

Tuesday 26 November 2019

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

QUESTIONS

Bushfire Readiness

Ms WHITE question to MINISTER FOR POLICE, FIRE AND EMERGENCY MANAGEMENT, Mr SHELTON

[10.03 a.m.]

Today we have heard extraordinary and alarming comments from Tasmania Fire Service insiders that the state is ill-prepared for the current bushfire season. Speaking on the condition of anonymity, these senior staff are speaking out because they are desperate for you to do something. During the last session of parliament, you made the bold declaration, and I quote:

I want to reassure Tasmanians that today we are better prepared than ever before for bushfires because of the actions we have taken.

That is not the view of workers on the front line. Who was telling the truth, you or senior and experienced firefighters?

ANSWER

Madam Speaker, I totally reject the allegations that were made. I accept the experts' advice and I am talking to the Chief Fire Officer on a regular basis. I reiterate the fact that I recognise that Tasmanians have a genuine concern about the bushfire risk. Only last week we had another total fire ban day and despite those conditions the Tasmania Fire Service had the capacity to send another 25 volunteers to Queensland to assist their bushfire efforts.

Tasmanians are concerned about what they see unfolding interstate on television and over social media. They do not want that to happen here and I acknowledge that. The reality is that we live in one of the most bushfire prone states in Australia, and in the world in fact. This is why, as minister responsible, I am committed to making sure that we are ready.

We are better prepared than we ever have been before. We have over 5600 firefighters ready to go. We have more than 240 remote area firefighters ready to go, right now. We have acted across all firefighting agencies. Our people are ready and our plans are in place. Brigade districts have been briefed. Fuel reduction burns have occurred in all regions. We have a new combined air desk to improve our aerial firefighting capacity. We can call on 36 aircraft from across Tasmania now. Those contracts are in place. On 1 December we will have an additional seven aircraft pre-positioned in strategic locations across the state. Only last week, we added new state-of-the-art fire trucks. We have community protection plans for all high-risk areas. Our strategy to better manage camp fires has been activated.

One of the key actions that we have taken to reduce fire is the significant fuel reduction burning program. Over the past five years, the Government has funded 608 individual fuel reduction burns. Fuel reduction is about reducing the risk, noting that you can never completely eliminate it. Fuel

reduction gives our firefighters a chance that they might otherwise not have. I am advised that our scientific analysis shows the statewide bushfire risk has reduced to its lowest level in 15 years. They are the facts. That is what we are doing. I will take the advice every day of the Chief Fire Officer.

Bushfire Readiness - AFAC Review Recommendation - Incident Control Centre

Ms WHITE question to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mr SHELTON.

[10.07 a.m.]

The AFAC Review into last year's catastrophic bushfires was scathing in its assessment of the facilities at the Tasmanian Fire Service's Cambridge headquarters. The review found that the facility was -

Awkwardly laid out, cramped and not supportive of contemporary incident management practice.

Recommendation 9 was to commence discussions about the construction of a purpose-built, state control centre for emergency management in Tasmania. Can you confirm that your answer to these criticisms and recommendation is to place a demountable building in the Cambridge carpark to house the Incident Control Centre?

Members interjecting.

Madam SPEAKER - Order please. A little bit of discipline.

ANSWER

Madam Speaker, I thank the member for her question. As she mentioned, there was a recommendation in AFAC. As I have indicated to the House previously, that is a long-term project to make sure that we are ready. Planning and discussions regarding the statewide centre are ongoing.

I have visited the Cambridge site on a number of occasions and had a tour through their training facility which, in the past, has been converted through the summer time to an incident control centre. Arrangements in the south to provide the Incident Control Centre are the same as past years. Planning is underway to determine the best approach to provide these facilities in the future. They are currently located within the training complex at Cambridge. Infrastructure arrangements have been put in place to ensure that there is no disruption to the recruit training program which will continue into and over the fire season.

The Chief also informs me that the vacant buildings across the road have recently been leased for further expansion of the Cambridge site. They are currently being modified. The capacity is not diminished; in fact, it has increased with the ability to continue training while the fires are being managed. It is completely misleading of Labor to suggest otherwise.

Ms WHITE - Point of order, Madam Speaker. It goes to Standing Order 45, relevance. The question to the minister was whether he could confirm that a demountable building has been placed in the carpark. He has not gone anywhere near answering it.

Madam SPEAKER - He has already taken his seat, so I will dismiss that.

Bushfire Readiness

Dr WOODRUFF question to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mr SHELTON

[10.10 a.m.]

For months we have been demanding that you provide information about what measures have been taken to protect Tasmania from bushfires this season. You have failed to reassure the community. Instead, you have denied the reality of climate heating charged bushfires and have not been able to answer basic questions about the AFAC Report's recommendations. There are reports you have had to curtail aircraft-based training activities to hold back some of the limited quota of contract flight hours that you have resourced for fighting fires this season.

This morning the ABC reports Tasmania Fire Service staff are worried about resources in the south, with hundreds of thousands of dollars of overtime paid in October to cover the shortfall in staffing. You said you have every confidence in the Tasmania Fire Service to protect Tasmanians this season but when we have firefighters telling us it is luck that is getting us by, how can Tasmanians have any confidence in you to protect them this bushfire season?

ANSWER

Madam Speaker, I thank the member for her question. It is a broad ranging question which is a political question that she raises over the preparedness. I have been through the preparedness a number of times. I will go to the point as far as aircraft goes. The chief executive officer of the Australasian Fire and Emergency Service Authorities Council (AFAC), has expressed his view that Australia currently has sufficient resources and contingencies in place to manage the 2019-20 bushfire season. Aerial firefighting is a critical tool to the bushfire management tool box. Tasmanians have a new combined air desk to improve the aerial firefighting capability -

Dr Woodruff - We are talking about Tasmania.

Mr SHELTON - That is the air desk in Tasmania.

Dr Woodruff - There are not enough flight hours.

Madam SPEAKER - Through the Chair.

Mr SHELTON - Contracts are in place to call on 36 aircraft from across Tasmania right now. From 1 December, only a couple of days away, we will have a further seven aircraft, three positioned in strategic locations around the state, to fight the fire as soon as it is identified.

Dr Woodruff - You do not have enough hours to train people to do the work.

Madam SPEAKER - Order, Dr Woodruff, please.

Mr SHELTON - It is not practical or economically feasible for each jurisdiction to equip itself to meet all likely scenarios. The current model relies on the effectiveness and efficiency of sharing the resources to meet surge demand.

Dr Woodruff - Stealing from the north to come to the south because there are not enough people in the south.

Madam SPEAKER - Order, Dr Woodruff, please, warning number one.

Mr SHELTON - This is especially relevant in the case of aviation resources which are specialised and expensive. The advantage of sharing air resources is that they are highly mobile. By early December the country will have seven large air tankers, or LATs, to use if needed; more than the five that was previously used in past fire seasons. We are well-prepared. There are national sharing arrangements in place and from an intrastate perspective, the chief fire officer has the ability to move our resources around wherever they are needed.

Tasmanian Businesses - Government Support

Mrs RYLAH question to PREMIER, Mr HODGMAN

[10.13 a.m.]

Could you please update the House on the Hodgman majority Liberal Government's strong support for Tasmanian businesses and how the Government's long-term plan is working?

ANSWER

Madam Speaker, I thank my parliamentary secretary, Mrs Rylah, for the question. Last week I led a trade delegation to Europe and the United Kingdom, concentrating on our world-class capabilities in the defence, energy, maritime and Antarctic sectors.

During the time I was away, further reports confirmed that Tasmania's economy is the best performing in the country, supporting local businesses and more jobs. It does not happen by chance. It happens because as a government we have a clear plan to create a strong economy and the most favourable business conditions in the country through targeted strategies such as Tasmania's first trade strategy delivered by this Government. It is strategy that contains a number of actions, including backing our sectors where we have strong competitive advantage, ensuring that we are building trade in key sectors such as energy, maritime and Antarctic industries. We are also building on our export capabilities through targeted trade missions.

It was evident while I was abroad that our reputation and our connections in these sectors continue to grow. There are many significant opportunities for our businesses and further investment in our state. On the mission, we struck an MOU with the French Polar Institute to secure the continuation of our Antarctic operations from Hobart for another five years. That will inject up to \$7 million into our economy, supporting our maritime and polar businesses. Thales, in France, has an important partnership with the Australian Maritime College and the University of Tasmania to develop the maritime and defence investment opportunities in our state, alongside another global heavyweight, the Spanish shipping company, Navantia, which supports many Tasmanian

businesses and opportunities. Most notably, Taylor Bros is part of the supply chain for many major projects that will support local jobs here.

Both Navantia and Thales are major global primes in the maritime and defence industries. They have long been pursued by Tasmanian business and now, supported by my Government, are partnering with our local businesses, all hoping to leverage off our strong commitment with the federal government to the Tasmanian Defence Innovation and Design Precinct in Launceston, supported by the Morrison Government and our Government and that has certainly attracted the interest of major primes.

At a renewable energy roundtable in London a number of global corporates were interested in our nation-building projects, not only Project Marinus, Battery of the Nation, but also the hydrogen opportunity. It coincided -

Members interjecting.

Mr HODGMAN - Rather than whinge about it in this place, I was taking the opportunity to the world and before a number of corporate leaders in London. They are serious about the opportunity for renewable energy investment in Tasmania, which has never been more positive and never been stronger than now under this government.

While I was away, we received further news that we have the fastest-growing economy in the country. We are supporting business here, further growth, and further opportunity. There are 1500 more businesses operating in Tasmania now since the time we have been in government: 15 800 more jobs in our state now and, once again, the most confident business community in the nation.

This week we have also been highlighting the critical role that these Tasmanian businesses are playing in Tasmania's economy it being its strongest and one of the strongest in the country through our actions like our trade strategy, our Tasmanian Advanced Manufacturing Action Plan, our business growth strategy and developing a new Brand Tasmania to promote all that is good about our state. We know how important the economy is to Tasmania to support more jobs and to allow us to better invest and invest more into health, into education and into the infrastructure that our growing state needs, as we are doing.

Unlike Bec White, I do not need former premiers to tell me about the importance of our economy. After more than a decade in opposition, Labor only now admits they need to understand the economy. Their new shadow treasurer admits they still have not done the work, but he says he will. Since he became the shadow treasurer not one policy has he announced nor one idea has he announced as to what he would do to keep Tasmania's economy strong. The only work he has done, other than undermining his leader, Bec White, is to issue a string of media releases distorting data, talking down our progress and sniping from the sidelines, which only damages business confidence in our community. After all, he was the minister for economic development that delivered the most unfavourable business conditions and the lowest business confidence in the country.

Ms O'CONNOR - Point of order, Madam Speaker. Standing order 48: the Premier has had enough time to devolve into base politics; five and a half minutes.

Madam SPEAKER - Yes, Premier, you have gone over time.

Mr HODGMAN - Thank you, Madam Speaker, I will conclude. He was the minister for economic recession. They have not learnt anything. There is a lot more to do. We have achieved a lot over this last year delivering what I have always believed in; that Tasmania can be the very

best at all we do. I extend our thanks and our support and encouragement for Tasmanian businesses that are part of the most confident business community in Australia and the strongest performing economy.

Palliative Care Tasmania - Funding

Ms OGILVIE question to MINISTER for HEALTH, Ms COURTNEY

[10.20 a.m.]

Palliative Care Tasmania is the only state-based palliative care peak organisation not funded by its state government. In my letter to you on 9 October - and I am looking forward to receiving a written response on that - I sought a commitment from you to provide certainty to Palliative Care Tasmania as its funding ceases in June 2020. Palliative Care Tasmania has indicated that they need ongoing funding of \$500 000 per annum through a five-year contract to enable them, as an important peak body, to deliver these critical services to Tasmanians. Will you commit to providing this funding now, today, in this House?

ANSWER

Madam Speaker, I thank the member for her question. Palliative care across our community is important. We know that the quality of care provided is very high. The member also joined me recently at the Palliative Care Tasmania annual conference. It was wonderful to see so many people supporting it, and the breadth of engagement Palliative Care Tasmania is having across a number of organisations, noting this is something the whole community should be engaged with in a meaningful way.

The Hodgman majority Liberal Government has provided significant support for a number of groups and organisations to deliver important community-based palliative and end-of-life care initiatives. I would like to talk for a moment about the breadth of these services. At the Mersey Hospital with the redevelopment underway there, we have seen the rehabilitation ward delivered earlier this year, and I have also been advised that the planning work for the medical ward which contains dedicated palliative care beds is on track to commence in the first half of 2020. The model of care will include beds with specialist 24-hour care and will work closely with community-based specialist palliative care services. These beds will be fully funded and staffed.

At present, palliative care patients receive high-quality care on the medical ward there using existing infrastructure and single rooms and family lounges. We will continue to work with Palliative Care Tasmania and a number of other community organisations, as well as directly as a service provider, to ensure that service continues in a qualitative way. I assure the member that I will continue to engage with Palliative Care Tasmania in a constructive way.

Bushfire Readiness - Volunteer Brigades

Ms BUTLER question to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mr SHELTON

[10.23 a.m.]

My question is to the incompetent Minister for Police, Fire and Emergency Management -

Madam SPEAKER - That is very unparliamentary and I ask you to withdraw it immediately and apologise.

Ms BUTLER - I withdraw it.

Ms O'BYRNE - Point of order, Madam Speaker. Members of the Government in their appalling Dorothy Dixers regularly lay praise upon ministers that is clearly undeserved. If those things are okay, why is this not okay?

Madam SPEAKER - It is appalling behaviour. I have asked Ms Butler to withdraw it wholeheartedly - and I ask her to do it again just to make sure everyone heard it.

Ms BUTLER - I withdraw, Madam Speaker.

Opposition and Greens members interjecting.

Madam SPEAKER - Order. I remind members on my left that they often say that language matters and I am asking this to be a kind and safe workplace. Thank you.

Ms BUTLER - Minister, just two weeks ago, you foolishly declared that Tasmania was better prepared for bushfires than ever before. This claim has been comprehensively debunked by senior staff working on the front line, who are rapidly losing confidence in your ability to lead this state through a bushfire emergency. During high fire danger days, strike teams are placed on standby in affected regions, ready to respond if needed. Were you aware that during last week's total fire ban volunteer brigades had to be sent down from the north-west because TFS could not fill their strike team requirements in the south?

ANSWER

Madam Speaker, I thank the member for her question. As I have already stated, we are more prepared in the state and I have stated the reasons for that. What is happening here is the Labor Party is playing politics. They are hearing from some of their union mates without understanding the story.

The Chief Fire Officer has informed me that all brigades in the south were stood up on this high fire danger day, and our volunteer firefighters in the south were ready to go. I dispute the alarmist claims. The Tasmania Fire Service chief officer has confirmed that Tasmania's firefighting service has approximately 4000 active operational volunteers ready to go.

The UFU is not the representative union for Tasmanian volunteer firefighters. The Volunteer Firefighters Association state president made a comment on the UFU's claims and it is worth repeating: He said that these 'claims were "absolutely not" true ... "emotional rhetoric".', and that 'the association had plenty of volunteers committed to fighting fires ...'

Mr O'BYRNE - Point of order, Madam Speaker, under standing order 45, relevance. The question related to the inability of the southern region to respond to the high fire danger by having to bring volunteer crews down from the north-west of the state. Could the minister answer the question, please?

Madam SPEAKER - That is not a point of order but I ask the minister to be relevant.

Mr SHELTON - Thank you, Madam Speaker. As I have indicated, the numbers of volunteers are there. All the southern brigades were stood up and in preparedness on that high fire danger day and, in more preparation, volunteers were asked to come down from the north to assist their southern brigades. We have in the state a totally mobile fire service that can move where the problems are and that is an operational issue which will be controlled by the chief fire officer on those days.

Bruny Lighthouse - Privatisation

Ms O'CONNOR question to MINISTER for ENVIRONMENT, PARKS and HERITAGE, Mr GUTWEIN

[10.27 a.m.]

At 5 p.m. last Friday by media release you announced another privatisation of a public asset through your highly secretive stage 2 EOIs, this time of Bruny Lighthouse. No bells and whistles like in days gone by; just a Friday afternoon news dump. It has since been revealed that at the same time that the EOI proposal for Bruny Lighthouse was on the Office of the Coordinator-General's table, Parks and Wildlife spent at least \$327 000 upgrading the site, as well as an undisclosed sum upgrading the road and carpark - public moneys blatantly being used to enable a private development on public land. How is that not corruption?

Members interjecting.

Madam SPEAKER - Order, we have the minister on his feet.

ANSWER

Madam Speaker, Bruny Island is one of Tasmania's most loved destinations for locals and visitors alike. The Government recognises the contribution that our national parks make to our visitor economy and we have made an unprecedented investment to ensure that we have the right facilities supporting our natural assets.

Let me be clear in terms of this. Planning for the \$330 000 upgrade that Parks have made began back in 2017.

Ms O'Connor - Irrelevant: the works were done in June.

Mr GUTWEIN - That is about improving the public infrastructure, including toilets and disability access.

Ms O'Connor - So you can privatise it.

Madam SPEAKER - Order, Ms O'Connor.

Mr GUTWEIN - This public infrastructure will remain public infrastructure. It will be available for the public ongoing, and I think you know that, member for Clark.

Ms O'Connor - I know that you're dodgy.

Mr GUTWEIN - Madam Speaker, I am also advised that the EOI was released publicly, I think, on the Thursday. The press release went out on the Friday - I am not sure of the time it was released -

Ms O'Connor - It was 5 o'clock on a Friday afternoon.

Mr GUTWEIN - I am not shy of the press, so there was no timing issue here. If it went out a little late, then I am disappointed that it went out a bit late.

The proposal that has come through the EOI is to use three existing heritage buildings in the precinct that have not been updated as a result of the recent investment by the state.

I make the point and go to the hypocrisy of the Leader of the Greens, the member for Clark, and the moral self-righteousness that she brings to this place. She has been caught out. It is a statement of fact that when you were a cabinet minister in the former Labor-Greens government, back in 2012, that you went out for an EOI, not on selected parts of the asset on Bruny, but to lease the entire site. And an operator was signed up. If I could just make the point, she shakes her head and says, 'No, this is different'. I do not think many people in this place would be aware of that.

Ms O'Connor - I do not even know what you are talking about.

Mr GUTWEIN - That is the point. That is the improvement that we have brought to the table through the transparent EOI process.

When the member for Clark was a minister in the previous government they signed up a deal with a private operator.

Ms O'CONNOR - Point of order, Madam Speaker, on relevance, standing order 45. That is nothing I know anything about. It is ancient history. You have been asked to explain why it is not corrupt to spend public monies enabling a private development on Bruny.

Madam SPEAKER - Thank you, Ms O'Connor. That is not a point of order.

Mr GUTWEIN - Of course it is not a point of order. What the member is trying to do is to cover up the fact that when she was in government, they went to the market for a lease of the entire site on Bruny.

Ms O'Connor - You are a total crook.

Mr FERGUSON - Point of order, Madam Speaker. The Treasurer will not have heard that interjection, but I ask that that offensive remark from the Leader of the Greens be withdrawn.

Madam SPEAKER - Ms O'Connor, I ask you to stand and withdraw that offensive comment.

Ms O'CONNOR - I will do so because you have asked, Madam Speaker. I withdraw it.

Mr Ferguson - Yes, fair enough. No more questions for you today.

Ms O'Connor - I do not take my orders from you.

Mr GUTWEIN - When the member of the Greens starts to behave in this fashion you know she has been caught out. I am going to state very clearly again what I said when I began this answer.

The works were planned on Bruny Island around 2017; \$330 000 has been spent to improve toilets, including improved disability access, car parking that all will be available to the public. The proponent has brought forward a proposal to use three heritage-listed buildings on the island in which their own money will be invested to do them up. The public will not lose access to any part of the site they currently have. In fact, the public will get a better outcome because the facilities have been upgraded.

In terms of the EOI process and the transparency that we have brought to the table, I make this point: that member sat in Cabinet -

Ms O'Connor - You are just lying now.

Madam SPEAKER - Ms O'Connor, we do not call people liars in this place. I expect you to withdraw that.

Ms O'CONNOR - On the point of order, I said he was lying. I did not call him a liar. If you would like me to withdraw the statement, I will.

Madam SPEAKER - I am sorry. That is semantics. It is the same thing.

Ms O'Connor - It is not.

Madam SPEAKER - You have had five minutes, Treasurer.

Mr GUTWEIN - I will wind up by saying very clearly and very firmly, once again - the moral self-righteousness that they bring to this Chamber and the hypocrisy, which knows no bounds when they think that they can get on to a political issue - the point that I make is that the EOI process adds an additional layer of transparency.

We have just heard that a cabinet member of the former government had no idea that they had gone to the market; that they had signed up a lease with a private operator whereas under our EOI process, before we entered lease and licence negotiations, we made public who we are dealing with. That is the increase in transparency.

To be frank, it is no wonder you are whingeing and complaining because you have been caught out. You were a poor and lazy minister and one that did not pay attention to what was going on -

Madam SPEAKER - Okay, thank you.

Bushfire Readiness - Remote Area Teams

Ms BUTLER question to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mr SHELTON

[10.35 a.m.]

You have previously reassured Tasmanians that remote-area firefighting teams would be back up and running by the start of December. With only a week to go until the official start of summer,

can you guarantee that remote area teams from the Tasmanian Fire Service will be cleared to resume aerial firefighting activities?

ANSWER

Madam Speaker, I thank the member for her question. The Tasmanian Fire Service currently has 111 career firefighters throughout the state trained and ready to be deployed in remote-area firefighting. The training has been ongoing over the last few months. There is training happening at the moment and that number will only increase. Further enhanced remote-area firefighter training is currently underway. Additional staff who opt in - that training will be concluded by the end of this month. We will see the number rise. Overall, combined with the Parks and Wildlife Service and Sustainable Timber Tasmania, Tasmania has, at the moment, 246 remote-area firefighters ready to be deployed. Parks and Wildlife remains the lead capability for remote-area firefighting in Tasmania.

I am pleased to confirm that both Parks and Wildlife Service and the Tasmanian Fire Service RATs were deployed at the recent fire at Mathinna. They were employed, doing arduous work from tracks. We are better prepared than ever before for bushfires.

Ms WHITE - Point of order, Madam Speaker. Standing Order 45, relevance. The question to the minister was very specific and quite brief. It was whether he can confirm within one week, by 1 December, the remote area team will be available for aerial firefighting activities.

Members interjecting.

Madam SPEAKER - Order. Can we please have some discipline? Standing order 45 asks that the minister be relevant. It is not a point of order in this case but we will ask the minister.

Mr SHELTON - Thank you, Madam Speaker. As I indicated, there are 111 career firefighters throughout the state from Tasmania Fire Service who are trained and ready to be deployed. I cannot be straighter than that.

Ms White - So they could go today?

Mr SHELTON - There are 240 out there, ready to be deployed.

Members interjecting.

Madam SPEAKER - Order, I cannot hear the answer.

Mr SHELTON - In total, Tasmania has more than 5600 firefighters currently on standby, ready to fight the fires. We have seven firefighting aircraft -

Ms BUTLER - Point of order, Madam Speaker. Standing order 45. My question was, will remote area teams from the Tasmanian Fire Service be clear to resume aerial firefighting activities? He is coming nowhere near it.

Madam SPEAKER - That is not a point of order. I do hope the minister has heard it, though.

Mr SHELTON - I will repeat: training is currently underway for remote-area firefighting. As I have said, Parks and Wildlife Service is the main contingency -

Ms Butler - Why can't you answer the question.

Madam SPEAKER - Order. If you do not like the answer and you are going to continue to interrupt, I will ask the minister to resume his seat because he is wasting his breath. Sorry, minister.

Mr SHELTON - As far as our capacity in the state goes, we have three fantastic agencies across the state. They are ready to go, the firefighting season is coming towards us, and I have every confidence in that capability.

Tasmanian Economy - Achievements

Mr TUCKER question to TREASURER, Mr GUTWEIN

[10.39 a.m.]

Can you please update the House on the recent performance of the state's economy and the Hodgman Liberal Government's record of achievement? Can you remind the House how far we have come since coming to government?

ANSWER

Madam Speaker, I thank the member for Lyons for that question and his interest in this important matter. The questions are writing themselves at the moment, I can assure you.

Madam Speaker, 2019 has been a good year for the Tasmanian economy. In fact it has been the best year in 30 years. When we came to government nearly six years ago we outlined a plan to fix the budget mess, restore confidence, grow the economy, attract investment, and create jobs. We will always acknowledge that there is more to be done but I can assure you that it is not going too badly. It is pleasing to see that our plan for Tasmania is working.

In a record first, the Australian Bureau of Statistics just over a week ago confirmed that our economy is now the fastest growing in Australia. It is growing at its fastest rate in 15 years, with growth of 3.6 per cent, nearly double the national average. As I have already mentioned, it is the first time since the series began 30 years ago that Tasmania's economy grew the fastest in the country. It is also the first time that all 19 industry sectors in Tasmania have grown throughout the year, meaning that our economic success is broad-based, resilient and, importantly, creating jobs right around the state.

We have come a long way since the recession six years ago that those opposite took us in to. Our economic growth is underpinned by business and consumer confidence as Tasmanians take advantage of our strengths and the opportunities that are before us. Last week the Sensis Business Index revealed that Tasmanian businesses are the most confident of all states and for the ninth quarter in a row, voted our Government's policies as the most popular in the country. Confident businesses hire more people and ABS data now shows that since we were elected nearly 16 000 new jobs have been created, with a record of nearly 251 000 Tasmanians in work.

Our budget is stronger, we hold net cash and investments in both the general government and total state sector and our balance sheet is strong. Our budget is back in the black and 2018-19 saw the Government deliver its fourth balanced budget again whilst investing record amounts into health, education, looking after the most disadvantaged, underpinned by significant and strong investment into infrastructure.

These extraordinary results are a result of the fact that this side of the House has a plan and we outlined that plan in the Budget. We made the point that the national economy was slowing, that there were headwinds, so we brought down a budget that invests record amounts into infrastructure - \$3.6 billion. This is a significant departure from where those opposite would be. They have whinged and carped about the investment into infrastructure, yet it is ensuring that confidence remains high, investment continues to roll in and, importantly, that jobs are being created, which is such a far cry from where they were. They had an economy in recession, and 10 000 jobs were lost at its peak. Tasmanians were leaving the state in droves, their budget was in deficit, business confidence was at rock-bottom and, not surprisingly, two-thirds of all Tasmanian businesses surveyed thought that the Labor-Greens policies of the day were working against them.

At a time when we are leading the country on so many economic indicators and when jobs are being created, all we see is relentless negativity from the new shadow treasurer. Press releases designed to impact negatively on confidence - that is what we see.

Ms O'Connor - Four and a half minutes.

Madam SPEAKER - Forty-three seconds to go.

Mr GUTWEIN - Madam Speaker, in the 43 seconds I have left, let me make the point that Mr O'Byrne should hang his head in shame for the disastrous job he did when he was the minister for economic recession, when Tasmanians were leaving the state and the busiest people were those selling airline and boat tickets to get out of the state.

Members interjecting.

Madam SPEAKER - Order, I know this is the last week but there is chaos in the House. It is most unparliamentary and I would like a little more dignity. Thank you, Treasurer, for that wonderful contribution.

Ms Ogilvie, I remind you that I have five questions to get through before I can get back to you so it is unlikely.

Bushfire Readiness - Fuel Reduction Burns

Ms BUTLER question to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mr SHELTON

[10.46 a.m.]

In addition to your ridiculous claim that Tasmania is better prepared for fires than ever before, you have boasted about the number of fuel reduction burns that have been performed. Senior firefighters have spoken out about the fact that these burns have been concentrated in the north and

north-west and not in the east and south where the fire risk is greatest. What do you say to criticisms that fuel reduction has not been focused on the right areas to keep communities safe?

