nothing in the national or local rules that requires them to be rehomed, there is no consistency anywhere in the country and here in Tasmania in relation to what happens to those animals after they no longer fatten the bank balances of horseracing owners and greyhound owners in this state.

I do not know where members will be next Tuesday at 3 o'clock but we will not be watching the Melbourne Cup. In the past, like so many Australians, I have taken part in a sweep, watched the race and admired and marvelled at those beautiful horses, but I cannot do it anymore. It is a disgusting industry. I know there are people within the horseracing industry and the greyhound racing industry who dearly love those animals and care for them very well, but there is an example of a woman who used to be the jockey for one of these beautiful horses who saw the horse that she loved, cared for and raced in the images of the horses at the abattoir in Queensland.

Next Tuesday at 3 o'clock Dr Woodruff and I - and I invite all members of this place who are here next Tuesday at 3 o'clock - will be at the Cascades Hotel where they will be having a No Melbourne Cup event. We will talk about how we can reform the greyhound and horseracing industries in this country and how we can make sure we are not complicit in the most appalling cruelty towards horses and dogs because, although under Tasmanian law greyhounds are regarded as livestock, they are beautiful dogs and great pets.

I invite members of the House to the alternative to the Melbourne Cup next Tuesday. That is where we will be and I am certain that over time, as Australians including Tasmanians become more and more aware of the cruelty that is at the very heart of this industry, it will continue to lose its social licence because of the blunt truth that when there is profit involved, the welfare of animals comes last to the money.

This is a systemic issue across the racing codes in this country. Dr Woodruff and I will continue to pursue this to seek changes. It is extremely disappointing that three years after we handed down the greyhound racing inquiry findings here very little has changed in the greyhound racing industry. We know very little has changed. I hope members in this place who have not

watched the 7.30 *Report* do so and if you cannot bring yourself to look at the pictures, read the transcript. It is a wake-up call to us all.

[12.07 p.m.]

Mr BARNETT (Lyons - Minister for Primary Industries and Water) - Madam Deputy Speaker, I support the Hodgman Liberal Government's Dog Control Amendment Bill 2019. As my colleague and friend Mark Shelton, the Minister for Local Government, has already laid out, the bill includes a number of amendments to the current act that will help protect Tasmania's unique wildlife. The bill specifically targets irresponsible dog owners with new offence provisions and stronger penalties contained in the bill for dog attacks on wildlife. I have made that view clear many months ago and strongly support this Dog Control Amendment bill.

I will be speaking more of the particular provisions with respect to the bill but I would like to commence by drawing the House's attention to the contribution of the Labor shadow minister for local government and planning during debate on this bill yesterday. During her contribution, Ms Dow quoted extensively from Animal Liberation Tasmania, a group of extreme animal rights activists with a track record of deliberately disrupting the lives of everyday Tasmanians and an agenda which destroys jobs across regional and rural communities. Animal Liberation Tasmania activists have attached themselves to the Tasman Bridge, causing traffic chaos. They have occupied public buildings and disrupted workplaces, including at the TQM abattoir at Cressy. Animal Liberation Tasmania's sister organisation on the mainland -

Ms O'Connor - Are racehorses sent to that abattoir? Your minister won't tell us.

Madam DEPUTY SPEAKER - Order. Let members make their contributions.

Mr BARNETT - The sister organisation on the mainland has closed down CBD streets and occupied abattoirs and farms across Victoria, New South Wales and Queensland, resulting in scores of arrests and criminal charges.

Ms DOW - Point of order, Madam Deputy Speaker. I have to put on record that the minister is taking this out of context. I was referring to little penguins and some commentary that had been made in submissions around little penguins. The Labor Party is supporting this legislation tightening protection around little penguins.

Madam DEPUTY SPEAKER - That is not a point of order but the minister has taken it on board.

Mr BARNETT - It is all on the public record. It is on the *Hansard*. Ms Dow has used her arguments in support of our bill quoting from the Animal Liberation Tasmania submission. She has quoted Animal Liberation Tasmania -

Members interjecting.

Madam DEPUTY SPEAKER - Order, the minister is making a contribution.

Mr BARNETT - I am making an observation with respect to Animal Liberation Tasmania and their sister organisations on the mainland. I recognise and acknowledge the Greens. They have been consistent in their support for Animal Liberation Tasmania and their sister organisations to

protest, to be disruptive, to cause civil disobedience, and to be arrested and subjected to criminal charges. I acknowledge that from the Greens. You have been consistent.

Members interjecting.

Madam DEPUTY SPEAKER - Order, the members will be able to make their own contributions after the minister. I ask that the minister be heard, please.

Mr BARNETT - Frankly, it beggars belief that a Labor member for Braddon, where agriculture is so foundational to that community, the support for rural and regional jobs in Braddon on the north-west coast of Tasmania, would seek to -

Ms DOW - Point of order, Madam Deputy Speaker. What I referred to within the submission, was the number of penguins that have lost their lives in attacks. It was about greater penalties, which is what this amendment legislation is entirely about. It is about management control.

Madam DEPUTY SPEAKER - I have been advised that the member can make a contribution on adjournment if she wants to do so, as she has already spoken.

Mr BARNETT - I can see how sensitive the member for Braddon is about this matter.

It beggars belief that they come in here using arguments from Animal Liberation Tasmania to support the views of the Labor Party. This is the Labor Party that stands shoulder to shoulder, like they did in government; Labor and the Greens in government for four years. This place went into recession. We lost 10 000 jobs. Agriculture and rural and regional communities were devastated under Labor and the Greens.

Ms O'CONNOR - Point of order, Madam Deputy Speaker, please draw the minister into line. He has absolutely lost it. He has been extremely disruptive.

Mr FERGUSON - Madam Deputy Speaker, on this point of order, people are declaring a point of order and then adding to the debate. This is not in order, either from members opposite or on the crossbench. I simply ask that the minister be able to give his contribution to this bill without this continued, planned it seems, disorderly behaviour.

Madam DEPUTY SPEAKER - Thank you, minister.

Mr BARNETT - Thank you, Madam Deputy Speaker.

The evidence is on the public record; it is on the *Hansard* for all to see. The member for Braddon, Ms Dow, was in here yesterday, quoting from the Animal Liberation Tasmania submission.

Members interjecting.

Madam DEPUTY SPEAKER - Order, the Opposition can make a contribution after the minister.

Mr BARNETT - She was using that submission to support her position on behalf of the Labor Party. As Minister for Primary Industries and Water, it is a cause for grave concern that a member

for Braddon, where agriculture is so important, has caused much disruption. She knows full well that Animal Liberation Tasmania has caused much damage to the reputation of agriculture. This is with their sister organisations on the mainland.

Ms Standen interjecting.

Madam DEPUTY SPEAKER - Order.

Mr BARNETT - I am expressing that concern on the public record. You came in here on the public record. I am putting on the public record my concerns. What it says is that Labor and the Greens are so close in their relationship that they are using the same arguments. I respect the Greens. They have a position. As the Leader of the Greens has indicated, they fully support Animal Liberation Tasmania and their activities and their sister organisations on the mainland. Here we have a Labor member for Braddon, where agriculture is so important - frankly, it beggars belief that that member would do such a thing. I call on the member for Braddon to condemn Animal Liberation Tasmania and their activities. Will you do that? Absolute silence. She said nothing. It is on the public record that the member for Braddon has been silent when asked whether she will condemn the activities of Animal Liberation Tasmania -

Madam DEPUTY SPEAKER - Minister, the member for Braddon has already made her contribution.

Mr BARNETT - She has. I was asking a rhetorical question and I heard nothing. A vacuous nothing from the other side. Absolutely nothing. I ask her to express support for rural and regional agricultural Tasmania.

We have done so much on this side of the House. I am not going to have it jeopardised by people on the other side in the Labor Party remaining mute when it comes to Animal Liberation Tasmania. I will not stand for it. You stand up. Let the Labor Party express their views. The shadow local government minister and planning minister came in here yesterday, honing from Animal Liberation Tasmania, using their submission, using their arguments. Let us hear about it. You can put your views forward on the adjournment, or publicly outside this place. I ask you to condemn the position. I ask you to condemn the activities of Animal Liberation Tasmania that have caused so much damage to the reputation of agriculture in Tasmania and across this country. That is my position. I put it on the record. Let us see what Labor do about it.

Let us go back to the bill and the good things in the bill that the minister responsible for has acted upon and with my strong support. As minister responsible for the Nature Conservation Act, I will commence with some words on Tasmania's unique wildlife, and in particular our iconic little penguins. As members here would know, there has been spate of attacks on little penguins over the past 18 months in Tasmania with the most recent of these occurring in Bicheno last month. Together these have resulted in the deaths of over 220 little penguins.

I can assure the House that this Government takes the protection of little penguins in Tasmania very seriously. I have said it before and I say it again. It is on the record: we are working to seek and support those objectives as expressed in this bill and as expressed by the Minister for Local Government.

Let us try to provide some context. I am advised by my department that Tasmania has an estimated -

Mr O'Byrne - The hypocrisy.

Mr BARNETT - As I was saying, Madam Deputy Speaker, before being rudely interrupted, Tasmania has an estimated 100 000 to 200 000 breeding pairs of penguins spread across more than 100 colonies, the vast majority of which are on off-shore islands.

Little penguins face a range of threats in both the marine and terrestrial environment. Effective protection requires cooperative action from all levels of government, the private sector and individuals. We have also been directing significant resources towards research, education and mitigation to help enhance protection to little penguins.

First, my department undertakes a number of current monitoring, management and response activities, including but not limited to personally working with the Cradle Coast National Resource Management, NRM, in collaboration with key stakeholders on a specific project to coordinate monitoring and management of penguins across the state.

Second, we are working with community and NRM groups to enhance penguin habitat through weed removal, vegetation rehabilitation and the establishment of artificial nesting boxes of both reserved and private land.

Third, we are undertaking targeted education campaigns about little penguins and their protection, including the Wild School Partnership program in which participating schools undertake environmental activities in local reserves, supported by volunteers and the Parks and Wildlife Service. We are also implementing the Discovery Ranger Program, another Parks and Wildlife Service initiative, which includes four dedicated discovery rangers deployed over the summer months to provide education and interpretive services at two popular little penguin rookeries on reserved land.

Further, we are communicating best-practice penguin-watching guidelines to promote appropriate non-invasive means of observing penguins in Tasmania. Working with local councils and other stakeholders to develop on-ground management initiatives, such as fencing and improved signage, and finally providing advice to regulators, local authorities and developers on avoiding, minimising and mitigating impacts to penguins.

These actions sit alongside the mitigation of roadkill through the installation of culverts and roadside exclusion fencing. This has been successfully carried out at the Bruny Island Neck road, which was widened and resurfaced as part of works at the site. To mitigate against an increased roadkill risk to little penguins, dedicated penguin crossings or culverts and fencing were installed to allow penguins to cross safely under the road. Additional mitigation included the creation of a dedicated wildlife zone and the placement of warning signage. Monitoring by Birdlife Tasmania showed penguins were using the culverts within 10 days of installation, a good result. Monitoring provided the first quantitative data on the usage of under-road culverts by penguins in Tasmania and the success of this measure will help inform future road construction projects in areas where penguins are at risk.

These actions sit alongside the department's Tasmanian Penguin Advisory Group, formed by our Government to help enhance understanding of little penguins and improve their protection across the state. The Penguin Advisory Group includes representatives from UTAS, IMAS, CSIRO, Birdlife Tasmania, the Derwent Estuary Program and a community penguin expert. Local councils, community based action groups and other stakeholders will be engaged as required. The

Penguin Advisory Group has met six times, including most recently on 28 October, a few days ago, when I also met with the group. I thank them for their work and their service. I met with the group some months ago and I again thanked them for their work and their service and appreciate the feedback they are providing to me as the responsible minister and to the department to support the work of the Hodgman Liberal Government with respect to supporting our iconic little penguins.

In terms of the amendments introduced, the bill creates a new offence in the act if a dog injures or kills wildlife that is declared as sensitive wildlife in locations that are specified as sensitive areas. An offence committed under this provision carries a fine of up to 30 penalty units, currently \$5040. When an attack occurs, other penalties may also apply in addition to those under the new offence depending on the circumstances. The bill also provides that the court may order that the owner pay for the collection and analysis of a DNA sample collection as well as compensation for any damage caused or costs incurred as a result of the dog attack. The court may also order that the dog be destroyed.

The minister responsible for Part 4 of the Nature Conservation Act 2002 will specify by ministerial order the species and area to which this new offence applies. Initially, the order will capture little penguins in declared sensitive areas that are known to be vulnerable to dog attack. The order can also be amended in the future to apply the offence to other species and/or locations. This approach provides the government with the flexibility to respond quickly to new or emerging threats to wildlife without having to amend legislation or regulations. The order will be made as soon as possible following enactment, so that the new offence and penalties are in place and operational ahead of the summer breeding season. That is the intention for practical outcomes. The bill also doubles the penalty for having a dog in a prohibited area that contains sensitive habitat for native wildlife with a fine of up to \$3360. The provision has been broadened to ensure that it covers instances when a dog is at large and is found in a prohibited area as well as where a dog is deliberately taken into these areas by its owner.

The penalty for a dog attack that causes serious injury to a person is also being increased. In response to stakeholder feedback, this should be set to at least the equivalent level to an attack on a sensitive species.

I spoke with the Penguin Advisory Group about these objectives and the bill that is before the Chamber today and we had a good discussion about it. It was a very cooperative, collaborative meeting and I appreciated their feedback and their approach to dealing with the concerns. They, like our Government, certainly have those objectives in mind as we go forward. I thank them for their efforts to progress these important objectives of the Government.

The bill makes some minor but important changes to streamline the process for the collection of samples from dogs. The changes will support investigation and enforcement in the event of an attack by reducing the risk of DNA degradation. A police officer or a ranger will now be able to collect a sample from a dog without seeking the prior approval of the relevant council's general manager. This will allow authorised officers to act quickly to gather evidence to identify a dog involved in an attack. These are practical measures being put in place so that we can get the job done and achieve the objectives of providing that protection, whether it be for little penguins or for other wildlife, as appropriate and as required. We have made that authorisation for those officers and, in addition, state government veterinary surgeons will also be able to collect a sample from a dog without council approval. That is on the record and that is a useful observation.

A tremendous amount of work has gone into this important bill. I thank my staff and the Natural and Cultural Heritage Division of DPIWE and the Tasmanian Penguin Advisory Group, as well as staff in the local government division and others, and those in the Chamber today who provided important advice and feedback to the minister for Local Government and also to myself. I wholeheartedly support the bill.

[12.26 p.m.]

Mr O'BYRNE (Franklin) - Madam Deputy Speaker, we support this bill. We acknowledge the work of the department and departmental officials bringing it to the House.

It is important we put on the record our disgust and outrage at the performance by the member who a moment ago resumed his seat, the minister, in his dishonest and disgraceful verballing of the contribution by the member for Braddon and our shadow minister in this portfolio, Anita Dow. To affirm some -

Mr BARNETT - Point of order, Madam Deputy Speaker. The member referred to me in my contribution as being dishonest. I would like that withdrawn. That is outrageous and unparliamentary.

Mr O'BYRNE - On the point of order, I have not accused the member of being a liar. I have accused you of being dishonest and not truthful. That has been the practice in this House to refer those matters.

Madam DEPUTY SPEAKER - I am advised the word dishonest can be used, so the member can continue.

Mr O'BYRNE - Thank you, Madam Deputy Speaker. For the member who resumed his seat to associate support for an organisation completely out of context is intellectual dishonesty and it is a disgrace. It is a poor and mediocre use of the forms of the House to verbal a member on the opposite side for something she clearly has not done. She was supporting your bill.

In one of the submissions to the bill there was an extract to be used to strengthen the argument to support your bill. For you to take those comments out of context is an absolute disgrace. It is a window into the thought processes of the Liberal Party in Tasmania and that member in particular. This is not the first time he has taken things out of context and tried to associate views or a conspiracy with members opposite and it is a disgrace.

In his contribution, he uses the forms of the House to try to verbal people and he complains about not getting a response to a rhetorical question. Look up the meaning of 'rhetorical question' in the dictionary. You were not looking for an answer, and then to verbal a member when we have been told by the Chair not to respond and not to argue with you, is an absolute disgrace. This is the conspiracy theory, the Bob Katter, the George Christensen, of the Tasmanian Parliament. This bloke is a low flyer, a cellar dweller. This is a guy who cannot even do the job in his own ministry. This is a guy who, in Estimates last year, when I asked him why the Tasmanian Government, regarding something in his portfolio area, failed to support what we thought was a motion that would support the Tasmanian position at a ministerial council meeting he thought he turned up to, he did not even turn up to it. This is a minister who is so busy looking at conspiracy theories he cannot even do his own job. He cannot even turn up to ministerial council meetings and represent Tasmania in his own portfolio area.

Time and time again we hear from stakeholders that all the minister wants to do in his portfolios is create division. All he wants to do is to create politics and what he is doing is actually sacrificing the best interests of the state. If you talk to forestry industry people or energy industry people, time and time again they say, 'We've got a minister who would prefer to play the politics and prefer to divide the community'.

We just saw in his contribution - a pathetic and dishonest contribution - him trying to verbal the member for Braddon claiming that he is supporting the agricultural industry, when people from the industry say that he prefers to play the politics than actually support the industry. The industry has called so many times for bipartisan support by the major parties, but they do not bother asking that from you because they know you are not capable of doing it.

How dare you lecture the member for Braddon, Ms Dow, on her support for the agricultural industry, not only in terms of her electorate of Braddon but in terms of her experience and business in that industry itself. There is no stronger supporter of the agricultural industry on our side of the House than Ms Dow. For you to get up here and verbal some mad right-wing conspiracy theory is not only offensive to us, it is not only offensive to the subject matter, and offensive that you are using such a slur when you have a minister who is looking for support for this bill, but it is offensive to Tasmanians and it is embarrassing for you and your Liberal Party. How dare you get up here and have some pathetic conspiracy theory. It is an absolute disgrace.

This bloke should focus on actually doing his job. In his ministerial portfolios, he fails to front to meetings. Look at the hydrogen opportunity. What a wonderful opportunity that is for Tasmania. There have been national forums where governments from around the country have sent representatives and have attended and argued for the opportunity for hydrogen. This means jobs in Tasmania, this is potentially a billion-dollar export industry for Tasmania in the heart of the north, in the Bell Bay industrial zone.