ANSWER

Madam Speaker, I thank the member but what a ridiculous question as far as fuel reduction burns not keeping Tasmanians safe. We know from experts that the fuel load has been building over the last 30 years. We are reducing that relative risk. It is now down to 83.3 per cent, which is the lowest it has been in 15 years. Removing the fuel load helps protect communities.

Ms O'Byrne - He's misleading the House.

Madam SPEAKER - Excuse me, nobody is misleading the House. Please let the minister finish.

Mr SHELTON - Madam Speaker, that is the truth. Our fuel reduction program totalled 608 burns over the period. There is a \$9 million commitment to reduce the fuel load out there protecting our community; 86 000 hectares have been burnt and therefore we have reduced the impact. We know the town of Zeehan has been partially saved because a fuel reduction burn has removed the load from around that town. When a wildfire starts up and heads that way it will either not continue through that pre-burned area or it will be reduced in its capacity so the firefighters can get in there and remove that load. That is the work that has been going on.

Substantial work around Hobart has been done to reduce the risk with up to 25 per cent to 50 per cent reduction in risk around Hobart. They are the facts. That is how we are protecting Tasmanian communities. We have 323 firefighters now employed in Tasmania. That is the most firefighters there has been in 10 years. We have volunteers around our community that are well trained. I have visited the volunteer firefighters in Launceston when they are going through their training days. They are out there and prepared. We have a number of situations created around Tasmania where we have put fuel reduction burns. There is a process to go through. They go through that process. They burn in autumn and in spring when it is safe and they reduce the fuel load for communities. They are doing a fantastic job. The fuel reduction program is a nation-leading program. Given what has happened on the mainland, I am sure those states will be looking at what we are doing here in Tasmania.

Energy Achievements

Mrs RYLAH question to MINISTER for ENERGY, Mr BARNETT

[10.49 a.m.]

Can you please share with us the significant energy achievements delivered by the Hodgman majority Liberal Government over the past year?

ANSWER

Madam Speaker, I thank the member for her question. Delivering our Tasmania First energy policy has been a key part of our plan to keep the economy strong and to deliver jobs. We have the fastest-growing economy in Australia. We have heard from the Premier, the Treasurer - jobs galore, 15 000 plus, nearly 16 000. We are becoming Australia's renewable powerhouse with low cost

reliable clean energy. We have what the rest of the nation wants and needs and it is delivering in spades for Tasmania.

We have the Morrison Coalition Government in Canberra that has invested \$56 million to fast track progress on the design and approval plan for the Marinus link. This is very encouraging. This is a vote of confidence in our plans.

Mr O'Byrne - Why didn't he mention Marinus in his statement?

Madam SPEAKER - Order, Mr O'Byrne.

Mr BARNETT - All the sniping and criticism from the Labor Party means nothing because they are doing it from the sidelines. We are getting on with the job. That is what we are doing.

On top of that, a commitment to underwrite the Battery of the Nation pumped hydro. All this together, what does it mean? It means \$6.5 billion of investment in Tasmania over coming years, 2400 jobs; that is the estimate in coming years. This is part of our plan to deliver for Tasmania.

On top of that, a revenue stream is guaranteed through Hydro Tasmania and the Tasmanian people that we can reinvest back into essential services whether it is health, or education or infrastructure. With this certainty in mind, we have Hydro Tasmania investing \$30 million looking at the pumped hydro options: Lake Cethana, Tribute Power Station, Lake Rowallan - which is the best one? This will be determined in the not-too-distant future.

We are one step away from 2022 when we expect to be 100 per cent fully self-sufficient in renewables. Cattle Hill Wind Farm, Granville Harbour Wind Farm; together \$300 million of investment, here in Tasmania, delivering 100 000 homes with energy. That is the equivalent of that development. That investment is well underway and due for conclusion by the end of next year.

We are on track. This is all part of our plan. We have positioned Tasmania uniquely to be a leader in large-scale, green hydrogen by 2030. This is our plan, to be producing green hydrogen by 2025. It is all part of the Tasmanian Government's Renewable Hydrogen Action Plan that has been released in recent weeks. We supported Professor Alan Finkel's release of the National Hydrogen Strategy. We have clean energy. It plays to our strengths in Tasmania. We were integral to that national hydrogen strategy. We played a key part.

Members interjecting.

Mr BARNETT - Sniping from the sidelines will not help. Nothing will help the Labor Party. They need to come on board and support it.

Members interjecting.

Madam SPEAKER - Minister, I ask that some members of your own government calm down. I also ask that the little noises that come from this side, stop. It is irritating.

Mr BARNETT - As I was saying, the Coordinator-General is working with key proponents in terms of investment opportunities here in Tasmania in hydrogen in this state, specifically at the Bell Bay industrial zone in the north. We are very pleased that Tasmania is so well and uniquely positioned to make a compelling investment in hydrogen going forward.

This is all part of our plan and we are proud to be working shoulder to shoulder with the Morrison Government in that regard. We thank them for the \$370 million package to support hydrogen. It means more jobs and opportunities. Already, 90 000 Tasmanians are benefitting from our \$45 million electricity concession scheme, regulated power prices - no more than CPI. We are keeping power prices down. Down, down, down. Unlike under Labor - seven years under Labor, 65 per cent, up, up, up. That is what happened. Since we have been elected, regulated power prices have risen by only 3.5 per cent in five years. Cost of living, cost of doing business: this is a priority for our government.

In the five and a half years, what has been seen from Labor? No plan, nothing, a void. They are keener to be tied at the hip to the Greens in putting protesters ahead of law-abiding workers of Tasmania, spreading completely false claims and spreading fear. This is not on. There is a fundamental policy that you should support and that is the right of business to operate freely and fairly from intervention and being impeded from those who wish them harm. Tasmanian workers deserve protection -

Members interjecting.

Madam SPEAKER - Minister, I draw your attention to time. I am also worried that you might incite Mr O'Byrne.

Mr BARNETT - I will conclude, Madam Speaker.

Ms O'Connor - Five and a half minutes.

Madam SPEAKER - He is just concluding.

Mr BARNETT - Madam Speaker, I conclude and say thank you to the various businesses, whether they are forestry, farming, fishing, or mining and mineral processing businesses across the board, for their support for our efforts to protect Tasmanian workers.

Royal Hobart Hospital Redevelopment - Completion Date

Ms WHITE question to PREMIER, Mr HODGMAN

[10.55 a.m.]

The contracted date for the completion of the new Royal Hobart Hospital was December 2018. This was later revised to August 2019. The contract includes a provision for penalties 30 days after the date for practical completion of \$17 000 a day. After 60 days, the penalty is increased to \$35 000 a day. It is now almost December and you still cannot give a date for when the hospital will be finished. When will the hospital be completed? Has the John Holland Fairbrother Joint Venture paid any damages to date and, if so, what is the total amount of damages that were paid as a result of the continued delays?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for the question. This week she confessed to what we always knew: she is a fair dinkum fence-sitter - her own words, she has

described herself as a fence-sitter. We know that to be so because they do not stand for anything and they have no track record on which they can stand or be proud of.

The Royal Hobart Hospital and its redevelopment, which is happening and which will be completed under this government, is the most significant investment in our public hospital infrastructure. It will reduce strain on our health system and it will increase capacity at this hospital. It will improve services for Tasmanians and it is being delivered by this Government.

The Labor-Greens government had a decade to lay a brick on it or start work and could not. All they could do was pay millions of dollars in consultants and did not lay a single brick on this project.

I am advised that the new K Block will be imminently completed. The final fit-out is nearing completion. Once this occurs, the building will undergo rigorous inspection, testing and rectification of any issues to ensure it meets all specified requirements and is safe and fit for purpose. This will be followed by the commissioning of services into K Block, which is on track for a February commencement.

It is important that the managing contractor completes construction of the building as efficiently as possible without compromising quality. They should not, in any way, be rushed by a reckless Opposition, as unlikely as that would be. Their obligations are to complete construction as efficiently as possible, but without compromising quality. There is a well-executed and supported commissioning process. We will continue to work alongside, and with our expert project and clinical managers, to undertake this complex and important work. They are the experts in these matters, not the Leader of the Opposition or her colleagues. They have no policies of their own and no credibility on this matter because they could not even commence the work that is underway and that will help improve health services in our state.

I am further advised that with regard to ongoing program review and associated commercial matters, speculation on these issues is not appropriate but it is typical of the Opposition. It is of the utmost importance that the fit-out for the building and construction meets the required standards, and clinical areas are defect-free, a practical completion, given the operational infection control impacts of managing any post completion defect repairs.

It is important to note also that there are significant incentives built into the contract for the builder to minimise delays, including the recovery of damages for any late delivery.

Family Violence Counselling and Support Service - Funding

Ms O'BYRNE question to PREMIER, Mr HODGMAN

[10.59 a.m.]

At yesterday's Walk Against Family Violence, you asked the gathered crowd to think of something they could do to prevent family violence. As Premier, and the responsible minister, you have the capacity to do something. The Family Violence Counselling and Support Service is Tasmania's first responders for victims of family violence. They are resourced to take 1800 referrals a year. In the last 12 months, they got 6484 referrals. Each of these family violence first responders has a case load of 600.

On the November long weekend, staff dealt with 67 reported cases of family violence in the north. These included: six incidences of strangulation; multiple threats to kill partners or children, including a two year old; three attacks on pregnant women; and the use of knives and other weapons. There were forced entries including: physical assault; theft and damage; and property damage, including a family car set on fire. These attacks were witnessed by 120 children. This is just on one long weekend in the north of the state.

You asked what people could do? As Premier, will you support our family violence first responders? Will you commit to providing the additional \$1 million this service requires just to meet its current demand.

ANSWER

Madam Speaker, I thank the member for the question. Of course, we are all aware of the horrifying statistics to which the member refers of Tasmanians in our communities, predominantly women and children when it comes to family violence. We are well aware of the horrifying impacts of this on our community and the victims and survivors of family violence. It is why we as a government and with the support of broader community, which has typically involved all parties and members of this parliament, have done so much more to invest in preventing and eliminating family violence in our community in a way which is unprecedented and which has been described as nation leading. It has been described as a very strong response to what is a complex but horrifying circumstance that occurs far too often in our community.

It is an area that, as the minister responsible, but for as long as I have been Premier have been wanting to strongly support with my colleagues and those who work with government. I have worked myself in Child Protection Services and Family Services. I have met with many victims and many survivors. Those agencies are not only in government but also the non-government sector, which provide them with support. They themselves are experiencing great stress in their work environment.

It is unfortunate that the Opposition, notwithstanding the relevance, significance and the validity of the question would try to politicise this matter as they are doing. I refer to the observations of the Leader of the Opposition. It is most regrettable and it does nothing to advance what should be a shared and collective effort by our community, with our Government's support to improve services.

We have always acknowledged that the family violence counselling and support services are important. Obviously, Safe at Home operates, as I have said in this place before, with an integrated criminal justice system and a response to family violence. That service is one of a number of important family violence response services available to impacted people. It provides support to those who have suffered family violence in our state, alongside a number of other important organisations - Gender Equality, Huon Domestic Violence Service, CatholicCare and the Australian Childhood Foundation. They all provide specialist family violence counselling services that are funded by government, including the federal government.

The Family Violence Counselling and Support Services have received additional funding under my Government. My point to the Leader of the Opposition, who incorrectly asserts that we are cutting services, is that we have increased our funding for this service. It is entirely disingenuous and it is all about petty politicking in the area of greatest significance to me and my Government. I reject their assertions. We have invested \$26 million more on the second stage of our Family

Violence and Sexual Violence Action Plan. This is not just some mere matter of detail; it reflects the importance and the significance of what we are doing to meet increased demand.

There is always more to be done. In implementing the next stage of our action plan, working collaboratively, we will always be responsive to changes not only in the evidence that we receive as a government on how to best deliver services, but how we can impact positively on the lives of those who are affected by family violence and also those who provide support to them.

It is appropriate for governments to undertake that work so we can best direct what is an extraordinary investment and only, in many respects, a part of the way where we need to be. We are seeing increased demand. We are, I acknowledge, seeing more very brave and courageous victims come forward, through processes, supports and systems that are stronger now than they have been.

Of course, we will continue to do more. We will continue to work cooperatively and constructively with all partners who deliver these services on what should be a shared mission to eliminate family violence in our community -

Ms O'BYRNE - Point of order, Madam Speaker. The Premier has gone on for a very long time.

Madam SPEAKER - We do not need a point of order.

Ms O'BYRNE - He did not answer the question about the \$1 million they require.

Madam SPEAKER - That is disappointing.

Health System - Long-Term Plan

Mrs PETRUSMA question to MINISTER for HEALTH, Ms COURTNEY

[11.05 a.m.]

Can you update the House on how the Hodgman Liberal majority Government is delivering on our long-term plan to build a better health system and to empower Tasmanian women and why it is so important to have a plan?

ANSWER

Madam Speaker, the Hodgman Liberal majority Government is 100 per cent focused on delivering on our plan to build a better health system for all Tasmanians. We acknowledge there is pressure on our services and that our hospitals can get very busy, but health is our top priority and we are devoting an unprecedented proportion of our state budget on this important area.

Our record on recruitment of health staff for our services is clear. There are now 1150 more full-time equivalent staff in our health system than in March 2014, that is 600 more nurses, 170 more doctors, more allied health professionals and 110 more ambulance and despatch officers. These new staff are delivering more services and care support for Tasmanians who need it. We thank them for their service every day.

This year has seen continued progress on our plan. We are finishing the Royal Hobart Hospital redevelopment, more than a decade after it was talked about by the other side. We remain on track

to commence commissioning in February. To support this new capacity, I was delighted to outline our plan to open 44 new permanently funded beds. On top of these new beds in our public hospital, which is estimated to deliver care for more than 2 500 patients each year, I am also pleased that we are in the final stages of the new agreement with the Hobart Private Hospital. This facility is crucial in taking pressure off our busy hospital, particularly, the emergency department. I am pleased that Healthscope has made access to the 24-hour ED a specific focus.

Other key infrastructure investment that we have delivered all over our state include the new \$2 million helipad at the Mersey Community Hospital. This is providing better access to lifesaving emergency treatment and also, along with the purchase of \$28 million of new cancer care equipment, for the Holman Clinic in Launceston. This new equipment will ensure the tools our world-class oncologists are using are meeting their needs and will support them to deliver the care our patients deserve.

Later this week, many of our new rural and regional paramedics will be commencing with inductions following service commencements. The communities of St Helens, Bicheno, Dodges Ferry and Deloraine will benefit from our investments into better essential services, all part of our long-term plan.

With respect to the Women's portfolio, it was wonderful to recently announce the next round of the Board Diversity Governance Scholarship Program in partnership with the Australian Institute of Company Directors. There have been 75 scholarships awarded to Tasmanian women since 2015, unleashing potential and supporting a more empowered female workforce. This year, the program is targeting applications from women working in the agriculture, forestry, fisheries and building construction and mining sectors. This program is a key component of the Government's Women on Board Strategy. The women involved in this program are community leaders we can be proud of.

What is plainly clear, is that once again we find ourselves at the end of another year without Labor having any policies, or any alternative plan. This has been confirmed by the shadow treasurer, Mr O'Byrne, in his extraordinary newspaper article where he announced he would personally do all the work on the new vision for a plan, but we have yet to see that come to fruition.

Tasmanians remember what Labor did when they were in government. They sacked nurses. They cut hospital in the home in Launceston. They did not lay a single brick. Tasmanians know that they are still divided. We know they are sitting on the fence; they admit it themselves. Tasmanians know that Labor cannot be trusted.

Time expired.

MAGISTRATES COURT (CRIMINAL AND GENERAL DIVISION) BILL 2019 (No. 27)

MAGISTRATES COURT (CRIMINAL AND GENERAL DIVISION) (CONSEQUENTIAL AMENDMENTS) BILL 2019 (No 28)

GAMING CONTROL AMENDMENT (WAGERING) BILL 2019 (No. 51)

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

RESTRAINT ORDERS BILLS 2019 (No. 29)

Bills agreed to by the Legislative Council without amendment.

MOTION

Government Business Enterprises and Corporations Scrutiny Committees - Establishment

[11.15 a.m.]

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

That the House appoint a Government Businesses Scrutiny Committee, with leave to sit on 3 and 4 December 2019 to inquire into Government Businesses (GBs) in accordance with the following schedule and rules.

For 2019 the following Government Businesses are allocated to the Committee as detailed below -

Tuesday, 3 December 2019	Port Arthur Historic Site Management Authority: 0900 - 1000 (1 hour) Tasmanian Public Finance Corporation: 1000 - 1100 (1 hour) Aurora Energy Pty Ltd: 1100 - 1300 (2 hours) Tasracing Pty Ltd: 1400 - 1600 (2 hours)
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Wednesday, 4 December 2019	Motor Accidents Insurance Board: 0900 - 1000 (1 hour) Metro Tasmania Pty Ltd: 1000 - 1200 (2 hours) Tasmanian Railways Pty Ltd: 1200 - 1300, 1400-1500 (2 hours) Tasmanian Irrigation Pty Ltd: 1500 - 1600 (1 hour) Tasmanian Water and Sewerage Corporation Pty Ltd: 1600-1800 (2 hours)
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Membership of the Committee -

- (1) The Committee shall consist of six Members appointed by the House as follows -

The Chair of Committees (Chair);

Mrs Rylah (Deputy Chair);

Mr Tucker

Two Members nominated by the Leader of the Opposition; and

One Member nominated by the Leader of the Greens.

- (2) During sittings, substitute Members may be allowed.
- (3) If a vacancy occurs in the membership of a Committee, the Speaker may nominate a Member in substitution, but in so doing has regard to the composition of the Committee appointed by the House.
- (4) A Committee may proceed with business despite a vacancy in its membership.
- (5) The Chair of a Committee has a deliberative and a casting vote.
- (6) The quorum of a Committee is four of whom one is the Chair of the Committee or Deputy Chair.
- (7) If at any time a quorum is not present, the Chair will suspend proceedings of the Committee until a quorum is present or adjourn the Committee.
- (8) Any time lost for lack of a quorum shall be added to the time allocated to that session.
- (9) Members of the House who have not been appointed as Members of the Committee, may participate in proceedings by asking questions, but not more than two in succession; and may not vote, move any motion or be counted for the purposes of a quorum.
- (10) The responsible Minister and Chairperson of the Board of a GB shall be examined before a Committee for a maximum period of four hours.

Sitting Times

- (1) The Committee meets only in accordance with the time-table adopted by the House or as varied by the Chair.
- (2) A one hour period shall be provided each day at the discretion of the Chair for the purpose of a luncheon break.
- (3) The Committee may sit only when the House is not sitting.

Hearings

All hearings of the Committee are open to the public except that any evidence stated by a witness to be of a commercially sensitive or confidential nature shall, if requested by at least one Member of the Committee, be heard in camera. Any such evidence shall not be published or in any way divulged by any Member of a Committee or any other person unless the Committee recommends it to the House and the House resolves that the information be made public.

Proceedings of a Government Business Scrutiny Committee

- (1) When the activities of a GB are to be examined at a Committee hearing it shall be represented by the responsible Minister and the Chairperson of the Board.
- (2) Questions may be put directly to the responsible Minister and the Chairperson of the Board.
- (3) A Committee may ask for explanations relating to the activities, performance, practices and economic management of the GB.
- (4) The witnesses who are asked for explanations may be assisted where necessary by other officers of the GB in the provision of factual information.
- (5) Officers may answer questions at the request of the responsible Minister but shall not be required to comment on policy matters.
- (6) Time limits of one minute for a question and three minutes for an answer shall apply in a Committee.
- (7) Questions may be asked on a ratio of two Opposition, one Green, and one Government or in such form as the Committee determines.
- (8) A witness may advise a Committee that an answer to a question, or part of a question, will be given later to that Committee, and where possible that Committee sitting day.
- (9) Additional information may be provided to a Committee about an answer given.
- (10) Additional information -
 - (a) is to be written;
 - (b) given by a time decided by a Committee; and
 - (c) may be included in a volume of additional information laid on the Table of the House by the Committee.
- (11) If any Member persistently disrupts the business of a Committee, the Chair
 - (a) names the Member;
 - (b) if the Member named is a Member of the Committee, suspends the sittings of the Committee until he or she has reported the offence to the Speaker; and

- (c) if the Member named is not a Member of the Committee, orders that Member's withdrawal from the sittings of the Committee until he or she has reported the offence to the Speaker;

as soon as practicable, the Chair advises the Speaker who then gives notice that the Member of the Committee be replaced.

- (12) If any objection is taken to a ruling or decision of the Chair,
 - (a) the objection must be taken at once and stated in writing;
 - (b) the Chair, as soon as practicable, advises the Speaker who makes a ruling on the matter; and
 - (c) the Committee may continue to meet but may not further examine the matter then under consideration.
- (13) Television coverage will be allowed, subject -
 - (a) to the foregoing provisions contained under "Hearings"; and
 - (b) to the same guidelines that apply to televising of the House of Assembly itself.

Transcript

An unedited transcript of Committee proceedings is to be circulated, in a manner similar to that used for other Committee transcripts, as soon as practicable after the Committee's proceedings.

Evidence taken *in camera* shall be printed on coloured paper and shall only be circulated to the Committee Members and shall not be divulged in any way to any other person.

Reports of Committees

A Report of the Committee is to be brought up by the Chair or the Deputy Chair to the House and shall be the transcript of the public hearings and the minutes of the meetings of the Committee.

Leave for Ministers to Attend L.C. Committee

And that the House of Assembly give leave to Ministers of the Crown who have relevant portfolio responsibilities to attend any similar Committee established by the Legislative Council if requested by that Committee as follows -

Thursday, 5 December 2019	The Minister for Energy and Minister for Resources
Friday, 6 December 2019	The Attorney-General and Minister for Justice The Minister for Infrastructure and Transport

The motion has been circulated to members. I thank the Clerk, the leader of opposition business and the leader of the Greens for their collaboration. We have fashioned a timetable which allows the government businesses on the two-yearly rotation to be examined by the committee of our House. The motion self-evidently sets out the rules of those committees and also provides for leave for ministers to attend the committee in the other place for those businesses to be scrutinised by the Legislative Council.

I draw attention to the fact that for the first time in a long time the Tasmanian Water and Sewage Corporation is listed for attendance before the committee on Wednesday 4 December. That is as a result of a request from the Opposition and no doubt some others perhaps, and the Government accepts that can be part of this motion. We support that. I note that is in relation to the fact that the Government is taking partial equity in that business over time and although it is something different in its arrangement to the other GBEs we are happy for that to be agreed to at the suggestion of Mr O'Byrne. That committee will be attended by the Chair and the CEO as is the case traditionally before the Legislative Council.

I commend the motion to the House and thank those who have contributed to it.

[11.17 a.m.]

Mr O'BYRNE (Franklin) - Madam Speaker, we will be supporting this motion. We acknowledge the Leader of Government Business in allowing us to negotiate on the times and the GBEs and state-owned companies that will be presented. We acknowledge that maybe in future years, if we get some notice earlier - I think we have been a bit late to the party on this, but we thank him for acknowledging our suggestion and his acceptance of that.

[11.17 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, we are comfortable supporting the motion and also were part of the move to make sure there was scrutiny of TasWater which is really important.

I note that the most contentious GBEs have been banged into the end of the day. We have Tasracing in the afternoon when most of the journalists will have gone home. Tasracing is under scrutiny because of the *7.30 Report* story and the strong evidence that Tasmanian racehorses are being transported to abattoirs interstate.

I am also very much looking forward to facing the minister for privatising Tasmania's heritage at the Port Arthur Historic Site Management Authority hearing, which is unfortunately only for one hour on the Tuesday morning. But then the minister may do what he promised to do in the last sitting and that is update the House on a question we asked about an EOI proposal for Maria Island. We know that some material was put up on the Coordinator-General's website late last week that relates to Ian Johnstone's plan to build accommodation and a hotel at Darlington in the World Heritage site on Maria Island.

We asked a question last week about whether there was an EOI proposal for private exclusive use of Encampment Bay on Maria Island. The minister said he would update the House but he has not done so yet. None of that is particularly surprising but he would have that information at his fingertips and he needs to show some respect for the House. We asked the question and he committed to coming back into this place providing information. He has not done so and we call on him to do so as a matter of urgency as the expressions of interest process for development in

public protected areas and on public lands is a matter of increasing public concern. Mr Gutwein needs to come in here and do as he said he would do and that is update the House on the EOI proposals for Maria Island.

Motion agreed to.

MOTION

Select Committee on Housing Affordability - Extension of Reporting Time

[11.20 a.m.]

Ms STANDEN (Franklin) (by leave) - Madam Speaker, I move that -

- (1) the reporting date for the Select Committee on Housing Affordability be extended until 5 March 2020; and
- (2) if the House is not sitting when the committee completes its report, such report may be presented to the Speaker or to the Deputy Speaker and, in that event, the report shall be deemed to have been presented to the House and ordered to be printed.

Motion agreed to.

MATTER OF INDULGENCE

Sitting Times

[11.21 a.m.]

Mr FERGUSON (Bass -Leader of Government Business) - Madam Speaker, on indulgence I am asking members to be aware that we may need to sit past 6 p.m. on nights this week.

We will endeavour to work across the Chamber so that we can monitor how the legislation is travelling. We have important legislation to be considered by our House, together with an understanding, I hope, that we may need to be prepared to suspend or await amendments that may or may not be delivered to the House from the Legislative Council, potentially on Thursday.

Madam SPEAKER - So noted.

MATTER OF PUBLIC IMPORTANT

Family Violence

[11.21 a.m.]

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

That the House take note of the following matter: family violence.

There are many times that I rise in this House and my contributions are passionate and somewhat, on occasions, angry with this Government. I am at the point now of almost despairing

and I am becoming fatigued at the fact that we have the same conversations again and again. That is nowhere near as hard as it is for victims and survivors of family violence who are seeking support, and nowhere near as hard as it is for those staff on the front line who are drowning in the weight of the demand that they are currently experiencing.

In his answer to my question today, the Premier spoke glowingly of their investment in family violence services. I have always said that the Government has funded new initiatives and that many of those new initiatives have great merit. What this Government is fundamentally failing to do is to fund the base. It is failing to manage and support those essential early services when people turn up at the door.

When he responds, I wonder if the Premier can tell us what the waiting list is for emergency housing; our emergency accommodation for women who are fleeing violence. I wonder if he could give us the figures for how many people are on the waiting list for those homes. I have had people who we have attempted to get in and there are weeks that we cannot get them in. I wonder if the Premier could update us on how many people are on the waiting list for our sexual assault violence counselling support services. I know that Laurel House, in particular, has more than 80 people on their waiting list. Perhaps he could give me the details of the other services.

I want to talk again, as we did in question time, about the significant demands being experienced by the Family Violence Counselling and Support Service. Before I get to that I am going to talk about the Premier saying that he is always happy to speak to people, he is always happy to speak to victims, he is always happy to speak to survivors. That seems to happen in a very constructed way. Some time ago in this House we raised the need for the Family Violence Counselling and Support Service to get additional funding. In the parliament then the Premier said that he would meet with them. When he had not met with them and we raised this issue again he stood in the parliament and said, 'Well, no, we are going to have a review'. Since then he did offer a very short conversation that had technological difficulties for those people from the north. The phone lines and the video lines did not work very well so it took some time from it to come together. It was only for team leaders and it was only on the subjects that the Premier wanted to talk about. The Premier does not want to talk to those people on the front line. We have spoken to victims who have found it very hard to have members of this Government, elected members of this Government - including the Premier - speak to them.