The minister fails to send people, and he fails to turn up to these meetings. All he wants to do is the politics. He is very good at the three-word slogan and when he talks about hydro and pumped hydro and Marinus, we cannot argue with his support for it but what we argue is his inability to deliver on these things.

Mr Barnett - Is that right?

Mr O'BYRNE - Absolutely. For example, we know that in terms of Marinus, there needs to be -

Madam DEPUTY SPEAKER - Order. I bring the member's attention back to relevance. We are on the Dog Control Amendment Bill at the moment.

Mr O'BYRNE - That is right, and we support the bill. This is in terms of our shadow minister's contribution.

Mr Barnett - You are on a rant.

Mr O'BYRNE - A rant? Pot, kettle, black. The Bob Katter of the Tasmanian parliament has accused me of being on a rant. We were supporting this bill but this is about your outrageous slur on Anita Dow, a member of our side, and it should be called to account and that is what I am doing. Do your job, minister.

Madam Deputy Speaker, in summary, we support the bill.

[12.34 p.m.]

Mrs RYLAH (Braddon) - Madam Deputy Speaker, I support this bill. I am proud to be part of a government that is taking action to protect our sensitive wildlife, like our little penguins, from dog attacks. I wish to start by recognising the great work of volunteers in the return in the last week of seven surviving chicks to the Doctors Rocks colony following the care by Penguin Rehab and Release's intensive care section after the recent dog attacks.

This bill today is another prime example of the Hodgman majority Liberal Government listening to the community, listening to the people like mayor, Robbie Walsh, listening and acting on the concerns of the community.

Pets are part of the Australian and Tasmanian way of life, with more than 62 per cent of households nationally owning a pet and, of these, almost 40 per cent are dogs. According to the 2016 survey conducted by Animal Medicines Australia, our nation's dog population was 4.5 million dogs. In fact statistics show a higher proportion of us live in a house with a cat and/or a dog than with a child in the house. I thought that was interesting.

The Hodgman Liberal Government understands the role pets play in modern Tasmanian society, both in terms of the value people place on these pets and the value they deliver to us. This bill gets the balance right, adding important means to better protect sensitive wildlife and also improving the way we look after and exercise our dogs.

We all know there are benefits of owning a dog and being able to enjoy walks with your dog in public areas. This is a valued pastime for Tasmanians. Having said that, an important responsibility for pet owners is controlling their dog's behaviour. Our liberal values are predicated on the idea of taking personal responsibility for one's own actions. The best way for us to protect our wildlife from dog attack is to ensure dog owners take personal responsibility for their actions and the actions of their pets. There are times when dogs should be restricted from areas and events to ensure the health and safety of the public. There are also places dogs should be excluded from to protect other animals and flora.

Tragically, there has been a spate of dog attacks on little penguins across the state in which more than 80 penguins were reported to have been killed. In my own electorate of Braddon the Parks and Wildlife Service found recently 34 carcasses at Doctors Rocks, a conservation area just below my house, which were as a result of dog attack. The Doctors Rocks Conservation Area is home to a significant number of little penguins. Most of the area is classified by the Waratah-Wynyard Council and the Tasmanian Parks and Wildlife Service as a no-dog zone; however, in recent years the little penguins have extended their colony zone westwards into a dog off-leash area.

The revelation recently that the gates from the no-dog zone had been stolen from the perimeter fence before the attacks is incomprehensible, as this facilitated the dogs entering this area, but it also points to the need for greater supervision of the area by volunteers, council staff and Parks, as well as a responsive reporting mechanism to fix issues like this and greater community education. Although Tasmania has an abundance of little penguin colonies, over 100 around the state, any loss of this kind is concerning. Over 220 dog-related penguin deaths in 18 months is tragic.

Little penguins are protected under the Nature Conservation Act 2002 and the Department of Parks and Wildlife Service has developed a protocol to appropriately manage animal welfare issues of this magnitude, but more needs to be done.

This bill outlines new initiatives, including a coordinated monitoring and management of penguins statewide, weed removal from the colonies, establishing artificial breeding boxes in rookeries, mitigation measures to stop as best we can penguins accessing roads, the installation of more viewing platforms to keep people out of rookeries but providing better viewing, and adding more discovery rangers.

However, it is not just penguins that are risk. On the north-east coast the Scamander barway is one of the largest breeding sites in Tasmania for the fairy tern and the hooded plover and a popular stopover place for migratory species. Although the Break O'Day Council has put up signs banning dog access and the beaches are patrolled by the Parks and Wildlife Service, signs, unfortunately, are often ignored.

This bill provides provisions for protecting wildlife and introduces a new offence. If a dog injures or kills wildlife declared as sensitive wildlife in a particular geographic area specified as a sensitive area, it will carry a fine of over \$5040. The amount of the fine sends a clear message to dog owners, and is significantly higher than exceeding the alcohol limit of 0.05 but less than the 0.10 alcohol level, which is current \$336. The level of this penalty was carefully considered and determined as being suitably higher than the existing penalty of 20 penalty units that applies to owners of dogs that attack any animal, and not so high as to exceed the offence of serious dog attack on a person. These penalties apply when a dog is allowed in the prohibited area that contains sensitive habitat for native wildlife and broadens the application of the offence so that it covers instances in which a dog is at large, as well as when a dog is deliberately taken into such areas by its owner.

The changes in the bill will allow an authorised officer, being a police officer or a ranger under the Nature Conservation Act and the state Government veterinary surgeons, to collect a sample from a dog without seeking the prior approval of the relevant council's general manager. This is an important addition to improve the safety of people and animals in our community and will assist councils to resolve investigations in a timely manner, using scientific evidence where deemed appropriate. Providing that if an owner of a dog is found guilty of the new offence, the court may order that the owner pay either or both the cost incurred for the collection and analysis of a sample from a dog and compensation for any damage caused or costs incurred as a result of the conduct of the dog committing the offence. The court may also order for the dog to be destroyed.

This bill outlines requirements for the owner to inform a council of their dog's microchip number, inform the relevant council when a dangerous dog is transferred to its municipal area, and an increase in the penalty for a serious dog attack on a person from 20 to 30 penalty points in response to feedback received through consultation that this penalty should be set at least at the equivalent level to an attack on a sensitive species.

The Hodgman majority Liberal Government is also getting on with delivering its promises to increase the number of ex-racing greyhounds that are being rehomed as pets in the state. The amendment will enable greyhounds that have been trained and assessed by organisations whose programs have been approved by the Director of Racing to be walked on a lead in a public place without a muzzle. This amendment will assist organisations to rehome ex-racing greyhounds and enable them to go for walks on a lead with their adopting family unhindered by a muzzle. The bill

responds to calls from councils to allow the exercise of greyhounds in declared exercise areas, making it easier to freely exercise a greyhound. The bill amends certain provisions relating to greyhounds so that councils can lawfully provide off-leash exercise areas for greyhounds where they wish to do so, and clarifies that greyhounds are under effective control when off-lead on any private premises so long as they are securely confined to those premises.

We have a retired greyhound in our family group and I know that Joey loves to run in our paddocks. He is confined by the wallaby fences and he loves it, although he still has not quite understood the electric nature of some of our fences.

The approach taken in the bill was developed partially in response to strong feedback from the local government sector earlier in the year, that such a matter should be left to the discretion of councils and this is consistent with the current approach to other dog management matters, including the declaration of dog exercise areas. Councils will need to undertake public consultation under the act before establishing these exercise areas to ensure that they bring their communities with them. Dog owners and the broader community will have the chance to provide input as to what might be appropriate areas and conditions for greyhound exercise. This amendment was also overwhelmingly supported by the community and organisations that rehome dogs. It reflects the recommendations of the Joint Select Committee on Greyhound Racing in Tasmania, on which I sat. This Government recognises that there is strong community expectation that legislation reflects the community's attitude towards the welfare of animals.

Another minor change to the act will clarify that greyhounds are under effective control when off lead on any private premises so long as they are securely confined to those premises. These amendments build on changes made in 2017 that allow greyhounds that have been assessed through suitably approved programs to be muzzle-free will be on the lead in a public space. In the long-term, it will show people in the community that greyhounds are an amazingly gentle dog and they make good pets. This will support Greyhounds Australasia to meet the target of zero euthanasia for retiring greyhounds. This will also support the sustainability of the Tasmanian greyhound racing industry.

I now turn to another area related to dogs. The daytime care of dogs while owners are at work or away from home has grown dramatically over the last 10 years. This is a great concept as it gives these pets some activity, a pack to be part of during the day and activity to reduce the stress that some of these animals suffer when being left alone, 'pet sitting', to coin a phrase. This bill improves the current act by clarifying that kennel licences are required for doggie day care services that can be run from residential premises that care for more than two dogs.

Yesterday, there were two kennel licence applications in the *Advocate*. These application processes give the community, especially neighbours, a voice in whether they want three or more dogs in a suburban area. At a minimum, the need for kennel licences makes them aware of this new activity and the presence of extra dogs. The dog day care service amendment is important as it enables neighbours to support or object to the operation of these services close to their home, as the practical effect on them is no different to a neighbour who owns more than two dogs and who also requires a kennel licence.

This bill ensures local councils have adequate powers to act in the best interests of their communities. It provides consistency and tools to assist councils in carrying out dog control measures and promotes the safety and wellbeing of the community.

Stray or feral dogs are a threat to livestock, particularly sheep. This is essentially the case where suburbia is close to farmland. An important change introduced in this part is the increased protection of livestock. This amendment provides clarity by defining what is meant by primary producer and what is meant by livestock. This will provide some clarity for owners of rural properties, particularly if they are involved in legal proceedings. The amendments proposed by the bill before the House today provide necessary safeguards while these changes acknowledge the feedback from the community. We have listened to the feedback from community members and other stakeholders and we will work collaboratively with community groups and agencies like Cradle Coast NRM, councils and Parks.

This, once again, means the Hodgman majority Liberal Government is delivering for Tasmanians across the breadth of responsibilities we hold.

I support this bill.

[12.50 p.m.]

Dr WOODRUFF (Franklin) - Madam Deputy Speaker, this is a bill that has been a long time coming and very welcome. It has been widely supported amongst people in the community we have spoken to. We sought people's views on this bill and the provisions within it have been broadly supported. That is not saying that the actions in it will be anything like enough. That is the very strong message we have received from people across Tasmania that this is a necessary but not sufficient response by this Government to the concerning increasing losses of little penguins around Tasmania. People from the University of Tasmania, BirdLife Tasmania and other expert conservationists are warning us that we are very close to losing all little penguin colonies in Tasmania altogether. The experts are telling us that they are really on a cliff.

Dr Eric Woehler from BirdLife Tasmania has been a relentlessly present voice documenting the existence of colonies, personally walking the circumference of Tasmania, every beach in Tasmania. This is the work he does on behalf of all of us who care about birds. He is alone, often, the person who has been collecting the evidence about where shoreline birds live, which birds are where around coastlines in Tasmania, how many birds there are in different seasons and how their population numbers are changing over time. I pay credit to a man who gets this exercise; it certainly keeps him fit. It is a big personal toll on somebody who does such work himself because he cares so much. All Tasmanians who love birds owe him and the other people in BirdLife Tasmania, conservationists around Tasmania, a debt of gratitude. They are observing and doing everything they can to keep beautiful little birds like penguins with us in the future.

People read in the *Mercury* today or yesterday the really concerning news that shearwaters have not yet arrived as expected in Tasmania. This is devastating news. For those of us who are watching the breakdown in climate systems around the world, this is sadly not a surprise. We do not know what has happened to the shearwater population, but they have not arrived here in the numbers they usually would. Usually by mid-September they would be flying in to nest and to make Tasmania their home and to continue their populations. It has been fully a month and the flocks of shearwaters have not arrived in anything like their usual numbers. We hear from the Arctic regions, North Alaska I believe, of dead shearwaters washing up on beaches. We are confronting a complete breakdown of the climate. Because of population pressures and so many other changes that are confronting planet Earth, we are looking at bird extinctions like we have never seen before.

In a wine-growing district, the New South Wales Department of Environment have four beautiful little birds listed on a plaque for tourists. 'Welcome to the wine region and these are the beautiful little birds who live here.' Three of the four are no longer around. They have always been present in that region but have disappeared - extinct they believe. The last one is highly threatened.

Every time we take an action, approve a development, log a forest and every time we clear land of native habitat for farming, every time we put chemical pollutants into waterways, increase our carbon dioxide emissions and increase the heating of the planet, we are contributing to the disappearance of those birds. That is the way things are. But we can do something about it. That does not have to be our response; that we throw up our hands and go, 'Oh well, it's too hard and we will leave that development issue to someone else'.

The black-throated finch is yet another example of a beautiful bird that has been lost in the maw of the world's largest coalmine development. Approval for the mine went ahead despite all the evidence that it will cause the extinction of the black-throated finch. .

There is a cumulative effect here. Unfortunately, we are realising the cumulative impact of our decisions, far too late for many of these birds. We do have things before us in Tasmania that we can do today.

This bill is a tiny part of what is required. The majority of the submissions I have read that were made to the Government on this bill made a very clear point that without support for local councils and without surveillance, no increases in fines will make any difference whatsoever. There has never, so far, despite the fact that already it is the case that a person could be fined for having a dog in an area where they are not meant to be, no one has been fined. Despite the fact that dog owners could already be charged and dogs could be removed for killing penguins in the substantial numbers as they have done, no owners have been found to charge, no fines to be paid, because people cannot find the dog owners.

People see the dog but they cannot connect it with the dog owner. There is nobody there. There are responses to this. There is technology now. We have the option of putting a small amount of money into supporting local councils and communities to undertake surveillance of these areas. We have an opportunity to collect information. We need to put some resources into that if we decide that little penguin colonies are intrinsically valuable and beautiful. They are part of our natural environment that we have grown up with and love as Tasmanians and people come to see. Tourists come here. It is a really important part of the tourism industry for some regional parts of Tasmania.

I went to Bicheno recently and met with the Bicheno Penguin Group and spoke to people who work at the Bicheno Penguin Tours. That is a really important job provider in Bicheno. There are up to 50 jobs during the peak of the tourism season. That is a substantial number of jobs in a tiny little town like Bicheno. It is an important job provider. It will matter to them if they lose their penguin colonies. It is a big deal. First and foremost, it is a big deal for them because they love little penguins. It is not about the money. It is about the love.

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

DOG CONTROL AMENDMENT BILL 2019 (No. 43)

Second Reading

Resumed from above.

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, I was talking about the great concern people around Tasmania have to keep the little penguin colonies with us into the future. I acknowledge the amazing, selfless work of a number of communities that have responded with care and passion, established groups and formal rehabilitation organisations in response to the number of attacks that have occurred around the state.

There have been an extraordinary number of deaths from dog attacks in Tasmania in a little over the last year. In 2018, 12 little penguins were killed at Low Head in June and 58 were killed at Low Head in November, and 30 penguins were killed in Bicheno in November last year. Another four little penguins were killed in Bicheno in January this year, 12 little penguins killed at Low Head in March, 18 little penguins were killed at Picnic Point in May, and 42 penguins were killed at Doctors Rocks in August. I do not have the figures but I believe there were something in the order of 14 and 8 little penguins killed again at Bicheno on two occasions in September.

The areas where we know there have been intense colony breeding activity have suffered great losses. More than 180 little penguins have been killed in the past year alone and this puts those colonies at very tenuous risk. In response to that, a group established the Friends of Bicheno Little Penguin Group and it has some very outspoken and strong members, Lyn Hatton, Lucy Landon-Lane and Barbara Townsend amongst them. Another strong group meet regularly and do what they can to alert the council and the community and work with the penguin tour company in Bicheno to try to hold back, I suppose, the dog attacks and to come up with creative solutions.

Near Wynyard, in response to the attack in September, the penguin rehabilitation and release facility swung into action and rescued orphan chicks. Sondra Roberts was one of the people who spoke about this work and the hectic few days they had trying to keep vulnerable little chicks alive. She said they discovered them standing at the edge of their burrows calling for their parents, struggling, vulnerable and not being able to fly. They managed to successfully house and release nine orphan chicks. One other that they tried to care for died. It is the tireless work of people around Tasmania who care for wildlife, wildlife carers, who keep little native animals alive when they are struggling and they have either been hit by cars, attacked by dogs or attacked by feral cats.

We cannot talk about attacks on wildlife in Tasmania without considering the role of feral cats, mostly domestic cats that were either dumped or have escaped. This is a problem and the Government is failing to take up the very obvious response that the greatest number of people in Tasmania are calling for, which is cat confinement. That has such broad support in the community amongst cat owners, wildlife carers, conservationists and people who are not in any of those categories. They simply understand that there is an imbalance in our system in Tasmania and, because of the loss of Tasmanian devils and the extinction of the Tasmanian tiger, we have predatory, top of the food chain animals as vicious as cats, and as capable of climbing and hunting and stalking as cats are, they are threatening little penguins and almost all of the other native wildlife we have in the state. We are seeing losses around the state.

This is something the minister responsible can make changes toward. The cat management plan that was widely consulted and strongly supported across the community called for cat

confinement and the Government dodged that responsibility. Obviously, the Government saw it as something they decided was going to be too difficult to introduce. I do not understand why. It makes no sense. Everyone was on board. It is a clear derogation of responsibility not to introduce laws to mandate cat confinement. People who are cat owners and vets attest that it is a far more humane thing to do, to keep a cat confined. They are not comfortable having territoriality or living with other cats around them and they find it very stressful. It is a win/win solution to a problem and we should be implementing it straight away.

Back to dogs, and I want to read through some of the comments people have made about this Dog Control Amendment Act to reinforce the point that we welcome what is in this act. Increased penalties are a necessary part of a response to the issue of dogs attacking penguins but are not going to prevent more deaths unless they are also accompanied by stronger policing efforts. That work cannot be left to local councils, who are spread very thinly in this area. There must be support from DPIPW to provide surveillance and monitoring, to coordinate signage and to require better information to be given to tourists on the Spirit of Tasmania. Tourists force themselves into little penguin colony spaces to take photographs because they want to be up close and friendly with little penguins but they threaten the very existence of those birds and their chicks by trampling around in their breeding spaces, whether they realise it or not.

There is much work that can be done. The solutions are there but we cannot leave it to the community or even to local councils to do this. LGAT made a submission to this bill and noted that councils support the amendments in the proposal. There were no councils arguing against the amendments in the bill, so that is good news to hear. A couple of recommended changes were made and I will discuss them and ask the ministers in question about these in the committee stage.