On 17 November 2015, that is 1470 days ago, my colleague, Ms White, read into the parliament a letter from a survivor, a very, very brave survivor. I do not say necessarily it is okay to say that that survivor is with us today. She talked about the early stages of violence and what it did to her and then she said:

I choose to stop it. I went to the police, I reported the breaches. I followed through with court. I worked with the counsellors. I have lived this daily for years! I have been publicly humiliated and shamed. I have become a statistic. I am not safe. My children are not safe. We live with the constant fear of 'what's next?' Is today the day the threats become reality?

I have planned my funeral and given instructions for those that need it, because this is the reality of my life. It is not dramatic or paranoid, it's my daily reality.

She went on to say that she works within the system as best she can. As she said, 'It takes months to get answers, strategies to heal and protect. It leaves me feeling flayed and raw, reduced

as a person'. At that stage this woman sought meetings with Government. She did, at that time, get meetings with senior departmental people. What she still expected was some response from the Government, some response from elected members of parliament whose job it is to hear her voice; whose job it is to bring work into this House that gives effect to her needs.

This letter probably explains it. On 11 September she wrote to the Premier, and I quote:

I write to you today to seek your immediate full public statement that you will continue to keep this service, the Family Violence Counselling and Support Service, as a government agency and resourced to meet the high need of victims of family violence.

As you are aware, I was impacted by the prison failures when the perpetrator of family violence was released early.

This woman has had significant failings of this government. I go on:

I appreciate the manner in which Vanessa Goodwin responded to me during that time about the prisoner release. I also appreciate that the Family Violence Counselling and Support Service staff were there to support me. I could contact them at any time and I had familiar people who knew my trauma and lived experience. I could not have begun the healing process without their invaluable support.

I have a number of matters that give me great concern in regard to your personal commitment to ensure that victims are supported - outsourcing, underfunding and a consistent lack of respect for the staff and this service is, to be honest, appalling. I don't want another fob-off response, which I have received in the past. I would also like a face-to-face meeting with you directly for a minimum period of an hour to discuss my personal story so that you can hear firsthand of their work from a service user perspective. I require this to occur within one calendar month from today, and I am happy to travel to Hobart to make this a viable possibility for you. I would like to work from a solutions-focused base to ensure that victims of family violence are suitably supported and can rely on the continuation of government services as the primary point for victims requiring family violence counselling service.

The email talks about the number of times this woman has suggested that she get contact from this Government, that she meet with this Government. She talked about the fob-off responses. When she does write to the Government, she gets a response that says you should just refer this matter - you should put into the analysis that we are doing with the family violence work. You should go through these formal processes. You can submit a submission. You can do those things. This is not what this woman is needing.

If the Premier says that he is happy to meet with victims and survivors then he needs to be happy to meet with victims and survivors. It is not okay on the Friday before parliament, and I guess with some nervousness, that on yesterday's prevention of family violence day that this issue might have come up. A phone call was made. An email was sent asking whether this woman could contact a staff member of the Premier about a meeting. In that conversation, this woman was told that the Premier is very busy so that makes it very difficult, obviously. She now has to provide an

email with a list of issues that she would like to discuss, her ideas for better family violence and justice system to assist victims and anything else she would like to cover so we can be prepared to discuss it. This can potentially take place sometime next year because the Premier is very busy.

I ask the Premier to meet with this woman and to give action to the voice and language he uses in this House.

Time expired.

[11.28 a.m.]

Mr HODGMAN (Franklin - Premier) - Madam Speaker, I welcome the opportunity to speak on this matter of public importance, which it is, undoubtedly an area of great importance to me and my Government. I acknowledge that over many years, governments have failed victims of family and sexual violence. That is a matter of great regret, including where it has occurred during our term in government.

For all those who have fallen through the cracks, of which we are now so much better aware, following what has been a national response, and certainly a very significant state response to this matter. We are so much better aware of those cracks through which remarkable people with tremendous and enormous courage have come forward and who have shared their experiences. Some 500 of them contributed to developing the second stage of our action plan to address family and sexual violence. To each and every one of them, I cannot imagine what they have been through, let alone reliving it to assist government and our non-government partners to deliver a more effective system to address and ultimately eliminate family violence. I have met with many victims and many survivors. I have met with many people who work within our support system. I will always endeavour to do so as often and as effectively as I can personally. Our Government, my colleagues and those who work within our departments, collectively wanting to better support people affected by family violence, have clear objectives. They are to provide better support to those impacted and to understand how that can best be done.

I have to correct the member's assertions that those who attended the meeting to which she refers only spoke about what the Premier wanted to talk about. That is entirely untrue. I and Mr Jaensch, who also attended, found the meeting most instructive and productive in terms of our understanding how the system operates at a very practical level and the effectiveness through which they can assist family violence victims. It was at their suggestion that they guide me and Mr Jaensch through an average day. As appalling as it was to hear and as horrifying as it was to comprehend, noting that it was people we were talking about, but we listened to what they wanted to tell us. That is exactly what we did.

It is entirely untrue for the member who last spoke to say that we only spoke about the matters we wanted to talk about or that we directed the nature of the discussion. It was just one. There are many others, which include high level discussions, taking place with departmental officials. I have outlined the processes around why it is that the service is being reviewed and, as has happened under previous governments and as happens not only with this particular service but other partners who are assisting us in our efforts to ensure that our resources are being well applied and having the best possible impact and meeting increased demand.

Ms O'Connor - By interjection, Premier, when will the Family Violence Counselling and Support Service review be complete?

Mr HODGMAN - As soon as it is completed. I hope to make further announcements as to that without wanting to pre-empt the time required to undertake that work or its outcomes.

As I said, any suggestion that we, which is what has happened under previous governments, are in any way diminishing our support or funding for that service is not true because we have increased funding for it.

The member who spoke said that there had been some initiatives that this Government has undertaken. We have been through a number of them in great length. I do not want to allow the member or this parliament to gloss over what has been an over \$50 million additional commitment in funding. When we came into government we well recognised that previous governments had invested in many ways to support the victims of family violence, often less coordinated than you would like and unfortunately, presenting gaps through which people have fallen.

Our commitment to increase funding in the first instance by around \$26 million and the second, instance, similarly, is additional funding for more support, for more services, for a better integrated system, with a more connected system that allows a contact point. It allows for the dispersal and distribution of information and access to new supports that we have put in place, a more coordinated effort by government to have an understanding of the incidence of family violence in our community. All relevant agents are communicating and speaking more effectively together to prevent and also to respond and better deal with perpetrators and be aware of increased risk in our communities and in particular cases.

The second part of our plan, which we announced in this middle of this year, is \$26 million more over three years; 40 actions. Some of the new initiatives to which the member referred include: collaboration with Our Watch Primary Prevention Officer to get to the heart of best dealing with family violence, to prevent it before it occurs; additional counselling services for children and young people; rolling out data extraction devices for our police in response to technology facilitated abuse; a new counselling service for children and young people who are exhibiting problem sexual behaviours and sexually abusive behaviours; developing a new family and sexual violence website; and extending the forensic medical examination service for adult family violence victim survivors in the north west so that it now is a statewide service.

We have also debated that the extension of our action plan to include those who are the victims of sexual violence is an additional and improved way, in my view very strongly and certainly in the view of service deliverers, of dealing with what is often a coincidental and linked problem behaviour and there is always more to do and we always seek to engage more proactively and effectively with all those impacted by family violence.

[11.35 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Deputy Speaker, I welcome the opportunity to speak on today's matter of public importance debate about family violence. First, of course, I acknowledge the incredible suffering, strength and resilience ultimately of those victims of family violence who survive. As we know in Australia today at least one woman a week is killed by an intimate partner, a male in her life. We also know that children are victims of family violence. The trauma that is felt by children who grow up in violent homes is lifelong. They end up with fight or flight responses to stress. These lifelong challenges inhibit and limit their success in life. I have friends who have experienced profound family violence. I have a family member who experienced horrifying family violence. The impact on these women is impossible to put into words.

I do not believe that our response to family and sexual violence should be a partisan issue. It should be one of those areas of public policy where to the greatest extent possible we can all agree on the need not only to support the victims of family violence and sexual assault but to invest in prevention.

There has been some quite remarkable progress in the level of services and supports available to victims of family violence and sexual assault in Tasmania. I want to acknowledge you, Madam Deputy Speaker, and the important work you started in your previous role as the Minister for Women. Yet, despite those many millions of dollars which the Premier just detailed to the House that have been invested in family violence support services, legal services, counselling services for the women and children, the rate of family violence and sexual assault has not gone down. That tells us that we are dealing with a cultural issue in Australia.

We are dealing with attitudinal problems. I want to refer to a really excellent paper by Dr Michael Kaufman that was initially undertaken as part of his work for Save the Children in the United Kingdom. He talks about the origins of male violence. The first is a patriarchal power structure. There is a sense of entitlement to privilege. He says -

The individual experience of a man who commits violence may not revolve around his desire to maintain power. His conscious experience is not the key here. Rather, as feminist analysis has repeatedly pointed out, such violence is often the logical outcome of his sense of entitlement to certain privileges. If a man beats his wife for not having dinner on the table right on time, it is not only to make sure that it doesn't happen again, but is an indication of his sense of entitlement to be waited on. Or, say, a man sexually assaults a woman on a date, it is about his sense of entitlement to his physical pleasure even if that pleasure is entirely one sided.

Dr Kaufman says -

Whatever the complex social and psychological causes of men's violence, it wouldn't continue if there weren't explicit or tacit permission in social customs, legal codes, law enforcement, and certain religious teachings. In many countries, laws against wife assault or sexual assault are lax or non-existent; in many others laws are barely enforced; in still others they are absurd, such as those countries where a charge of rape can only be prosecuted if there are several male witnesses and where the testimony of the woman isn't taken into account.

Meanwhile, acts of men's violence and violent aggression (in this case, usually against other men) are celebrated in sport and cinema, in literature and warfare. Not only is violence permitted, it is glamorised and rewarded.

He goes on to say -

Men's violence is also the result of a character structure that is typically based on emotional distance from others ... But even in patriarchal cultures where fathers are more present, masculinity is codified as a rejection of the mother and femininity, and the qualities associated with caregiving and nurturance. As various feminist psychoanalysts have noted, this creates rigid ego barriers, or in

metaphorical terms, a strong suit of armor. ... Acts of violence against another person are, therefore, made possible.

Many of our dominant forms of masculinity hinge on the internalisation of a range of emotions and their redirection into anger. It is not simply that our language of emotion is muted or that our emotional antennae and capacity for empathy is somewhat stunted. It is also that a range of natural emotions have been ruled off-limits and invalid.

He puts forward a series of proposals for ending the violence. We can keep pouring money into family violence counselling and support, we can make the best and strongest laws and we have an excellent framework here, the Family Violence Act 2004, but until we deal with those cultural issues, the victims of family violence will keep presenting to support and counselling services. We will still be hearing reports of women and children being murdered at the hands of the men in their worlds.

Madam Deputy Speaker, we have to challenge and dismantle the structures of men's power and privilege and end the cultural and social permission for acts of violence. I commend the Premier for taking this matter seriously but the work is far from done.

Time expired.

[11.42 a.m.]

Mrs RYLAH (Braddon) - Madam Deputy Speaker, this is a welcome opportunity to speak on this important matter of family violence. I also reiterate the regret that I feel for not addressing effectively the support for victims in the past. I am committed, as I believe we are all committed in this House, to leading primary prevention actions that drive change to the attitudes and the behaviour that the Leader of the Greens has just spoken of. The issues are about attitude and behaviour.

It is our vision that all Tasmanians are safe, equal and respected. We are investing, as the Premier outlined, up to \$76 million but we know we can do more still. As victims become more confident to come forward, I hope one day this House will see a place where demand begins to decline, but we have a long way to go.

The recent review of the family violence service system in Tasmania found that we must continue in our efforts to improve Tasmania's understanding of violence and attitudes to the underlying drivers of violence. Further investment in primary prevention is needed to effect long-term impact on ending violence against women and their children. Our investment needs to encompass whole-of-life messaging where we live, work, study and play, and extend the impact of respectful relationship education outside the school environment. There is a need to build communities of practice with a shared and consistent understanding of primary prevention through better coordination of primary prevention activity in Tasmania. Primary prevention makes preventing violence everyone's responsibility and asserts that we all have a role to play, every one of us, in changing the culture, the structures and the attitudes that drive family and sexual violence.

Preventing violence from happening in the first place is the single most effective way to eliminate family and sexual violence. In 2019, we launched the Safe Homes, Families, Communities - Tasmania's Action Plan for Family and Sexual Violence 2019-22. Safe Homes, Families, Communities prioritises primary prevention, with the Government's ongoing membership

of Our Watch and the new nation-leading Tasmanian Our Watch primary prevention officer role being two actions which respond to the review.

Our Watch is the nation's primary prevention organisation established to drive nationwide change in the culture of behaviours and power imbalances that lead to violence against women and their children. While there is no single cause and the causes and contributors are complex, we know family and sexual violence is driven by gender inequality. By increasing knowledge, awareness and understanding of the nature and causes of family and sexual violence and influencing attitudes to bring about behavioural change, I believe we can end violence against women.

The new Tasmanian Our Watch Primary Prevention Officer who is about to be employed will work closely with government and non-government services to implement Our Watch projects in Tasmania. They will also work with Our Watch ambassadors to promote primary prevention activities in Tasmania and support organisations to further develop their expertise in building primary prevention in their organisations and community.

The aim is to enhance the acquisition and consolidation of prevention knowledge and skills for new and existing prevention practitioners and policymakers across regional and metropolitan Tasmania through the establishment of an Our Watch primary prevention officer in Tasmania. The recruitment for this role has commenced and the primary prevention officer will be based in Hobart but will have a statewide focus. The position will sit within the Department of Communities but report to the manager of policy and Our Watch. The partnership will build on and complement the good work that is already being undertaken in the community and does not restrict or impede any existing relationships between community sector organisations and Our Watch.

Under Safe Homes, Families and Communities we are driving change through our primary prevention actions, including embedding respectful relationship education in Tasmanian government schools, led by the Minister for Education and Training. Action 4 is supporting the successful national campaign Stop it at the Start. The Tasmanian Government will fund financial support and input to the next phase of the successful national campaign Stop it at the Start. Stop it at the Start is helping to break the cycle of violence by supporting adults to have conversations with young people about respect and to reflect on their attitudes and behaviours - and what a wonderful example we heard yesterday at the anti-violence walk.

Action 5 is supporting the implementation of new national sexual violence campaign. The Tasmanian Government will provide financial support and input to the development and delivery of a new national sexual violence campaign under the fourth action plan of the National Plan to Reduce Violence against Women and their Children 2010-22.

Action 7 is developing a family and sexual violence website. The new website will be designed to provide clear, targeted information for victim survivors, perpetrators, family and friends, children and young people, service providers and workplaces. It will also include information for groups at increased risk of violence and/or who face additional barriers to seeking support.

Action 8 is working with the eSafety Commissioner to deliver education and training in response to technology facilitated abuse. The eSafety Commissioner coordinates and leads online safety efforts across government, industry and the community. Under this action, the Tasmanian Government will support and promote eSafety education and training opportunities in Tasmania. The first workshops were held in Burnie, Launceston and Hobart in 2019. We will engage and support those affected by family violence.

Time expired.

[11.50 a.m.]

Ms HOUSTON (Bass) -Madam Deputy Speaker, I am a survivor of family violence. Premier, you have to hear my voice because I am here as an elected member of this House. You said you were happy to meet with other victims. The one who wrote that letter is here today. She can meet with you today. Will you?

Family violence is the single biggest community safety law and order issue in our community. Over one long weekend 67 instances were attended to by family violence workers. There is no question that the community see this as a concern. Every community group or committee I have worked with, has raised this as their number one concern for safety in their communities. They are scared for their neighbours, they are scared for their family and they are scared for children in their communities.

It is the main cause of homelessness for women. Sadly, when they present at a service, there is often nowhere to accommodate these women and their children. The shelters are often overflowing when urgent accommodation is needed. All too often there are no other options. Hotels and motels generally do not want to accept clients from service providers so women go back. Women go back unsupported, unprotected, to have a roof over their head and beds for their children to sleep in. They are at risk when they are homeless and they are most at risk when they leave, so they go home because even a violent home seems safer.

Children are traumatised from family violence and it often leaves lifelong scars. In just one long weekend in November, 120 children witnessed family violence. It is unlikely that they will get the support they need to recover because of a lack of funding to services. Children who are referred to community service organisations through the Strong Families, Safe Kids Advice and Referral Line often do not have adequately assessed referrals. Strength-based assessments are all well and good but not when they fail to identify risks to children, such as family violence, and this is only revealed later as the case workers unpack what is happening to families.

Family violence is more than just arguments. Family violence over the November long weekend included six instances of strangulation, multiple threats to kill partners or children including a two-year-old child, three attacks on pregnant women, the use of knives and other weapons. There were forced entries and physical assault, theft and damage, property damage including a car being set on fire. One hundred and twenty children witnessed these assaults and attacks in just one long weekend in the north of the state. While there may have been a small increase in funding to the only service that can provide crisis support to these families, it is not the 200 per cent that matches the increase in demand for these families. So what happens? They go back or they are put at risk because they are not in secure accommodation and they are not being supported and they have nowhere to go.

One of the key elements of family violence is that people are isolated by it. Perpetrators isolate their victims. They cut them off from their supports. They alienate them from their families. It makes them easier to control so when they finally leave they are reliant on the Family Violence Counselling and Support Service, which is dramatically underfunded for the demand for its services.

If the Premier will not adequately fund the Family Violence Counselling and Support Service, what becomes of the women and children? Community service organisations do not have 24-hour

crisis lines. There is no-one else who can go out and see these families. There is no-one else who can respond. There is no-one else who has the authority to do what these workers do, or the capacity. Community service organisations are the next stage of support. They are there to support families in their recovery because leaving is the most dangerous time of all.

You met with these workers. On your comments about the value of your meeting the staff, I can let you know that the staff, particularly the staff in the north, still want to meet with you. Will you do it? Will you talk to these workers who are at the front line? Again, will you meet with that survivor who wrote the letter asking for your time, because she is here today?

Mr Hodgman - We will do it right now.

Ms HOUSTON - Very good, thank you.

There are many misconceptions about family violence in the community. I believe most people here understand the seriousness of these incidents and I have read them compiled. I was interested to look at some of the data on violence over the long weekend in the north and the way they are ranked. It came to my attention that there is a scoring system, as there should be, for how serious family violence events are. I wondered what it would take to hit the highest scale, and I read through -

Time expired.

Matter noted.

DUTIES AMENDMENT BILL 2019 (No. 56)

Second Reading

[11.57 a.m.]

Mr GUTWEIN (Bass - Treasurer - 2R) - Madam Deputy Speaker, I move -

That the bill be now read the second time.

The Government introduced the Foreign Investor Duty Surcharge in 2018 on acquisitions of residential and primary production property to address the increasing demand from foreign investors for Tasmanian property and to assist local buyers to remain competitive in the housing market.

A year later, the Government has undertaken a review of the definition of 'foreign person' in the Duties Act 2001 as it relates to the surcharge to ensure that it is consistent with its original policy intent. As part of this review, the Government consulted with key industry stakeholders. The Government has considered the feedback provided and has agreed to amend a number of provisions relating to the definition of 'foreign person'.

This bill amends the Duties Act 2001 to better reflect the policy intent of the Foreign Investor Duty Surcharge. It will help ensure that only persons, companies and trusts that are genuinely foreign are charged the surcharge. The changes to the definition of 'foreign person' will apply retrospectively to the start date of the surcharge on 1 July 2018. Taxpayers who are affected by the amendments and have previously paid the surcharge will have the opportunity to apply to the Commissioner of State Revenue for a refund.

The first amendment to the Foreign Investor Duty Surcharge provisions is to allow a discretionary trust to be retrospectively considered non-foreign for the purposes of determining a surcharge liability if the trust's deed is amended such that the trustee is not able to distribute 50 per cent or more of the trust's capital to foreign beneficiaries. The trust deed amendment must be made within six months of the provision commencing or within six months of a transaction on an ongoing basis. This important amendment will mean that discretionary trusts that inadvertently meet or have met the definition of a foreign trust, including those that have no named foreign beneficiaries, will have the opportunity to amend their trust deed and apply to receive a refund of the surcharge.

The bill also provides the commissioner with the discretion to determine that a person who would otherwise be considered foreign is not a foreign person and is therefore not subject to the Foreign Investor Duty Surcharge. As part of these discretionary powers, the commissioner will have the authority to publish circumstances in which a person will not be considered foreign. A person who has paid the surcharge and who meets the circumstances published by the commissioner will be able to apply to be considered non-foreign for the purposes of a transaction and receive a refund. This amendment will afford sufficient flexibility to the commissioner to ensure that the policy intent of the surcharge is achieved and buyers who should reasonably be considered as non-foreign are correctly classified. It is contemplated that this may include circumstances such as special category visa-holding New Zealand citizens who temporarily leave Australia.

The bill provides that the Foreign Investor Duty Surcharge is not payable by, or is to be refunded to, the foreign spouse of a non-foreign individual for the purchase of their principal residence home. A similar provision is also provided in situations where a foreign person and their non-foreign spouse purchase vacant residential land and establish their principal residence on the property. Both provisions are subject to eligibility criteria.

The bill also allows a refund of the Foreign Investor Duty Surcharge if a foreign natural person ceases to be foreign by virtue of becoming an Australian citizen or permanent resident within six months of a transaction for which the surcharge was paid. This amendment will provide retrospective relief from the surcharge to persons who become Australian citizens or permanent residents within six months of incurring the surcharge.

The bill also increases the rates of the Foreign Investor Duty Surcharge to 8 per cent for residential property and 1.5 per cent for primary production property acquired by foreign persons. The increased surcharge rates will apply to transactions entered into on or after 1 April 2020. However, for transactions that attract the surcharge and are entered into prior to 1 April 2020, the current lower surcharge rate will apply.

Mr Deputy Speaker, the Government considers that these rates are fair, reasonable and consistent with surcharges in other jurisdictions. While the Government welcomes foreign investment in Tasmania, it is important to ensure that foreign investors in Tasmania contribute their fair share and that the property market remains accessible to Tasmanians.

I commend this bill to the House.

[12.01 p.m.]

Mr O'BYRNE (Franklin) - Mr Deputy speaker, at the outset I will indicate to the Government that we will support this bill and thank the minister for the facilitation of the briefing that we received to further inform us. This is probably a classic example of unintended consequences.

When you bring in bills that have a material impact on either people's financial operations, or their business operations, or how they conduct their lives in Tasmania, it is important that when we have bills such as this that we think through the consequences. Some of the consequences of this bill were very quickly raised with the Government. We will say that in terms of drafting and in consultation a bit more work may have been done, but we acknowledge the swift response in which you have brought in this bill, just over 12 months after the original bill. A backhander and congratulations at the same time, Treasurer. I think you can take that after today.

The issue around tax and taxes levied on foreign entities or foreign individuals is something that is a balance. We need to ensure that fair taxes are levied on investors who are able to afford it. They can contribute to a whole range of services and infrastructure spending that needs to occur and that will facilitate a greater return on investment for them. But we must strike a rate to ensure that we do not chase foreign investment away. It is crucially important that we get the balance right. There are a number of questions I will put on the record for the Treasurer to answer. In terms of foreign investment, foreign corporations and individuals, it is important that they pay their fair share of tax.

In between my last stint in this House and resuming my seat in this House in 2018, I worked for a union, United Voice, where we produced a report, *Who Pays for Our Common Wealth: the tax practices of the ASX 200*, where we build a range of global international companies housed with operations in Australia, that used a whole range of strategies to avoid their obligations in paying their fair share of tax.

When you see companies like Glencore paying effectively 0 per cent tax in Australia, but deriving billions of dollars of revenue in profit, then we know there is a problem. Whilst the federal government has made some steps to close those loopholes, we know there are a number of foreign companies, transnational corporations that are using a whole range of strategies. One was called the 'double-Dutch Irish sandwich' where they would move debt and equity around their global operations to avoid jurisdictions that have a tax regime which is less favourable to them and their operations in extracting value from their operations. This is an issue of acute awareness in the Australian community.

Reflecting on the federal parliament, there is more work to be done to ensure that fair tax revenue is raised from foreign entities and individuals to ensure that we can have a tax base in Australia at a federal and state level to invest in crucial services of health, education, infrastructure and all the good work, particularly around supporting economic development and economic diversification in our country.

Whilst this is a small matter in relation to the bigger issue of tax being paid by foreign investors we think is a necessary step. There are a couple of points in questions that I would put on the record. This is a clean-up, a tidy up bill to give full and fair effect to the sentiments behind the original bill so there are just a couple of questions I want to put on the record.

Treasurer, in your second reading speech you talk about the refunds for those people who may - this will be a retrospective bill - have paid some money and some surcharge to Treasury that may not have been required. You do say that it will be their responsibility to seek a refund. I am not sure how many people have been caught in this surcharge over the last period of time between the original bill and this bill. I would not expect that it would be large number of people but in terms of full consultation and appropriate management of dealing with investors in Australia, in Tasmania, it would be appropriate for the Government to proactively contact them to make them

aware of the circumstances and if they feel that they are owed a refund to invite them to apply. That would be fair and appropriate in treating people decently, particularly when the legislation has been acknowledged as not being comprehensive. There are some issues, you have acknowledged that and you are resolving them. It is incumbent on the Government to contact them to make them aware of the application process.

Regarding the commission powers, and I discussed this with Treasury officials, could the Treasurer outline for the purposes of *Hansard* and putting it on the record what avenues they have to seek redress if they disagree with the commissioner's decision or direction? What avenues do they have to either seek a review or to dispute that decision by the commissioner? It would be appreciated if you could address that in your response.

In terms of the citizenship amendments around New Zealand, I put on the record that we think that is reasonable. It is a decent way to approach a very close trading partner and a country we have close ties with and given the nature of the industry -

Ms O'Connor - Would that be the serial human rights abuser, the Chinese Government?

Mr O'BYRNE - I am talking about New Zealand.

Ms O'Connor - Right, sorry. I have not heard you mention the real problem yet.

Mr O'BYRNE - Consistent, you are nothing but consistent, member for Clark.

In terms of New Zealand, and given some of the industries that we share, particularly the dairy industry and a whole range of agricultural industries specifically, where Tasmania and particularly the South Island but also in the North Island we share strong relationships, given the nature of that, we put on the record our support for that.

Two things I would like the Treasurer to put on the record: you refer to your trustee not able in determining a surcharge liability; you say if the trust deed is amended such that the trustee is not able to distribute 50 per cent or more of the trust capital defined beneficiaries. Could you provide an explanation to the House about why the 50 per cent was achieved? Is that consistent with other jurisdictions, or is it about a control test and about their ability to influence those decisions? Why other figures may or may not have been chosen given that, in a lot of companies, there is a complex web of trust and 50 per cent is a blunt instrument. It is right down the middle. Can you inform the House why that number was picked and if that is consistent with other jurisdictions.

Also, for residential properties you have chosen to increase the figure to 8 per cent and primary production, primary agriculture, to 1.5 per cent. I think it said 7 per cent in your Budget speech, from memory, but if you could inform the House why that figure was reached and why it increased so quickly. In future, if there is a decision to increase that figure, does that necessarily mean a new bill to the House, or is there another mechanism which does not seek a new bill or an amendment to the bill being progressed?

This is a clean-up bill and we support a fair tax regime for foreign investors in Tasmania and we support the Duties Amendment Bill 2019.

[12.10 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Deputy Speaker, that was an unusually shallow contribution from the shadow treasurer, who did not touch on any of the issues that this bill encompasses.

We will not be opposing the Duties Amendment Bill 2019. We regard this legislation as a sop to growing public concern about the level of foreign ownership in Australia and in Tasmania - and a pretty lame one at that. According the ABS statistics, around a quarter of Tasmania's agricultural land is foreign owned. In the north-west coast region of Tasmania, more than 30 per cent of our prime agricultural land is owned by foreign interests. We agree that we need to be able to attract foreign investors but we need to keep a careful eye on this. We need to be mindful of our sovereignty and our future food security, our capacity to manage our natural resources, our water resources and the like.