I wanted to reinforce comments made by Friends of Little Penguins about the importance of the Government supporting local communities and supporting local councils. They also reinforce that the Government has to commit to increasing resources to council for monitoring and policing colonies so there are enough funds to provide staffing and equipment to carry out those responsibilities.

The Friends of Burnie Penguins in a submission from Dr Pervis Marker, who is a penguin ecologist, also made the point that the compliance area needs to be strengthened with more funding for land managers to be able to enforce the legislation. In this instance, it is both Parks and Wildlife Service and local councils. Legislation is meaningless without the capacity for enforcement. Dr Marker also points to the need for frequent surveillance and monitoring of habitats with sensitive wildlife habitat. Dr Marker also argues the case for much stronger penalties. They would like to have seen jail time for owners who keep repeating offences of injuring or killing wildlife. That argument was also made by Dr Eric Woehler from BirdLife Tasmania who also argues there should be jail time for dog owners who are involved in repeated offences.

I would like to understand why the minister has not adopted these sensible suggestions. Why are we continually making these tokenistic bills instead of going the full monty and doing what needs to be done? The solutions are there. We have it within our powers to make the changes we need at the legislative level and Government has it with its ability to decide to protect little penguins and to put some resourcing into DPIPW to help groups. That is what needs to happen.

The Penguin Advisory Group, which has been constituted, is a good start. There are so many willing members in the community. This point needs to be made. There are so many people around Tasmania willing to put their hand up to do the work on this. It is not a case of expecting

government to do everything. People need some basic mechanisms and structures to be in place. Penalties are a little part of that story but fundamentally they need surveillance cameras, which are cheap pieces of equipment these days. They need some guidance to help work with council officers in their placement. There are people who are willing to do the work, to go and talk to people. They need the legal structure and support. Also, they need feet on the ground so that when there is camera footage of a dog that is known to people in the local community it is followed up and an owner is charged before little penguins get killed.

There are so many tourists and holiday-makers who go to coastal areas. Bicheno is a case in point. The community said that the tourists that come in buses are far more manageable. It is shack owners who go down there for a week or two at a time, itinerantly, who are not in tune with what is happening in their local community. They drive in, drive out, bring dogs, are not attentive to changes in signage or attentive to information that is being circulated in the community about penguin colonies. Often, they are the ones who are guilty of not restraining their dogs, of not paying attention to what needs to be done.

The Penguin Advisory Group has to be properly funded to map the rookeries around the state. That map still does not exist. I found it extraordinary when Dr Woehler told me that. We do not have a map in Tasmania of penguin rookeries. We have some obvious colonies but there may or may not be penguin rookeries elsewhere. We do not have up-to-date information about the demographics of little penguins. There has to be proper funding to coordinate monitoring and surveillance and to target what the protection measures need to be around the state.

I would like to hear from the minister why they did not take up the proposal for including jail for owners who repeatedly disregard the law. Why is there not some prospect of a jail sentence at the end of it?

Ms Archer - She doesn't like prisons.

Dr WOODRUFF - The minister says we don't like we prisons. What a stupid thing to say, honestly. Is that the base level of your conversation?

Ms Archer - Sorry. I have been listening to your contributions in this place for a number of years now. You would sooner get rid of prisons, not build them.

Dr WOODRUFF - Because you do a revoltingly poor job of managing the Risdon Prison complex, you think therefore we do not think there should be prisons? Unreal.

Ms Archer - No. You have actually said don't build prisons.

Dr WOODRUFF - You demean yourself. Yes, do not build prisons; deal with the issue underlying it.

Ms Archer - If you keep locking them up, you get to capacity.

Dr WOODRUFF - Anyone who is a parent, will understand there needs to be consequences and there needs to be support for people to understand what the consequences of their behaviour will be.

Ms Archer - You do not understand the issues.

Dr WOODRUFF - Maybe you do not understand what consequences involve. It is a two-part responsibility.

The Central Coast Council also made a specific submission through the Local Government Authority. They noted that it is difficult to identify the responsible dogs and that it is difficult for them, as a council, to gather enough evidence to be able to successfully prosecute a case in court. That comes down to the need for visual materials, and that, again, is for more support for councils. They believe there needs to be better planning through consultative dog management policy development and increased surveillance, improved community education and more rigorous enforcement, including sampling.

Declaring restricted and prohibited areas is part of developing a new dog-management policy. Councils around the state rely heavily on the Parks and Wildlife Service to direct them and support them in this work. They cannot do it on their own. The responsibility must be taken up by the Government who has the responsibility to coordinate these efforts. This Government is responsible for keeping little penguin colonies with us and directing and supporting local councils to do their part of the work and enabling communities to do what they will.

I would like to hear what the budget for the Penguin Advisory Group will be for the next year and what it is going to be spent on. That is what people who are listening to this debate would like to be reassured of; that there will be support at the DPIPW level, as well as what this bill enables.

I will finish by making a comment about the submission by Animal Liberation Tasmania. It is something that this Government holds dear. The animal activists in Animal Liberation Tasmania have at their heart, care for the wellbeing of animals. Thank you to them and their hard work. They shine a light into the dark places of the mistreatment of animals.

The Greyhound Industry in Tasmania is a terrific example of where there has been, and continues to be, gross mistreatment of greyhounds that have spent their lives running their legs off to make money for their owners and are so cruelly treated when their owners have finished with them.

These amendments in the bill concerning taking the muzzles off greyhounds are important as it enables them to be exercised in areas with other dogs. Greyhounds should be free to be exercised in appropriate designated spaces like all other dogs. When they are socialised correctly, they are an incredibly gentle breed, despite the terrible treatment that racing greyhounds have received in their previous life. They live out beautiful lives with people who care for them, so we support the amendment that allows for greyhounds to be exercised in designated areas with other dogs. That is overdue and very important. We also reiterate the call that Animal Liberation Tasmania makes to strongly legislate for the control of domestic cats. I will be making more comments on the clauses in the Committee stage of the bill.

[2.50 p.m.]

Ms ARCHER (Clark - Minister for Racing) - Mr Deputy Speaker, I wanted to make a short contribution as the Racing minister in relation to this bill and specifically the aspects that will benefit retired greyhounds, following on from the debate we had earlier in the day on the matter of public importance in relation to the issue of animal cruelty. I was able to inform the House in relation to our Greyhound Adoption Program and the purchase of a facility for the extension of GAP. I will go into that in greater detail towards the end of my contribution to wrap it up.

I wanted to note that, as other members in the House have done, this bill will amend section 18 to improve ambiguity and explicitly state the original intent that the provision applies to the effective control of greyhounds in both a public place and on private premises. Section 18 will be amended to allow greyhounds to be exercised in a declared off-lead area. This will provide councils with the discretion to allow for and set conditions around the exercise of greyhounds in the same manner as all other dog breeds.

Section 18 will be further amended to provide that greyhounds are under effective control when off-lead on any private premises so long as they are securely confined to those premises. These provisions expand on our Government's commitment towards greyhound welfare. The greyhound racing industry is very important to Tasmania, as I have said on a number of occasions in this House, as is the whole of the racing industry. It is a \$100 million industry to our Tasmanian economy and the whole of the racing industry employs, or those who participate in it, around 5000 Tasmanians, largely in many of our regional communities.

It is very important to Tasmania and contains many hundreds of dedicated participants, specifically in the greyhound industry, who greatly care for their dogs. At the last election we committed to enhancing welfare measures across all three racing codes, including providing an additional \$100 000 a year to the Greyhound Adoption Program and \$30 000 to the Brightside Farm Sanctuary for its retired greyhound work, and I would like to thank them for their continued efforts. They have received two lots of funding.

As I mentioned earlier in the House today, Tasmania's first-ever dedicated greyhound rehoming facility will be situated in Mangalore in the south of Tasmania. The facility will be used to continue to run Tasmania's Greyhound Adoption Program. GAP operates based on protocols which have been adopted nationally to best care for retired greyhounds and ensure their new owners understand their obligations. These protocols include behavioural assessments to ensure that a retired greyhound is suitable to be placed in a family home and be a part of the community. We heard from the member for Braddon, Mrs Rylah, in relation to them having an adopted greyhound in their family and they do make wonderful pets.

The dedicated facility, which will be owned and operated by Tasracing, will allow public access, enabling GAP to better demonstrate to the community the suitability of greyhounds as pets. It will also immediately allow Tasracing to increase capacity for GAP greyhounds from 23 to 54 and provide an emergency shelter option as well. Tasracing's goal is to reach a rehoming target of more than 150 greyhounds annually.

The selection of Mangalore Kennels as the site to home GAP from January next year followed a formal expressions of interest process and the owners of the Mangalore Kennels came forward to sell their property. As part of the negotiation process the kennel owners were offered the opportunity to remain on site as GAP facility caretakers, an offer that was gladly accepted, I am advised, and the facility is expected to be fully operational in January 2020. Just to allay any concerns, I believe the kennels will fulfil their current bookings, hence the reason there will be that transition period and there are some minor works that need to be carried out as well, but the beauty of taking over from a kennel facility is that not much needs to occur because it already caters for looking after and homing dogs.

I should also mention that in December 2018 the Tasmanian Government announced that greyhounds which have been accredited through either GAP or Brightside Farm Sanctuary can go muzzle-free in public. Greyhounds can be wonderful placid pets and we believe that every retired

greyhound should have the opportunity to go muzzle-free in public provided they have undergone appropriate medical and behavioural assessments.

Following amendments to the Dog Control Act 2000 in late last year, the Director of Racing approved the Greyhound Adoption Program and Brightside Farm Sanctuary to assess and approve greyhounds to be unmuzzled in public and this was great news for both current and future greyhound owners and assists in the industry's ongoing efforts to have as many greyhounds rehomed as possible.

Finally, I take this opportunity to acknowledge the passion and commitment of other greyhound rehoming organisations and the many GAP families who do a tremendous job caring for their adopted dogs. I have had the opportunity to meet many of them and their dogs and I can attest to the fact that they are incredibly placid to the point where they actually are quite lazy. Mrs Rylah is nodding. It struck me how lazy they were, in fact.

Mrs Rylah - Until they get excited.

Ms ARCHER - Yes, it is really quite extraordinary. I mean that in an affectionate sense if anybody is reading the *Hansard* after I say this. They are quite docile and lazy and sort of flop at your feet. I particularly thank those people who have taken on a greyhound pet. I know they will all welcome the measures within this bill providing the opportunity for off-leash greyhound areas. It will make it a lot easier for them. I am sure they will be working with their local councils to help identify potential sites as well.

I thank the Minister for Local Government, Mr Shelton, for his work on this bill. I am in support of the industry as well and its commitment to welfare and confirm our ongoing commitment to the welfare of greyhounds. This bill also deals with little penguins, which other members have adequately addressed. I thought I would stand up as Racing minister and make that very small contribution to highlight the importance of the work being done in relation to our retired greyhounds.

[2.58 p.m.]

Mr SHELTON (Lyons - Minister for Local Government) - Mr Deputy Speaker, I rise to sum up on the second reading speech and thank the members who have contributed to this debate and put questions on this important bill. I will now attempt to provide to a reasonable level the responses that are required in order to clarify some of the points that have been raised in the debate.

I will start by outlining what the Government is doing in relation to community and stakeholder education and engagement regarding dog ownership. This is an important part of the whole process. It is about education. There are significant fines in the bill but it is all about making sure that the owners are responsible and therefore are educated in what is a reasonable attitude towards being a responsible dog owner. The Government is working closely with local government to identify the best ways of delivering information to dog owners, visitors and the broader community.

Part of this process has been to develop a communication plan to address the proposed legislative changes we are discussing here today and a range of other matters relating to responsible dog ownership in a broader sense. The communication plan outlines the communication approach and stakeholder action needed to achieve the following objectives -

- improving awareness of the status of little penguins and the threat affected little penguin colonies;
- promoting actions already being taken by the Tasmanian Government in response to recent dog attacks on little penguins, which I will outline in a moment;
- improving the understanding and existing management actions undertaken by the government to monitor and protect little penguins;
- increasing DPIPWEs engagement with local government through the Natural Cultural Heritage Division of the Parks and Wildlife Service;
- promoting the protection of sensitive wildlife through responsible dog ownership including communicating new arrangements, which are these tougher penalties under this Dog Control Act 2000;
- working collaboratively with the Tasmanian Penguin Advisory Group to consider whether any additional monitoring and protection measures are appropriate to little penguins; and
- looking to update the communication plan in the first quarter of 2020 to reflect any such changes.

As had been noted by my colleague, Mr Barnett, the Tasmanian Penguin Advisory Group contains a range of stakeholders including species experts, one of whom is Dr Eric Woehler. The contribution of all members of the advisory group is very much appreciated. I notice that one of the previous contributors to the debate, Dr Woodruff, mentioned the 'dear doctor' and I do not know whether she knew that he was a member of the advisory group.

Dr Woodruff - Yes, I do, thanks.

Mr SHELTON - In relation to the question regarding efforts and resources toward the compliance and enforcement and protection of little penguins - Ms Dow raised this and so did Ms O'Connor - the Government believes that the increase in penalties will act as a significant deterrent to irresponsible dog ownership. However, this is only one part of the Government's effort to protect sensitive species such as little penguins. To promote the message of responsible dog ownership, I and my colleague, Mr Barnett, have written to each of the coastal councils emphasising the important role that they can play in protecting little penguins, as well as commending them on the actions they have taken as a result of the recent attacks.

Where an attack on little penguins occurs, government enforcement and compliance officers from the Department of Primary Industries, Parks, Water and the Environment work closely with local government animal control officers to investigate each incident. The Natural and Cultural Heritage Division has six investigators and enforcement officers with responsibility for investigating possible offences under at least 14 acts. These officers also play a key role in public education and compliance. Around 80 authorised Parks and Wildlife rangers are also operating around the state and can respond to and investigate suspected dog attacks on sensitive wildlife. Investigations may also involve consultation and cooperation with Tasmania Police.

The Government has also established the Tasmanian Penguin Advisory Group to provide expert advice on the matter relating to little penguin conservation and management. This group is supporting the government-funded little penguin conservation project under development by the Cradle Coast NRM. This project will deliver a training and survey toolkit for community groups and land managers that can be authorised for a statewide assessment of the status of penguin colonies and threats. Where the risk assessment identifies dog attacks as a threat, colony-specific mitigation actions will be considered. These may include things such as the use of permanent surveillance cameras as well as public education activities, such as the erection of signage and the provision of information to the dog owners reminding them of their legal responsibilities.

The Government's compliance team with DPIW has installed motion-sensing cameras at colony sites following attacks on little penguins with the aim of detecting any further dog incursions. Images of dogs captured on motion-sensitive cameras can assist in identifying the breed of dog, and image metadata, including time and location of image captured, can provide additional information to assist with investigations. In general, these camera types provide a higher-quality image and video than a fixed CCTV camera option.

In relation to the identification and prosecution of offending dogs and their owners, again Ms Dow and Ms O'Connor identified this, members stated during their contributions that no offending animals or their owners had been caught in relation to recent attacks on little penguins. I understand authorised council officers have issued two infringement notices under the Dog Control Act relating to recent attacks. One of these was at George Town on 8 June 2018, and one at Bicheno in December 2018. An infringement notice was also issued by George Town Council in November 2017 for an earlier incident involving a dog attack on penguins. The department investigation and enforcement officers have assisted with these investigations.

In relation to a query regarding the rationale of adequacy of the penalties, raised on a couple of occasions, the bill will significantly increase the penalties that apply to dog owners who commit offences under the act. Under the new provisions, attacks on sensitive wildlife are considered serious and a maximum penalty of 30 penalty units will apply, that is \$5040. The level of this penalty was carefully considered to be suitably higher than the existing penalty of 20 units, 50 per cent more, applying to owners and not so high so as to exceed the offence of a serious attack by a dog on a person.

In addition, a court may order the owner who has been found guilty of an offence under the relevant section to pay all reasonable costs incurred from the collection and analysis of the sample as well as for the damage caused or costs incurred as a result of the conduct of the dog in relationship to the commissioning of the offence. Those fines can be cumulative and add up to a significant amount. This can include the medical and other costs associated with rehabilitating injured or orphaned penguins. The court is also provided with the power to order the dog be destroyed. The dog owner may also be charged with a number of other offences under the act if they have offended under these sections. Offences may include the dog being at large, the dog being found in a prohibited area or a number of other offences relating to registration and ownership details.

Ms Dow asked of the impacts of cats on penguin colonies. While acknowledging this debate is on the Dog Control Amendment Bill, I understand that Mr Barnett will be moving amendments to the Cat Management Act 2009 before the end of the year. Proposed amendments to the Cat Management Act that will improve the protection of wildlife include the desexing of all cats by the age of four months, a limit on the number of cats allowed at a property unless the resident is a

registered breeder or has permit to keep additional cats, and allowing private property owners to trap and seize cats.

Dr Woodruff - But it's pathetically small. You've missed the main thing. You've got to keep cats confined. It's the only way. Why do cats get to roam around and dogs don't? It's crazy.

Mr SHELTON - Responsible cat owners -

Dr Woodruff - What about all the dumped cats?

Mr DEPUTY SPEAKER - Order.

Mr SHELTON - We can debate that bill when it arrives, Dr Woodruff. Local government councils also already have the power to implement their own by-laws to manage cats, as has been undertaken by Kingborough Council through the Bruny Island cat by-law. The by-law provides a number of provisions that manage cats for the protection of wildlife on the island, such as limiting the ownership of cats on any premises to two without a permit requiring the registration of cats, and stipulating that the owner must ensure their cats are not at large.

In relation to the question of whether the bill has any potential impacts on the availability of dog exercise areas, I can confirm that councils will still have responsibility for dog management matters, including the declaration of exercise areas, restricted areas and prohibited areas. In making these decisions, councils have to balance the needs of dog owners and the potential impacts of dogs on public amenity and/or the environmental values in their local communities. The provisions in this bill do not change these arrangements. The act sets out a mandated consultation and review process for declaring areas as exercise areas, restricted areas or prohibited areas, so local communities will continue to have a say in dog management matters in their municipality.

I can confirm that the establishment of off-leash exercise areas for greyhounds will be at the discretion of individual councils. At a practical level, an off-leash exercise area that caters for greyhounds could, for example, be in the form of a dedicated fenced area for greyhounds only or, alternatively, allow specific times for greyhounds to use an existing exercise area. This approach has been taken in response to strong feedback from the local government sector on this and this is consistent with the current approach to other dog management matters, including the declaration of all other dog exercise areas. It will be a matter for councils to resolve through consultation with stakeholders and their local communities as to how they wish to approach the off-leash exercise areas for greyhounds, as they do currently through their broader dog management policies and the declared processes. It is important that councils are given a level of discretion because, as Ms Dow noted, the establishment of an exercise area for greyhounds may have cost implications.

In relation to the question as to whether greyhounds need to be muzzled and on a lead when in a declared exercise area, section 18 provides each of the different scenarios in which a greyhound may be considered to be under effective control. The amendments in section 18 provides that one of these scenarios will now be where a greyhound is being exercised in a declared area in line with the conditions set by council.

In relation to Ms Dow's specific question regarding section 18(1)(a)(ii), I will clarify that the condition that applies to greyhounds in areas where they are permitted to exercise in an off-leash area will be a matter for individual councils to determine. For example, councils will be able to determine whether the greyhound will still need to be muzzled when exercising off-leash, as well

as other factors, such as the number of dogs at any one time in the exercise area. In public places, except these declared exercise areas, greyhounds will still need to be on leash and wear a muzzle if they have not passed an accredited assessment program.

On the definition of greyhound, it is not considered necessary or practical to include in the act a separate definition for greyhounds. Greyhounds are a well-recognised purebreed dog and lineage is closely tracked by breeders because of their use in racing. Dog breeds are not considered separate species so they do not have unique scientific names that can be used in legislation. All of the named breeds within the act are referred to by their breed names, without any additional definition.

All dogs over six months of age are required by law to be microchipped and the regulations will require that the dog breed is to be entered into the approved microchipped database. Greyhounds rehomed by the Greyhound Adoption Program are already microchipped and registered to their new owner as part of the adoption process so they can be readily identified as a greyhound when their microchip is scanned.

As to the relationship regarding assistance animals in Tasmania, both the Guide Dog and Hearing Dog act 1967 and the existing Dog Control Act 2000 contain provisions relating to guide and hearing dogs. Currently these pieces of legislation do not cover companion or assistance animals. However, the Australian Government Disability Discrimination Act 1992 applies in Tasmania, which does cover assistance animals.

The Tasmanian Government is currently actively participating in a national working group through the Department of Communities. The working group have focused on achieving a nationally consistent approach towards assistance dogs in order to alleviate the barriers around training, recognition, accreditation, identification and travel between jurisdictions.

A nationally consistent approach will reduce the confusion regarding regulations and allow for consistent messaging and training in relation to assistance animals. If it is considered necessary to incorporate assistance dogs in Tasmanian legislation, it will be more appropriate to take a holistic approach to amend the legislative framework pursuant to the national effort, rather than taking an ad hoc approach within the Dog Control Act at this point.

In relation to Ms O'Connor's comments on racing animals, I note that the proposed amendments in the bill are designed to further support and encourage the rehoming of ex-racing greyhounds. They build on the changes passed in 2017 to allow accredited dogs to go unmuzzled in public. Removing the stigma around this gentle breed will encourage more people to adopt ex-racing hounds as pets, which I am sure we can all agree is a positive outcome.

To a question from Dr Woodruff - and this is talking about the severity within the bill. If a dog is found to have caused serious injury to a person or another animal, the general manager of the local council may declare that dog to be a dangerous dog. If a dangerous dog attacks or bites a person or animal, the owner can be fined 30 penalty units and/or imprisoned for one month.

I am wondering would they be imprisoned in the northern prison or where would they be imprisoned? Anyway, that is another story for another day.

The owner of the dog that subsequently attacks any animal or person is guilty of an offence and may be sentenced to a term of imprisonment not exceeding 12 months. Where convicted a

person is also banned from owning, or being in charge of, a dog for five years. In that respect there are some very serious outcomes for a dog owner that does not do the right thing.

On some changes to section 7, the Office of Parliamentary Counsel has advised that the current language may cause confusion as to the intended application of this provision. I understand that some councils have interpreted section 7 to mean that all declared areas must be included as part of their dog-management policy and that any change to a declared area will therefore trigger a review of the entire policy. Many councils adopt a practice of including a list of all their declared areas in their dog-management policy. However, the formal process of making a declaration under the act is separate to the making of the policy. The amendment simply clarifies that a council can resolve to make a new declaration without having to also remake and consult on the entire dog-management policy.

I believe I have just about covered all the aspects of the questions and the comments. Dr Woodruff also had one about penalties and education. It has always been my view that education is far better than being punitive. The penalty has been carefully looked at and it has been increased to encourage dog owners to be responsible, or otherwise they will suffer a \$5040 fine. But the education process is vital to informing the whole community about the policy and informing dog owners of their responsibilities. Councils also have a responsibility within their own communities. We will work together with councils to determine the most appropriate work going forward on this specific area.

I note that there is no doubt that most of these attacks have been round populated areas. The probability says that they are dog attacks. I highlight to the House the possibility that a native quoll could attack these animals as well. We talk about dog attacks but anybody who has had a chook house know that if one morning they find all their chooks no longer exist, there are other possibilities. That is all I would like to put on the table. I am wondering if penguins were killed by a quoll if we would not be penalising them.

Dr Woodruff - Your Government permits the culling of native wildlife in Tasmania in their hundreds of thousands a year. You are already off the leash allowing land owners to shoot pretty much anything they want to. You are more than doing your job in decreasing the native quoll population by your policies and so do not go down that road, Mr Shelton. It is a pathetic argument. It belittles you and belittles the topic.

Mr SHELTON - I believe I am a reasonable person. I feel that there is good in everybody, even irresponsible dog owners. I believe that a fine and education will satisfy the community that we are doing all that we can to protect our animals. One day, we will see where the good comes from the Greens. We live in hope. Through education and, in some cases, fines, we will encourage people to do the right thing. I commend the bill to the House.

Bill read the second time.

DOG CONTROL COMMITTEE AMENDMENT BILL 2019 (No. 43)

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -

Section 7 amended (Dog management policy)

Dr WOODRUFF - A comment was made by Clarence City Council in their feedback on the bill in relation to the making of dog management policies, which is as prescribed in clause 4 -

Section 7 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) ', make' after 'develop';

In the Dog Control Act 2000 section 7, Dog Management Policy -

- (1) a council is to develop and implement a policy relating to dog management in its municipal area.

Clearly the purpose of this is to go one step further and require that a policy is made. The Clarence City Council supports that. Their suggestion is that the section should require a council to publish a schedule of declared areas. In their experience most dog owners simply want to know where they can and cannot take their dog.

I would like to hear from the minister why this really sensible suggestion was not taken up. It seems to be very small. I do not quite understand. There are quite a lot of small simple changes in the submission that were not adopted. I am not sure whether it is the practice of government to put out consultation processes and take no notice at all of what people have said, but there are some pretty simple effective changes that were proposed in the consultation process that were not adopted in this final bill before us. This is one of them.

Clause 4 could have been amended to '(a) by inserting in subsection (1) "make and publish" after "develop"'. Instead it just says 'make'. Can I know why the minister did not adopt that sensible change?

[3.30 p.m.]

Mr SHELTON - It is a requirement that they consult when developing their policies. There is a lot of discretion for council in how they go about these processes. In a typical planning process, they have to develop a policy and that policy requires that they communicate and take submissions about their policy, and in declaring areas they do need to be publicised.

Dr WOODRUFF - You are saying that it is already a requirement for the council to publish these areas? Are you saying there is no need to add this change in because they are already required, they are mandated to do that particular thing, not only in the general policy but they are specifically required to publish that in a clear form so that people can look it up?

Mr SHELTON - Like most local government situations, in developing the policy it is a requirement that they communicate and take submissions from the public. They take submissions from the public about their designated areas, then it will be a matter of good policy to allow that to be published. It would not be prescriptive, so there is discretion for individual councils to decide how they communicate to their community. In order for the dog owners of the area to use these exercise areas, the councils will need to communicate to their community in some way to tell them where they are.

Clause 4 agreed to.

Clause 5 -

Section 18 amended (Effective control of greyhounds)

Dr WOODRUFF - Although we welcome the amendment this clause proposes, it contributes to a narrative about greyhound dogs being dangerous and there is no evidence for that position. It is the case that so many different breeds of dogs are potentially dangerous. When my children were young, we experienced dogs rushing up and biting many times. My child was bitten twice in a public place by a dog that went rogue. It was certainly not a greyhound and not a so-called listed 'dangerous' breed.

Additional restrictions already apply to greyhounds under this section and, even if an approved greyhound suitability program has been completed, it is a requirement that the greyhound suitability program is undertaken. Even so, there is still this narrative. Our recommendation would be that, at a minimum, greyhounds that have completed an approved greyhound suitability program should not be subject to any additional restrictions that do not apply to all other dog breeds. All other dog breeds are potentially dangerous dogs in certain circumstances and individual dogs all vary widely in how they respond in a situation. We are concerned that this perpetuates the position that does not have evidence behind it, that greyhounds, once they have passed an approved greyhound suitability program, still remain a dog that needs to be treated differently from other dogs.

Mr SHELTON - The main reason for this is to protect greyhounds from injury. Ex-racing greyhounds, in particular, can run at speeds of 60 kilometres an hour and have been trained in such a way that they do not typically have a strong sense of recall. Submissions to the Government from the greyhound advocate groups have highlighted these facts. When suggesting the types of special conditions that should be placed around the establishment of greyhound exercise areas by councils, it is also my understanding that the greyhound accreditation programs do not typically assess recall as part of certifying that a greyhound is safe to go without muzzles and that including such an assessment may not be desirable.

Clause 5 agreed to.

Clauses 6 and 7 agreed to.

Clause 8 -

Sections 19AB and 19AC inserted

Dr WOODRUFF - There were a number of comments made by local councils in their joint submission through the Local Government Association of Tasmania. I want to go to proposed section 19AC, Collection of sample by an authorised officer. Can the minister please clarify?

We have some questions about proposed section 19AC. Proposed clause 8, 19AC(1), allows for an authorised officer to personally collect a sample if they believe on reasonable grounds the dog in question was involved in an offence. Proposed clause 8, 19AC(2) allows for an authorised officer to request the general manager to organise the collection of a sample from any dog, regardless of whether there is evidence the dog in question committed the offence. This sounds like a prudent measure and it allows for the testing of a range of dogs in circumstances in which there might not be evidence of a specific dog being involved in an offence. It is important to provide clarity around this. In many circumstances it will not necessarily be clear that a particular dog is

being fingered with having caused an attack. It might be two or three dogs and we would like to understand whether it is your intention that the general manager can authorise the collection of a sample from multiple dogs at the same time.

Mr SHELTON - It would be my general comment at this stage that dogs run together at times and if there has been an occurrence and a dog is with others when the ranger or nature conservation ranger has come across the dogs, one way of excluding an innocent dog would be to take a sample. I will further clarify. Part of the act says there is nothing to prevent rangers from taking samples from multiple dogs. Are you asking that there should be?

Dr WOODRUFF - I am asking to make sure it is clear that it is possible to request that samples are taken from multiple dogs, not just one dog.

Mr SHELTON - It is possible for samples to be taken from multiple dogs.

Dr WOODRUFF - Great. Further on proposed section 19AC, looking at the comments that were made by Latrobe and Kentish councils, they raised concerns about the lack of detail and clarity they felt around the definition of 'authorised officer' and the authority of an animal control officer in state reserves. In circumstances where police and rangers are not in attendance, they noted that an authorised officer under the Nature Conservation Act 2002, section 3(1) expressly states, 'a police officer or a ranger', but would this apply to an animal control officer as an authorised officer in this amendment bill in this context?

Also, since I cannot stand up again, Kingborough Council thought that 'authorised person' should not be omitted from the provisions and they suggested that 'an authorised person' be inserted after 'an authorised officer'. That is in proposed section 19AC(1). They are asking for clarity about who is an authorised officer and whether an authorised officer ought to be properly referred to as an authorised person. Could you please discuss that?

Mr SHELTON - As to the distinction between the two, 'an authorised person' can be a council officer, dog control officer and so on. The distinction is when a ranger or a police officer has the ability to take a sample from a dog without the general manager's consent. There are two different sets of people. One is an authorised officer dealing under the council regulations and the other is an authorised officer who has the authority to take that sample without the general manager's consent.

Dr Woodruff - Through you, Chair, perhaps this is something that might be discussed with members in the other place, because I believe that although that is the case, the general manager, under Part 3, is still only able to receive a request under subsection (2). It seems to be too narrow. It does not seem to enable the opportunity for authorised persons in council to ask the general manager for that power to request those samples be taken. There is still some lack of clarity here that could be discussed with members in the other place if they felt that was something they wanted to get a briefing on.

Clause 8 agreed to.

Clause 9 agreed to and bill taken through remaining stages.

Bill read the third time.

JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019 (No. 39)

Second Reading

[3.48 p.m.]

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

That the bill be now read the second time.

The Government is committed to ensuring that Tasmanians have access to an effective and efficient justice system. Consistent with that commitment, this bill makes minor amendments to three acts commonly used by the courts. These amendments will clarify or improve the operation of the respective acts.

I will now briefly outline the reason behind the changes.

Amendments to the Sentencing Act 1997

Part 5A of the Sentencing Act 1997 introduced the new sentencing option of a home detention order, ensuring there is a broader range of appropriate sentencing options for the courts to apply depending on the seriousness of the crime or offence committed.

Home detention orders require an offender to be at a specified premises, during specified times, and to comply with strict conditions, including electronic monitoring. The courts have embraced this sentencing option and, as at 1 September 2019, there have been 48 home detention orders made.

With these provisions now increasingly in use, the Chief Magistrate has requested some minor amendments relating to procedural aspects of home detention orders, in particular the section in Part 5A of the Sentencing Act 1997 that sets out various powers to arrest offenders who are subject to home detention orders.

Currently a court can issue a warrant to arrest an offender where the offender fails to appear as required, or where reasonable efforts have been made to serve an offender with an application. The court may also issue a warrant to arrest an offender to whom a home detention order relates if the offender has failed to comply with a condition of the order referred to in section 42AE(1) of the Sentencing Act 1997.

In accordance with section 42AL(4), the police may arrest an offender subject to a home detention order, if the police officer believes on reasonable grounds that the offender has breached, is breaching or is about to breach a condition of the order.

While the Sentencing Act 1997 does provide a process for offenders arrested by police, the act is silent on what occurs after the arrest on a warrant. However, the Criminal Law (Detention and Interrogation) Act 1995 requires the offender who is under lawful arrest by warrant or under the provisions of any act to be brought before a magistrate or a justice as soon as practicable, unless the person is released.

If a person is arrested for an offence and brought before a justice, a justice has, subject to some exceptions not relevant for current purposes, powers under the Justices Act 1959 to grant or refuse bail to the person. However, people arrested under a warrant issued by a court are not necessarily

arrested for 'an offence'. For example, the warrant might be issued for failing to appear as required, or for breaching a condition of an order. Therefore, the provisions of the Justices Act 1959 providing a single justice with the power to grant or refuse bail for an offence would not apply for an offender arrested on a warrant under the home detention order arrest provisions.

The effect of the current provisions means that there may be increased time in custody if an offender is arrested out of hours. While the offender would still be required to appear before a single justice in an after-hours court, the justice would have no power to admit the offender to bail or remand the offender. This results in inefficiencies within the system.

This bill addresses this situation by providing a justice the power to bail or remand an offender who has been arrested. This additional power only applies to an order made by a magistrate. A person who is subject to a home detention order made by a judge must be taken before a judge, as it is appropriate for the jurisdiction that made the original order to make decisions in regard to any subsequent action.

This bill also provides clarifying provisions in relation to the procedure when a person subject to a home detention order is arrested by police.

The bill also amends section 44 of the Sentencing Act 1997, as requested by the Chief Justice. At present section 44 provides that 'a court that orders an offender to pay a fine must also order that the fine be paid within 28 days'. The act is silent as to when payment is required in a situation where a court imposes a fine but makes no order as to the period of payment. This bill addresses this by allowing a default period to apply to the payment of fines ordered by a court in the event that a court does not specify the time frame. This provides clarity for those being sentenced and removes any doubt over when enforcement action can be commenced.

Amendment to the Criminal Code Act 1924

The Director of Public Prosecutions has requested the amendment to section 401 of the Criminal Code Act 1924 to provide the power to allow an appeal of an order deferring sentence. This amendment will make the Crown's appeal rights for deferred sentences consistent with those for other sentences that can be imposed under the Sentencing Act 1997, as well as with how deferred sentences are dealt with in some other Australian jurisdictions.

The ability to defer sentencing is an effective tool for the courts to assist certain offenders to take steps towards their rehabilitation, such as drug or alcohol treatment, prior to finalising sentencing. The power to appeal an order deferring sentencing provides an appropriate balance to review if, for example, an order does not include adequate oversight to ensure community safety.

Amendment to the Criminal Law (Detention and Interrogation) Act 1995

The Chief Justice has requested an amendment to section 4 of the Criminal Law (Detention and Interrogation) Act 1995 to ensure that the current practice where a person arrested under a Supreme Court warrant is taken directly to the Supreme Court is reflected in legislation.

At present section 4(1) of the Criminal Law (Detention and Interrogation) Act 1995 provides that:

Subject to subsection (2), every person taken into custody must be brought before a magistrate or a justice as soon as practicable after being taken into custody, unless released unconditionally or released under subsection (3) or subsection (5), or under section 34 of the Justices Act 1959.

Judges routinely issue warrants for the arrest of accused people and witnesses who have failed to attend the Supreme Court. In practice, it appears that a person who is arrested pursuant to a Supreme Court warrant is not taken before a magistrate or justice, and is instead brought before a judge as soon as practicable.

A concern has been raised that a literal interpretation of section 4(1) of the Criminal Law (Detention and Interrogation) Act 1995 may be read as to apply to individuals arrested pursuant to Supreme Court warrants. Supreme Court proceedings would be delayed unnecessarily if, instead of being brought by police directly to the Supreme Court on an arrest warrant, a person was first brought before a magistrate or a justice. Bringing a person arrested on a Supreme Court warrant before a magistrate or justice could potentially result in longer trials and unnecessary delays.

Magistrates and justices appear to have no powers to remand or bail a person arrested on a warrant issued by a judge, so a requirement that a person be brought before a magistrate or justice appears to serve little purpose. At times it would delay, and create unnecessary work for both courts. To address the concern that has been raised, this bill amends the Criminal Law (Detention and Interrogation) Act 1995 to expressly provide that section 4 does not apply to persons taken into custody pursuant to arrest warrants issued by judges of the Supreme Court.