This is an issue that has provoked a growing level of concern within the Tasmanian community as people see all around them evidence of increased foreign company investment in Tasmania. There is no doubt whatsoever, that since Chairman Xi's visit in November 2014, there has been a feeding frenzy of investment from mainland China in Tasmania's agricultural lands and residential properties. Someone in the House has to get up and say this, because it is true. It is a matter of public concern.

Only last Friday, at the same time as the minister responsible for Parks was quietly slipping out news of the Bruny Island lighthouse expressions of interest, the Tasmanian Planning Commission handed down its determination on the Cambria Green development. The process of the development's journey through the planning system caused enormous stress on the east coast of Tasmania. The Greens were a representor and what we learned in that process is that there was very clearly an attempt by the individuals and entities involved to get around our foreign investment rules.

There are 12 parcels of land, totalling more than 3000 hectares that comprise the proposed development footprint. Nine separate companies, which the developer's advocate admitted to the Planning Commission, were set up in order to progress this development. Of those nine separate companies, seven of them are registered on the Hong Kong Stock Exchange. There was a deliberate attempt to establish a company structure and structures to get around our foreign investment rules and buy a very substantial area of land on the east coast of Tasmania, important agricultural land, in an area that is drying and very near to Moulting Lagoon, which is an internationally significant wetland.

What happened with that development proposal is that all the previous Glamorgan Spring Bay Council saw were the dollar signs. They did not do any due diligence on who owns those parcels of land - none at all. It is very clear from the Planning Commission's judgment that the previous Glamorgan Spring Bay Council was negligent in its responsibilities as a planning authority under LUPAA. The previous Glamorgan Spring Bay Council waved through the specific area plan proposal without even doing the basics on the documentation that was provided by the planner on behalf of the agent for the mystery proponents.

What our independent planning system found was that they did not have jurisdiction to determine on that development, basically because the previous Glamorgan Spring Bay Council could not see past the dollar signs and the promises that were made by the developer's proponent and waved it up to the planning commission.

The people of Dolphin Sands and Swansea have been let down by the previous Glamorgan Spring Bay Council. Thank goodness for our independent Tasmanian Planning Commission, which did drill down, to the greatest extent possible, into the details of this opaque company structure; a

whole lot of companies, set up by a foreign entity to buy Tasmanian agricultural land, to get a carve out of the planning system to build God knows what really. Once you have a specific area plan, all bets are off really. It was going to be a massive tourism/palliative care/resort-type development with an airstrip where we are reassured by the proponents there would be no more than 20 flights a day.

It is a problem we have in Tasmania. Often planning authorities and major parties cannot see past the promised dollar signs. There really is an outstanding and sad example of that from relatively recent history. I am reading an article written by the ABC's Georgie Burgess back in February 2014, so it was before the 2014 state election. We have the then shadow treasurer cheering on a proposed massive development at Musselroe that ends up being part of a Chinese money laundering scam. Doesn't it? Again, this is a classic example of not seeing past the dollar signs. Georgie Burgess wrote at the time -

North-east Tasmania is set to receive a tourism and job boost with one of the biggest construction projects in Tasmania ready to go ahead.

The \$185 million Musselroe eco-tourism development is now in the detailed design stage after receiving development approval in November.

The project is expected to create 970 new jobs during stage one of construction and 360 full-time jobs after completion.

Well, yeah, yeah. Ended up creating precisely zero jobs. Ended up being a massive money laundering scam involving our beautiful, prime agricultural land at Musselroe Bay in north-east Tasmania. The story goes on,

Construction is planned to start as early as May and will take five years to complete. Liberal treasury spokesman Peter Gutwein said the Liberals would back in the project, promising \$5.5 million to upgrade roads in the area if his party won government.

Sound familiar? Well, yes, it does because this is the same now Treasurer who spent public money upgrading a facility on Bruny Island just before announcing a private developer is going to operate the lighthouse. We have the then shadow treasurer promising \$5.5 million in public funding to a dodgy development in north-east Tasmania that is now the subject of an AFP investigation. I quote from the then shadow treasurer -

Upgrading unsealed sections of the main access roads to the site is regarded as crucial to the long-term success of the development.

'... crucial to the long-term success of' this money-laundering operation. Mr Gutwein goes on to say -

World-class facilities like Musselroe Bay will help drive regional tourism growth in addition to creating much-needed jobs.

No, it was a massive criminal operation and that land has now been seized.

What happened to that \$5.5 million road upgrade promise? We need to be clear here that state Labor had already committed to giving \$5.5 million to improving the road network, provided it was matched by a federal government commitment to complete the \$11 million upgrade. Are you all in on the money-laundering scam, then? The Dorset Council pledged \$500 000 of ratepayers' money. The development, which was the subject of a money-laundering scam, is situated on a 1900-hectare former grazing property near Great Musselroe River and Wukalina/Mt William National Park. The story says, 'Melbourne Resort Development is the company behind the project and it has appointed CBM Sustainability Growth Group to project manage'. Melbourne Resort Development was a bunch of crooks, Madam Deputy Speaker, but they had the Liberal Party, the Labor Party and the local council slaving all over them because of the promise, which ended up being an empty promise made by criminals. Nice work, both of you.

The proportion of foreign ownership of agricultural land has increased every year since reporting began in 2015-16. Tasmania now has 362 000 hectares of agricultural land held by foreign interests. This is 24.5 per cent of all Tasmania's agricultural land, second only to the Northern Territory. In the north-west, the proportion of ownership is more than one-third. In 2015-16 the United Kingdom had by far the largest share in Australian agricultural land with 27.5 million hectares. China was the fifth largest with 1.4 million hectares. In 2016-17 this changed significantly. The United Kingdom's interests dropped to 9.7 million hectares and China's interest increased to 9.1 million hectares, far ahead of the third-placed United States with 2.5 million hectares, a dramatic shift in just one year.

This is unsurprising, as China's Belt and Road Initiative in Australia focuses on, amongst other sectors, agribusiness. It needs to be pointed out here that the Belt and Road Initiative, which Victorian Labor Premier Daniel Andrews has signed Victoria up to, has led to Sri Lanka having its Hambantota Port seized by the Chinese government because they could not pay their debts under the Belt and Road agreement they had struck with the Chinese government. Now the main port in Mombasa in Kenya is about to be seized by the Chinese government as part of its payback for the Kenyan government not being able to service its debts under the Belt and Road Initiative.

We should not have any part of the Belt and Road Initiative as a country. We should never have leased the Port of Darwin to a Chinese company. That was an act of stupidity. This is what the Chinese government does, of course. In the words of Mao Zedong, 'You use the countryside to surround the city'. That is what they did with the Northern Territory government, that is what they are doing with Daniel Andrews' government and that is what they are doing down here, courting the Premier and his ministers, because they know that in Canberra there is growing awareness about the problem, particularly in the past week or so when there have been a number of significant developments.

We have a person who claims to have worked for Chinese intelligence seeking asylum in Australia who has direct testimony of attempts to interfere in Hong Kong politics, Taiwan's democracy and Australia's democracy. We had an allegation go to air on Sunday night on *60 Minutes* about an attempt by the Chinese government to install a proxy, if you like, in the federal parliament. That ended in the most tragic circumstances for the person who made that allegation. It is worth pointing out that the Liberal member for Chisholm, Gladys Liu, has never explained herself in the federal parliament and the evidence of her deep ties to the Chinese government and the work of the United Front Work Department.

We also have had in the past week the largest ever leak coming out of the Chinese government, 400-odd pages straight out of the heart of the CCP, detailing its cultural genocide in Xinjiang, where

it is estimated anywhere between 1 million to 3 million Uyghur Muslims have been incarcerated in concentration camps, and the word 'concentration' was used in those documents. Madam Deputy Speaker, we are dealing here with a government that is trying to wipe out the culture of the Uyghur people, taking their children away from them.

Madam DEPUTY SPEAKER - I remind the member that we are on the Duties Amendment Bill.

Ms O'CONNOR - Absolutely. It is entirely relevant because in this place we have facile contributions from both the major parties on this issue which are completely out of touch with the facts and reality and public opinion.

I was talking about the Belt and Road Initiative. The China-Australia Free Trade Agreement which we have signed up to also provides duty-free or favourable rates for 85 per cent of goods exported to China. The value of food products exported to China has increased from \$93.3 million in 2015-16 to \$190.9 million in 2017-18. To anyone who asks why the increase in the value of exports to China is of concern, I refer them to the debate on a Greens motion to ban impersonation of foreign law enforcement on 4 September this year. I will simply remind the House again that every single mainland Chinese company that is operating in Tasmania is bound by article 7 of the National Intelligence Law, which requires them to work with the Chinese government on national intelligence. Extraterritorially, it requires of them to spy for the Chinese government. We need to be aware of that. We need to go into these situations and these policy areas with our eyes wide open, but instead what we get from the old parties in here is a glossing over which serves not the Tasmanian people or Tasmania's interests.

During that debate in September this year on the impersonation of a feared Chinese law enforcement agency, both the Attorney-General and Labor's police spokesperson, Dr Shane Broad, cited the importance of our trade relationship with China as the reason to be cautious about challenging some of the behaviours being carried out in the Chinese government's name here in Tasmania. When China ramps up their investment in Australia and Tasmania, the Chinese government does so knowing they are buying the silence and inaction of our major political parties.

The Foreign Investment Review Board has a range of rules for foreign investment in agricultural land or agribusiness. Depending on a range of factors, there are a variety of thresholds that require approval. The approval requires satisfaction that the investment is in the national interest. I do not understand how it could be in the national interest to sell Bellamy's Organics and Pura Milk to Mengniu Dairy. I do not understand how that could be in the national interest and I am sure a lot of Tasmanians do not understand either.

Mr Gutwein - Who owned Pura Milk before? I think it was the Japanese.

Ms O'CONNOR - It is probably not a company that is subject to article 7 of the National Intelligence Law.

Mr Gutwein - The Japanese.

Ms O'CONNOR - Do they have a national intelligence law that requires their companies to spy extra-territorially for the Chinese Communist Party?

Mr Gutwein - You are having a broad swing at foreign ownership.

Ms O'CONNOR - No, I am not. You can try to spin it that way.

Mr Gutwein - That is what it sounds like.

Ms O'CONNOR - Well, you keep being a shill.

Mr Gutwein - A what?

Ms O'CONNOR - Keep being a shill - a mouthpiece for vested interests.

The approval requires satisfaction that the investment is in the national interest. The national interest test stems from the Foreign Acquisitions and Takeovers Act 1975, which provides that the federal treasurer has the authority to review certain investments and approve them if they are satisfied that it is in the national interest. The act does not establish what the national interest means - readily. The national interest test is established in Australia's foreign investment policy. As such it is not legally binding.

While the Foreign Investment Review Board can advise the Treasurer on these matters, authority lies with the Treasurer who, only two weeks ago, gave permission for the takeover of Bellamy's Organic.

Madam DEPUTY SPEAKER - Can I ask you to come back to the bill, please?

Ms O'CONNOR - I am on the bill. Can you explain to me how I am not on the bill, Madam Deputy Speaker?

Madam DEPUTY SPEAKER - It is about the Duties Amendment Bill 2019.

Ms O'CONNOR - Thank you for explaining to me what I know. The Duties Amendment Bill applies to foreign natural persons and foreign persons. That is an issue that comes within the orbit of the Foreign Investment Review Board. There is a connection between the work of the Foreign Investment Review Board and the amendments that we are debating here to the Duties Act 2001. There is a very clear connection. For example, these amendments give the commissioner the authority to decide a foreign person or foreign natural person is not a foreign person or a foreign natural person for the purpose of an exemption, potentially, under the Duties Act to the surcharge that we are debating here today.

There is nothing in this legislation that will do anything to curb the level of foreign ownership of prime agricultural land and residential property in Tasmania. Nothing. It is simply a modest revenue-raising exercise on the part of the Tasmanian Government and a sop to growing community concern about the level of foreign ownership in Tasmania and in Australia.

It is a matter that is not being adequately dealt with by either level of government when you can have nine separate companies established to buy 12 parcels of land on the east coast of Tasmania to try to step through a massive project.

Clause 30L states -

Determination that transferee not a foreign person

(1) A transferee who -

- (a) is a foreign person for the purposes of this Part; and
- (b) as a result of being a foreign person, is liable to pay duty under this Part on a dutiable transaction -

may apply to the Commissioner, in writing, for the Commissioner to determine that the transferee is not to be taken to be a foreign person for the purposes of this Part.

The principal act's definition of 'foreign natural person' means -

... a natural person who is not any of the following:

- (a) an Australian citizen within the meaning of the *Australian Citizenship Act 2007* of the Commonwealth;
- (b) the holder of a permanent visa within the meaning of the *Migration Act 1958* of the Commonwealth;
- (c) a New Zealand citizen who is the holder of a special category visa within the meaning of the *Migration Act 1958* of the Commonwealth;

A 'foreign person' means the following:

- (a) a foreign corporation (other than as a trustee acting in its capacity as trustee);
- (b) a foreign natural person (other than as a trustee acting in its capacity as trustee);
- (c) a foreign trustee acting in its capacity as trustee;

I would like the Treasurer to explain why it is necessary, first of all, to have a clause that allows a foreign person or a foreign natural person - that is, a foreign company or a foreign investor - to argue that they are not foreign for the purposes of getting around paying a modest duty on their purchase of agricultural land or residential property in Tasmania.

While the Commission may make a determination that a foreign person or a foreign natural person is neither of those things for the purposes of this act, they will remain a foreign person or a foreign natural person. That is a perversity in this amendment. I would like the House to understand why it was necessary to provide that carve out for a foreign company or a foreign investor, wherever they have come from.

There are countries in the world, for example, China, where it is illegal; you cannot buy land, you cannot buy your own house in China. Yet here we are as a country selling out our agricultural land with abandon. It would be good to understand why that carve out was provided.

The Treasurer says in his second reading speech, in order to explain why the original position on a foreign investor surcharge was crab-walked away from, that he consulted with key stakeholders. Is he prepared to provide some information to the House about who those key

stakeholders were? Not an abbreviated list that you choose, but it would be good to have something formal on the table about how that was arrived at.

There are carve outs, as I was discussing, to foreign investment rules on residential property but there has been a buy-up of established Tasmanian homes by foreign investors. The Foreign Investment Review Board has not been able to stem that. People were sleeping at the showgrounds last year. We do not have enough homes here. Surely, there should be some rigor around the rules for established properties, but there is not. You only have to talk to real estate agents in Tasmania to understand that foreign buyers are investing very heavily in the residential real estate in Tasmania, particularly in Greater Hobart. It is an issue and we should be prepared to name it up.

I expect the Treasurer to get up shortly and roll out his tired old tropes about racism and xenophobia. I am deaf to them because the Greens are on the right side of history on this issue. The Treasurer would cheer on any and every foreign investment in Tasmania as he did back in 2014 when he promised money-laundering criminals from China \$5.5 million in public funds to further development on a massive parcel of prime agricultural land in north east Tasmania.

Somebody in this place has to tell the truth about these issues and it will be the Greens. We will speak truth to power. That is what we do. We are not compromised by the donations that come from our corporate mates and vested interests in foreign companies. We will tell the truth in here. We did not take \$25 000 from the now banished and disgraced businessman Huang Xiangmo. It was the Tasmanian Liberals who took that money. That is why they are compromised on these issues. That is why the Treasurer gets up and makes his shrill accusations. They are utterly compromised. They took money from an entity which ASIO had warned the major parties about in 2015. The Tasmanian Liberals took that money. Mr Huang Xiangmo is never coming back to Australia; he has been banished because of his connections that our security agencies obviously recognised as a potential security threat.

Time expired.

[12.41 p.m.]

Mrs PETRUSMA (Franklin) - Mr Deputy Speaker, it is with great pleasure that I speak on the Duties Amendment Bill 2019. I commend the Treasurer and the department for their work on this bill because the Hodgman majority Liberal Government very much welcomes foreign investment in Tasmania. However, at the same time we also believe that all participants in the property market must pay their fair share which will also assist this Government to invest into the essential service and critical infrastructure that our growing state needs.

Ahead of the 2019-20 state Budget, the Government announced it would increase the rate of the Foreign Investor Duty Surcharge on acquisitions of residential and primary production property. At this time it was also announced that the Government would conduct a review of the definition of 'foreign person' as it relates to the foreign investor duty surcharge to ensure that the definition remained consistent with the Government's original policy intent.

Additionally, the draft amendment bill was provided to important key stakeholders to enable them to also comment on the architecture of the draft legislation and this feedback is now considered within this bill. I note that stakeholders consulted included the TFGA, the Tasmanian Law Society, and Chartered Accountants Australia and New Zealand on the taxation arrangements for foreign investors including proposed changes to the definition of 'foreign person' in the Duties Act 2001.

As a result of feedback from stakeholders, the rate of the Foreign Investor Duty Surcharge on the purchase of residential property will now be increased from the 7 per cent announced in the budget to 8 per cent, which will bring Tasmania into line with other states such as Victoria and New South Wales. Furthermore, the increase in the FIDS on the purchase of primary production land will however remain at the same level of 1.5 per cent, which was announced in the 2019-20 state Budget.

Following the feedback received through the consultation process with the TFGA and industry representatives, the Government will not be proceeding with the introduction of a foreign investor land tax surcharge as was initially proposed. I also note that as the 2019-20 Budget did not include an estimate of potential revenue from the introduction of a foreign investor land tax there will be no revenue shortfall in the budget Estimates.

The Duties Amendment Bill 2019 will amend the definition of 'foreign person' in the Duties Act 2001 by providing that a discretionary trust may be considered non-foreign for the purposes of determining Foreign Investor Duty Surcharge, or FIDS, liability if the trust deed is amended such that the trust deed is not able to distribute 50 per cent or more of the trust's capital to foreign beneficiaries. The trust amendment must also be made within six months of the provision commencing, or within six months of a Foreign Investor Duty Surcharge liable transaction on an ongoing basis. Also, a transferee may apply to the Commissioner of State Revenue for a refund of the FIDS paid on a transaction if they cease being a foreign natural person within six months of the transaction. As well, the bill provides that under certain conditions the Foreign Investor Duty Surcharge is not payable by the foreign spouse of a non-foreign individual for the purchase of their principal residence home or that the Foreign Investor Duty Surcharge is to be refunded to such taxpayers who buy land and establish their principal residence on the land.

I also note that the bill also provides the commissioner with the discretion to determine that a transferee who would otherwise be considered foreign is not a foreign person and is therefore not subject to the Foreign Investor Duty Surcharge.

These amendments will have retrospective effects from 1 July 2018. Where the Foreign Investor Duty Surcharge has already been paid by a person who as a result of the above changes is no longer considered foreign in relation to a relevant transaction, the taxpayer will have the opportunity to apply to the commissioner for a refund of the FIDS paid. As well, the increased surcharge rates will apply to transactions entered into on or after 1 April 2020. However, for transactions that attract the surcharge and are entered into prior to 1 April 2020 the current lower surcharge rate will apply.

The increased surcharge rates are expected to generate around \$13.7 million of additional revenue over the next four years, which reflects the fact that foreign investment is essential to both Australia's and Tasmania's prosperity because foreign investment has helped build both Australia's and Tasmania's economy and will continue to enhance the wellbeing of Tasmanians by supporting economic growth.

I note that the Australian Government reviews foreign investment proposals against the national interest on a case-by-case basis and this flexible approach is preferred to hard and fast rules because rigid laws that prohibit a class of investments too often also stop valuable investments and this case-by-case approach maximises investment flows while at the same time protecting Australia's interests.

With regard to oversight of foreign investment, the Foreign Investment Review Board is an Australian Government non-statutory body supported by a secretariat within the Australian Treasury. The Foreign Investment Review Board also provides advice to the Australian Treasurer and the Australian Government on Australia's foreign investment policy and its administration. The Foreign Investment Review Board examines proposed investment in Australia that is subject to the policy and also consults with other Australian Government agencies and state and territory governments.

I note for Tasmania that these consultation requests are managed by the Department of Treasury and Finance. In 2017-18 there were 391 foreign investment approvals for commercial real estate across Australia with a total value of \$39.5 billion. Three of these were located in Tasmania, with a total value of less than \$50 million. I note too that the number of foreign investment approvals for residential real estate in Tasmania nearly doubled from 2016-18 to 2017-18 from 62 to 123 approvals, with a total value of around \$100 million in 2017-18. This was all done prior to the introduction of the Foreign Investor Duty Surcharge in Tasmania.

It is important to note that the Hodgman majority Liberal Government will continue to support policies which ensure that all participants in the property market pay their fair share while at the same time preserving the strong investment interests in our regions and assisting local buyers to remain competitive in the market.

This Government has also committed through its fiscal strategy to maintain a competitive taxation environment with an objective for our state's taxes to be efficient, fair, simple, stable and effective. This is because getting our taxation mix right is critical to maintaining a responsible and sustainable financial position.

The outcome of this bill will certainly make an important contribution to this because when governments manage their financial affairs in a prudent and responsible manner they can then invest in important services such as health, education, police and emergency services, as well as critical infrastructure and the many other services governments deliver. This Government's 2019-20 Budget maintains the momentum we are seeing in our state and at the same time invests for even more growth. It outlines a plan to invest a record-breaking massive \$3.6 billion in infrastructure. There is no better example of responsible budget management than our ability to be able to invest in the inter-generational infrastructure, which will underpin our economy, jobs and our society for years to come. As the Treasurer outlined recently, we are already seeing the results of our focus on infrastructure. While the rest of the country slows, our economy remains strong.

I note that our economy is so strong that Tasmania is officially the fastest-growing economy in the nation. The Australian Bureau of Statistics recently released gross state product data for 2018-19, which is the primary measure of a state's economy, shows that Tasmania's economy is the fastest-growing in the country. This extraordinary result is the first time since the series began in 1989 - 30 years ago - that Tasmania's economy grew the fastest in the nation. In 2018-19, the Tasmanian economy grew 3.6 per cent, the highest growth rate of all the states and territories and nearly double the national GDP growth of 1.9 per cent. It is the fastest economic growth recorded in Tasmania in 15 years. In another series of firsts for Tasmania, all 19 industry sectors grew throughout the year, meaning that our economic success is diverse and broad-based, benefiting our businesses around the state and creating jobs.

The Hodgman Liberal Government has completely turned our state around since coming to government. Our budget is balanced, 15 800 jobs have been created and Tasmania is a proud and

more confident place to be than ever before, taking advantage of our strengths and the opportunities before us. This extraordinary outcome demonstrates the resolve and commitment of this government to grow our economy and create jobs so that we can invest record amounts into essential services and infrastructure for our booming state. Our plan is clearly working but we know that there is more to do to ensure that all Tasmanians can share in our new-found economic prosperity which is why this bill before us today is important because of that extra \$13.7 million it is estimated it will generate.

Since coming to government, we have continued to progress our plan to build a better health service, including the \$689 million redevelopment of the Royal Hobart Hospital, the \$87 million redevelopment of the Launceston General Hospital, an extra \$125 million for ambulance services, including resources for our regions and aero medical services, and 1150 additional health staff, including over 600 more nurses, 200 more doctors and 92 paramedics. This foreign investment duty surcharge also could be invested in our police force, because we have a commitment to keep Tasmanians safe. Since coming to office in 2014, we have restored police numbers following savage cuts to Tasmania Police by the previous Labor-Greens government and we are investing even more to boost these numbers with an additional 125 police officers.

The Hodgman Liberal Government has been responsible for turning Tasmania's economic performance around 360 degrees through delivering its clear plan. The Government's plan is a mix of sound economic management, good public policy and a genuine and sensible approach, all underpinned by an unwavering focus and discipline.

The bill we are debating today is another example of the tax policy initiative which will make a significant contribution to Tasmania's revenue mix, further strengthening our economy. This is because external investment has always been important for the growth and success of Tasmania's economy and foreign investment has always been part of this mix. The interest in investing in Tasmania, and importantly, the confidence to do so, is evident at so many levels. There is no doubt this is a result of the settings that the Hodgman Liberal Government has put in place and the initiatives that have been implemented. This has substantially contributed to the economic success of our state.

As a result, Tasmania is punching well above its weight and I will highlight some of the other turnarounds that we have experienced in the last five years as a result of this Liberal Government.

As at October 2019, we had 250 900 Tasmanians in work. This is a new record. More Tasmanians are in work than ever before and since we were elected in March 2014, 15 800 more jobs have been created. It is the fastest growth rate in the country at 0.3 per cent. The unemployment rate is now down to 6.1 per cent. This contrasts with the previous Labor-Greens government where the number of Tasmanians employed at one stage decreased by 10 000 people and the unemployment rate hit 8.6 per cent.

Tasmania also leads the nation on relative population growth with our highest population growth in 30 years, as well as dwelling starts, equipment investment and vehicle sales. We are in second spot on housing finance. In the State of the State report in October, CommSec identified that Tasmania's annual economic growth is 19.3 per cent higher than its long-term average. Shamefully, under the previous government, we were ranked last.

Tasmania is growing at the fastest rate overall. Our state final demand is a primary economic indicator measuring household consumption, business investment and government expenditure. In

other good news, Tasmania's state final demand increased 3.4 per cent in 2018-19 in real trend terms, the highest growth rate in Australia. Tasmania also grew at the fastest rate in Australia in the June 2019 quarter at 0.6 per cent in real trend terms. These results are the first time in more than a quarter of a century that Tasmania has more than tripled the growth rate of the nation's power house economy of New South Wales.

The good news continues with regard to private investment, a key component of state final demand. This grew the fastest in Tasmania, the fastest of all the states, at 7 per cent and 2 per cent over 2018-19 and the June 2019 quarter respectively in real trend terms.

With regard to private new capital expenditure, in the June 2019 quarter, private new capital expenditure was \$346 million in real trend terms or 66 per cent higher than when we first came to government in March 2014. In 2018-19, private new capital expenditure hit nearly \$1.5 billion because under this government, businesses and individuals have the confidence to invest and create jobs. As well, investment in buildings and structures, a sub-set of private new capital expenditure, grew by 11.7 per cent over the year to the June 2019 quarter, putting Tasmania firmly in third spot and reflecting our strong building and construction sector.

The export sector is booming and there is no doubt that Tasmania has what the world wants. Tasmania exported nearly \$3.7 billion worth of goods in the year to September 2019. This is 32 per cent higher than the year to March 2014. On top of this, in September 2019 retail trade grew at the highest growth rate in the country to \$558 million in trend terms. Our monthly retail trade is now \$100 million more than in March 2014.

With regard to tourism, the Hodgman Liberal Government's plan to grow this important sector is definitely working. Tourism Tasmania's latest tourism snapshot shows that in the year to June 2019 there were more visitors and more spending compared to the previous year. Visitors increased by 3 per cent to 1.32 million, with more than 1.1 million from interstate, an increase of 5 per cent. Our visitor expenditure increased by 5 per cent to \$2.49 billion. This is 48.7 per cent more than the March 2014 quarter when we came to government.

In 2018-19, there were 300 000 international visitors who spent \$528 million during the year, according to Tourism Research Australia June 2019 data. On top of this, Tasmania's tourism industry contributed nearly \$3.2 billion to Tasmania's economy in 2017-18, in total activity, an increase of 9.1 per cent compared to the previous year. As well, the total direct and indirect contribution to Tasmania's gross state product was the highest share in the nation at 4.9 per cent.

In 2017-18, tourism directly employed 21 600 Tasmanians, 7.7 per cent higher than the previous year.