It is important for both the courts and those that use them that there is certainty in how the law is to be applied. The amendments in this bill provide for that.

I commend the bill to the House.

[3.58 p.m.]

Ms HADDAD (Clark) - Mr Deputy Speaker, I rise today to comment on the Justice Legislation Miscellaneous Amendments Bill 2019 and indicate, unsurprisingly hopefully, that the Opposition will be supporting this bill.

It makes simple and necessary administrative changes that have been requested by the Chief Justice and the Chief Magistrate and possibly others who are users of this legislation. I will address each of the changes made and provide some brief comments.

First of all, the changes that the bill makes to the Sentencing Act 1997. It is clear that since the home detention scheme commenced that changes were needed to deal with situations where people on home detention orders are arrested out of standard court hours. The current law allows for a court to issue a warrant for the arrest of someone on a home detention order if they fail to appear or if they fail to comply with a condition of the order. Police are also able to arrest someone who is on a home detention order if they believe on reasonable grounds that the offender has breached or is about to breach a condition of the order.

The problem that arises in the current law is an issue of wording. The act provides instructions on what happens when someone is arrested by police but not on what happens when someone is arrested following an issue of a warrant by the court. While there is clarity on what happens if someone is arrested for an offence, someone arrested following the issue of a warrant from the court

in these circumstances may not have actually been arrested for an offence. They may have been arrested for failing to appear or for breaching a condition of their home detention order. In other words, not arrested for an offence per se.

As the minister explained in her second reading speech, the practical effect of this means that there may be increased time in custody if a person on a home detention order is arrested following a warrant from the court but out of hours.

The person arrested would still be able to appear before a justice in an out-of-hours court session but due to the current wording in the act the justice would not have the capacity to release the offender on bail or to remand the offender. This creates inequalities, inequities and the likelihood of people being detained in custody for longer periods of time than they otherwise would. The changes in the bill empower a justice the ability to bail or remand an offender on a home detention order arrested in those circumstances. There are also similar changes clarifying these procedures where a person on a home detention order is arrested by police rather than following a warrant issued by the court.

The next change made to the Sentencing Act concerns what happens when a court orders an offender to pay a fine. In some circumstances currently, if a judge or a magistrate making an order for someone to pay a fine does not explicitly outline a period of payment, then the default time frame of 28 days applies. This change will provide clarity and remove doubt as to when orders for payments must be complied with and when action can be taken if offenders do not comply with an order to make payment.

The bill also makes changes to the Criminal Law (Detention and Interrogation) Act 1995, which are simple and follow a request from the Chief Justice. As described by the minister, current practice when a person is arrested under a warrant from the Supreme Court, the person is taken directly to the Supreme Court. While this is current practice, it is not explicitly provided for in this way in legislation.

The Chief Justice raised the concern that a literal interpretation of the relevant section of the act may see a person, arrested on warrant from the Supreme Court, could be brought before a judge 'as soon as practicable', which is the wording used in that relevant section, rather than immediately as is current practice for those arrested on a warrant. This could lead to unnecessary court delays. The bill therefore amends this to expressly provide that section 4 - the section that deals with bringing somebody before a judge as soon as practicable - does not apply to people taken into custody following a warrant issued by the Supreme Court.

I will now address the changes that the bill makes to the Criminal Code Act 1924. The bill amends the code to allow appeals to be made against an order deferring sentence. Members would understand that when the court makes an order to sentence an offender found guilty of an offence, the prosecution can appeal that sentence on a range of grounds. However, where a court makes an order that a sentence be deferred - to be made at a later date, once other particular conditions as directed by the court are satisfied - typically, an order to defer sentence is made so that an offender can take part in a rehabilitative or pre-sentence program. In those circumstances, the Director of Public Prosecutions is unable to appeal that decision of the court. The conditions that are put in place when an order is made to defer sentence are usually programs that would improve the offender's rehabilitative prospects and they would be taken into account once a final sentencing decision is made.

It is important to note this is not the same as somebody being sentenced into a diversionary program where the program itself becomes the sentence, but rather the sentencing decision itself is deferred or put off in order for the offender to perform certain steps or conditions, to then return to the court at a later date for sentencing.

As the Attorney-General described in her second reading speech, the change has been requested by the DPP; however, it is the only part of the bill that has received some concern from community submissions. In their submission to the community consultation on this bill, the Tasmanian Women Lawyers Association expressed concern about this change. I will read from their contribution to the community consultation. Before I do so, I thank the Attorney-General, her department and her office for the briefing I received on this bill. I believe that the concerns outlined in the Tasmanian Women Lawyers contribution have been considered, but I thought for due process it would be prudent to read the relevant part of their submission in order to allow the Attorney-General the opportunity to address those concerns directly to the *Hansard*.

Ms Archer - Did you say Women Lawyers?

Ms HADDAD - I just said that from your briefing with the department and your office, I am satisfied that the concerns raised have been dealt with.

Ms Archer - Right.

Ms HADDAD - I thought it right to read the relevant part of their submission, to provide the opportunity for you to make that clear on *Hansard* and explain, for any future legislative interpretive purposes, the intent of the change.

They noted with concern this proposed reform to a grant of a right of appeal to a decision of the Supreme Court to exercise its discretion with respect to deferring sentence, and they explained that a deferral of sentence means that the matter is not finalised and cannot be appealed at present. They believe this is the correct legal approach and the Crown is entitled to make submissions as to the appropriate sentence and the circumstances of each case, according to section 80.

The court may only defer sentencing under strict conditions (section 57A(3) *Sentencing Act* 1997) and may only defer sentencing to allow the accused to participate in (or be assessed for participation in) a rehabilitative or pre-sentence program. While section 57(A)(2)(d) does give the Court some wider discretion to defer "for any other purpose that the court considers appropriate having regard to the offender and the circumstances of the offending" it is submitted that this wider discretion should be read in the context of the whole of that section in Part 8. The deferral of sentencing reforms were enacted when the Government was proposing to abolish suspended sentences, but since the Government has moved back from that position -

I am not sure if that is the case but these are their words -

this should be clear indication to the Judiciary has that deferred sentencing is not a substitute for a suspended sentence, and deferral should only be used for a therapeutic purpose. Arguably, deferral of sentence with no conditions geared towards a rehabilitative or therapeutic purpose is an appealable error of law within the existing appeal process.

As the proposed amendment currently stands, in order for an appeal of a decision to defer sentence to succeed, the Court of Criminal Appeal would need to:

- (a) make an assessment as to the defendant's likely rehabilitation trajectory if sentencing were deferred; and
- (b) having made such an assessment, decide that even if the defendant demonstrated complete rehabilitation, any sentence imposed taking that rehabilitation into account would lead to a manifestly inadequate result.

In effect, the proposed amendment interferes with the sentencing judge's discretion before it has been fully exercised.

They go on to provide some further background as to why they are concerned about this change. They say -

There is evidence that women offenders are more likely to receive rehabilitative type orders, such as community-based sentencing options, than terms of imprisonment.² Women with serious criminal matters or significant criminal history are far more likely to be vulnerable due to victimisation in their personal histories, as victims of childhood abuse, sexual and/or family violence, which has fed into adult psychosocial dysfunction and contributed to their criminal offending.³

It is important that this gendered difference to criminal offending pathology and sentencing responses is taken into account in law reform, to avoid unintended consequences for female offenders in the justice system, who may find themselves unable to access deferred sentencing programs if there is a greater reluctance (borne from a fear of being appealed), to use those methods by the Judiciary.

I will conclude reading from their submission there. I asked those questions in the briefing that I received from the department and my understanding is that those potential unintended consequences are not the intention of this change.

If the Attorney-General could add a little more detail, for the purposes of *Hansard*, to explain the background and the intention behind that specific change to the Criminal Code, and provide the parliament with any information, if it is appropriate to do so, about whether there have been circumstances in which it has been the DPPs wish to appeal a deferred sentence and where he has been unable to do so because of the way the law is written at the moment.

Could the Attorney-General also provide an indication as to whether there has been any research into it in preparing these amendments to the bill, whether there is an appetite or an intention to routinely appeal deferred sentencing decisions of the court, or whether there is an intention to continue to respect that decision of the court to defer sentence for particular purposes, programs or conditions to be met by offenders before a final sentencing decision is made?

With those comments I will conclude my submission, short as it was. Other than those concerns raised by Tasmanian Women Lawyers regarding changes to the ability to appeal decisions to defer

a sentence, the other changes in this bill are straightforward and receive the support of the Opposition.

[4.10 p.m.]

Dr WOODRUFF (Franklin) - Madam Deputy Speaker, the Greens support these miscellaneous amendments to the Sentencing Act, the Criminal Code Act and the Criminal Law (Detention and Interrogation) Act. I do not have any statements to make about them because they are non-controversial amendments and we appreciate that.

Section 44 of the Sentencing Act 1997 is being amended to provide a default period of 28 days within which fines are to be paid in the event that courts do not specify payment periods or payment deadlines, which is manifestly sensible to clear up what must have been an annoying anomaly or silence in the act that I am sure has created unnecessary paperwork for people in the past. It is good to clarify that.

The Criminal Code Act 1924 amendment to section 401, which widens the definition of a sentence so that an order for deferring a sentence of a person can be appealed by the Crown. The conversations I have had about this bill suggest this is an important change.

The amendment to section 42AL of the Sentencing Act 1997 provide a single justice with the power to remand or bail a person subject to a home detention order made by the magistrate when the person has been arrested. It means that people do not get stuck waiting for longer than they must over weekends and other periods. It enables them to come before a magistrate and for an order to be made in a timely fashion and is an important and welcome change.

We do not have any other comments to make on this bill and we look forward to the courts being more free-moving. There have been problems with people bouncing between different court jurisdictions and it seems as though some of these amendments will help make that process smoother and more timely and that is a welcome change.

[4.15 p.m.]

Mr TUCKER (Lyons) - Madam Deputy Speaker, as technical as they may seem, justice miscellaneous bills serve an important purpose. The fact is that legislation requires amending from time to time to ensure that it operates as intended. As the Attorney-General has indicated, those who know this legislation best have requested these amendments, and we would do well to listen to them. Senior legal figures such as the Chief Justice, the Chief Magistrate and the Director of Public Prosecutions are well placed to identify how best legislation may be amended. They see this legislation in action using it in a practical sense. This provides them with an important prospective from which to make these observations.

It is important that there is always certainty in how the law operates. However, the need for such certainty is heightened in the acts that this bill seeks to amend. Acts such as the Criminal Code Act and the Sentencing Act are fundamental to the operation of the state's criminal justice system. It is imperative for the courts, the legal profession and, importantly, for those that come before the courts, that there is no doubt over their operations.

As the Attorney-General noted in her second reading speech, these amendments will create certainty as to how the law is applied and that can only be a good thing. Of particular interest to me was the Attorney-General's observation that the provisions governing home detention are increasingly in use. Amendments regarding home detention as a sentencing option under the

Sentencing Act 1997 were passed in November 2017 and proclaimed in December 2018. Those amendments introduced home detention orders as a new sentencing option as part of the Hodgman Liberal Government's \$4.3 million a year commitment to alternative sentencing options.

The Department of Justice has a monitoring and compliance team in Community Corrections that provides 24-hour, seven-day a week monitoring of court-ordered offenders who have been tagged with a GPS ankle band. Under this sentencing option, magistrates and judges can request a pre-sentence assessment as to whether an offender is suitable for a home detention order. Once an assessment is supplied, the courts will consider whether it is appropriate to place an offender on a home detention order that will be monitored by Community Corrections. The Hodgman Liberal Government believes all Tasmanians deserve to live in safety and free from the impact of crime and these amendments will give the courts more sentencing options.

In recommending that home detention orders be introduced in Tasmania, the Sentencing Advisory Council observed that there are a number of benefits to home detention. Home detention allows the offender to remain in their community, with the advantage that it allows the offender to retain significant connections in the community such as employment, family relationships and public housing. This, it is argued, more effectively supports the reintegration and rehabilitation of offenders, while allowing the offender to avoid the negative influences of prison. This benefits not only the individual offender but also the community more generally by reducing recidivism.

I also commend the Attorney-General for bringing before the House amendments to the Criminal Code Act 1924 that will provide the DPP with the power to appeal a deferred sentencing order. It is entirely conceivable that a case may occur where an order is made where the DPP is of the view that an error has been made or that pursuing such a cause is manifestly inadequate in all of the circumstances. It is also important to recognise that all this gives is the power to appeal. It will remain for the Court of Criminal Appeal to determine if such an order was appropriate. Such a power is consistent with what occurs with other sentencing orders in Tasmania, as well as deferred sentences in other jurisdictions.

The introduction of deferred sentencing was also a recommendation of the Sentencing Advisory Council, who spoke of the benefits of such options. One, it allows the courts more time to assess the appropriate sentence for an offender, including in the case of conditional orders, the best mix of conditions; two, it gives offenders an opportunity to demonstrate their rehabilitation or their genuineness of their commitment to rehabilitation; three, it allows time for the offenders condition to be stabilised if an offender has other issues such as mental illness; and four, it provides for alternative processes to take place, such as restorative justice conferences and, where appropriate, to take these into account in sentencing.

Based on the experience in other jurisdictions that deferral was seen as a useful sentencing tool, the advantages outlined for the deferral of sentencing and the submissions received, the Sentencing Advisory Council's recommendation is that deferral of sentencing be extended to adult offenders. The council's view remains that Tasmania requires a range of flexible sentencing options to allow the court to respond to offenders and, accordingly, a power to defer should be available for all offenders.

The potential for a deferral of sentencing to allow an offender to address the causes of offending in order to participate in restorative justice programs allows the court to be better positioned to assess the offender's likely rehabilitation.

In order to provide time for such progress to be demonstrated based on the approach in New South Wales, Victoria, South Australia and the ACT, the council's recommendation is that the maximum period for deferral should generally be 12 months. This is on the basis that the council was concerned to prevent unduly long periods of deferral being imposed. This is also consistent with the provisions under the Youth Justice Act 1997. The council also considers that the court should have the power to review an offender's progress during the term of their deferral as a means of ensuring the credibility of the order by allowing the court to monitor for compliance.

The council is also mindful of concerns raised in relation to the potential for disadvantaged offenders to be further marginalised as a result of a lack of resources to assess rehabilitation services, and its recommendation is that appropriate support and services be made available for offenders who require financial assistance to access such services. There is also the potential to develop restorative justice programs for adult offenders in Tasmania. As the Attorney-General stated in her second reading speech, the amendment proposed by this bill will provide an appropriate balance to review if such an order does not include adequate oversight. This helps to ensure the safety of the community.

The Hodgman Liberal Government will invest more than \$35 million into the courts to ensure that Tasmania's have access to an effective and efficient justice system, as keeping Tasmanians safe is an integral part of our plan. Amendments to the Justice and Legislation Miscellaneous Amendments Bill will allow the courts to deliver more effective outcomes for the Tasmanian community through better information-sharing across government agencies.

[4.23 p.m.]

Mrs PETRUSMA (Franklin) - Madam Deputy Speaker, it is a pleasure to speak this afternoon on the Justice Legislation Miscellaneous Amendments Bill 2019. This Government is committed to ensuring that Tasmanians have access to an effective and efficient justice system, so I want to commend the Attorney-General and also thank our members from the department here today for all their work and bringing these amendments before parliament to help ensure that Tasmania's courts and the people that use them have certainty in how these laws operate.

I note that this bill proposes amendments to the Sentencing Act 1997 to provide a single justice with the power to remand or bail a person subject to a home detention order made by a magistrate if the person has been arrested. It also clarifies the arrest provisions in relation to a person who is subject to a home detention order. It also provides a default period of 28 days within which fines and monetary penalties are to be paid in the event that a court does not specify a payment deadline in an order.

I also note that the bill amends the Criminal Law (Detention and Interrogation) Act 1995 to specify that the requirement under section 4 for a person taken into custody to be brought before a justice or the magistrate does not apply to a person arrested under a Supreme Court warrant issued by a judge. I also note that this bill amends the Criminal Code Act 1924 to widen the definition of 'sentence' to enable an order deferring the sentence of the person to be appealable by the Crown.

As I indicated previously, an important amendment contained in this bill is to the Sentencing Act, which provides additional powers for justices to deal with a person brought before them on an alleged breach of a home detention order.

In regards to home detention, I acknowledge the community attorney for the legislation that was proclaimed in December last year to allow magistrates and judges to sentence suitable offenders

to home detention orders. This is because the Hodgman Liberal Government believes all Tasmanians deserve to live in safety and free from the impact of crime, including giving the courts more sentencing options. That is why last year's amendments to the Sentencing Act 1997, which introduced home detention orders under part 5A, as a new sentencing option, is part of the Hodgman Liberal Government's \$4.3 million a year commitment to alternative sentencing options.

Home detention orders require an offender to be at specified premises during specified times and to comply with strict conditions, including electronic monitoring. Magistrates and judges can request a pre-sentence assessment as to whether an offender is suitable for a home detention order. Once an assessment is supplied, the courts will consider whether it is appropriate to place an offender on a home detention order that will be monitored by Community Corrections.

As well, the Department of Justice also has in place a monitoring and compliance team in Community Corrections that provides 24-hour, 7-day a week monitoring of court order offenders who have been tagged with a GPS ankle band.

While we make no apologies for being tough on serious crime, we want offenders to get their lives back on track and to become productive, law-abiding members of society who no longer pose a threat to their victims or to community safety. This new sentencing option therefore strikes the right balance between rehabilitation of offenders and community protection while also reducing a need for prison resources, as prison, quite rightly, is an option of last resort.

The cost to society of home detention is also far less than housing an offender in a prison and has the added benefit of a person being able to stay in employment to support themselves. It also provides the courts, both judges and magistrates, with another sentencing option when it is appropriate, depending on the seriousness of the crime or the offence committed.

I will now outline more details on home detention orders, mainly for the benefit of those watching this bill or reading *Hansard*. I found, when speaking to members of the community, that there are misconceptions as to how home detention sentencing works. It can be seen by some as only a gentle slap on the hand when that is definitely not the case.

A home detention order may be made for a period of up to 18 months. An offender with a home detention order is subject to certain core conditions, and these are: not to commit an offence punishable by imprisonment but they need to reside at the home detention premises; they need to be at those premises at the times specified by the order; they need to permit police or probation officers to enter those premises; they also need to permit the police to search the premises, conduct a frisk search of the offender and take a sample of a substance found at the premises or on the offender's person; they need to comply with the reasonable and lawful directions of probation officers; they need to submit to electronic monitoring; they need to submit to drug and alcohol testing, as required; and they also need to engage in personal development training, counselling and treatment, as directed.

If the court makes a home detention order and does not require the offender to submit to electronic monitoring, it must specify in the order the reasons the offender is not required to be electronically monitored. A home detention order may also impose special conditions, such as to abstain from alcohol or take prescribed medication.

The Sentencing Act provides that an offender may not be at the premises of a home detention order only if they are seeking urgent medical treatment, they are avoiding serious injury or death, and they have the approval of their probation officer.

A court can make a home detention order if: it has convicted the person of an offence; and it would have sentenced the person to imprisonment if home detention was not available, but if it considers a home detention order is appropriate; it has considered a pre-sentence report as to whether the offender is suitable for home detention. Also, that the offender consents to the home detention order: that the offender has suitable premises to reside at during a home detention order; that the adult who resides at the premises has consented to a home detention order being made in relation to the offender; that the offender has not been found guilty of a family violence offence, a violent offence or a sexual offence against a person who resides at the premises; that there is no serious risk that the offender will commit a family violence offence, or a violence offence, or a sexual offence during the period of the order.

A home detention order can also be made in relation to an offender who has a community service order, or a probation order in force. An offender can be on more than one home detention order at the same time. If a person on home detention order breaches the conditions of the order, the prosecution can apply to have the court deal with the breach. If the court finds the offender has breached the order, it must confirm the order, or vary the order, or cancel the order and deal with the offender in any way that the court would deal with an offender who had just been found guilty of the offence or offences.

Where a person on a home detention order breaches the order by committing a new offence, the prosecution can apply to have the court deal with the breach. If the new offence is an offence that is not punishable by imprisonment, the court can take any of the actions listed above in relation to the breach. If the new offence is an offence punishable by imprisonment, the court must cancel the home detention order and impose any sentence, other than home detention, that the court would have imposed for the original offence or offences. However, if the new offence is an offence which carries a penalty of imprisonment and the court is satisfied that there are exceptional circumstances, it may confirm or vary the home detention order.

I commend the work of the Monitoring and Compliance Unit of the Department of Corrective Services. They provide 24-hour monitoring of offenders in home detention. Offenders who are made subject to electronic monitoring are fitted with a GPS ankle band which can track their movements and verify they are at the home detention premises when they are supposed to be. The Monitoring and Compliance Unit also responds to breaches of home detention orders and ensures all the conditions I have outlined are observed.

As I said before, an important amendment contained in this bill is in regard to justices, including bench justices. I take this opportunity to acknowledge all of Tasmania's justices of the peace who each and every day play a very important role in the operation of Tasmania's Magistrates Court, in particular dealing with those that appear in court outside normal business hours.

I note in the Chief Magistrate's 2017-18 annual report, that her Honour singled out for particular praise justices of the peace who are acting as bench justices, saying -

The Court once again expresses its gratitude for the voluntary contributions of the bench justices who provide a critically important service to the administration of justice in Tasmania. Their work ensures that people who are arrested are

brought before the Court as soon as practicable, at which time they have the opportunity to make an application for bail. The bench justices' continuing contribution to the criminal justice system in this state is commendable and invaluable.

This annual report also gives an idea of the vast and huge scope of work undertaken by bench justices. In Hobart alone, it is recorded that over a period of six months from 1 January 2018, bench justices dealt with 303 adult defendants; they also dealt with 23 youths; they convened 103 mid-week courts, which usually sat at 7 p.m. They also convened 197 weekend courts which are held each weekend day at 11 a.m. and 7 p.m. They also dealt with 115 family violence matters. I also note that the average duration of each after hours court was 1.5 hours.

I too add my thanks to that of the Chief Magistrate for the very important role that Tasmania's bench justices play in Tasmania's court system. I also take this opportunity to thank all justices of the peace in Tasmania for the important and selfless contributions that they make to Tasmania's community.

As members may recall, last year the parliament also passed the Justices of the Peace Bill that gave Tasmania's justices of the peace a modern framework to support their operation. That bill gave exiting justices the opportunity to put their hand up to continue in their role under this framework and it is a great testament to the commitment of the state's justices of the peace that an overwhelming majority of the state's justices have volunteered to continue to serve their communities. I note that the searchable databases of justices of peace now available on the Department of Justice website shows the broad range of Tasmanians who volunteer their time freely as a justice of the peace.

As an aside, I commend the department for making the database searchable not only by location and by name but also by languages which are spoken by the justices. The variety of languages spoken by Tasmania's justices of the peace is, I believe, indicative of the increasing diversity of Tasmania's community and it is important to recognise that this diversity is reflected by the ranks of those stepping forward to volunteer their time for the Tasmanian community.

Returning to bench justices who are selected by the Chief Magistrate from the ranks of the state's justices of the peace, they are very well placed to determine whether to bail or to remand a person arrested on a breach of a home detention order. Bench justices are provided with extensive training before being added to the roster of justices who may preside over their own court. Importantly, and as the minister indicated in her second reading speech, providing bench justices with the powers in this bill addresses the potential for persons to spend an unnecessary amount of time in custody if they are arrested out of hours.

The amendments to the Sentencing Act in this bill remedy this potential situation and reflect the comments of the Chief Magistrate that I referred to a little while ago, namely that bench justices ensure people who are arrested are brought before the court as soon as practicable, providing them an opportunity to make an application for bail.

It is a delight to have the opportunity to speak in support of the bill. As I said before, this Government is committed to ensuring that Tasmanians have access to an effective and efficient justice system. I again commend the minister for bringing these amendments before the parliament, and also thank the department for all the work they do to help ensure that Tasmania courts and those who use them have certainty in how these laws operate.

[4.37 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Madam Deputy Speaker, I thank members for their contributions on this bill. It is a bit of procedural bill but a very important one. As is always the case when we put something in operation, it can quite often be improved with the passage of a bit of time when the practicalities of something new can be discovered. Therefore, I thank the Chief Justice and the Director of Public Prosecutions in particular in relation to drawing some issues to my attention so we could address them in this bill we have before the House today.

I take the opportunity to respond, as invited by the member for Clark, Ms Haddad, in relation to the submission that was made by Tasmanian Women Lawyers and clarify a few matters in relation to the background and detail behind that. The amendment to the Criminal Code Act in particular is the issue they had around deferring sentences. This is a doubts-removal amendment to ensure there is adequate power to appeal in circumstances where it might be appropriate to appeal. This power is consistent with the power that already exists that allows an appeal from a decision by a magistrate to defer a sentence and it is consistent with other jurisdictions that have the power to defer a sentence.

It may be appropriate to appeal a deferred sentence in certain circumstances and allow the Criminal Court of Appeal to assess the grounds and rule appropriately. While the Sentencing Act provides guidance on when a court may defer sentence, for example to allow for the assessment of the offender's capacity and prospects for rehabilitation, there is no restriction in the application of a deferred sentence to the type of offence the offender has been charged with.

For example, there is no legislative restriction on a judge deferring the sentencing of a person who, with a history of violent offending, abducts a person by knifepoint and sexually assaults them. There may also be instances where the Director of Public Prosecutions is of the opinion that the judge has erred in granting an offender a deferred sentence, in conflict with the legislation. The power should be clearly available to be able to appeal that perceived error. This right of appeal does not mean that the DPP overrules the sentencing judge. The Court of Criminal Appeal will continue to provide the appropriate judicial oversight, so there is that usual process at play.

I confirm that this matter was drawn to my attention by the Director of Public Prosecutions, who requested the amendment. It should also be noted that any order deferring sentence provides a significant advantage to an offender who has been found guilty by the courts and can positively impact on the length of the custodial sentence, if any, that they are sentenced to. The power to appeal is a protection if the court has deferred sentence for a significant time without appropriate checks or balances to ensure that there is action being taken by the offender to rehabilitate. They are the circumstances as we see it.

In the Magistrates Court it is the usual process in relation to our court-mandated drug program in terms of deferring the sentence while they undergo that rehabilitation.

Ms Haddad - It is slightly different though, isn't it, than how this is anticipated?

Ms ARCHER - Yes, this is dealing with an appeal but I wanted to highlight how a deferral of sentence can be used in operation and significantly advantage the offender, provided they undergo rehabilitation. I was just providing an illustration to my last comment.

A deferred sentence is allowed to be complete. The power to defer a sentence is limited within section 57A of the Sentencing Act. The court may defer sentencing an offender to allow for the

assessment of the offender's capacity and prospects for rehabilitation, or to allow the offender to demonstrate that the offender is being or has been rehabilitated, or to allow the offender to participate in a pre-sentence program, or for any other purpose that the court considers appropriate, having regard to the offender and the circumstances of the offending.

The court may only defer sentencing an offender if the offender is not serving a term of imprisonment for another offence, the court is satisfied it may grant the offender bail, and the court defers sentencing the offender for all the offences for which the court may sentence the offender, whether or not the offences are punishable by imprisonment. I want to note that on the record as to when a deferred sentence is allowed.

Ms Haddad also asked if this arose out of any particular case. I am advised the DPP has been examining the issue of whether there is power to appeal a deferred sentence and as a result of this examination has requested this amendment to ensure that there is clear power to appeal. This power to lodge an appeal is consistent with other jurisdictions that have the power to defer a sentence. To my knowledge, the Supreme Court has not ruled in relation as to whether there is a power to appeal a deferred sentence, so this is something the DPP has contemplated; it is not in relation to a specific offence. I think it is appropriate that we deal with this and clarify the situation and deal with the matter, as other jurisdictions have.

Ms Haddad asked whether there was an appetite to routinely appeal decisions. This is an independent decision for the DPP, but I will make the observation that this is unlikely and there are limited appeals in other states that already have this appeal power. When we look at other jurisdictions, it is not something that is regularly used or over-used. That should provide the House with some comfort.

That is all I wanted to say in relation to specific matters raised in the House this afternoon. I thank the staff of the Monitoring and Compliance Unit, which is part of Community Corrections. They do all the electronic monitoring of home detention orders. I was pleased to visit the unit earlier this year when it became fully operational, and I am impressed with how this has operated. You often have teething problems but I can honestly say it was streamlined from day one. There are always a few issues with IT but even that was minimal in terms of how this is operating. It has been a real success story. The magistrates are embracing this as an alternative sentencing option when it is appropriate to do so. There are proper assessments, one of which is that someone has to reside in suitable premises with suitable people. They can be monitored. There are different requirements. Quite often, one of the places they need to visit will be something for rehabilitation purposes so it is on their journey list as well.

It is interesting to see the tracking of an individual and the alert system that goes off if they go outside that. I have mentioned before how it operates if they go outside of that, and this is where it is appropriate for something that is not a serious offence. For example, someone might be in employment. You might have a builder, for example, and the nature of their work can change on a daily basis. They may forget to advise that they might be at a different site and an alert might go off but it is easily fixed with a phone call. It shows how effective the system is when you witness that it goes off straight away when there is a completely different route taken, even when it is easily explained with that phone call. It is comforting to see that it is efficiently working.

The same Monitoring and Compliance Unit is monitoring those under a family violence order, and victims who choose to register under that as well. Our unit is doing that monitoring for Tasmania Police and they are working closely with Tasmania Police. It is successful at achieving

that and provides some comfort to victims in terms of being alerted to a certain distance they might come within their offender's radius. There are all sorts of plans they can have to go to a safe place or be with someone they feel safe around. There are those sorts of safety mechanisms that can be put in place. Although it can never be something that is 100 per cent failsafe, it is proving to be very successful for those victims who choose it. It is not compulsory, but I am pleased to report it is working well for those victims choosing to participate in the program.

Ms Haddad - How many home detention orders have been made? You had a number in your second reading speech but there may have been more since then.

Ms ARCHER - I would have to get back to you about the total but at any one time it has been in the 40s range and has been quite static for a few months. As at 1 September, we were at 48. It is staying around 44 to 48 because someone might be on, they come off and then someone else has come on, so it is remaining quite static. That is pleasing because we can always take on more.

Ms Haddad - Do you have an idea of an average duration of the sentences?

Ms ARCHER - The average duration is nine months, from memory, and the maximum is 18 months. There are certain offences that are not eligible; violent and sexual offences. That is for home detention as opposed to family violence orders, so there are different numbers for that. All too often, I can be criticised in this portfolio and things in Corrections can sometimes be difficult to instigate and implement but this has been one of those success stories that I am pleased to report.

I also thank the department for their hard work in this area, for working with the various stakeholders that have raised these issues and for their timely attention to these matters. We have not had home detention orders, if we look at that aspect of this bill, in place for that long. To identify and fix this relatively quickly will be welcomed by the courts. This is something the DPP has been looking at for some time, so I am very happy to oblige and bring this before the House, hoping that it passes this House and the other place as well. It provides that clarity and certainty that is required to be consistent with other jurisdictions. Thanks to the department for their briefing of members who have made requests. I always receive good feedback in relation to their work. Thank you to all of my staff. I commend the bill to the House.

Bill read the second time.

Bill read the third time.

PUBLIC WORKS COMMITTEE AMENDMENT BILL 2019 (No. 32)

Bill returned from the Legislative Council with amendments.

Mr GUTWEIN (Bass - Treasurer) - Madam Speaker, I move -

That the amendments be made an order of the day forthwith.

Motion agreed to.

PUBLIC WORKS COMMITTEE AMENDMENT BILL 2019 (No. 32)

In Committee

Council amendments to clauses 4 and 7 -

Mr GUTWEIN - Madam Deputy Chair, I move -

That the Council amendments to clauses 4 and 7 be agreed to.

I want to make a couple of comments. In terms of the amendments before us, the Legislative Council has agreed to an increase in the amount for roads and bridges from \$5 million to \$15 million. It was the preference of the Government that that would be \$20 million but this is still a \$10 million increase and I think will be a good step towards ensuring that the workload of the Public Works Committee is manageable but, importantly, because roads and bridges are generally of a much larger sum and more complex, by lifting the threshold it will ensure that those projects of significance will be considered by the committee. Other projects will be able to be got on with, taking into account the normal planning processes that will be undertaken.

I want to make the point as I did during the debate that overwhelmingly in the majority of cases the planning process will occur normally concurrently with the work that the Public Works Committee is doing. In some cases the Public Works Committee has looked at projects post the planning process. The public will still get their opportunity to have their say on these projects, but I think it is a sensible outcome in terms of this bill.

As I have said, the Government would have preferred \$20 million. It is a vastly different figure to that which was suggested by Labor, which I must admit I thought was silly, to be honest.

Ms O'Connor - Was that \$10 million?

Mr GUTWEIN - Labor suggested an increase from \$5 million to \$8 million.

In terms of other buildings, the original amendment bill had an increase from \$5 million to \$8 million for buildings but an increase to \$20 million for the larger projects, bridges and roads. The upper House has agreed to a \$15 million limit in terms of roads and bridges and the original \$8 million that was agreed to.

I honestly think that Labor attempted to simply frustrate the process in terms of that amendment to \$8 million. When you consider the levels that are applied across the country, in many cases in a number of jurisdictions where no levels apply and, as I said, in the vast majority of cases, in fact almost all, there will be a planning component whereby the public will have a say, I think it was just an attempt to foist more red tape onto the process rather than removing it, as we were looking to do.

The other point I would make is in terms of the other change that was requested by the upper House, and I will read it into the *Hansard* so that everybody is clear on exactly what the second amendment is. It reads:

The principal act has a power for the House of Assembly whereby it may, by resolution, with respect to any public work, the estimated cost which does not

exceed in the original act \$5 million, direct that the same shall be referred to the committee, in which case all the powers and provisions of this act shall be applicable to such work.

The House could, if it wanted to, refer a project under the threshold to the committee if it felt it was of a technical nature. The amendment the upper House proposed is that because we now have a split between building works and roads and bridges of \$8 million and \$15 million, that the \$5 million be removed and substituted with 'exceed the relevant monetary threshold in relation to such work', so it captures both of those thresholds and therefore the House can refer under those amounts to the committee should it wish. The Legislative Council also inserted themselves in there, so it is now the House of Assembly or the Legislative Council may, by resolution, make a referral under those limits. That is a sensible resolution. It surprises me that the Legislative Council members who sit on the committee were not able to utilise that process when the original act was introduced.

With those words, this side of the House will obviously support it. It is a sensible way forward. It is unfortunate that Labor held, as I understand it, to their position of only \$8 million for roads and bridges in the upper House, but the outcome of \$15 million is eminently sensible and also an improvement on the original \$5 million and even the \$8 million that Labor was proposing.

Ms OGILVIE - I will be very brief. I concur with the minister's comments, but I would like to flag that I think it is worth keeping an eye on those figures and also the resourcing of that committee which I had some prior experience with, just to make sure we are not creating an overwhelming workload. We should be open-minded about resourcing. For the members of that committee, under the new rules, obviously they are all unpaid. There are no sitting fees. They do their daily work and then take on what is a large task, because it is lapping the state a lot. I flag that that is something I would be keeping an eye on to make sure we are not creating an overwhelming amount of work. I also think \$15 million splits the difference nicely.

I too am surprised that the Legislative Council was not able to access that referral option. I think that is very sensible, and given that it is a joint committee all members should have the capacity to refer directly as well.

Ms WHITE - The Labor Party will support these amendments that have come back from the upper House. They clearly saw the need to improve upon the bill that the Government introduced into the parliament. It is unfortunate the way the Treasurer has characterised matters and I am not going to over the debate we had on the substantive bill where explanations were provided about why we felt very concerned about increasing them to \$20 million. Clearly on a cross-jurisdictional comparison, and also looking at what the Australian threshold is, it was a substantial increase that was out of keeping with not only our own history but what the rest of the country was doing.

We had the debate upstairs as well. We supported the amendment to increase the threshold from \$5 million to \$15 million for roads and bridges, and to \$8 million for building and construction. The important role the Public Works Committee plays and the scrutiny it allows parliamentarians to have over government projects is important. It is expenditure of public funds. That is why I am also very supportive of the amendment that was moved by the member for Murchison to clause 7 that enables members of the Legislative Council to make a referral, because the current act only allows for members of the House of Assembly, under section 17 of the act, to make a referral, but as we discussed, if you do not have the numbers in the House, you are unlikely to be successful.