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

DUTIES AMENDMENT BILL 2019 (No. 56)

Second Reading

Resumed from above

Mrs PETRUSMA (Franklin) - Madam Speaker, to wrap up; there is much more I could be saying. Whether it is non-housing approvals and completions, the huge increase in population

growth, engineering work completed, agricultural production increasing, business confidence increasing, all highlight the fact that under this Government there have been significant improvements in Tasmania's standing. That is only because of the multitude of policy and economic management levers that this Government is using to drive our state to the position of strength that it enjoys today. That is why the introduction of the Duties Amendment Bill 2019 is just another example of a well-considered initiative that will deliver positive and significant revenue for Tasmania.

Once again, I commend the Treasurer and the department for their work on the bill. Under this Government, Tasmania and Tasmanians have policies that will ensure that all participants in the property market pay their fair share while preserving strong investment, not only in our regions, but also in essential services and critical infrastructure.

I support the bill.

[2.32 p.m.]

Mr GUTWEIN (Bass - Treasurer) - Madam Speaker, I thank members for their contributions and for their support for this bill. It is an important bill. I will set out and answer some of the questions that were raised, issues that arose when we were working through this, and some of the examples that came about.

I will start with one of the examples. Clause 30L was raised by the member for Clark, in terms of the Commissioner's discretion upon application to treat somebody who is actually a foreign person as not a foreign person. During the period we were receiving feedback on the application of the act - to protect the individuals and their circumstances, I will not mention their names, but I will explain the situation.

A former Tasmanian state cricketer from 30 to 40 years ago raised with me that when he was playing for Tasmania, but also representing and playing county cricket in England, he had met his wife, who is still currently his wife. She was a British citizen. She came to Australia but had never renounced her British citizenship. They had a discretionary trust. Interestingly enough, she had worked for the public service for 30 years; she represented Tasmania in her chosen sport, and her children were born and raised here. He brought this issue to me and I thought, 'Under no circumstance would we have considered her as a member of that family'. As I said, if I were to say too much more about the circumstances, you would narrow it down and work out who they were. The intention of the act was never to capture somebody who is in those circumstances.

Ms O'Connor - By interjection, through you, Madam Speaker. That is not all that these clause 12 amendments do. I understand that around a family trust, but there is also 30L.

Mr GUTWEIN - I suggested that they purchase the property as an individual. He said, 'That's fine, but it is her money and we would normally buy things through the trust. Even if she does purchase it as an individual, she is still classed as a foreign person because of the circumstances'.

There are some issues and I understand that under normal circumstances somebody in that situation would probably be granted Australian residency by virtue of the normal processes. There was a change in the Ten-pound Pom issue. If she came in during that period, then it does not automatically roll on. It was a quirky situation where, when I looked at it I thought that there needs to be some discretion because there will be circumstances like this that application will need to be made for. That is in answer to that particular part of the question.

I will run through questions broadly in order. You asked how many taxpayers were affected. In total there are only 51 discretionary trusts that there may be issue with. Not every taxpayer may want to not have the opportunity to remove the opportunity to dispose of capital and trust to a foreign resident. So, there is a relatively discrete number. After assent, we would notify people by a public notice. We will be working with the Law Society to ensure they are well aware of it. Most of the issues have come through conveyancers or solicitors and we will notify them. I will also be making a public announcement. If we feel that we need to write individually, especially to that group of discretionary trusts, I am more than happy to do that. In the main, once the bill has received royal assent, I believe the solicitors, upon notice from us, will take the appropriate actions.

Mr O'Byrne - That is in most of the cases. As long as you are satisfied that everyone has been contacted that may be materially affected by it.

Ms O'Connor - We asked you who you had consulted before changing the policy?

Mr GUTWEIN - I am going to get to that. It is on the list. Is the Commissioner's discretion reviewable? The first discretion is contained in clause 30L which provides that a person who is liable for FIDS can apply to the commission to be considered non-foreign. The Commissioner has the discretion to either determine that the person is not a foreign person, or refuse the application. This discretion will be applied on a case-by case-basis. The determination by the Commissioner under section 30L specified as a non-reviewable decision, meaning that a taxpayer cannot object or appeal a decision made under that section.

In order to maintain flexibility, this concessionary discretion is extremely broad and does not contain any prescribed requirement to be established prior to it being exercised. It is designed to pick up the quirky circumstance, such as one which I have just explained. For example, it does not depend upon the Commissioner being satisfied that there are reasonable grounds or circumstances outside of the transferee's control, noting there are no prescribed requirements, the discretionary it would be not appropriate to provide objection rights under which the transferee has the onus of proving their case.

It goes without saying that there are a number of decisions under the taxation laws which are not non-reviewable. Then there is a second discretion under section 30M which provides that the Commissioner may publish guidelines that outline where a transferee will not be considered to be a foreign person if the person meets the conditions established and the person is not foreign for the purposes of the relevant part of the act. This discretion therefore applies broadly to any circumstances and conditions published by the Commissioner and the section does not specifically restrict review of a decision as is the case under 30L.

Ms O'Connor - By interjection through you, Madam Speaker, when you talk about foreign person, under the principal act that applies to companies, doesn't it? So, a foreign natural person is an individual, and a foreign person is a corporation or a company?

Mr GUTWEIN - Right. I am reading the act in front of me. Go on.

Ms O'Connor - So the example you gave earlier which related to a family relationship in which one was a foreign natural person, is not relevant to 30L because we are talking companies, not individuals.

Mr GUTWEIN - It was a trust. The issue that was brought forward was a trust. They were in a trust to begin with and then, as I explained, I suggested that they purchase outside of the trust. The point was made that they wanted to purchase it in the wife's name but then that would have been caught anyway.

Ms O'Connor - We might have to go into Committee to clear this up.

Mr GUTWEIN - I am happy to provide as much information. I will see if there is any further advice that can be provided here.

Ms O'Connor - Through you, Madam Speaker, there is no provision in there for an exemption for a foreign natural person. It is just about companies. Isn't that correct?

Mr GUTWEIN - When in doubt, go to the act.

Ms O'Connor - That is a massive piece of legislation.

Mr GUTWEIN - A foreign person covers all three. Foreign person means the following: a foreign corporation; a foreign natural person; or a foreign trustee acting in its capacity as trustee.

Trustees: why is a 50 per cent test applied? From the point of view of the control test, other jurisdictions, not everybody has a 50 per cent test. Some have a lower threshold. I can indicate it is 20 per cent in some jurisdictions. In my mind, we have the bar right at 50 per cent.

Mr O'Byrne - Of course it would be in your mind. That is right.

Mr GUTWEIN - I believe it is fair and reasonable. If you have a 50 per cent stake or control then you should be considered to be either foreign or not.

Mr O'Byrne - That includes trust to trust, not trusts that control other trusts? Like if there is a bit of a pyramid?

Mr GUTWEIN - Yes. The FIDS rate - why was 8 per cent chosen as opposed to 7 per cent? The point has been made that Tasmania is an attractive place for investment at the moment. Other jurisdictions have 8 per cent. It brings Tasmania into line with Victoria and New South Wales, broadly consistent with Queensland, South Australia and Western Australia, which impose a rate of 7 per cent. We were increasing it so I thought it was reasonable to increase it to 8 per cent. I do not think it provides any particular cause for concern if we are at the same level as Victoria and New South Wales.

The other issue, and it was in my mind when we first introduced this, was that we wanted to send a signal at 3 per cent to foreign investors but I wanted to ensure that we remained attractive. The feedback that I received is that we will still be relatively attractive albeit with a higher impost for those who want to invest. As we worked our way through this, I could see no reason as to why 8 per cent was not reasonable.

Mr O'Byrne - Free markets in Victoria and New South Wales are very different to Tassie, historically.

Mr GUTWEIN - They are. In fact, what is interesting at the moment is how the market in Victoria has collapsed to some extent. It appears to have bottomed and is starting to pick up.

Mr O'Byrne - From different bases though.

Mr GUTWEIN - We have not had that same broad impact that New South Wales and Victoria have had. To me, 8 per cent seemed reasonable in terms of what those other jurisdictions could stand.

Ms O'Connor - Some non-reviewable decisions. Did you ask that question?

Mr GUTWEIN - Yes, dealt with non-reviewable. The consultation - which stakeholders were consulted? Treasury consulted with the following stakeholders: the Law Society of Tasmania - I met with them on at least one occasion, I think twice; the Chartered Accountants of Australia and New Zealand; and the Australian Institute of Conveyancers made a formal submission. We contacted the Real Estate Institute of Tasmania, the Australian Property Institute, the Property Council of Australia, the Certified Public Accountants Institute of Public Accountants, and the Tasmanian Farmers and Graziers, but no response was received from those stakeholder groups.

Ms O'Connor - From what? Sorry, no response was received?

Mr GUTWEIN - From the TFGA, the Institute of Public Accountants, the CPA (Tas Division), Property Council, the Australian Property Institute, the Real Estate Institute of Tasmania but I spoke personally to both the TFGA and the Real Estate Institute on this matter.

Ms O'Connor - They would have had quite different views on it, wouldn't they?

Mr GUTWEIN - No, to be honest, they did not. Both were comfortable with the 8 per cent and felt that the market could stand that. The TFGA was comfortable with the 1.5 per cent on rural land. The Real Estate Institute did not have a position either way in terms of the increase to 1.5 per cent from the 0.5 per cent.

Ms O'Connor - Thank you.

Mr GUTWEIN - I thank the Law Society for their engagement on this. They identified this issue, I won't say early, but certainly within the first couple of months of application. As a Government, we had taken the view that we had announced this in January or February of 2018 as part of the election campaign. It had then been discussed again during the budget process and announced as part of the 2018 budget.

At that time there had been numerous articles written that had seemed to be well understood and no concerns were raised with me prior to its application and it being introduced. This discretionary trust issue materialised and we then started to work through and understand it to ensure that the original policy intent of capturing somebody who was a true foreign person, as opposed to a Tasmanian who had not had the time or was not aware of the issues of what their trust deed allowed for, and in a lot of cases there was a level of ignorance about the arrangements of the trust deed in allowing there to be disposals through the trust to a wide range of people. We had taken the view that if it did not specifically preclude a distribution to a foreign person, then it should be treated as a foreign trust.

It was well discussed with Treasury and by those relevant stakeholders, especially the Law Society and I thank the Law Society for their approach on this. I believe we have the balance right with the changes we have made and the discretion that is now available to the commissioner to sensibly look at the matters that might be brought before him. I take on board the shadow treasurer's suggestion that we ensure that those who may be affected are provided with the opportunity to understand that the act will be changing.

The balance is right and in terms of the number of transactions which are well and truly in their hundreds, with around 50 that have created an issue, the act should now be quite robust. That covers most of the questions. I hope I have covered your matter, Ms O'Connor.

Ms O'Connor - I want to go into Committee because with proposed sections 30L and 30M there is a vagueness about how they will be applied.

Mr GUTWEIN - There was a range of matters raised regarding foreign ownership. I want to put on the record some statistics of investment in Tasmania but also broadly in the country. In terms of foreign investment and where Australia invests, which is an interesting one, we have two-and-a-half trillion dollars worth of Australian money invested overseas.

Ms O'Connor - Yes, that'll be in the big plunderers like BHP going into third world countries and exploiting their resources for peppercorns.

Mr GUTWEIN - Interestingly enough, the top eight are the United States, United Kingdom, Japan, New Zealand, Cayman Islands, Germany, Canada and China.

Ms O'Connor - How modern is this data?

Mr GUTWEIN - This is from the Australian Government's Department of Foreign Affairs and Trade website today. This runs up to 2018. The five-year trend growth in China in terms of Australian investment is about 14 per cent, which is interesting.

Ms O'Connor - What does that mean?

Mr GUTWEIN - Over five years the value of investment has trended upward by 14 per cent. It is increasing.

Ms O'Connor - If I was a Chinese businessperson I'd want to get my money out of that country too.

Mr GUTWEIN - In terms of who invests in Australia, it is the United States, United Kingdom, Belgium, Japan, Hong Kong, Singapore, Netherlands, Luxembourg and China, in that order. China is number nine and, interestingly enough, the five-year trend growth is around 3.5 per cent. The dollar value is similarly the same between both jurisdictions, which is interesting.

The member raised the issue of foreign ownership of agricultural land in Tasmania, which is around 24 per cent. What is interesting is that the single largest step of foreign investment - as I am sure you would be aware -

Ms O'Connor - Is this New Forests?

Mr GUTWEIN - was the collapse of Gunns.

Ms O'Connor - I have met Mr David Brand. He is genuinely an ethical forester.

Mr GUTWEIN - But it still counts as foreign ownership.

Ms O'Connor - Sure, but he isn't subject to article 7 of the National Intelligence Law of China.

Mr GUTWEIN - No, but I make the point that the collapse of Gunns, which was very unfortunate, although I am sure you might have different view -

Ms O'Connor - Both your party and Labor were complicit in that because you enabled their monopoly.

Madam SPEAKER - Order.

Mr GUTWEIN - Thank you, you obviously have a different view, but of the more than around 362 000 hectares you mentioned, the Forico and New Forests investment was for around 175 000 hectares.

Ms O'Connor - Plantations, not native forest logging like Gunns. FSC-certified plantations.

Madam SPEAKER - Order, Ms O'Connor.

Mr GUTWEIN - So the 175 000 indicates a significant step change and I think it was in that 2013-14 year in terms of foreign investment. On one hand you can decry the level of foreign investment but it would be fair to say that -

Ms O'Connor - I'm just giving voice to what people are saying in the community.

Mr GUTWEIN - What I am doing is putting some facts on the record. Most people would not be aware that that single step change was as a result of the collapse of Gunns and the investment by what was at the time a range of different countries that were part of that purchasing arrangement.

Ms O'Connor - Plantations.

Mr GUTWEIN - Yes. The other matter you raised - and I will put it on the record as well just so we are clearing matters up -

Ms O'Connor - Are you talking about Mussleroe?

Mr GUTWEIN - No.

Ms O'Connor - No, I didn't think so.

Mr GUTWEIN - You raised this morning the proposal submitted by Ian Johnstone for Maria Island. It has taken a little time and I made the commitment to get back to you, not to the parliament. I was going to write to you this week.

Ms O'Connor - You said you would bring it back to the House.

Mr GUTWEIN - No, I checked the *Hansard* and I did not. I can confirm that I am not aware of any such proposal. I asked my office too on my behalf, and further after inquiries, I have also been unable to identify any knowledge or information in relation to that proposal you mentioned. If you do have further information please -

Ms O'Connor - So you're saying it's not a stage 2 EOI?

Mr Gutwein - We do not have any information I am aware of regarding that.

Ms O'Connor - Does the Coordinator-General?

Mr GUTWEIN - I believe he has been contacted. If you are aware of any other detail please bring it to my attention and I will be happy to follow it up.

Bill read a second time

DUTIES AMENDMENT BILL 2019 (No. 56)

In Committee

Clauses 1 to 11 agreed to.

Clause 12 -

Sections 30J, 30K, 30L and 30M inserted

Ms O'CONNOR - Treasurer, I thank you for your detailed explanation and an example of how these two provisions - 30L, which works with 30M - might work. I agree it is important that there be some flexibility in the Duties Act for companies and trusts that are potentially eligible to pay duties under this act. Given this is quite a broad power you have given the commissioner to exempt a foreign person - and now we know that is a foreign natural person, a foreign corporation or a foreign trust - from the requirement to pay duties under this act, what other circumstances can you foresee where this provision might be applied?

We are saying here that the commissioner will be given the authority to look at an individual circumstance on application and make a determination, presumably on their own. There is no requirement in here for the commissioner to refer to any other person, body or minister. I am not saying we want ministerial interference in this, by the way, but this is an authority we are giving to the commissioner to determine whether or not a person is a foreign person for the purposes of this amendment bill. I accept there will be some individual circumstance, but do you agree that it would be highly regrettable if this provision in the legislation was exploited and applied in any other way than a very narrow manner that captures the sorts of circumstances you talked about in your second reading response.

On what grounds might the commissioner determine that a person is not a foreign person, even though they are? Can you foresee a circumstance where a foreign company, from whatever country they come from, could use this provision to seek an exemption to pay. To make this as quick and painless as possible, the amendment indicates that this is a non-reviewable decision within the meaning of the Taxation Administration Act but, then, flowing through to 30M -

The Commissioner may publish ...

So there is no requirement for any transparency here -

... in a manner that is freely available to members of the public, circumstances where a transferee is not to be taken to be a foreign person for the purposes of this Part.

I presume that we are protecting the privacy of the individual in that provision, so this is not about naming individuals or corporations necessarily, but how does this apply? There is no requirement on a commissioner to inform you, as minister, that a decision has been made. There is no line of accountability for that decision as far as I can see and there is no requirement for the commissioner to make publicly available a decision about whether or not a person is a foreign person for the purposes of the Duties Act.

Mr GUTWEIN - First, I expect that this will be a clause that is used very infrequently, in my view, and it would be dealt with very narrowly.

I mentioned some circumstances before, but I largely see that this might occur as a matter of timing. For example, where the residency comes in a little late or there were circumstances of a company needing to be more than 50 per cent Tasmanian owned, but from a timing point of view, that these matters might be considered.

One other example would be that if a New Zealand citizen who has a visa leaves the country, then their residency changes. In many cases, New Zealand citizens leaving the country will return. They might be going home for a holiday, for example, but their residency changes, I think is the right way of putting it. Their circumstance is impacted and they could be caught.

It would be those sorts of matters that the commissioner would provide as guidelines for individuals to be advised of in terms of discretion.

Ms O'CONNOR - Treasurer, there is nothing in this section about the commissioner producing guidelines. Have I missed something?

Mr Gutwein - Well, 30M is in relation to commissioner's guidelines, is my understanding.

Ms O'CONNOR - That is interesting. Perhaps you could point me to the section in here that discusses guidelines which might be produced by the commissioner.

In 30M(1), we have the commissioner publishing the circumstances -

The Commissioner may publish, in a manner that is freely available to members of the public, circumstances where a transferee is not to be taken to be a foreign person for the purposes of this Part.

Mr Gutwein - That would be the guidelines.

Ms O'CONNOR - So this provision is not about how the commissioner responds to a particular request; this provision is for the development and issuing of guidelines which may or may not be made public?

Mr Gutwein - Which will be made public.

Ms O'CONNOR - No.

Mr Gutwein - I will give a commitment that they would be.

Ms O'CONNOR - Why didn't we put 'must' in there? So, in 30M(1), 'the Commissioner may publish'. There is no requirement for the commissioner to publish any guidelines. The word 'guidelines' is not used here. Complete discretion is given to the commissioner about whether they publish in an area that is freely available to the public.

I am not sitting down even though you have wandered off to get advice because then I can't keep asking you about this legislation.

What we need here, Treasurer, is some clarity. This part of the legislation is loosely written. It gives the commissioner, having made the determination, complete discretion. First of all, there is no requirement or even a suggestion in this legislation for the commissioner to make publicly available any information about a particular application. Is that correct?

Mr Gutwein - When you've finished your contribution.

Ms O'CONNOR - I am not being a smart alec. The problem we have here, Treasurer, as you know, if I don't ask you these questions in my two 10-minute parsimonious allocations of time on this legislation, I won't have the opportunity to further scrutinise you on it because of how vindictive your colleagues were after coming to office in 2014 and your manipulation of the sessional orders. If I sit down now then you could give me some glib answer and I don't have another opportunity, which might suit you but it doesn't suit proper scrutiny of the bill.

It is now clear that section 30L amendment and section 30M amendment are not connected in that a decision about a particular circumstance can be made by the commissioner. There is nothing there that says the commissioner will provide a briefing note to you as minister to inform you that this decision has been made.

The first time the word 'guidelines' was used was in response to a question I asked. There is no reference to guidelines in the legislation. There is still some uncertainty in my mind about what 30M(1) means. We are saying to the commissioner, 'You might if you want to; you don't have to publish any information about who might be eligible for exemption under the Duties Act as foreign person'. There should be some clarity around here.

I want to put to you a particular example which is Cambria Green. There were 12 plots of land totalling more than 3000 hectares. Nine separate companies purchased those lots. Of those nine separate companies, seven of them are registered in Hong Kong, but the part-owner of one of the other companies is, I believe, an Australian citizen. Could, for example, Cambria Green Tourism and Agriculture Management Pty Ltd come to the commissioner and argue that because one of the directors of that company is Australian, they should have an exemption from paying duties should they decide to extend their gobbling up of that land north of Swansea.

Mr GUTWEIN - Let me work backwards from Cambria Green. If 50 per cent or more, as per the act we are discussing and, as I set out in my second reading speech, of the company or trust, or in terms of the beneficiaries is owned by foreigners then it would not matter how many Australian

directors there were. There is a test there in terms of the distribution and ownership of the company or trust.

Ms O'Connor - So they wouldn't be eligible?

Mr GUTWEIN - I think that is very clear. In terms of your comment that it was the first you had heard of guidelines, the second reading speech goes to the fact that the commissioner will have the authority to publish circumstances, so in 30L obviously the commissioner has a discretion. It is quite appropriate that the commissioner be able to go about his duties as an independent statutory officer without interference -

Ms O'Connor - Absolutely.

Mr GUTWEIN - and I do not think anybody in the time that I have been in parliament has ever raised an issue with any of our state revenue commissioners over that period.

Ms O'Connor - If a determination is made, as Treasurer, do you get a minute?

Mr GUTWEIN - No, I have no line of sight on any individual's tax affairs, unless an individual signs and allows me to understand their details.

Ms O'Connor - Where would that information be held? Only with the commissioner?

Mr GUTWEIN - The commissioner would hold that information. At best, I imagine that I as Treasurer or a future treasurer in years to come would be able to receive high-level information in terms of number of times that a discretion had been exercised but the details, no, and for obvious reasons.

Ms O'Connor - Would a brief go to the secretary of Treasury?

Mr GUTWEIN - I doubt it. No, because it is a separate statutory office.

In terms of 30L, which provides the commissioner with a discretion, and 30M, which provides for the commissioner to publish guidelines, my expectation would be that guidelines will be published. In fact it has always been the intention as we have discussed the development of this act that the guidelines would be published.

Ms O'Connor - They will be?

Mr GUTWEIN - Yes, for obvious reasons. At the end of the day, my view is that people should be able to understand when there are guidelines available in terms of their tax affairs.

Ms O'Connor - So why did you put the word 'may' in the drafting?

Mr GUTWEIN - I believe the word 'may' is used in terms of parliamentary drafting.

Ms O'Connor - It has slipped in in the last five or six years a lot.

Mr GUTWEIN - That question is raised in this place but that is a matter for the Office of Parliamentary Counsel, isn't it?

Ms O'Connor - No, it isn't. Parliamentary Counsel doesn't write policy. They write the legislation.

Mr GUTWEIN - Yes, they write the legislation and they have chosen to write the legislation in that way and provide advice both to your government and to this Government. That answers the questions.

Clause 12 agreed to and bill taken through the remaining stages.

Bill read the third time.

JUSTICE LEGISLATION (MANDATORY SENTENCING) BILL 2019 (No. 57)

Second Reading

[3.15 p.m.]

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

That the bill be now read the second time.

The Justice Legislation (Mandatory Sentencing) Bill 2019 makes a number of amendments to the Sentencing Act 1997 to introduce mandatory minimum sentences of imprisonment for serious sexual crimes perpetrated against children based on recommendations made by the Sentencing Advisory Council on what would be appropriate mandatory minimum levels of imprisonment for these indictable offences. Consistent with the Government's commitment, the bill also introduces a minimum of six months' imprisonment for serious assaults on certain frontline workers.

I will deal firstly with aspects of the bill that are relevant to frontline workers. Offending that results in serious bodily harm to frontline workers is unacceptable. Frontline workers provide essential services to our community and the community as a whole has an interest in ensuring their safety at work carrying out the important work they do in our community. Frontline workers are routinely confronted with dangerous situations from which they cannot walk away. They often deal with people who are affected by alcohol and drugs and who are experiencing heightened emotions.

The physical and psychological harms created by violence to individuals and to the community more broadly are well documented. Frontline workers are not immune to the serious harms that result from violence. Physically, serious violence can result in severe pain and temporary or permanent disability. Psychologically, victims of violence are at an increased risk of depression, anxiety, post-traumatic stress disorder and suicidal behaviour. There are also social and economic costs associated with such violence. Victims may be unable to return to their work. There are costs associated with the medical treatment of victims of violence and the investigation and prosecution of offences.

Sentencing laws must, as far as they can, serve to denounce violence and provide protection for frontline workers who are routinely placed in dangerous and potentially violent situations. Mandatory minimum sentences of six months' imprisonment already apply, because of section 16A of the Sentencing Act 1997, to offenders convicted of an offence that results in serious bodily harm to a police officer while the police officer is on duty, unless there are exceptional circumstances,

which I will address later in this contribution. Section 16A has been in force since 2014 and it has been considered and applied in the Supreme Court of Tasmania.

The new section 16B contained in the bill will mean that an offender convicted of an offence that results in serious bodily harm to an on-duty frontline worker will be subject to a mandatory minimum sentence of six months' imprisonment. The bill provides that 'frontline worker' means a person who is:

- employed, or engaged to provide, on behalf of the state, services relating to the health or safety of persons; and
- a member of a prescribed class of persons who provide, on behalf of the state, services relating to the health or safety of persons.

New subsection 16B(2) defines the circumstances in which frontline workers are taken to be on duty.

The mandatory minimum sentence will only apply when an offence has resulted in serious bodily harm to a frontline worker. It is important to note that the new section 16B will not apply when harm caused to a frontline worker by an offence is relatively minor.

The bill also provides for mandatory sentences for serious sexual crimes against children. The Government believes that sentences for child sexual offences should clearly denounce the abhorrent sexual abuse of children and appropriately punish offenders of sexual violence against children.

Offenders of sexual violence against children deserve significant sentences of imprisonment in recognition of the appalling, and in many cases, lifelong effects of their criminal conduct on their child victims. By introducing mandatory minimum sentences for serious child sexual offences, the Government is also promoting consistency in sentencing and improving public confidence in the justice system by ensuring that sentences reflect community views for such heinous crimes.

The Sentencing Advisory Council was asked to investigate how a mandatory minimum sentencing scheme in relation to child sexual offences could be implemented in Tasmania. Specifically, the council was asked to consider what child sexual offences should be included, the level of the minimum sentence to be applied to offenders and, importantly, any exceptions that should operate.

In 2016, the Sentencing Advisory Council released its report titled Mandatory Sentencing for Serious Sex Offences Against Children. In this report the Sentencing Advisory Council identified the following crimes as appropriate to be included in a mandatory minimum sentence scheme:

- rape where the complainant is under 17;
- maintaining a sexual relationship with a young person in circumstances of aggravation;
- sexual intercourse with a young person in circumstances of aggravation; and
- aggravated sexual assault (in circumstances of aggravation) where the complainant is under 17.

As previously foreshadowed in this House and publicly, the Government is developing a bill to update the language used in the crime of 'maintaining a sexual relationship with a young person'. That bill, which will introduce language that more properly reflects the true nature of such offending, will be introduced in the next session of parliament. This bill seeks to include those crimes in a mandatory minimum sentencing scheme, with the exception of the crime of aggravated sexual assault.

In 2017, parliament passed the Criminal Code Amendment (Sexual Assault) Act 2017. That act extended the definition of 'sexual intercourse' so that the crime of rape applies to all forms of non-consensual sexual penetration. By including these forms of sexual penetration in the crime of rape, the existing crime of aggravated sexual assault is no longer required and has been repealed.

The Royal Commission into Institutional Responses to Child Sexual Abuse has increased the community's awareness of the disturbing levels of prevalence of institutional child sexual abuse, both historical and contemporary, and the devastating long-term and often lifelong impacts of child sexual abuse affecting our community.

The Government has carefully monitored the work of the royal commission and participated in a number of formal and informal consultations with the royal commission in relation to the appropriateness of current criminal justice responses to institutional child sexual abuse and options for reform to assist victims of child sexual abuse.

While the work of the royal commission focused on child sexual abuse that occurs in institutions, their work still provides guidance in relation to criminal justice responses to all types of child sexual abuse, regardless of context. The royal commission observed that community members are still often dissatisfied with the length of sentences given to convicted child sexual abuse offenders.

Coming to a conclusion about the appropriate level for a mandatory sentence is a complex task and one that the Government asked the Sentencing Advisory Council to consider through research and their collective knowledge and experience. The Sentencing Advisory Council also consulted widely in relation to this issue.

The Government has adopted the Sentencing Advisory Council's advice in relation to the levels of the mandatory minimum sentences to be applied to sexual offences against children in Tasmania, and taken into account the evidence of survivors of child sexual abuse provided to the Royal Commission into Institutional Responses to Child Sexual Abuse. The Government has listened to their concerns and is responding to them in this bill.

The bill introduces mandatory minimum terms as follows:

- four years' imprisonment for the crime of rape (section 185 of the Criminal Code) where a victim is under 17 years at the time of the offence;
- four years' imprisonment for the crime of maintaining a sexual relationship with a young person (section 125A of the Criminal Code) where at least one of the unlawful sexual acts is an offence of rape;

- three years' imprisonment for the crime of maintaining a sexual relationship with a young person (section 125A of the Criminal Code) where there are circumstances of aggravation and none of the unlawful sexual acts is an offence of rape; and
- two years' imprisonment for the crime of sexual intercourse with a young person (section 124 of the Criminal Code) where there are circumstances of aggravation.

The circumstances of aggravation that attract mandatory minimum terms of imprisonment in relation to the crimes of maintaining a sexual relationship and sexual intercourse with a young person are outlined in section 11A of the Sentencing Act 1997 and include:

- the victim being under the care, supervision or authority of the offender;
- the victim being a person with a disability;
- the victim being under the age of 13 years;
- the offender committing the offence in whole or in part in the presence of any other person or persons, besides the victim;
- the offender subjecting the victim to violence or the threat of violence;
- the offender supplying the victim with alcohol or drugs with the intention of facilitating the commission of the offence;
- the offender making forced or uninvited entry into the victim's home or other premises; and
- the offender doing, in the course of committing the sexual offence, an act likely to seriously and substantially degrade or humiliate the victim.

Of course the court still has the ability to impose a higher sentence, as with all other indictable offences under the Criminal Code Act 1924. Recent research by the Sentencing Advisory Council, however, clearly shows offenders continue to receive sentences below the levels imposed by this bill. To be clear, both of the lowest sentences for the crime of raping a child imposed between 2015 and 2018 were below the minimum of four years' imprisonment imposed by this bill. The lowest penalty being imposed, three years' imprisonment, remains unchanged from the minimum imposed during the council's past research covering 2008 to 2014. In short, what this bill seeks to ensure is appropriate sentences for such heinous crimes against children.

It is important to note that the mandatory minimum sentencing provisions proposed in the bill will not apply where there are exceptional circumstances. The provisions will also have no application to offenders who are under the age of 18 years at the time the offence was committed or in certain circumstances, to offenders who have impaired mental functioning that is causally linked to the offence. This applies in instances of serious assaults on frontline workers as well as sexual crimes perpetrated against children.

The mandatory minimum sentence scheme contained in this bill will provide both frontline workers and Tasmania's children with protection and will help to ensure that victims receive appropriate justice for the crimes perpetrated against them. The community expects our children

to be protected and our frontline workers to be able to safely carry out their duties without serious injuries inflicted on them.

I commend the bill to the House.

[3:28 p.m.]

Ms HADDAD (Clark) - Madam Speaker, the parliament has already considered, several times, legislation that has attempted to make the changes contained in this bill. Each time the attempts have been rejected. They have been rejected in the upper House and they have been rejected in the lower House. Each time, Labor's position has been clear: Labor does not support mandatory sentencing no matter the crime or offence parliament tries to apply it to. That in no way excuses offenders or defends offenders, or offending. Rather, it is a fundamental rejection of the sentencing method itself.

The parliament has heard Labor's position on this over and over again. In 2017 these laws were attempted several times, and again in 2018 these laws were attempted again, and again earlier this year Mr Tucker raised these issues in a private members' debate. Labor's position has remained unchanged. Mandatory sentencing does not work and it will not gain our support, no matter the crime or offence you apply it to.

Labor's position is on the record. Because this is an important issue and we do take it very seriously, I will put our position on the record once again. I do this briefly because it has been done already several times. I do so because Labor's position inevitably will be grossly misrepresented by the Liberal Party and by the media, most likely, as well. For what it is worth, I will be putting Labor's position on mandatory sentencing on the record again today.

Before I get to that, I first need to put on the record again, in the strongest possible terms, my own and Labor's utter abhorrence for child sex abuse of any kind. Labor condemns those who prey on and perpetrate such abhorrent crimes against children. These crimes are wicked, they are unforgivable and they deserve punishment of the highest order.

Labor believes those who are found guilty of committing these heinous crimes deserve to go to jail and for long periods. That is why last time the parliament considered these laws, I moved an amendment to allow judges the option to sentence someone found guilty of child sexual abuse to life in prison. Punishments do not come stronger than that in our legal system. Labor believes that allowing life sentencing for child sex offenders sends the strongest message possible to the judiciary that society, the community, and this parliament, want perpetrators to be punished for crimes like this, that prey on our most vulnerable and subject them to unspeakable horror.

Back to why mandatory sentencing, as a sentencing construct, does not work. As I said, the parliament has heard these reasons before; the media has heard these reasons before; the community has heard these reasons before. Mandatory sentencing simply does not work. It does not reduce crime. It puts victims through unnecessary trauma and it does not lead to better outcomes for victims.

It is not just Labor saying this, it is everyone except the Liberal Party who, continually, cruelly, use this issue for political purposes only. I want to be very clear here: the rights of children are not front of mind when the Government brings on legislation like this -

Ms Archer - That is offensive.

Ms Haddad - they are simply not, and to argue otherwise -

Dr Woodruff - Absolutely true.

Madam SPEAKER - Order, can we please hear the speaker.

Ms HADDAD - as the Government inevitably will, is untrue and disingenuous.

The Government continues to drag the issue of mandatory sentencing out in the community for political purposes. They know, as well as we do on this side of the Chamber, that passing these laws will not deter or prevent crime and it will not help victims. In fact it will do the opposite.

Earlier this week, the Attorney-General quoted the Sentencing Advisory Council as the justification for introducing this scheme. With respect, the Attorney-General must have been doing some serious skim reading because the Sentencing Advisory Council, which wrote the very scheme suggested in this bill, said that it should not be implemented. To refresh members' memories, the Sentencing Advisory Council delivered a report to Government in 2015 which dealt with sentencing of all types of sex offending. In that report, the council said this about mandatory sentencing:

- (1) It does not reduce crime.
- (2) It reduces the likelihood of offenders pleading guilty, forcing victims to go through a trial, giving evidence against their abuser, and being horribly and unnecessarily retraumatised.
- (3) It tells the courts that the Government and the parliament do not trust the judiciary.

But the Hodgman Government was not happy with that report because it did not back in what they said they wanted to do politically in the election campaign. So, they commissioned a new report from the Sentencing Advisory Council with one very narrow term of reference, basically, in a nutshell, asking the Sentencing Advisory Council to write a mandatory sentencing scheme for child sex offending.

So, on they went with this new term of reference. The Sentencing Advisory Council wrote and provided a new report to Government in 2016, as requested, which outlines the scheme we see in this bill, and that we have seen in previous bills.

But, Madam Speaker, they prefaced that report with an unprecedented statement explaining that they still oppose mandatory sentencing. In a nutshell, because I have read their full statement into the *Hansard* before, here is a short quote from their 2016 report. The Council has previously indicated that it does not recommend the introduction of mandatory sentencing in Tasmania. Mandatory sentencing schemes -

- lead to unrealistic expectations in the community that offenders will be deterred when they won't.
- they lead to a reduction in guilty pleas, putting victims through unnecessary trials and trauma.

- they don't deter crime.
- they are inherently flawed.

They made it clear that the scheme they wrote - the one we see in this bill - should be read in conjunction with that strong warning that the scheme not be implemented. It is not just the organisation that wrote the scheme who said it should not be introduced. Here is what other experts in the field have said:

- the Law Society of Tasmania said mandatory sentences create unjust outcomes for victims and do not reduce crime.
- the Australian Lawyers Alliance said mandatory sentences discourage early pleas of guilty, meaning more trials and more victims of abuse needing to be cross-examined.
- the Bar Association said mandatory sentences do not work and are fundamentally wrong in principle and the risk of injustice can never be removed.
- the Sexual Assault Support Service said that they do not support mandatory sentencing and instead want the Government to explore the other options put forward in the 2016 Sentencing Advisory Council's report.

The then children's commissioner in 2017, Mr Morrissey, described the trauma of child victims when required to testify at trial and described the negative long-lasting impact of having to relive the experiences in an intimidating and sometimes hostile court environment. The Commissioner said -

Introducing a mandatory minimum sentencing scheme in Tasmania would ensure this trauma would be forced on many young people who have been victims to offences.

That is just the Tasmanian evidence.

What happens when we look to the mainland. Recently a Senate committee considered a Commonwealth bill that does a range of things including imposing mandatory sentencing for Commonwealth offences relating to child-sex offending. Every member of that Senate committee and, I dare say, every member of the Senate condemned child-sex offending in the strongest possible terms, just as we do here in this parliament. They considered a range of issues surrounding this horrible of offending and one of those issues was mandatory sentencing. On mandatory sentencing the committee noted in their report the following -

1. Mandatory sentencing is an inappropriate response to the concerns about inadequate sentences.
2. The introduction of mandatory sentencing is likely to create significant new problems, both for children who are victims of sexual abuse as well as for the effective and just operation of the courts.

3. Mandatory sentencing has perverse unintended consequences, such as making it more difficult to prosecute criminals and making it [less??] likely that juries or judges will convict guilty people.
4. Mandatory sentencing is ineffective in reducing crime or criminality; and
5. Mandatory sentencing is wrong in principle as it conflicts with the role of the judiciary as independent from the arm of government.

In other words it removes the independence of the judiciary and makes parliament the judge.

I am not a judge and neither is anyone in this place. I do not agree with politicising the judiciary or with letting politicians be the judge. There is a clear separation between the role of parliament and the role of courts which I respect and which I believe should remain. No law in this place should fetter the judiciary's role in the way that this bill attempts.

The Government will argue that these laws are necessary because of the royal commission. Indeed, the Attorney-General's second reading made that argument but as you have seen since the election Labor has supported the laws that this Government has brought in to implement the findings of the royal commission into child sex abuse but you will find that the royal commission did not recommend mandatory sentencing.

After hearing from 16 000 people and receiving over 1000 written accounts of abuse, reviewing allegations of sexual abuse in more than 4000 institutions and 57 public hearings and 35 policy roundtables, the royal commission did not recommend the introduction of mandatory sentencing. Higher sentences, yes. Increased maximums, up to life in prison, if the Government followed Labor's lead but no, they did not recommend mandatory minimums. The commission recognised, as we do, that the way to send a message to the judiciary about sentencing intention is to give the courts the opportunity for increased maximum sentences, not imposing a mandatory minimum.

Knowmore legal service, which was established specially to assist people engaging with the royal commission said that they do not support mandatory sentencing. They say there is no evidence to support it.

The Carly Ryan Foundation set up by the mother of a girl who was horribly murdered after being groomed by a predator online initially supported mandatory sentencing but later withdrew their support arguing that mandatory sentencing would instead cause more damage to victims. They said that mandatory sentencing would not achieve adequate sentencing outcomes and instead maximum penalties should be further increased. In other words, increase maximum penalties which is part of Labor's policy.

Bravehearts said that they support the use of minimum standard non-parole periods, which is also part of Labor's policy. It is quite different to mandatory minimum sentencing. The Commonwealth Attorney-General's department said mandatory minimum sentences should be avoided as they create an incentive for a defendant to fight charges where there is little merit in doing so. That was later backed up by the New South Wales DPP.

The Uniting Church Synod of Victoria and Tasmania said -

If the perverse outcome of mandatory sentencing is that fewer victims are willing to come forward because the process is going to be made even more onerous for them and more traumatic, then you actually get a reverse outcome to the one you are intending.

That church was worried that mandatory sentencing would make it more difficult to secure convictions and would force victims into trauma, having to give evidence in court against offenders who would otherwise have pleaded guilty and would not necessarily make the community or children safer. Overwhelmingly, that is the evidence that we see in Tasmania and elsewhere. It will not surprise you to hear that the evidence is no different in other parts of this bill.

Mandatory sentencing for assaults on frontline workers. Overwhelmingly, workers as well as unions representing workers who these laws would apply to do not support mandatory sentencing because they know it does not work. They know it is a blunt instrument that will not make their members or their workplaces safer. Not only that, but the approach taken by this bill is arbitrary. It loosely defines frontline worker and, as a consequence, sends the perverse and wrong message that it is somehow okay to assault a medical orderly but not a nurse. It is not okay to assault anyone and there are already laws that apply to those who do.

Helpfully, the Liberal Government has provided us with a living example of how mandatory sentencing does not work and does not act as a deterrent. It has done so in the form of mandatory sentencing laws for assaults on on-duty police officers that have been in place since 2014. It is my understanding that it is still the case that only one person has been charged under those mandatory sentencing laws for assaults on police who are on duty. Does that mean that police are no longer being assaulted or are being assaulted less? Sadly, no. It is other measures such as body-worn cameras that have been credited for reducing assaults on police.

The Government needs to get smarter on crime, rather than recycling failed bills for political reasons alone. Do you know what puts frontline workers at risk? It is budget cuts. It is prison overcrowding and a lack of rehabilitation programs. It is over-stretched and overcrowded emergency departments. It is single officer responders. It is inadequately funded mental health services and alcohol and drug services. It is inadequately funded family violence support services. There are myriad issues that this Government could be focusing on to keep their workforce and their community safe but they choose instead to ignore them. This bill is simply being brought on as yet another wedge issue and it should be seen for what it is - just that.

In preparing my contribution today I wondered about whether I should bother going through the evidence once more because it is not about that. Certainly, it is not about the evidence for the Government. If it were, that overwhelming evidence I have read out before and summarised briefly today would be listened to.

This debate will inevitably be misrepresented as it has been each and every time. The Government will say that Labor is anti-worker, that Labor does not support victims or survivors of child sex abuse or that we don't think that perpetrators of these heinous crimes should go to jail. These things are not true.

Labor has had a long-held principled and evidenced-based stand against mandatory sentencing as a sentencing method. No matter what crimes or offences you apply it to, it does not work. Not only does it not work, it does more damage. It does not help victims. It damages victims further.

It does not reduce or deter crime and it makes politicians the judges instead of judges themselves. For those reasons, Labor will be opposing this bill.

[3.43 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, this being the third time I have risen to make comment on behalf of the Greens about this type of legislation, I put on the record that this is a despicable waste of parliament's time. Like Ms Haddad, I also thought about not making a substantial contribution to this debate because people who have voted for me want me to spend my time representing them on the things they care about.

This is a disgraceful, populist bill that is designed to do one thing: to deflect from the failures of this Government in so many of their portfolios; the severe and extreme stress in the health system; their failure to prepare for the bushfire season; the appalling situation of homelessness in Tasmania; children are suffering and families are suffering with lack of support. This Government could be doing something about these things. Instead it does just two things - everything possible to advance the business interests of private developers who seek to profit from public goods. Whether it be publicly owned land or buildings or public resources, this Government would hand everything over lock, stock and barrel to the private sector to do whatever they want with, without the community having a say. The other thing that is this Government's core business is to breed fear and division in the community. This is a long-used tactic of governments which are failing, on the nose and under attack. What they do is deflect from their failures in government and put their efforts into whipping up fear in the community about chimera that do not exist, about concerning issues that are not there. They provide false solutions such as mandatory minimum sentencing, as though it would make any difference to children who are abused, as though it would stop these crimes happening, as though it would stop assaults on frontline workers.

That is the most revolting thing about this bill and, frankly, the reputation of our Attorney-General is seriously damaged by bringing this bill on for a third time. It is shameful. I feel embarrassed on her behalf that she has some way of finding a place in herself, given her expertise as a lawyer and her background, that she can bring this bill into this place. I know for sure she does not have the backing of any of her peers, no-one in the legal profession. None of the bodies and individuals I have spoken to have stood with the Attorney-General and this Liberal Government on these noxious bills. If they are ethical and professional, of course they will not because these bills go to the heart of everything they would despise as committed, ethical lawyers. It takes away every discretion, every ounce of their professional judgment, their attention to the circumstances, their commitment to fair and equitable judgements. How could they possibly support this bill?

The evidence of the Government's report that was so well written by the Tasmanian Law Reform Institute made it clear that they thought this was totally on the nose. There was nothing in it they could support. Why does this Government and this Attorney-General continue to seek advice from the Tasmanian Law Reform Institute and disregard it all? What is the point? It is total arrogance. It is hubris to think they can continue in this fashion and not be attacked by all the peers in the legal profession, all the people who stand up for civil liberties, all the people who stand up for real action for children who are abused and real action for the underlying causes for assaults on frontline workers.

Let us be clear, an increase in assaults on frontline workers will always happen when people are under stress and when the system is at breaking point as are the emergency departments in the Royal Hobart Hospital and Launceston General Hospital. It would be no surprise to hear that assaults on our hardworking, caring frontline workers are increasing. Of course, because hundreds

of people are waiting for more than 24 hours in emergency departments under this Liberal Government, which cut \$250 million out of Health when they came into government in their first term. It is no surprise that they have caused a health system under such crisis that people are desperate. People in mental health distress, in psychosis, in severe suicidal states, are left sitting in this Government's public health emergency department at the Royal Hobart Hospital, often for more than a day, because they failed to fund the psychiatric emergency nurses and to put the money upstairs. Yes, minister, I am talking to you. That is what is going on.

It is disgusting that the response to that situation is to bring a bill like this in here, that the response to the reality and the horror of child sex abuse is to pretend that something like this is actually going to make a difference. The Commissioner for Children and Young People made the point, extremely concerning, that this would increase the amount of time and the trauma for young children to have to go through the sorts of trials that would inevitably be required in a situation where mandatory minimum sentencing was the only option available to the judge at sentencing.

This is the same Attorney-General who is presiding over attacks on the right to peaceful protest in the state, the same Attorney-General who is proposing four years in jail for people who protest peacefully on a business premises, defined to be so broad it could be anywhere in Tasmania.

What an extraordinary thing, Madam Speaker. This legislation the Government seeks to push through on mandatory minimum sentencing has four years imprisonment for the crime of rape of a person under the age of 17. What an awful and heinous crime. Let us reflect on the comparison between that sentence being proposed as a mandatory minimum sentence, which we do not support. Who knows what the judge might decide is appropriate in each individual circumstance? This is the same Attorney-General who is proposing to lock people up for four years for peaceful protesting. It is incredible. Look at the comparison here. It is in tatters. It would be laughable if it was not such a serious matter.

This is all about the cost-shifting that is occurring where money has been leaking out of the public sector for five and a half years to the private sector and there is nothing left. Assaults are going up and community safety is worse than it was. We have more property theft, more crime in the community, thanks to this Government's so-called war on drugs - another failure. It is failing on every level and it is no surprise we have a bill like this which is designed to deflect from the real situation.

I cannot finish without going to the important points made by the Director of Public Prosecutions in New South Wales. At the time, he made points about the proposal to introduce mandatory minimum sentences in New South Wales in the context of some truly violent, notorious, heinous crimes that had occurred in New South Wales that had provided the opportunity for some discreditable politicians to whip up fear and hatred in the community. He made some incredibly important points against mandatory sentencing. He said that first, judges are not able to apply the sentencing principles of proportionality, totality and imprisonment as a last resort.

Second, mandatory penalties exclude the operation of judicial discretion and thereby prevent the court from being able to give proper consideration to the subjective circumstances surrounding the offender. That usually leads, he said, to an injustice.

Third, they have the legislature fixing penalties that detracts from the independence of the judiciary and the principle of the separation of powers. As the Greens have said, and will continue to stand in this place and say, the separation of powers is one of the bedrocks of democracy in our

Westminster system in the State of Tasmania. We will continue to fight to uphold that separation of powers to prevent the overweening control of governments, like this Liberal Government, which seeks to get its dirty little mitts into the decision-making of judges, instead of leaving it to people who have their whole professional careers focused single-mindedly on justice.

Fourth, Mr Cowdrey said mandatory sentences are arbitrarily fixed in advance and they constitute an arbitrary detention that is contrary to Article 9.1 of the International Covenant on Civil and Political Rights, to which we are a party as a country. By removing the power of an appeal court to impose a lesser sentence, they deprive people of their right to have their offences effectively reviewed by a higher tribunal. That is also contrary to Article 14.5 of that same international covenant.

Fifth, Mr Cowdrey says police may overreact and charge more serious offences than are warranted with an added incentive for police to inflate their statements of fact as a result.

Sixth, bail will commonly be refused and the prospect of an inevitable prison sentence, providing extra incentives for a person to plea.

Seventh, there will be fewer pleas of guilty because, amongst other reasons, no proper discount can be given for a plea or for cooperation. Therefore, this leads to an extra strain being placed on the courts, the prosecution, legal aid bodies and defence representatives and all the services that are associated with defending trials. It will lead to backlogs and remand populations to grow. Importantly, it will also mean that victims of crime will have to wait longer for the resolution of their matters and that cost will blow out, again a matter in terms of the victims of crime, noted by the previous Commissioner for Children and Young People as a concern.

Eighth, Mr Cowdrey said juries may become reluctant to convict in some circumstances, and that has been found with some Commonwealth jurisdictions.

Ninth, there will be delays involved in the process of achieving resolution, including for police and victims.

Tenth, it means the transfer effectively of sentencing discretion from courts to police and prosecutors by the selection of charges to proceed, even without directions from, or agreements with, the Attorney-General. There will be additional pressures on prosecutors to negotiate with the defence and, perhaps inappropriately, for pragmatic reasons, to agree to pursuing lesser charges.

Similar pressures will be imposed on the police at the charging stage. That process is not transparent and is not readily accountable and would also be unsatisfactory, as you would expect, to the very victims the Attorney-General is supposedly seeking to protect through this bill.

The eleventh reason against mandatory sentences is that there will be more and longer sentences for those people who are convicted and, clearly, that would be the case with this bill. Prison populations would expand in the remand and the sentence populations with a cost in terms of the money spent in prison and the detrimental effect of prison on many of the people who are inmates there.

The twelfth reason is it is not a reliable method of treating offenders. A past criminal record, or an atypical criminal involvement can be a very poor predictor of future offending. Therapeutic approaches to sentences are not possible, or not included, where mandatory sentences provide for a

period of imprisonment. Where it might have been possible to deal in a permanent rehabilitative way with a person and the money could have been used for therapeutic programs, that money is diverted to keeping a person locked up with all of the problems that go with having a prison sentence and all the unintended consequences that go with that, which are negative and often lead to a person offending in the future.

The thirteenth reason is that mandatory sentences are not effective and this is really the main point, the really serious point here. In the case of assaults on emergency workers, an assault is most likely to occur in circumstances that might never occur again in the offender's life. They may never be in that situation. In that situation, a mandatory sentence is not acting as a general deterrent on offending.

People who are suffering mental psychosis, people who are drug affected or under acute mental or physical stress, will not stop to consider what might happen to them if they make a spontaneous or involuntary response under stress which may lead to an act of assault.

I make no apology for the harmful and damaging behaviour of people who assault frontline workers. I make no apology for child sex offenders abusing innocent children but it is a fact and has been shown time and again that mandatory minimum sentences do not deter offending.

In relation to assaults on frontline workers, where else would you seek to go to get some support for a bill like this than from one of the bodies, one of the emergency services organisations and ask what do they think?

Ambulance Tasmania in its submission to the Sentencing Advisory Council on this matter rejected mandatory minimum sentencing. They were of the view that mandatory sentences are not appropriate in relation to offences on frontline workers. They recognise the reality of stress that people are under. They understand that good people can behave unpredictably, including violently and out of character, in extreme moments of crisis. They recognise that these are rarely premeditated situations. They almost never are; there is no forethought and Ambulance Tasmania would prefer that the courts, the judges and the magistrates appropriately deal with each offence in relation to its own unique circumstances, which is what already happens.

Frontline workers recognise the reality of the situations they are working in. They do not excuse the behaviour but they want justice to be done fairly and equitably. Surely, if the Attorney-General is incapable of listening to her own legal profession, her own peers, all the experts that she and her Government have paid to provide advice, she could listen to the people who are on the frontline themselves.

I do not believe that there is anything else that is worth saying to this despicable bill. We will not be supporting it, as we have not supported any of the other bills like this that this Government has brought in. We very much hope that the other place will do what they have done the last two times and -

Ms O'Connor - That is if it gets through here.

Dr WOODRUFF - Yes, and throw it out. Well, there is no reason for it to get through here.

Ms O'Connor - Oh yes there is. There is one.

Dr WOODRUFF - But that is a person who is legally trained and you would assume that anyone who actually has a professional ethic would see this for what it is, which is a populist -

Ms OGILVIE - Point of order, Madam Speaker, I take offence to the commentary that is made before I have even spoken on the bill.

Dr WOODRUFF - I do not really understand what your offence is.

Ms Ogilvie - You are just offensive. Sit down. You are just offensive.

Dr WOODRUFF - Anyone who has a law degree will see this for what it is - it is a populist document.

Madam SPEAKER - You have possibly offended a couple of people. It is a debating point and you will have an opportunity to rebut it.

[4.05 p.m.]

Ms OGILVIE (Clark) - Madam Speaker, there have been strong contributions by the women of the House in this debate. I have a lot of sympathy for Ms Haddad's contribution in particular. I also would not like to see this become a political football between the left and the right. We are dealing with a topic that is of such sensitivity that it is incumbent upon all of us to behave with absolute integrity and restraint both in and outside of this place.

I have been listening carefully to the debate. It is some time since I sat in the House and listened to a debate on this topic. I would like to make a contribution to the Justice Legislation (Mandatory Sentencing) Bill 2019 debate. In my view, new situations call for new ways of doing things. As the first independent in the Tasmanian House of Assembly in close to 21 years there is a limited amount of precedent to hand as to appropriate decision-making that I could or ought to follow. We are carving out a bit of new territory today. I have given deep thought to my role, duties and obligations as a Tasmanian parliamentarian first and foremost. New situation, new framework for decision-making I think is warranted. I have long said that I felt our parliament would benefit from increased stability. Given the reduced numbers in the House to 25 and the fact that we are a parliament for the whole of Tasmania, careful consideration must go into casting votes if indeed that is what we have before us today. We are yet to see.

It is my position in this instance that whilst I have my personal views, they are outweighed by the concerns of all Tasmanians to get the balance right. Suffice to say, I will, if such a thing is possible, try to be a parliamentarian today more so than a politician for Clark. It is true to say that from a personal policy perspective, I have been a legal purist regarding mandatory sentencing. I am well and truly on the record about this. It is anathema to large parts of the legal profession of which I am a part - I hold a current practising certificate - to create or support any further incursion on judicial discretions. I say any further incursion because we have already seen in Tasmania and other jurisdictions such fettering of judicial discretion by way of minimum mandated sentencing.

Similarly the arguments regarding expanding maximum sentencing are worthy of consideration but jurisprudentially would require solid consideration as to equity and the impacts on sentencing frameworks.

I have consulted as widely as possible. Being an independent, with only two hard-working staffers, we have all endeavoured to get across as much input and feedback as possible. I note

submissions which are very welcome from the Law Society, of which I am a member, and the Bar Association, of which I am not a member. I have taken the early liberty of letting them know, as I will now let the House know, that it is my view this bill ought to progress to our skilled, important and seasoned Legislative Council members who have the capacity to address inconsistencies and flaws and that I will be supporting the passage of this bill.