The argument the Government put was that if we felt dissatisfied because a project was not going to be referred to the Public Works Committee because it did not meet the threshold, we could make a referral in this House, knowing full well that opposition parties do not have the numbers to be successful in making such a referral. I am very pleased to see that the Legislative Council has now been empowered to also make referrals if there is a project they regard warrants scrutiny by the Public Works Committee and can put that motion to the Legislative Council for consideration. It is my hope that this will enable greater scrutiny if there are projects that do fall below the threshold but have significant public interest and, therefore, should be examined by the committee. I support both of the amendments and find it very disappointing that the Treasurer has sought to politicise it in the way that he did.

Ms O'CONNOR - Madam Deputy Chair, we will not be opposing the amendments that have come back to us from upstairs. Thank you for the clarification, Treasurer.

Mr Gutwein - That would be elevating ourselves above our station.

Ms O'CONNOR - No, we must not, because we, here, are not frightfully important.

I want to make a couple of comments about the expenditure of public funds. We have some reasonable amendments from the upper House. I will go into what I want the Treasurer to hear. The Bridgewater bridge infrastructure project which, last time I checked the numbers, was coming in at around \$530 million in Commonwealth and state funding and would be referred to the Public Works Committee under the roads and bridges provisions within the act.

I know that as a Treasurer you are a person who is always watching the bottom line. I understand there is a political overlay to the Bridgewater bridge infrastructure project - it is just one of those things that people talk about constantly and the bridge never changes. When you think about that amount of money - \$530 million, more than half a billion dollars, to upgrade/replace the Bridgewater bridge, and the last price tag I saw on light rail to the northern suburbs coming in at under \$100 million - you could refurbish the Bridgewater bridge and deliver light rail, we believe, for a lot less than \$530 million. My understanding, Treasurer, is that the reason the price tag for the Bridgewater bridge is more than half a billion dollars for a bridge that travels barely a kilometre over the River Derwent is so that it can be engineered in such a way to allow yachts up the river. Is that correct?

Mr Gutwein - The height would allow sailing vessels, whether yachts and medium-sized boats.

Ms O'CONNOR - The Greens' concern and others, and I have spoken to highly respected academics about this price tag, are concerned that we are spending half a billion dollars on an over-engineered solution to the Bridgewater bridge's dilapidation and that it could be refurbished well. We could have light rail, not just to Granton but to Brighton, because the Bridgewater bridge could have that rail capacity over it for a bit less than half a billion dollars. It is just so much money, Treasurer, and I do not know how locked in your Government is to that price tag but you would transform this city if you have a look at that money again and connect light rail to the Bridgewater bridge redevelopment.

We need to build a bridge to carry rail over the river because at some point, and I may not be here at the time, we will have a much more accepted passenger train system connecting all parts of Tasmania. If we are going to spend money refurbishing the Bridgewater bridge, we need to make

sure it is rail-ready and we need to integrate those transport solutions and make sure we have light rail.

My other proposition to you, today I am being propositional, is that the \$170 million price tag for the northern prison, which would come under the construction provisions within the Public Works Committee Act, is another substantial amount of public funds for a proposal, which I recognise has a political overlay to it, that has caused enormous community concern. I do not think it is only in Westbury.

I know, Treasurer, that you and your colleagues are recognising that you will probably have to walk away from the Westbury prison plan. There is a reasonably elegant solution, which is that your Government makes a decision to invest in therapeutic justice for juvenile offenders, closes down Ashley as a youth detention facility, invests in smaller north and south therapeutic facilities - and I am happy to give you a copy of our fully-costed policy based on global evidence of the value of this policy and its effectiveness.

You could close down Ashley to juvenile detention, have smaller facilities built north and south and you could refurbish that facility at Deloraine to become a smaller northern adult correctional facility for a bit under \$170 million, who knows, but certainly with less community angst and political pain attached to it.

There is a third way here and often in life, not that you hear about it in this place very much, it is not always that you have either one choice or another when you look at things. There is often a third way. I encourage you, Treasurer, if you are interested in delivering long-term, meaningful infrastructure projects that deliver real positive community benefits, that you think about those two proposals and acknowledge there is a third way in this, which delivers stronger community benefits and probably for less public funding.

Mr GUTWEIN - I thank members for their contributions and note the contribution of the member for Clark, Leader of the Greens in this House. At least you have a position on some things. We differ in a couple of matters and, in respect of the prison, we will be building a northern prison.

Ms O'Connor - No, I did not say that. I said that I think you will have to walk away from Westbury.

Mr GUTWEIN - You have landed on a location. We are looking at a preferred location at the moment. I hear where you are coming from. At least you have -

Ms O'Connor - It is a very sensible position. I know you are about to lob into Labor -

Mr GUTWEIN - No, I wasn't -

Ms O'Connor - You kind of are, 'at least you have a position, unlike Labor, blah blah blah' -

Mr GUTWEIN - I was going to leave my comments at that point because I have said enough in that you have a position and they do not.

In terms of the Bridgewater bridge, we are building a bridge that will need to stand the test of time for, potentially, the next 100 years. I am not an engineer, nor would I be expected in this place to have a view as to what the final design may be. That will be designed by experts.

In terms of the commentary regarding rail, as you would be aware, I am no longer the State Growth minister but a study is currently underway looking at trackless trams versus trains as the right method of transport through the northern suburbs. I have said this publicly. When Professor Peter Newman was here I had the opportunity to speak with him. I am not sure whether you had that opportunity. He was the person who did the train system in Perth. He was here and he spoke in Hobart. I also asked him to meet with State Growth and my office at the time. He had created a seismic shift from light rail to trackless trams. The reason he made that shift was by virtue of the fact that there were significant cost savings, but at the same time provided the same transport link outcomes that you are seeking to achieve.

Ms O'Connor - I am actually agnostic about light rail or trackless trams. It's just expanding that public transport network along the corridor.

Mr GUTWEIN - We will see what comes out of that study. I do not want to prejudge anything. The Minister for State Growth is asking that question through a study at the moment. Personally, after that meeting with Dr Peter Newman, I am convinced that trackless trams are the future. It is an opportunity to have an intermodal transfer off a train to a bus, to have a trackless tram that can not only travel the corridor, but as he explained to me, a number of carriages can then separate, do a city loop, come back and join and you have this fully integrated, seamless system running with one mode of transport.

Ms O'Connor - Wouldn't that be great? Get on with it.

Mr GUTWEIN - I was taken by his view on these matters and asked him to meet with the department and my office. There is obviously a lot of passion in the community and a lot of work that has gone on in the light rail mode of transport. We need to properly assess those two modes. If there were to be a shift to a trackless tram, we would need to be in a position to explain very clearly what the benefits were and articulate the reasons why.

Ms O'Connor - You might even try to build a tripartisan consensus around that so we can engage with the community on that issue and deal with some of the potential division.

Mr GUTWEIN - The one point I want to make is that whilst I have a firm view, the Government has no view as to what the best form of transport on that corridor is yet, so we will allow that process to take its course and hopefully very quickly get to a position where we can articulate the way forward. There are so many more options with the trackless tram arrangement than, as Peter Newman said to me, the preferred transport mode of a decade ago. The world is now moving to trackless trams instead of light rail. Let us do the work and then be in a position to understand it. I thank members for their contributions and commend the amendments to the House.

Council amendments agreed to.

Reported the Committee had resolved to agree to the Council amendments.

Resolution agreed to.

POLICE LEGISLATION MISCELLANEOUS AMENDMENT BILL 2019 (No. 44)

Second Reading

[5.19 p.m.]

Mr SHELTON (Lyons - Minister for Police, Fire and Emergency Management - 2R) -
Mr Deputy Speaker, I move -

That the bill be now read the second time.

The purpose of the bill is to make miscellaneous amendments to several acts administered by the Department of Police, Fire and Emergency Management to correct issues that have been identified as a result of prior legislative reform or to enhance the operation of existing provisions.

The acts to be amended include the Community Protection (Offender Reporting) Act 2005, Road Safety (Alcohol and Drugs) Act 1970, Police Powers (Vehicle Interception) Act 2000, and Police Offences Act 1935. I will now summarise the changes relating to each of these.

The Community Protection (Offender Reporting) Act 2005 is the Tasmanian legislation that establishes the state's sex offenders register. Under the act, offenders who commit certain serious offences can be declared reportable offenders, requiring them to report to police to reduce the likelihood of reoffending. The act also recognises reportable offenders from other Australian jurisdictions and New Zealand.

In 2017, capability was added to the act to place further restrictions on some reportable offenders in the form of a community protection order. Where a magistrate is satisfied that a reportable offender poses a risk to the safety or wellbeing of any child or children, the magistrate may make an order that includes conditions requiring that the reportable offender:

- not associate with or contact certain persons;
- not be present at, or in the vicinity of, specified places;
- not undertake employment of a specified kind;
- not consume alcohol or drugs; or
- not engage in movement or conduct of a specified kind.

Where an offender breaches a condition of such an order, an offence provision is provided at section 33A of the act.

When community protection orders were added to the act in 2017, no provision was made at the time for recognition of similar orders made in other jurisdictions. The bill seeks to address this by making amendments to the Community Protection (Offender Reporting) Act 2005 to recognise equivalent orders made in other Australian states and territories and New Zealand.

Moving to the Police Offences Act 1935, Division 2 of Part 4A of that act contains provisions allowing for the confiscation or clamping of vehicles used in the commission of certain offences. The relevant offences are defined as prescribed offences in section 37K of the act and includes offences against section 32 of the Traffic Act 1925.

In September 2017, the offence of dangerous driving was moved from section 32 of the Traffic Act 1925 to the Criminal Code and made a crime by the Criminal Code Amendment (Dangerous

Driving) Act 2017. An unintended consequence of this move is that dangerous driving offences are no longer covered by the confiscation or clamping provisions.

The bill will amend the Police Offences Act 1935 to include the crimes of dangerous driving, causing death by dangerous driving, and dangerous driving causing grievous bodily harm as confiscation or clamping offences.

A further amendment to the Police Offences Act 1935 relates to a reference to the Road Rules 2009 in section 47. These rules are due to expire at the end of 2019 and will be remade as the Road Rules 2019. To address this, the bill will amend the act to refer simply to the Road Rules, allowing for transition between the Road Rules 2009 and the Road Rules 2019, and any subsequent road rules, without needing to amend the act, this form of citation being provided for in the short title of the rules.

With regard to the Road Safety (Alcohol and Drugs Act) 1970, this is the legislation that creates the offences for drink- and drug-driving in Tasmania and provides police with the authority to test drivers. In 2018, a number of amendments were made to this act, including a process change allowing police to collect samples of oral fluid from drivers for laboratory analysis following a positive roadside screening test for drugs. Prior to this, it was required that a blood sample be obtained. However, in making this change, there were two inadvertent omissions.

The first relates to evidentiary certificates for the taking and delivery of oral fluid samples. Section 27 of the Road Safety (Alcohol and Drugs) Act 1970 allows for evidence of the taking, handling and delivery of a blood sample to be given by an evidentiary certificate, rather than requiring those involved to give evidence. However, no similar provision was inserted to cover the taking and delivery of oral fluid samples. The bill will rectify this omission.

The second issue relates to the Police Powers (Vehicle Interception) Act 2000. This act contains the offence of evading police, which was expanded in 2017 to provide a further offence of evading police with aggravating circumstances, with one of these aggravating circumstances being that the driver was committing a drink- or drug-driving offence at the time of the evasion.

As a result of the overlapping development of the respective amending acts, the aggravating circumstance in regard to drug-driving refers to the presence of an illicit drug in the driver's breath or blood and not to the presence in their oral fluid. The bill will amend the Police Powers (Vehicle Interception) Act 2005 to rectify this issue.

The bill will become law on the day on which it receives royal assent.

I commend the bill to the House.

[5.27 p.m.]

Ms BUTLER (Lyons) - Mr Deputy Speaker, I rise in response to the Police Legislation Miscellaneous Amendment Bill 2019. I advise the House that we will be supporting the bill. I thank Inspector Luke Manhood and Emma Fitzpatrick for the briefing and also the department for their work. I appreciated our meeting the other day and the information that you provided. Thank you very much.

I will quickly run through the bill. It makes miscellaneous amendments to the Community Protection (Offender Reporting) Act 2005, Road Safety (Alcohol and Drugs) Act 1970, Police

Powers (Vehicle Interception) Act 2000 and the Police Offences Act 1953. All amendments appear to assist and improve the operation of standing provisions.

I will firstly discuss the Community Protection Offender Reporting Amendment Act 2016, Part 2. Under Australian law anyone convicted of a child sex crime is listed on the Australian National Public Register of Child Sex Offenders. They are obliged to inform police about their location and meet certain reporting conditions for a period of time, ranging from a few years to life and after they are released from a period incarceration.

The Tasmanian Community Protection (Offender Reporting) Amendment Bill 2016 provided the Police Commissioner with an avenue to request that a magistrate could impose a community protection order on an offender. At the time the then police minister stated that the changes would bring Tasmania into line with other states, which have laws allowing the release of otherwise confidential information in some circumstances. It would also allow police to share confidential information with other government agencies and for the head of the department of human services, which manages child protection, to tell the parent, guardian or carer of a child who has reportable contact with a registered sex offender that the person was a sex offender.

The changed definition to section 10A of the act, 'interim order', makes 10B of the act similar to orders made in other Australian jurisdictions and New Zealand. By changing this definition the offence provision contained in section 33A of the act will be applicable to full orders, interim orders and orders from other Australian jurisdictions and New Zealand.

Minister, could I clarify that when a breach of an order occurs in Tasmania, that that will also apply to New Zealand and other jurisdictions? Are all other states and territories compliant with community protection orders? Just for the record.

Also, one more question. If there is a breach in Tasmania by an offender, is there a system in place to notify and alert when an offender in breach of their obligations under a community protection order arrives in Tasmania? If someone from another state comes here, is there a notification of the breach, and could we hear a little about the alerting process of the communication?

The Miscellaneous Amendments Bill Part 3 refers to the Police Offences Act 1935 and amends section 37K, amended (Interpretation of Division) to extend the definition of prescribed offence for the clamping and confiscation of vehicles to include dangerous driving, causing death by dangerous driving and dangerous driving causing grievous bodily harm. This amendment clarifies and remedies the inadvertent consequences caused when dangerous driving was moved from section 32 of the Traffic Act 1925 to the Criminal Code, and made a crime by the Criminal Code Amendment (Dangerous Driving) Act 2017.

It is important that the crimes of dangerous driving causing death and dangerous driving causing grievous bodily harm do give police the ability to confiscate or clamp a vehicle used in the commission of those offences.

Section 37O amended (Period of the confiscation and clamping of vehicles for certain offences). Therefore, 1B of the principal act is amended by removing 'the person has not previously been proceeded against by way of complaint under the Justices Act 1959 in respect of a prescribed event' and will be replaced with 'the person has not previously been proceeded against by way of complaint or indictment under the Justices Act 1959 in respect of a prescribed offence.

Section 37P (Period of clamping or confiscation for second prescribed offence) will be amended by omitting 'complaint' and replacing 'complaint' with 'indictment'. The person who has previously been proceeded against by way of complaint or indictment under the Justices Act 1959 in respect of a prescribed offence on one occasion.

Section 37Q (Period of clamping or confiscation for third or subsequent prescribed offence) 1b): the person has previously been proceeded against by way of complaint or indictment under the Justices Act 1959 in respect of a prescribed offence on two or more occasions.

Section 47 of the principal act will be amended by omitting 'road rules 2009' from the definition of 'crash' and substituting 'road rules'. It is my understanding that the National Transport Commission provides a national model in relation to road rules and then states adapt statutory road rules not as regulations. I was surprised to learn that the statutory road rules expire every 10 years. This amendment will enable our road rules not to expire, and will assist by not having to amend road rules every 10 years.

Part 4 of the Police Legislation Miscellaneous Amendment Act 2019, Police Powers (Vehicle Interception) Act 2000. This amends definitions of functions within the following definitions. It includes oral fluid, which has the same meaning as in the Road Safety (Alcohol and Drugs) Act 1970. This reflects technological changes where breath-testing technology is being replaced with oral fluid samples. This is compliant with the Road Safety (Alcohol and Drugs) Act 1970, which creates offences for drink, drug driving and provides police with the authority to test drivers.

In 2018, process changes were made to allow police to collect a sample of oral fluid from a driver for laboratory analysis following a positive roadside screening test for drugs. I am pretty sure I know what the answer is, but can I ask whether this legislation will have any repercussions on people who wish to give a blood sample instead of an oral fluid test for secondary testing? I do not think this act specifically deals with that. I am seeking a little bit more information about where that fits in. It is my understanding that this act is to do with the collection and presentation of evidence, not so much the blood testing.

The Police Powers (Vehicle Interception Act) 2000 contains the offence of evading police and the amendment also relates to the offence of evading police with aggravating circumstances, with one of the circumstances being a drink or drug-driving offence at the time of evasion. The presence of an illicit drug being in the driver's oral fluid will be included to match blood or breath samples.

Part 5 of Road Safety (Alcohol And Drugs) Act, 27A refers to the taking of certain oral fluid samples and evidentiary certificates for the taking and delivery of samples. The proposed legislative amendment provides a different process for the handling of samples. This amendment will provide compliance in process with evidentiary certificate used for oral fluid samples to be given by evidentiary certificate rather than those involved having to give evidence. That can be very time consuming, especially for police officers who may have taken those oral samples and then having to go to court to provide information. We are already asking a lot from our police officers and it will be great if we can free up their time with a more streamlined process, especially if it is going to provide more compliance. I believe that is compliant with the Road and Safety (Alcohol and Drugs) Act 1970, in relation to blood samples.

Instead of those involved in the collection of a sample, the delivery of a sample, being required to give evidence of the taking, handling and delivery of blood samples, an evidentiary certificate can be provided instead. The switch to include evidentiary certificates as evidence has eliminated

police officers having to escort the offender to hospital to obtain a blood test, having to wait, using police resources, putting more strain on the hospital system and the health worker who takes the blood sample having to provide evidence as well as the person delivering the sample. We support the Police Legislation Miscellaneous Amendments Bill 2019.

[5.38 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, the Greens support the Police Legislation Miscellaneous Amendment Bill 2019 and the amendments to the acts it contains within it, specifically the Community Protection (Offender Reporting) Act 2005, the Police Offences Act 1935, the Road Safety (Alcohol and Drugs) Act 1970 and the Police Powers (Vehicle Interception) Act 2000.