I do this not because I have a particular support for mandatory sentencing. I have spoken in the past at some length about judicial discretion, the separation of the powers and the independence of the judiciary. No matter what my personal views, which are more jurisprudentially purist in nature, there is a bigger picture which, on contemplation, I need to refer. I have given thought to what my responsibility is as an independent member of parliament where I may, although it is not certain in this instance, have a casting vote so I will not be sitting on the fence. It occurs to me that given the vote I may cast is a decision ultimately impacting on the whole of Tasmania that ought to be my primary focal and decision point, followed by what is good for my electorate and last of all my personal views.

In the circumstances we have before us today I note the strong feedback that I have had about the community perception of sentencing, the Sentencing Advisory Council report, albeit not a mandatory clause, it did mention the four-year figure and the community is correct and true knowledge that crimes against children are amongst the worst of the worst.

Members interjecting.

Ms ARCHER - Point of order, Madam Speaker. Everyone has been heard in silence. Even I was heard in silence and hopefully I will be heard in silence in summing up. If members cannot contain themselves -

Members interjecting.

Madam SPEAKER - Order.

Members interjecting.

Madam SPEAKER - Order. While you regain your composure, Ms Ogilvie, I am going to leave the Chair.

Ms OGILVIE - I hope to offer some consistency in how I intend to go about decision-making in these circumstances and to detail a little of why I have not been well and truly on the record about my reluctance to support mandatory sentencing in the past. I feel that the appropriate framework progress of this matter is referral to the Legislative Council by way of passing the bill through this House.

Dr Woodruff - You are a legislator. That is your job.

Mr DEPUTY SPEAKER - Order, Dr Woodruff.

Ms OGILVIE - I am a believer in our Westminster system and the forms, conventions and rules of our bicameral system, which can be used to put our experienced Legislative Council on to the task at hand. We are indeed operating with a reduced size in the House of Assembly so it is my view we must make use of the resources we have at hand. That is what I intend to do, to support

the progress of this bill through the House of Assembly, whilst also identifying areas in which the bill can be amended, ameliorated and identifying other areas which it may not serve in its current format the best ends of our community.

I am certain the major opposition parties will also have sensible comments and recommendations, although I have not many from Dr Woodruff so far. Importantly, it can also be recognised that both Labor and Liberal parties have members in the Legislative Council who can carry forward discussions emanating from this debate.

Protecting children is our most important part. I say this as a parliamentarian and as a mother. The question of how we protect our children and address issues when they are harmed for me goes to the heart of our character as decent Tasmanians.

I will briefly make a few points as to the content of the bill. I am on the record as being an opponent of mandatory minimum sentencing. I believe in the independence of the judiciary and the unfettered judicial discretion as far as possible. I know that there are sentencing guidelines and it is instructive to note that sentencing which sits outside of the guidelines runs the risk of appeal. However, the fact is that in our Westminster system it is the parliament that is responsible for making the laws and it is the judiciary to whom we entrust the job of applying our laws. To my knowledge, never in the history of Tasmania have we had anything other than top-notch judicial officers who act with integrity, common sense, diligence, hard work and intelligence in undertaking the serious and important tasks we set them.

In plain English we see that parliamentarians and parliament craft the laws and the courts apply them. Whilst I make no judgment about their efficacy, we do have existing mandatory minimum sentences for laws around drink-driving and in other areas. I say with some confidence that anyone convicted of paedophilia or serious crimes against children is going and ought to go to jail with appropriate custodial sentences.

I have had a degree of feedback that community expectations regarding sentencing and, again noting the Sentencing Advisory Council's own recommendation of four years, that everyday Tasmanians are concerned sentences may be too short.

Members interjecting.

Mr DEPUTY SPEAKER - Order.

Ms OGILVIE - The bill proposed four years' imprisonment for the crime of rape where the victim is under 17 - appalling. Section 185 of the Tasmanian Criminal Code -

Dr Woodruff - Did you read the Commissioner for Children and Young People's comments?

Mr DEPUTY SPEAKER - Order, Dr Woodruff.

Ms OGILVIE - It proposed four years for the crime of maintaining a sexual relationship with a young person where at least one of the unlawful acts was a rape - section 125 of the Tasmanian Criminal Code.

Dr Woodruff - You just chatted to the Liberal Party about this, did you?

Mr DEPUTY SPEAKER - First warning, Dr Woodruff.

Ms OGILVIE - Three years imprisonment for the crime of aggravated sexual intercourse with a young person - section 124 of the Criminal Code. I have had personal experience in my legal practice of defending those accused, sadly, of the first two of the above offences; one guilty plea, one not guilty and acquitted by a jury, and one with charges completely withdrawn and no case to answer.

In relation to the other important aspects of the bill and in pointing out precedent, with assaults against emergency services personnel, I agree that the horse has somewhat bolted from a precedent perspective, as police have already been catered for but not others. I will be keeping a close watching brief on the progress and application of the laws, should they pass the Legislative Council, so as to continue to be satisfied that the protections in place are adequate to ensure that people do not end up in jail for minor offences and that unanticipated outcomes do not occur.

On a separate but allied topic, I have never felt particularly enthralled by the arguments around mandates, but I do point to and have taken note of the fact that the Government took these issues to two back-to-back elections. I am moderately swayed by the argument that as I am not a member of the Government, I do not feel bound to facilitate any particular outcome based on the mandate argument. How ironic to be now an independent and having run against the Government on a Labor ticket that we now all find ourselves in a brand-new context that, frankly, we are going to have to get used to.

I will now place on the record some of the concerns of the Law Society of Tasmania and the Tasmanian Bar Association so that they may be referred to by way of a search of *Hansard* when it comes to those seeking further enlightenment as to the progress of the bill through the House, whether for a legal case or perhaps even in composing correspondence for the Legislative Council. I will try to do this briefly.

The Law Society, as you would anticipate, has a fairly fulsome response to this bill, including its concerns around unjust, harsh and disproportionate sentencing where there is a risk that the punishment may not fit the crime. There are concerns around failure to produce convincing evidence and the possibility that penalties will increase for offences and that fails to deter crime, the potential for increase of recidivism because prisoners are placed in a context where they do not have the capacity particularly to access courses in a timely fashion, and short to medium term incapacitation of offenders without rehabilitation prospects. There is a concern that we have discussed many times in this House around the community's confidence in the criminal justice system as a whole and the failure, possibly, to eliminate inconsistency in sentencing. Economic costs may prevail. The Law Society further notes the risk of gross injustices, and that is a phrase that we must turn our minds to and consider carefully.

The Bar Association has a more black-letter law approach and talk about conflicts between section 11A of the Sentencing Act and proposed sections 16C(2), 16C(3), 16C(4) and 16C(5) of the bill for an offence under the age of 17 years. Second, they comment that whilst agreeing with the Law Society on other matters, proposed section 16C(6) of the bill generally provides for exceptions to the mandatory sentences prescribed by earlier provisions of the bill, and then only in the case of a convicted offender not being 18 years or over, so obviously we need to turn our minds to that.

There are some other areas here that are stated as being problematic as well, including proposed section 16B, definition of 'frontline worker', proposed section 16B(3), the six-month sentencing

provisions, and proposed section 16B(4) also requires consideration. I think it is worthwhile having that on the record.

One thing we have not touched on and I want to again be very clear about is that we are dealing with the most sensitive, delicate and difficult area of criminal justice. The defence of people who are accused of or have committed these crimes is a very difficult job for barristers and lawyers to undertake. I wish to extend my acknowledgement of that, particularly to the Tasmanian Independent Bar and the barristers who practise there. But of more importance - and this is really where the rubber hits the road - we are dealing with children, with victims, and if it was my kids I would want everything done.

[4.20 p.m.]

Mrs RYLAH (Braddon) - Mr Deputy Speaker, I support this bill. It is clear that there is only one party in this Chamber that has a genuine and proven track record in pursuing an agenda that is tough on crime. Five years ago the Hodgman Liberal Government was first elected on a strong law and order agenda. Since then we have remained steadfast in our commitment to deliver on our promise to pursue reforms aimed at keeping dangerous criminals off the street, protecting the community and putting the interests of victims front and centre.

In 2014 Labor opposed our bill that eventually saw guaranteed jail time for those who commit serious assaults against police officers. This same theme continued during the last session of parliament, with Labor being vocal in its opposition to guaranteed jail time for assaults on frontline workers, off-duty police and, most notoriously, for serious child sex offences against children. The outrage in the community after Labor blocked these reforms made clear what reforms Tasmanians really want. Despite this, Labor has thwarted every opportunity to stymie the Government's agenda.

From the beginning of our first term, Labor opposed the Government's policy to phase out suspended sentences. Despite clear findings by the Sentencing Advisory Council that such sentences are inherently flawed and regularly contravened without consequences by offenders, the Labor Opposition continued in their opposition to this reform. Rebecca White's underwhelming leadership has demonstrated that she stated she would not support minimum mandatory jail sentences for child sex offenders who commit heinous crimes against children and those who seriously assault our hardworking frontline workers. Instead, Ms White took to attacking a former member of her own party, Madeleine Ogilvie, and said:

If the role of an Independent is to simply support the Government of the day, then that is not what I think an Independent is.

What an appalling situation. She has confirmed Labor would support an increase in the maximum available penalty, despite the Sentencing Advisory Council saying:

It is also unclear whether making changes to the maximum penalties for the various offences under the *Criminal Code* (Tas) will make any significant difference to sentencing practice in Tasmania. ... the experience in other jurisdictions is that sentences rarely increase in the same proportion as any increase in maximum penalty.

The SAC's research shows that the highest sentence imposed in recent years for a sexual crime covered by this bill is 15 years, which is well short of the current maximum in the Criminal Code.

This proves that Labor's position is a complete furphy and a thinly veiled attempt to look tougher on crime when in actual fact they will not guarantee jail time for child sex offenders. Labor's refusal to support guaranteed jail time for child sex offenders is a further indictment on their soft-on-crime approach. Comments by Labor MLC Sarah Lovell that the state Government is introducing an important mandatory sentencing reforms as a distraction is offensive and disrespectful to victims and survivors of child sex abuse.

Polling indicates that some 75 per cent of Tasmanians surveyed supported mandatory sentencing for those who commit sexual assaults on children. It is time Labor respected the will of the people and supported our reforms. Labor is letting down every Tasmanian who expects strong penalties for serious sexual crimes against children. Sexual crimes against children are utterly abhorrent and there should be a zero tolerance approach to them. The impact of the crime can be profound and catastrophic, with victims suffering significant psychological difficulties throughout their lives.

It is imperative that the sentences imposed by the courts in relation to this type of offence are commensurate with the gravity of the crime committed and reflect the strong condemnation felt by the Tasmanian community.

The Hodgman Liberal Government remains absolutely committed to our election commitment to introduce minimum mandatory sentences for those who commit serious sexual offences against children. It is wrong to suggest, as some do, that mandatory sentencing is an affront to the rule of law. The introduction of a mandatory minimum sentencing scheme in Tasmania complements reforms that this Government has already taken in this area. This includes making it difficult to take into consideration in parole and remission decisions whether a sex offender in prison has undertaken treatment.

This Government has also previously amended the Sentencing Act 1997 to include a list of aggravating factors that apply to sexual offences and provide for the limitation of the use of an offender's good character as a mitigating factor where that was of assistance to the offender in the commission of the offence. The chair of the Sentencing Advisory Council said:

Crimes against children were amongst the most serious offences committed and serious sex offenders must receive appropriately severe sentences.

He said 'must receive'. The introduction of such a scheme will bring us into line with a number of other Australian jurisdictions and the Government makes no apologies for taking a firm stance against those who commit serious sex offences against children.

This Government has long held the position that increased sentences are needed for serious sexual offences against children. It is a commitment we have taken to two elections. It is imperative that sentences imposed by the courts in relation to this type of offence are proportionate to the gravity of the crime committed and reflect the strong condemnation felt by the Tasmanian community.

It is the duty of any responsible government to ensure such victims can achieve a sense of justice. This bill will help to achieve that and is consistent with this Government's record of protecting vulnerable Tasmanians. These reforms are entirely reasonable and clearly in line with community expectations. Guaranteed jail time for child sex offenders will ensure justice is served, while sending a strong message that these types of crimes will not be tolerated in Tasmania.

The Hodgman Liberal Government is also committed to protecting our hardworking frontline workers. Our frontline workers go above and beyond to protect and care for our community and it is vital that the Government does the same for them. Frontline workers have the right to work without being seriously assaulted, which is exactly why we are pursuing legislation that sends the right message that this will no longer be tolerated.

Frontline workers provide essential services to our community, and the community as a whole has an interest in ensuring their safety. Offences resulting in serious bodily harm to frontline workers are unacceptable. It is a legitimate and appropriate role for parliament to ensure that frontline workers are protected and supported by sentencing laws. However, Labor, in partnership with the Greens, has constantly chosen self-interest above the safety of Tasmanians when they have shamefully voted against mandatory minimum sentences for serious assaults on emergency services and other frontline workers. This is a massive slap in the face for all our brave frontline workers who are out there every day helping the community. Even worse, it came just two days after they voted against better protection for children against serious sexual offences.

Our actions do not stop there. This Government still has a heavy reform agenda aimed squarely at bringing the law into line with community expectations: new actions responding to the contemporary circumstances of today.

If Labor is truly now tough on crime, as they maintain, I call on them today to declare their support for the policies that we took to the last election. Still under development are important reforms that will see Tasmania's bail laws overhauled, including a presumption against bail for serious and repeat offenders. The Government has also committed to reform Tasmania's dangerous criminal declarations. The current regime makes it too difficult for prosecution to successfully have certain offenders declared dangerous. Our reforms will address this. We will also act to introduce reform that will directly address one punch incidents that lead to the death of a victim. If Labor truly wants to ensure that offenders are held to account, I look forward to welcoming their support for this reform. The fact is that without a commitment to support our reforms Labor has not changed its stripes.

Beyond Abuse and End Rape on Campus, two important groups that have done so much to advocate for survivors, have both made clear their firm support for mandatory minimum sentences for serious child sex offenders. In fact, as members would know, we all received correspondence from Ms Nina Funnell and Steve Fisher on the topic and it is important that their contributions be placed on the parliamentary record. They write -

Dear Member of Parliament

We are writing to you today to express our firm support for the Bill introduced today regarding Mandatory Sentencing for Child Sex Offenders and would warmly welcome your support on this Bill too.

Beyond Abuse and End Rape On Campus Australia both advocate for the realisation of the rights of sexual assault survivors and others impacted by sexual assault and abuse in Tasmania.

As you would no doubt know, sexual offenses against children are arguably some of the most abhorrent crimes that can be committed, and the impacts of these crimes can last a lifetime.

Ms O'Connor - You would put them through the harrowing court cases.

Mrs RYLAH - Yes.

Yet, until recently, the impacts of this kind of offending have often been misunderstood or minimized due to poor community attitudes and a lack of understanding regarding complex trauma.

As a result, sentences for offenders have often failed to reflect the severity of the crime in Tasmania and other Australian jurisdictions, and in many cases perpetrators - including serial offenders - have been given highly lenient sentences.

Beyond Abuse and End Rape On Campus Australia therefore strongly support law reform to introduce minimum mandatory sentences, so as to reflect the severity of the crimes, to serve as a deterrent (both specific deterrence and general deterrence) and to protect the safety of the community.

Bipartisan support of this Law Reform is supported by approximately 72 per cent of Tasmanians.

Thank you for your consideration of this issue and please don't hesitate to contact us if you have any questions.

Kind regards

Steven Fisher (Beyond Abuse) and Nina Funnell (End Rape On Campus Australia)

In the wake of the Royal Commission into Institutional Responses to Child Sexual Abuse, which shone a light into some of the darkest corners of our recent past, the true extent of that trauma can no longer be underestimated or understood. As the chair of the royal commission said:

In my role as a judge I have been called upon to review many of the sentences imposed upon people convicted of the sexual abuse of children but I readily acknowledge that until I began my work with the commission I did not adequately appreciate the devastating and long-lasting effect ... sexual abuse however inflicted can have on an individual's life.

As Beyond Abuse said in a release, they believed:

The tide is turning and survivors are recognising more than ever their voice is important and should be listened to.

It is with anger and even bewilderment that these groups reacted to Labor standing in the way of measures that would have guaranteed jail time for perpetrators of these utterly abhorrent crimes. As the Sentencing Advisory Council research makes plain and as survivors groups have made clear, a number of current sentences for offenders have often failed to reflect the severity of the crimes they have committed. Sentencing rules must serve to denounce violence and provide protection. Instead Labor continues standing in the way of victims receiving appropriate justice for the crimes perpetrated against them.

[4.35 p.m.]

Ms BUTLER (Lyons) - Madam Deputy Speaker, I rise to make a contribution to the debate on the Justice Legislation (Mandatory Sentencing) Bill 2019 and I do not support the bill. It beggars belief that the independent member for Clark seems to have rolled over to support the Government's bill as well. I am thinking about the Barcaldine Tree of Knowledge, Labor party ethics and values, and there seems to be little evidence provided to substantiate the backflip in the member's decision. The principles of the bill are relatively unchanged from when she previously supported this and I am suspicious as to why the member has changed her position. As a person who is legally trained and has already not supported mandatory sentencing, is there a point we are all missing? Does the member no longer support the views of the legal and judicial fraternity, or is this self-interest?

It is now more than ever so important that we do the right thing. We understand that the member is independent and is able to make decisions based on independent thought, but this subject matter is her base. Mandatory sentencing should fly in the face of any ethics and values which she held dear before she made the decision to become an Independent. There is politics and there are standards and a sense of purpose and a depth of research and thought. I am personally aghast that the member for Clark is selling out to the Government. Once I remember a person who I thought valued and respected the judicial process. We are suspicious. The member knows better than this. Whatever games the member for Clark is playing, whatever carrots are being promised by people like yourself, they can never be enough to compromise ethics and values.

Politics and self-interest are one thing but selling out for short-term gain will always end poorly. You have an opportunity to use your legal skills and expertise in an honourable manner and you have failed to do your job. There is no consistency in decision-making and the member for Clark has passed this decision to the upper House.

The term 'mandatory minimum sentence' is largely misunderstood by the community at large and the Government is aware of this and often throws around this term to support their mantra of being tough on crime. A mandatory sentence is a sentence which provides a mandatory or minimum sentence when found guilty of a crime using a judge's discretion, in particular the influence of mitigating and aggravating circumstances in sentencing.

In essence, mandatory minimum sentences do not mean to lock the door and throw away the key. In fact, they can often lead to shorter sentences and the Government knows this. The bill will lead to smaller sentences whereas we actually want sentences increased. We would like to give the judicial system the ability to impose increased sentences. To be very clear, we would never defend those who abuse children in any way and we want them to go to jail for longer periods. That is why we would offer the courts ability to impose life sentences. Labor seeks to give judges the ability to provide life sentences.

This Government's bill sends a message from parliament to the courts that we do not have confidence in the work they do, that the judicial system does not know how to get sentences right and they are not doing their job properly. We support the judicial system and we respect the law and this restricts sentences.

Last year before this bill was debated, the Sentencing Advisory Council released a report that looked at the sentencing trends for the offences involved in this bill. The report found that sentencing for sexual offences involving children in the Supreme Court overall has clearly increased, but in the case of rape involving a young person, the minimum sentences has remained steady. The maximum sentence has increased by 25 per cent from 12 to 15 years and the medium

sentence has increased by 55 per cent to seven years. Sentences for maintaining a sexual relationship with a young person have increased substantially. The minimum sentences for this offence have increased 200 per cent and the maximum sentences have increased from 12 years to 14.5 years, an increase of 21 per cent, and medium sentences have doubled. Sentences for sexual intercourse with a young person have also increased, with the longest sentence doubling to four years, and the medium sentence increasing to 19.5 months, a 78 per cent increase in the medium sentence for that offence. Finally, the lower sentence for this offence has increased by 350 per cent.

My colleague, the shadow attorney-general, in her address to the Chamber, broke down those statistics to ascertain the increases in the minimum sentencing for three offences the last time we debated this bill. For rape, the minimum has remained the same and the medium is up by 55 per cent. For maintaining a sexual relationship with a young person, the minimum is up by 200 per cent. For sexual intercourse with a young person, the minimum is up by 350 per cent. The minimums are up in two instances by 200 per cent and 350 per cent, and in the case of rape, the minimum has remained steady and the medium is up by 55 per cent. This is evidence that the judicial system is getting it right. It is already imposing longer sentences and better protecting our communities from predators.

As further evidence, the Sentencing Advisory Council's 2016 report states:

After consideration of these concerns, and as a result of the process of conceptualising the principles that should guide the introduction of a mandatory minimum sentencing scheme, the Council's view remains that mandatory sentencing is inherently flawed. The Council has grave concerns that the introduction of mandatory minimum sentencing for sexual offences in Tasmania will create injustice by unduly fettering judicial discretion.

When this bill was previously argued, the Law Society said mandatory minimum sentencing is not required. It argued that the courts, when a maximum penalty is increased, see that as an indication that the crime should be treated more seriously than previously. To send a message to the courts via a maximum sentence increase would be a vast improvement on the implementation of mandatory sentencing. I am advised that the Law Society have not changed their views. Also, the Australian Lawyers Alliance stated in 2017 that mandatory sentences discourage early pleas of guilty and in turn that means more trials and more victims of abuse needing to be cross-examined. Discretion allows for courts to sentence in accordance with the justice of the case.

We agree that all paedophiles should go to jail. It is an abhorrent crime and should not be politicised or used for political gain. Of course this point is not referred to by the Government that is hell-bent on throwing around the term 'mandatory sentence' in the community, knowing full well that it does not mean to throw away the key.

Sexual Assault Support Services Tasmania said they do not support mandatory minimum sentences for sexual offences committed against young people but they did support further exploration of alternative options outlined in the Sentencing Advisory Council's report.

In 2017, in response to the first attempt at this legislation, the Children's Commissioner at the time, Mark Morrissey, was opposed to the bill. He described the trauma for child victims of sexual assault when required to testify at trial. He described the negative and long-lasting impact of having to relive their experiences in an intimidating and sometimes hostile environment and recognised

that the introduction of mandatory minimum sentencing schemes in Tasmania would ensure this trauma would be forced on many people who have been victim to sexual offences.

Mandatory minimum sentences do not lead to greater consistency; in fact, instead of improving community safety, mandatory minimum sentencing policies run counter to the significant body of evidence indicating that this approach to sentencing is costly, unlikely to improve public safety and is ineffective in deterring future offending. There is very little evidence that mandatory sentencing is effective.

In sentencing offenders for serious crimes, senior members of the judiciary are in an expert position to determine the appropriate sentences to be imposed. In short, politicians lack the qualification and experience to determine the appropriate sentences to be imposed. In short, politicians lack the qualification and experience to determine sentences, although we can pass legislation that reflects public concern and gives the judiciary the power to determine sentences for punishment, deterrents and rehabilitation. Let us not get too carried away with what our roles are. We have faith in the judicial system and we do not support this Government's bill. Mandatory sentencing does not reduce crime and can mean shorter sentences for the worst of crimes.

[4.45 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Deputy Speaker, I won't speak for long on this legislation. I commend Ms Butler on her excellent and thoughtful contribution and my fabulous colleague, Dr Woodruff, and Ms Haddad. All the points that were made by my colleagues on that side of the House are valid and they should be heard and they should be understood by Government, but they are not.

There is one thing in this debate I am sure we can all agree on and that is that people who inflict serious sexual crimes on children should go to jail. There is no dispute about that whatsoever, but if you want an understanding of how obvious it is that this is a political exercise, I challenge members of the Government or anyone who is watching here today to go back over Mrs Rylah's contribution. You could have played Labor bingo with Mrs Rylah's speech, so frequently did she refer to the Labor Party. She may even have mentioned the word 'Labor' more than she said the word 'children'.

This legislation is a political exercise after the Government has had a disastrous October and November. It has alienated the entire Westbury community by deciding to plonk a northern prison in that beautiful town. Quite understandably, the people of Westbury said, 'You have to be kidding, haven't you?'. There is anger in the community of Westbury, and rightly so.

Then we had the Auditor-General's report which made it clear that as a result of this Government's bent law and order policies, Risdon is bursting at the seams. This Government's tough-on-crime agenda for which, to quote them, 'they make no apologies', is jamming more people into Risdon Prison. It is not making our community any safer, just as this legislation will not make our children any safer.

This is not about protecting children. If that was the Government's priority, they would have listened to the previous commissioner for children, Mark Morrissey, who was oxygen clear about the trauma mandatory minimum sentencing can impose on children who are victims because the perpetrator pleads not guilty, requiring the matter to be heard in a court. If children and their wellbeing is the Government's number one priority it would not bring in legislation like this.

So, we have an Attorney-General who has a law degree, and an independent member for Clark who has a law degree, who are backing mandatory minimum sentencing in the face of people with expertise - judges, lawyers, people who pick up the pieces, for example, at the Sexual Assault Support Service, who have not backed this legislation. The Law Society points out that mandatory minimum sentencing can lead to unjust outcomes for victims. The Bar Association says that mandatory sentences do not work and are fundamentally wrong in principle.

The Law Council of Australia in its 2014 policy discussion paper on mandatory sentencing, which is in the Senate's report from the Legal and Constitutional Affairs Legislation Committee into Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019, handed down in November 2019, has a dissenting report from Senator Nick McKim on behalf of the Greens, quotes the Law Council of Australia saying that such regimes -

... impose unacceptable restrictions on judicial discretion and independence, and undermines fundamental rule of law principles. The rule of law underpins Australia's legal system and ensures that everyone, including governments are subject to the law and that citizens are protected from arbitrary abuses of power. Mandatory sentencing is also inconsistent with Australia's voluntarily assumed international human rights obligations.

The Sexual Assault Support Service in its submission to the Senate inquiry said -

Whilst we are strongly supportive of reform to strengthen punishments against those who sexually abuse children, we do not feel that there is sufficient evidence to suggest that mandatory minimum sentencing is an effective response.

So, the Tasmanian Sentencing Advisory Council's position on the introduction of mandatory minimum sentences is that it will -

... create unjustified unfairness without achieving its stated aims of deterring offenders and increasing transparency.

Yet, the Attorney-General and the member for Clark with their law degrees, know better than the experts and the peak legal bodies. They know better than the Sexual Assault Support Service, the Bar Association and Ambulance Tasmania. How shameful to have a law degree and to stand by this dreadful legislation. Your legal reputations will be trashed and you will deserve it.

Members interjecting.

Madam DEPUTY SPEAKER - Order.

Ms O'CONNOR - We have an Attorney-General who supports these laws, an Attorney-General who was in Cabinet when the anti-protest laws were brought in, the Attorney-General who is prepared to support the most draconian anti-protest laws tabled anywhere in the country in contravention of advice from the Tasmanian Law Reform Institute and constitutional experts like Professor George Williams and Dr Brendan Gogarty. What would they know? They are just experts.

We are the politicians in here with our law degrees. We know better. That is what they are saying. They know better than the former commissioner for children. They are apparently

unconcerned about his advice that mandatory minimum sentencing would create more trauma for child victims.

I want to close on this: we are not elected to this place to buck pass legislation to the Legislative Council.

Ms Ogilvie - Is that not the process?

Ms O'CONNOR - No.

Ms Ogilvie - Yes, it is.

Ms O'CONNOR - That is not the process. I am sorry to have to explain this to you, Ms Ogilvie. In this House, legislation is tabled, it is debated, amendments can be made. We can decide to pass or amend, or reject legislation.

Ms Ogilvie - Ms O'Connor, you have been quite robust in your contributions so far. It goes to the Legislative Council because that is our system. I would have thought you would agree with me about the size of the House of parliament.

Ms O'CONNOR - We can do that, but, no. The independent member for Clark with her law degree has abrogated -

Ms Ogilvie - Has made up her own mind.