The amendments within this bill are simple rectifications of omissions, either unintended or the consequences of movement between bills, and they all seem sensible. It appears that the Community Protection (Offender Reporting) Act, which enables and establishes the state sex offender register, recognises reportable offenders from other Australian jurisdictions and New Zealand. There is a problem at the moment in which similar orders that have been made in other jurisdictions are not being provided for. This could have been my misreading of it but it would be helpful if the minister could enlighten me. In the fact sheet it says in regard to this matter -

To address this bill, the bill inserts a definition of community protection order into the act, which recognises Tasmanian orders, interim orders and similar orders made in other jurisdictions. This allows breaches of corresponding orders from other jurisdictions in Tasmania to be treated as if they were a breach of a Tasmanian order.

Is it possible that should have said, 'This allows breaches of corresponding orders from other jurisdictions in Australia to be treated as if they were a breach of a Tasmanian order.'? I wondered whether there was a word mistake in the fact sheet. When I read the second reading speech and in looking at the bill, it seems to me the intention is and what this amendment does is to enable recognition of breaches of orders from other Australian jurisdictions and New Zealand. It is a small matter but it is in the fact sheet. I wondered whether I had misunderstood that or whether it needs to be rectified for the record. That seems important, that when there are breaches of an order - including conditions that require a reportable offender not to associate with certain persons, not to be in certain places, not to undertake certain employment, and not to engage in particular movement or consumption of alcohol and drugs - these are things that are being prescribed by court order, and if there are breaches here or in other jurisdictions, that should be fixed.

The second amendment in relation to an unintended consequence of the section 32 of the Traffic Act. When section 32 of the Traffic Act, the part relating to the offence of dangerous driving, was moved to the Criminal Code, the unintended consequences of that move was that dangerous driving offences are no longer covered by the confiscation of the vehicle or by clamping provisions. We are comfortable with the amendment that will include the crimes of dangerous driving, causing death by dangerous driving and dangerous driving causing bodily harm as being potentially subject to the confiscation of a vehicle or to the clamping of a vehicle. The other amendment to the Road Rules Act is minor and uncontroversial.

Amendments to the Road Safety (Alcohol and Drugs) Act address the inadvertent omissions requiring people involved with the taking, handling and delivery of a blood sample to give evidence,

which could be given by an evidentiary certificate. There has been no similar provision to cover the taking and delivery of oral fluid samples and this bill rectifies that omission.

Finally, in relation to the Police Powers (Vehicle Interception) Act, Part 5 of that bill is to amend that act so that, in the circumstance of drug driving, it is referring to the presence of an illicit drug in the drivers breath or blood and not to the presence in their oral fluid. The fact that it currently does not refer to the presence in their oral fluid is being rectified and we are satisfied that is reasonable and sensible change to make. I do not have any other comments and we are happy to support those amendments.

[5.45 p.m.]

Mr TUCKER (Lyons) - Madam Deputy Speaker, the Police Legislation Miscellaneous Amendments Bill 2019 proposes miscellaneous amendments to several acts administered by the Department of Police, Fire and Emergency Management to correct issues that have been identified from prior legislative reform or to enhance the operation of existing provisions.

The acts to be amended include Community Protection (Offender Reporting) Act 2005, Police Offences Act 1935, Road Safety (Alcohol and Drugs) Act 1970 and Police Powers (Vehicle Interception) Act 2000.

The Community Protection (Offender Reporting) Act 2005 is the Tasmanian legislation which establishes the state's sex offender register. Under the act, offenders who commit certain serious offences can be declared reportable offenders, requiring them to report to police to reduce the likelihood of reoffending. The act also recognises reportable offenders from other Australian jurisdictions and New Zealand.

In 2017, capability was added to the act to place further restrictions on some reportable offenders in the form of a community protection order. Where a magistrate is satisfied that a reportable offender poses a risk to the safety or wellbeing of any child or children, the magistrate may take an order that includes conditions requiring that the reportable offender not associate with or contact certain persons, not be present at or in the vicinity of specified places, not undertake employment of a specified kind, not consume alcohol or drugs, and not engage in movement or conduct of a specified kind.

A corresponding offence provision is found at section 33A. However, when community protection orders were added to the act in 2017, no provision was made at the time for recognition of similar orders made in other jurisdictions. To address this, the bill inserts a definition of 'community protection order' into the act which recognises Tasmanian interim orders and similar orders made in other jurisdictions. This allows breaches of corresponding orders from other jurisdictions in Tasmania to be treated as if they were a breach of the Tasmanian order.

Division 2, Part 1VA of the Police Offences Act 1935 contains provisions allowing for the confiscation or clamping of vehicles used in the commission of certain offences. The relevant offences are defined as prescribed offences in section 37K of the act. This section includes reference to offences against section 32 of the Traffic Act 1925.

In September 2017, the offence of dangerous driving was moved from section 32 of the Traffic Act 1925 to the Criminal Code and made a crime by the Criminal Code Amendment (Dangerous Driving) Act 2017. An unintended consequence of this move is that dangerous driving offences are no longer covered by the confiscation or clamping provisions. The bill will amend the Police

Offences Act 1935 to include the crime of dangerous driving causing death by dangerous driving and dangerous driving causing grievous bodily harm as confiscation or clamping offences.

A further amendment to the Police Offences Act 1935 refers to the Road Rules 2009 in section 47. These rules are due to expire at the end of 2019 and will be remade as the Road Rules 2019. To address this, the bill will amend the act to refer simply to the Road Rules to allow for transition between the Road Rules 2009 to the Road Rules 2019 and any subsequent road rules without needing to amend the act, this form of citation being provided for in the short title of the rules.

With regard to the Road Safety (Alcohol and Drugs) Act 1970, this is the Tasmanian legislation that creates the offences for drink- and drug-driving and provides police with the authority to test drivers. In 2018 a number of amendments were made to this act, including a process change allowing police to collect a sample of oral fluid from a driver for laboratory analysis following a positive roadside screening test for drugs, as opposed to the prior process that required a blood sample. However, in making this change there were two inadvertent omissions.

The first relates to evidentiary certificates for the taking and delivery of samples. Section 27 of the Road Safety (Alcohol and Drugs) Act 1970 allows for evidence of the taking, handling and delivery of a blood sample to be given by an evidentiary certificate, rather than requiring those involved to give evidence. However, no similar provision was inserted to cover the taking and delivering of oral fluid samples. The bill will rectify this omission.

The second relates to the Police Powers (Vehicle Interception) Act 2000. This act contains the offence of evading police, which was expanded in 2017 to provide a further offence of evading police with aggravated circumstances, with one of these aggravating circumstances being that the driver was committing a drink- or drug-driving offence at the time of the evasion. As a result of the overlapping development of the retrospective amendments acts, the aggravating circumstances in regard to drug driving refers to the presence of an illicit drug in the driver's breath or blood and not to the presence in their oral fluid. Part 5 of the bill will amend the Police Powers (Vehicle Interception) Act 2005 to rectify this issue.

The Hodgman Liberal Government makes no apology for being tough on crime and backing our police force as they protect our communities and keep Tasmanians safer. This bill, as the minister has said, makes a number of miscellaneous amendments to acts administered by the Department of Police, Fire and Emergency Management. I am proud to be part of the Hodgman majority Liberal Government that is getting on with the task of rebuilding the capacity of Tasmania Police after the savage cuts of the Labor-Greens years.

The Hodgman majority Liberal Government is the strongest supporter of our men and women in blue. I want to talk about the achievements of this Government and why it is important to support our police with the legislative powers that they need. The Hodgman Government is delivering on our commitment to build an even better police service by recruiting a further 125 new frontline police officers over the next four years. This will increase Tasmania Police to an authorised strength of 1358 full-time equivalent positions.

The recent graduation on 26 September 2019 welcomed 18 new constables, 10 men and eight women to the ranks of Tasmania Police. This brings the police full-time equivalent number to 1273. This represents 153 more police officers in our communities since we came to government, a complete contrast to those opposite, who sacked more than 100 police during their last attempt at government. The key point for the community is whose policies are working to make them safer?

Remember that under Labor there would be more than 200 less police on the beat. It does not bear thinking about how disastrous that would be.

The Hodgman Liberal Government makes no apology for being tough on crime and supporting our police officers as they protect our communities and keep Tasmanians safer. Since the election we have been working to ensure Tasmania Police have the tools they need to crack down on crime. We have given Tasmania Police new legislative tools to target significant organised crime entities, including outlaw motorcycle gangs. Under new consorting laws, police can serve official warning notices to prevent convicted criminals from consorting to further their criminal activities. Regulations to prevent prescribed criminal gangs from displaying their insignia or colours in public place have also been developed and will be in place shortly.

In the five years since we came to government with a strong mandate on law and order matters, Labor has shamefully tried to obstruct our efforts to keep the community safe and to protect victims that are most vulnerable.

It is high time that Labor loses their soft-on-crime approach. This year has seen the completion of a number of key projects or projects getting under way. The Emergency Services Computer Aided Dispatch, the ESCAD, and Triple Zero projects were completed, providing all emergency services, police, fire, ambulance and the State Emergency Service, with common contemporary dispatch and call receipt systems supported by a single business unit within the Department of Police, Fire and Emergency Management.

The ESCAD system enables an integrated dispatch platform across all emergency services, offering enhanced information sharing across all emergency service dispatch centres. Completion of the ESCAD project sees Tasmania as the only state with all emergency services operating from a single computer-aided dispatch platform. Tasmania Police has implemented a trial of electronic monitoring of high-risk family violence offenders to reduce the incidence and impacts of family violence and enhance the safety of victims and their children.

In addition to enhancing officer accountability and support investigations, the introduction of body-worn camera technology has led to increased safety for frontline police officers, contributing to a significant reduction of assault against police by 21 per cent.

The Hodgman Liberal Government has committed \$1.5 million per annum for a proactive and preventative health and wellbeing program that supports the physical and mental health of our emergency services personnel. Gallagher Bassett was selected as the successful tenderer for the supply and delivery of the health and wellbeing program. The health and wellbeing program provides a mix of proactive and preventative measures that build our capacity to detect and respond early to health and wellbeing risks.

On 10 September 2019, My Pulse was launched. This is a central online hub for wellbeing and includes physical and mental health screens, e-learn modules and face-to-face wellbeing training. It is targeted at career frontline responders across Ambulance Tasmania and DPFEM. In February 2020, cancer screens and lung function tests will be offered to all career and volunteer firefighters. My Pulse complements the existing wellbeing services that are available to our people.

The Tasmanian Government has committed an additional \$10.7 million through forward estimates to enable both the police vessels *Dauntless* and *Van Diemen* to be replaced commencing in the 2019-20 financial year. The public Request For Tender, RFT, for the replacement of police

vessel *Dauntless* closed on 18 July 2019. Tender submissions are being evaluated. In July 2019, Project Discovery was commenced to facilitate the procurement of a new offshore patrol police vessel to replace the police vessel *Van Diemen*. Funding will continue to ensure that vessels are replaced at regular intervals are reliable and are fit for purpose.

The Tasmanian Government Radio Network project is developing an integral sustainable and contemporary radio capability for a range of key TasGRN government stakeholder agencies. This includes emergency services agencies, Tasmania Police, Tasmanian Fire Service, Ambulance Tasmania, State Emergency Services, Land Management Agency, Sustainable Timber Tasmania and the Parks and Wildlife Service and the Tasmanian electricity supply industry, Hydro and TasNetworks.

The TasGRN project provides an opportunity to rationalise a number of end-of-life existing networks. A business case for a future radio capability was developed in collaboration with the stakeholder agencies to meet the requirements. The business case was endorsed by all stakeholder agencies.

Debate adjourned.

ADJOURNMENT

Veterans' Health Week

Teddy Bears Picnic - Launceston

Reclaim the Night

[6.00 p.m.]

Ms O'BYRNE (Bass) - Madam Deputy Speaker, this week is Veterans' Health Week - 26 October to 2 November - funded by the Department of Veterans' Affairs as part of their commitment to the wellbeing of veterans. This year the theme is mental wellness.

I commend Scottsdale RSL sub-branch and President Eddie Furnell for the commitment they have made to veterans in their community and our community by holding a soup and sandwich luncheon last Saturday with guest speakers from the Dorset Suicide Prevention Network. The invitation was for all ex-service personnel, their families and carers to go along and listen to those speakers. I assure members that not only was the soup delicious but it was a successful event and many people stayed on and continued those conversations about their own and loved ones' mental health.

I also commend the amazing organising team behind the annual Teddy Bears Picnic in Launceston with more than 1800 kids and adults - I did not get the number of teddies bears that were there. They gathered in City Park for a wonderful day of learning and play. I was delighted to be able to read *Going on a Bear Hunt* with the help of some lovely little people from Glendhu Childcare. I commend Mel, Alyson, Bec, Melissa, Shona, Carmel, Liz, Jayne, Naomi, Sally Susan, Susannah and Jo for their tireless work and Jess for her MC role. I also need to pass on to the Premier that they have made it clear they would like to request some funding for next year. I shall be writing to the Premier for a little support for these hard-working families and people and the families they support.

Lastly, Reclaim the Night, in particular the amazing organiser Jackie Anafindus. She is fierce advocate. She is a violence survivor. I am in awe of her passion. I will paraphrase her thank you message quickly -

Almost 100 people joined together to eat, to listen to music and to walk to reclaim our streets. We want to thank Wendy and the friendly staff at the Royal Oak Hotel, our only female publican in Launceston. A big thanks to Noah for the fabulous sound duties all night. To the musicians who donated their time to play songs from the heart that stirred our souls, told tales from their lives that reminded us that nobody knows what is behind the aged smiles and larger than life public persona much loved to you, and to the men who stood alongside you on stage in support and solidarity. We need more lads like you in the world. Lads who are willing to stand up and be counted. Thanks to Susannah Coleman-Brown, Steph, Eloise and Lewis Thetford, Megan Pennyfeather and her Cotton Pony boys. It was truly special to see them all perform. It was very humbling to have musicians of that calibre supporting it.

The magnificent guest speakers were Alison from Engender Equality and Shannon from Tasmania Police. Your speeches and information left a great impression. The messages we took away were that we need to act if we suspect someone is being abused. Do something - you may be the only person who does. Believe the victims. Help them get what they need to heal and move beyond the trauma. To Alison in particular, her generosity of spirit and courage in speaking out was inspirational.

Thanks to Auntie Sharon Holbrook for her Welcome to Country. She is a gracious and lovely human being and we truly appreciated her being part of it.

To Sara and Tamar for all of their work on the night where we raised the whopping total of \$800 in donations. It was raised in little shaky buckets which will be turned into a whole heap of supermarket vouchers and movie vouchers to be given to our Launceston crisis shelter, so the families who receive them will know there are people in the community who care and want to let them know they are not in this alone.

Those are a few of the events in my community, but they all go to telling a story of the compassionate and strong community I am proud to be part of and to represent.

Media Freedom - The Right to Know Campaign

[6.03 p.m.]

Dr WOODRUFF (Franklin) - Madam Deputy Speaker, media and press freedoms are crucial to a well-functioning democracy. They are part of the architecture that holds power to account. We need to have these important pillars of democracy unreasonably fettered. We need to ensure that we balance the freedom of the press with the rights of people to privacy and anonymity. We need to ensure that we do not live in a mass surveillance state where people are not free to make choices and are not free to take actions without fear of being followed and watched unreasonably so. They are eroding slowly and ever more quickly with the opportunity for facial recognition data through surveillance technology, which is truly frightening. The current situation is having a strong chilling effect on people who seek to provide us with the information that should be in the public domain. This is not just about press freedom.

The Right to Know campaign is incredibly important and came on the back of, amongst other things, the raid on the News Limited journalist Annika Smethurst and her work at the federal level

to uncover uncomfortable truths that the federal Liberal government did not want to have uncovered. They were attacked by police entering and taking their material in a serious attack on press freedom in this country. People like me who have been to Central America in the 1980s and have seen people who have lived in countries like El Salvador and Guatemala where there truly were police states, violent police states in that time, came back to Australia and thought, 'Thank God I live here; this would never happen in Australia.'. That is what the people of Chile thought when Pinochet took over and they were wrong. That is what the people of Chile are facing today.

I note that the climate talks have been cancelled because of what is happening there, so we must always guard against moving towards over-weaning powers of our Government and the police. There is no doubt that we are in a digital age and maintaining anonymity is a hugely important basic human right for our expression and our privacy, both of which are under strong threat.

I want to draw members' attention to the current state of affairs in Australia where state and federal governments have approved the creation of a national database for facial recognition through merging drivers licences and passport photos to be uploaded as data. There was a huge outcry by civil liberties groups and privacy advocates about this and the fact that the benefits did not outweigh the intrusion into people's privacy.

Before the federal May election there was a memorandum of understanding struck between the Attorney-General's department and the Office of the Australian Information Commissioner to provide for a national facial biometric matching capability database. That is extremely concerning. This was an alarming MOU that gave capacity for massive scope creep. Point 3.4 of that MOU said that other face-matching services can be added over time. That gives huge scope for moving into where we are seeing China today, where people cannot move around and there are 20 cameras at the traffic lights flashing every person's movement as they drive around the place, catching every single movement a person makes, entering into and outside of their houses everywhere.

We have to guard against this. Peter Dutton's Home Affairs attempts to pass the Identity Matching Services Bill and the Passport Amendment Bill were struck down last week by the Joint Intelligence Committee and they so far are pushing back against this relentless pressure for mass surveillance. Tasmania has been implicated in this. We have been happy to be used as a guinea pig state for the federal government's national facial biometric matching capabilities. Shame on this Government for putting our citizens at risk in this state by being party to such a dirty trial of facial recognition surveillance technology for a mass intrusion into the rights of Tasmanians.

There are great risks. We were happy to go ahead with a trial in Tasmania, it seems. The Government thought it was worth giving it a go, anything for Peter Dutton's attempts to have control over the lives of Australians, all in the name of protecting us against terror, which is such an old hackneyed phrase that is now used as every excuse for bringing in extreme forms of surveillance.

The Greens will be watching and will keep standing up for this. We are the only party to do so. The Labor and Liberal parties are in lockstep on these surveillance laws at the federal level. The Labor Party is too weak to stand up to the Liberal Party, and the Liberal Party is too intent on taking control of information to be able to thwart real peaceful protest like we are seeing outside the mining conference, where people, who are standing up in Victoria for the interests of the coal and gas industry are peacefully protesting and being brutally attacked by the police.

Time expired.

The House adjourned at 6.10 p.m.