Ms O'CONNOR - her responsibility as a legislator in the House of Assembly. Now you can argue that you are a jurisprudence purist and then buck pass your responsibility to the upper House, but it does not stand. It does not hold water. When we come in to this place, Dr Woodruff and I know it is our responsibility to look at every piece of legislation on its merits, seek to amend it if it can be improved, vote against it if it cannot, or support it. Never once in my 11 years as a parliamentarian have I made the decision to buck pass my responsibility as a legislator and let the upper House do the hard work. That is what has happened in here today. It does not bode well for this parliament to have a member for Clark who claims to be an independent, who votes with the Government all the time, self-confessed on Leon Compton's program the other morning, mind you -

Ms Ogilvie - This is a personal attack.

Ms O'CONNOR - No, you can claim it is a personal attack. A teaspoon of concrete for you, Ms Ogilvie. You are elected to the House of Assembly. Everybody raises their voice in this place from time to time.

Madam DEPUTY SPEAKER - Order. All comments through the Chair please.

Ms O'CONNOR - Ms Ogilvie, I recommend to you each morning before you come in here to have a teaspoon of concrete; otherwise you will not survive in here.

Ms Ogilvie confirmed on Leon Compton that she votes most of the time with the Government now. In fact, the only time I can remember Ms Ogilvie not voting with the Government was on support for the climate strike, on a notice of motion, not on a piece of legislation.

It is an appalling abrogation of the member for Clark's responsibility to her constituents to look at every piece of legislation that comes into this place on its merits, to go through it, to determine whether it reflects your values or - in the case of the Greens or Labor, your policy - and respond to that legislation accordingly -

Ms Ogilvie - I am not a member of a party, Cassy, you see. This is the problem.

Ms O'CONNOR - participate in the debate. But you are allegedly, Ms Ogilvie, an independent.

Ms Ogilvie - Not allegedly, I am an independent.

Ms O'CONNOR - An independent who votes with the Government all the time and it will be interesting to see what you do, Ms Ogilvie, when those draconian anti-protest laws are debated in this place. The unfortunate vibe I get from your contribution on Leon Compton is that you will be supporting the anti-protest laws as well.

Well, it is a disgraceful abrogation of your responsibilities, Ms Ogilvie. You have let down legal stakeholders who look to people with legal experience in this place for some comfort when legislation is going through here. I do not have a law degree. I do not have any degree and I am happy to confess that. What I do have is a set of values and a work ethic which means that when I come into this place and a bill is tabled, I will give it my best shot to scrutinise it as it should be, not give it the old 'punt' upstairs, which is what the so-called independent member for Clark has just done.

Sitting Times

[4.59 P.M.]

Mr FERGUSON (Bass - Leader of Government Business) - Madam Deputy Speaker, just observing the debate it looks like it is generally travelling pretty well. I move -

That pursuant to Sessional Order 18A for this day's sitting the House not stand adjourned at 6 p.m. and the House continue to sit past 6 p.m.

I did say that genuinely. I think the debate is progressing but we wish to get the items of business that are on the blue through today and I will seek to update the House as required.

Motion agreed to.

[4.59 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Madam Deputy Speaker, I thank members for their contributions. It would be nice if people respected the fact that each of us have different views instead of the slanging matches that continually occur in this place. This is a very important bill for some people and I acknowledge the presence of Steve Fisher from Beyond Abuse in the Speaker's Reserve, who has been observing this debate and is no doubt probably horrified at some of the behaviour.

I am going to address the reasoning for this bill, not least of all the fact that we have been elected on two occasions now to follow through on our commitments to Tasmanians. At last polling, it was showing 75 per cent of Tasmanians want this mandatory sentencing, particularly in relation to child sexual abuse.

Quite frankly, it is the support of survivors of child sexual abuse who, knowing what they have endured and what they continue to endure, provide me with the mettle to continue with trying to get this through this House. I will continue to do that and I will make no apology for the fact that I will stand by the survivors of child sexual abuse to see through our commitment, not only to them, but to Tasmanians, in relation to these heinous crimes.

I know members all support, in principle, the fact that there needs to be serious penalties imposed on child sexual abusers, but when I look at the pattern of sentencing, when we ask the Sentencing Advisory Council to look at the pattern of sentencing, there are some alarming things and, yes, I have selected things out of that report. What I want to state is the measures imposed by this bill are measured, they offer numerous protections to prevent injustice by not applying to youths, people under the age of 18, or in certain cases, to those with impaired mental function. Importantly, they offer a sense of justice to victims and survivors who can be assured the perpetrators will face jail time unless there are exceptional circumstances.

There can be no argument that the sentences currently being imposed for serious sexual offences are below what they should be. The Sentencing Advisory Council has previously found that the sexual crimes in this bill have been the subject of a pattern of inadequate sentencing and their more recent research supports the fact that the minimum terms being imposed fall short of the sexual offences in this bill. That is, they continue to fall below the levels that the Sentencing Advisory Council has previously identified as being absent exceptional circumstances at an appropriate minimum level.

The true impact that sexual offending can have on its victims is almost indescribable and as I said, their bravery is to be commended.

I have said before in introducing the new crime of reporting child abuse that it is incumbent on all members of the community to do what they can to protect survivors of child abuse. I am equally of the view that it is incumbent on us as lawmakers to do all that is within our powers to address the identified fact that the sentences being handed down for sexual offences are falling short of what they should be.

There can be no debate on this point. The Sentencing Advisory Council has found that the levels for the sexual crimes in this bill are too low and their recent research shows that those levels are not changing.

It is up to us as legislators to act, and to act decisively. It is entirely a matter for the parliament to set sentencing limits that reflect the appropriate sentences that should attach to certain offending. That is our role and we do it in other pieces of legislation all the time and, yet, for some reason, the Opposition will not, in relation to the most heinous crimes. Likewise, those in Tasmania engaged in occupations that provide for the health and safety of the Tasmanian community deserve our protection. These are workers who expose themselves to dangerous situations to help out their fellow Tasmanians and are, unfortunately, often rewarded for their efforts with violence and injury. This is simply unacceptable.

We now have an inconsistency as well. Tasmania's law already provides that serious assaults on police officers should be met with at least six months' imprisonment. Hooray, we got that through, prior to a change in the makeup. It is an insult to other workers who similarly place themselves in perilous situations that they are not afforded the same protection as police officers.

I want to turn to a few issues. Some members raised the Sentencing Advisory Council having an objection to a mandatory minimum scheme. The introduction of such a scheme is a policy decision for Government and it is a legitimate role for the parliament to enact laws to protect the community. As the Supreme Court of Tasmania has said, it is up to the parliament to set specific penalties for specific crimes should it wish to do so. In that, I refer to His Honour, Justice Estcourt, in the State of Tasmania and Lindsay Trevor Reid from 5 September 2016. That is the judiciary acknowledging the role of parliament in setting penalties for specific crimes. Ironically, Labor wants to set a maximum penalty for a specific crime but they will not have mandatory jail time. I will get to Labor's flawed policy in a moment because the Sentencing Advisory Council also responded to that issue.

The introduction of a mandatory minimum scheme would also bring us into line with a number of other Australian jurisdictions and the Government makes no apology for taking a firm stance against those who commit sexual offences against children and standing by our commitment to Tasmanians and survivors of sexual abuse. It has also been said that mandatory minimum sentences may reduce an incentive to enter a plea of guilty. The crimes of rape and murder inevitably attract terms of imprisonment, but offenders regularly plead guilty to them, so this is a purely speculative statement. We certainly would not have evidence of that until it is tried.

Ms Haddad - I didn't make that up. That was the evidence of many people.

Ms ARCHER - I am addressing the issue of that statement, Ms Haddad; don't take it personally.

I also want to acknowledge the Sentencing Advisory Council report that states at page 18 that 'the offence is subject to a pattern of inadequate sentencing' in relation to the relevant offences that we have dealt with in this bill. As for sentencing generally, at page 55 it stated:

... the Council has previously recognised that when measured against others, it appears that Tasmanian sentence lengths for sexual offences are lower than sentences imposed for sex offences in other jurisdictions.

As to the crime of rape of a child, our bill would impose a minimum of four years' imprisonment. The Sentencing Advisory Council's research finds that the lowest penalties being imposed remain constant at three years' imprisonment, which is unchanged for the past few years, again below the minimum we want to set.

The crime of maintaining a sexual relationship with a young person under our bill where there is a rape, would be four years as a minimum, and where there are circumstances of aggravation, three years' imprisonment. SAC's research states that outside sentences for what could be characterised as a consensual relationship, only 80 per cent offenders convicted of single counts of maintaining a relationship received a sentence of immediate imprisonment and of them, the last sentence of imprisonment imposed was less than two years. It was 21 months. In fact the Sentencing Advisory Council found that sentences dropped from 92.5 per cent when comparing sentences imposed between 2015-18 with 2008-14.

Turning to the crime of sexual intercourse with a young person, under our bill where there are circumstances of aggravation there would be a minimum sentence of two years' imprisonment. Again, the SAC research found that due to the small number of sentences handed down during the period covered by the report, they were of the view that it would be inappropriate to reflect on current practice or to make a comparison with past sentences. However, they did note that the minimum penalty imposed during this time was nine months and their research shows that partially or wholly suspended sentences remain the norm for the crime of sexual intercourse with a young person. In other words, no imprisonment on occasions.

I turn to Labor's policy of providing for life sentences instead and there are some really important points in law to make on this. Labor talks as though the current provisions of the Criminal Code are preventing courts from imposing higher penalties but that is simply not the case. The Sentencing Advisory Council's research shows that the highest sentence imposed in recent years for a crime covered by this bill is just 15 years, well short of the current maximum in the Criminal Code. To quote the Sentencing Advisory Council -

It is unclear whether making changes to the maximum penalties for the various offences under the Criminal Code will make any significant difference to sentencing practice in Tasmania. The experience in other jurisdictions is that sentences rarely increase in the same proportion as an increase in maximum penalty.

Our bill guarantees jail time, from the minimums prescribed by this bill to a maximum of 21 years, as with all other crimes under the Criminal Code aside from murder and treason. There has to be a very good reason why you would break away from that and a holistic review of the Criminal Code would be needed. The member knows this. You do not just fiddle and meddle with the Criminal Code. Thank goodness they had the sense not to even try to move an amendment today to a sentencing bill which has nothing to do with the Criminal Code.

The Sentencing Advisory Council's research clearly shows that offenders continue to receive sentences below the levels imposed by this bill and in fact in some cases terms of imprisonment are partly or even wholly suspended. To be clear, both of the lower sentences for the crime of raping a child between 2015 and 2018 were below the minimum imposed by this bill.

In the past Ms Haddad has also made much of the increases in the average penalties. This bill is about those who get away with little or no jail time. I pose the question: what good does it do for a victim of child sexual abuse if his abuser has received a lenient sentence to be told that on average others received a higher sentence? Our bill will change penalties being imposed with immediate effect, guaranteeing immediate prison time for such offenders.

Changing a maximum penalty does nothing and will not guarantee jail time. As the Sentencing Advisory Council stated, it will not even impose higher penalties either. In the context of differing maximum penalties that would be created by a graduated maximums scheme, which whether they realise it or not is what Labor are seeking to create in an ad hoc fashion, the Sentencing Advisory Council observed that it would be inconsistent to include graduated maximum penalties for sex offences and no other offences under the code. The Sentencing Advisory Council stated that it would be difficult under the code.

Sentencing Advisory Council stated that it would be difficult under the present sentencing structure in Tasmania to provide guidance to courts about the appropriate penalty for sexual

offences through changes in the maximum penalties without major reform of the maximum penalty structure in the Criminal Code. It is clear that no thought has been given to that in developing this flawed policy by Labor.

A legal forum convened by the Sentencing Advisory Council, which included the director of Public Prosecutions, Legal Aid Commission and the Tasmanian Bar, expressed the view that maximum sentences are problematic as they give expression to the relativity of offences but they do not reflect the penalty that an offender is likely to receive in reality. That is evidenced by the current maximum penalties being imposed falling short of 21 years' imprisonment. All other crimes are punishable by up to 21 years' imprisonment. That is by design. In their previous work, the Sentencing Advisory Council found that the system was supported by the Chief Justice as well as the forum to which I have referred.

The other issue I raise about this maximum scheme is that Labor's policy risks inconsistent outcomes. They are making very inconsistent arguments between their opposition to mandatory minimum sentences and their maximum sentence proposal regarding the actual judiciary.

As the Government has made clear, sexual offences against children are abhorrent but so is causing grievous bodily harm to a child, or causing the death of a child through manslaughter, or dangerous driving. By not changing the maximum penalties for such crimes and really looking at the whole system, I do not quite understand what message the Labor Opposition is intending to send in relation to this flawed policy and they should rethink that. Our policy is equivocally clear: we want mandatory child time for child sex offenders.

Ms Haddad - It is only one element of our policy. The other parts of our policy reflect the other recommendations in the Sentencing Advisory Council's report.

Madam SPEAKER - Order. Through the Chair.

Ms ARCHER - What you are doing is picking and choosing and saying have a maximum sentence of life for one thing but not another. You are pitting crimes against each other and what is more, crimes affecting children. I do not understand the argument.

Ms Haddad - We listened to the evidence given in the Sentencing Advisory Council's report and our policy is based on their advice.

Ms ARCHER - To quote members of the House, nobody understands the argument.

What I will now turn to is the frontline workers and the phrase 'serious bodily harm'. It is important to get this on the record. It is not defined in the Sentencing Act 1997. In the case of *Tasmania v Gladwin* 2016 Tas Supreme Court 64, a judge of the Supreme Court considered whether section 16A applied to the facts of that case and whether the officer had suffered serious bodily harm. In *Gladwin*, a female police officer was assaulted and received a fractured finger and what was described as a minor head injury. In that case, the sentencing judge ruled that the mandatory sentencing provisions in section 16A did not apply because the injuries to the victim did not amount to serious bodily harm. His Honour had regard to the following factors in reaching the conclusion that the victim had not suffered serious bodily harm: the officer did not require hospitalisation as an inpatient; no surgery was required with respect to the finger; and the treatment received was immediate and relatively simple.

The ruling considered the meaning of 'serious bodily harm' and concluded that the term meant injuries that fell somewhere between bodily harm and grievous bodily harm. Bodily harm requires hurt or injury calculated to interfere with health or comfort, and the harm must be more than transient or trifling. Grievous bodily harm means any bodily injury of such a nature as to endanger or be likely to endanger life, or to cause or be likely to cause serious injury to health. It will be up to the courts and the individual circumstances of each case to determine whether an injury meets the test of serious bodily harm.

That is where the court determines the nature of the offence and where it is important. When we first introduced these provisions there was a lot that was said incorrectly that anybody assaulting or even just abusing a frontline worker or police officer would go to jail. That is simply not the case. It is for serious bodily harm.

Also, a psychological injury could potentially amount to serious bodily harm. Courts in other Australian jurisdictions have held that a very serious psychological injury going beyond merely transient emotions, feelings and states of mind would likely amount to actual bodily harm. Actual bodily harm is a lower standard of injury than serious bodily harm but there is no reason that the same principle would not be applied by courts in Tasmania. I just wanted to cover those important points.

I also want to be very clear about the issue of exceptional circumstances. Provided all of the other requirements in section 16A are satisfied the court must impose the six months' minimum sentence of imprisonment unless there are exceptional circumstances. The phrase 'exceptional circumstances' is contained in other sections of the Sentencing Act 1997. For example, section 15(3), says that -

An offender who is sentenced to a term of imprisonment for a prison offence must serve the sentence cumulatively ... unless the court ... directs otherwise because of exceptional circumstances.

The phrase 'exceptional circumstances' is not defined in the act but it has been interpreted many times by Australian courts. It potentially encompasses a broad range of circumstances. The word 'exceptional' describes something which is out of the ordinary course of events, unusual, special or uncommon. It does not need to be unique, unprecedented or very rare but it cannot be a circumstance that is routinely or normally encountered.

A court will take into account all of the circumstances of the case in determining whether there are exceptional circumstances. That is their role. No one is fettering that. All of the circumstances of the case will include the circumstances of offending; for example; premeditation, use of a weapon and type of weapon used, degree of harm caused to the victim; the circumstances of the offender: for example, remorse, personal circumstances, prior good character and any other matter the court considers relevant.

Exceptional circumstances in a particular case might be made up of a single exceptional matter, a combination of exceptional matters, a combination of matters that although none of them alone are exceptional they combine to make up exceptional circumstances. That will be up to the court to determine.

In closing, I particularly thank survivors of child sexual abuse. I acknowledged the presence of Steve Fisher from Beyond Abuse watching today and no doubt others listening. I congratulate

them for also having the mettle to support these important reforms and for coming out publicly and on both occasions stating that they were surprised that the Opposition would oppose this.

I leave the House with a quote from Steve Fisher from the media release he issued when he was disappointed when it did not get through the House. I wholeheartedly agree with this because it is what has become so pertinent every time I have introduced reforms in our response to the Royal Commission into Institutional Child Sexual Abuse. That is the very fact that -

We believe the tide is turning and survivors are recognising more than ever that their voice is important and should be listened to. We have come to a time in Tasmania where politicians must start to realise that we will never let survivors lose that voice again.

I commend the bill to the House.

The House divided -

AYES 12

Ms Archer
Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Mr Hodgman
Mr Jaensch
Ms Ogilvie
Mrs Rylah (Teller)
Mr Rockliff
Mr Shelton
Mr Tucker

NOES 12

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

Madam DEPUTY SPEAKER - The result of the division is 12 Ayes and 12 Noes. In accordance with Standing Order 167, I cast my vote with the Ayes.

Bill read the second time.

Question - That the bill be read a third time - put -

The House divided -

AYES 12

Ms Archer
Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Mr Hodgman

NOES 12

Dr Broad
Ms Butler
Ms Dow (Teller)
Ms Haddad
Ms Hickey
Ms Houston

Mr Jaensch
Ms Ogilvie
Mr Rockliff
Mrs Rylah (Teller)
Mr Shelton
Mr Tucker

Mr O'Byrne
Ms O'Byrne
Ms O'Connor
Ms Standen
Ms White
Dr Woodruff

Madam DEPUTY SPEAKER - The result of the division is 12 Ayes and 12 Noes. In accordance with standing order 167, I cast my vote with the Ayes.

Bill read the third time.

MOTION

Section 19 Return for June Quarter 2019

[5.33 p.m.]

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

That the House approves, in accordance with subsections 11(7) and 12(4) of the Public Account Act 1986, additional Recurrent Services and Works and Services expenditure in 2018-19 for the purpose detailed in the Section 19 Return for the June Quarter 2019.

This motion seeks parliamentary endorsement of additional expenditure which has previously been approved in accordance with the requirements of the Public Account Act 1986 during the June quarter of 2019. While the act provides the Treasurer with the power to approve additional expenditure during the course of the financial year, it also requires the parliament to subsequently approve this expenditure.

This requirement is stated in subsections 11(7) and 12(4) of the Public Account Act. As members would be aware, it is generally the case that majority orders made under the provisions of sections 10, 11 or 12 of the Public Account Act are made in the June quarter of a budget year. This reflects the established practice of agencies being required to seek to manage additional costs during the budget year prior to requesting additional funding towards the end of the budget year if considered necessary.

While the request for additional funding included in this return are for the June quarter 2019, many of the matters included were addressed in the estimated outcome information presented in the 2019-20 budget papers which have been debated by parliament, and within the preliminary outcomes report which was released on 15 August 2019. The impact of all matters is reflected in the Treasurer's annual financial report which I tabled last month. Requests for additional funds approved in the June 2019 quarter total \$118 million.

It should be noted that in some instances the provision of additional funding under sections 11 or 12 will not impact on the overall budget position. For example, additional expenditure may reflect the receipt of Australian Government funding and will be funded from the proceeds of asset sales. Similarly, transfers of funding made under section 10 will not impact on the budget position

as increased expenditure in one area of an agency is matched by savings in another area of the agency.

Of the total request for additional funds approved in the June 2019 quarter of \$118 million, RAFs totalling \$58.2 million had no net impact on the budget position, as they are matched by offsetting amounts. Major offsetting amounts in the June 2019 quarter include \$18.2 million, representing an estimated 50 per cent reimbursement from the Australian Government for costs associated with the southern and central Tasmanian fires, the June 2016 flood event and the May 2018 extreme weather event.

There was also \$7.6 million for Australian government and non-government schools specific purpose funding; \$3.5 million primarily reflecting changes to the timing of expenditure following the 2019 bushfires to the 2018-19 capital investment roads program; \$2.9 million for Australian government and non-government schools specific purpose funding; \$2.7 million for Parks and Wildlife fires suppression-related expenditure offset by saving and finance general funding provided in the 2018-19 Supplementary Appropriation Act; and \$1.4 million for the Australian Government National Housing and Homelessness Agreement specific purpose funding.

RAFs approved in the June 2019 quarter which do not have offsetting funding include \$18.2 million, representing an estimated 50 per cent of additional costs not been reimbursed by the Australian Government for the southern and central Tasmanian fires, the June 2016 flood event and the May 2018 extreme weather event; \$4 million of increased state funding to government schools under the National School Reform Agreement; \$4 million for costs associated with the meningococcal W immunisation program; \$3.7 million for costs associated with the extension of the First Home Owner Grant; \$3.4 million for costs payable for specialist legal advice for the state in relation to the failure of the Basslink cable; \$2.6 million for Parks and Wildlife wildfire suppression-related expenses; \$2.1 million for the finalisation of costs associated with the purchase of 21 Kirksway Place; and \$2 million for the Women's health package.

In additional information on requests for additional funds that have been approved, the June 2019 quarter section 19 also includes information on transfer that have been approved under sections 10(1) and 10(3) of the Public Account Act. These transfers have no impact on the overall budget position as they involve the transfer of funding between outputs within an agency.

Separate to the quarterly section 19 return, section 12A of the Public Account Act requires returns to be tabled annually for detailed supplementary estimates for expenditures from the consolidated fund that is authorised under sections 10, 11 and 12 of that act during the financial year.

Madam Deputy Speaker, the motion seeks parliamentary approval of additional expenditure approved for the quarter ended 30 June 2019.

[5.38 p.m.]

Mr O'BYRNE (Franklin) - Madam Deputy Speaker, I rise to have a conversation on this and ask some questions of the Treasurer about some of the movements and some of the outputs that he has outlined. Again, it demonstrates the pea and thimble trick that you continue to perpetrate on the Tasmanian people. Whilst you say the budget is in surplus, we know the cash and fiscal deficits are there. We know that we are heading towards \$1 billion of net debt and your own Treasury department in their long-term Fiscal Sustainability Report has called you out for your mismanagement of the Tasmanian budget.

I know you disagree and have a different opinion but the numbers speak for themselves. If it was not for your appalling ability to get infrastructure money out the door you would not even have a fig leaf cover of your fiscal position for the state budget.

There are many questions in this return that need answering and need clarification, and I will go through them one by one. There are a number of areas that are pretty clear in terms of federal and state government commitments through national agreements in various portfolio areas but there are a number of questions that need to be questioned, a number of policy issues that give rise to some of the movements and some of the decisions that you have made.

Treasurer, I will go through, not necessarily line by line, but I will let you know which page we are on and we will go from there.

We go to page 6 of the return when you refer to Table 2 - Continued Output and Description Output, the total transfer, 'primarily reflects the transfer of savings of \$3.5 million for Copper Mines of Tasmania's support funding due to a delay in targets being met. Is there any update you can give the House on the status of Copper Mines of Tasmania, where that is at, and is this a confirmation that potentially it is years away? Obviously, there is a reason why you created the fund. It is to give it the best opportunity to get back up and going. If you are saying there is a delay in the milestone targets being met that does have implications for the project. We seek from you an update on the status of Copper Mines of Tasmania and what effectively this is under, or the delay in milestones being met but the underfunding being met.

On that same page, if you could look at the 3.2, the transfer of 2018-19 bushfire funding from the State Fire Commission to other outputs to enable the provision of funding to those entities that incurred the cost of fighting the fires, the transfers from the State Fire Commission to Sustainable Timber Tasmania. Can you outline for the House what kind of costs were incurred by Sustainable Timber for what activities and what that means?

We have had a debate in this House over a number of sitting weeks now about the preparedness and the ability of our firefighting agencies - the Tasmania Fire Service, Parks and Wildlife but also Sustainable Timber Tasmania - to respond, to not only implement recommendations from a number of reviews over a number of incidents that have occurred in the last five years, six years. We question where that money went. Is it purely for the firefighting for the previous summer or does it include activities such as implementation of those recommendations where the responsibility lay with Sustainable Timber Tasmania? That money that has been transferred to Sustainable Timber Tasmania, has it actually been expended? If you could outline that to the House that would be of great assistance.

If we move to the Justice portfolio on page 7, the Resource Management and Planning Appeal Tribunal there is a transfer of \$70 000 from RMPAT to Planning Policy Reform and below from the Tasmanian Planning Commission to Planning Policy and Reform. Could you outline what that money is allocated for? What activity would that be funding?

Also, as you know, minister, and we read about a dozen of your press releases saying that we had a statewide planning scheme in place and we do not, there is a whole lot of work that is being required in that portfolio area for the local planning schemes and statewide planning principles. Does this fund, does the transfer of the initial \$70 000 from RMPAT and the \$115 000 from the Tasmanian Planning Commission go anywhere near to assisting that policy unit in doing the work that they are doing?

At the Estimates hearing last year - or this year and last year - the minister at the time, Mr Jaensch, basically said that we are going to come up with a prioritisation and we will work smarter not harder, which is code for 'there is no extra money, we cannot get the job done'. Councils around the state are being left without the support required from the Government to implement your planning agenda, despite you claiming, I think it was in 2016, that there was a statewide planning scheme. We know that is not the case.

You are taking money from one area to prop up policy planning and reform but we are not seeing a commensurate response or outcome from that policy unit that gives the Tasmanian people any confidence that you are taking planning reform seriously. I notice that for many years this was the mantra of your government to say that you had a statewide planning scheme, we are getting reform done. Anecdotally you hear from industry and from local government that the planning processes are getting longer and harder and things are not getting done, which is counter to your rhetoric.

Can you put on the record what the money was allocated to in terms of the policy unit and can you inform the House of any tangible outcomes?

On page 8, 4.2, you are taking \$220 000 from the Tasmanian Planning Commission to push across to Protective Jurisdictions. Can you justify, given that it is very clear that the Planning Commission is resource poor, why you have taken money from it? There has been significant commentary about its lack of resources and support, so why have you chosen the Tasmanian Planning Commission as the source of that \$220 000 to go to Protective Jurisdictions?

I know money has been taken from enforcement of monetary penalties, support and compensation for victims of crime. That is also a concern. Could you please outline the reasons and the justification for transferring \$230 000 from Support and Compensation for Victims of Crime? You would think that would be an area where you would not seek to take money from, but if you could inform the House of the justification for it.

Please update the House if it is a saving or if there is an under-spend in the Tasmanian Industrial Commission, or if that is a cut to their budget in what they delivered at the time. Does that have any implication for this fiscal year in terms of their resourcing?

On page 9 you have identified savings of \$700 000 from WorkSafe Tasmania. Could you outline where those savings were identified from that department, if any programs were impacted upon, and what material impact that had on the work of WorkSafe Tasmania in keeping workers safe? As you would know, minister, this is a crucial public policy area. This sum is not an insignificant amount so if you could update the House on how that saving was identified and where that money came from.

Continuing with Justice on page 10, you have transferred \$4 million out of Prison Services and distributed it elsewhere to run the Home Detention Program. On the face of it, that is something that is important in running out that program but if you could update the House on how that program is going. How many home detention orders have been made? What proportion does this represent of people who would otherwise have been at Risdon rather than on a home detention order. If the numbers are low, how is the prison coping with this reduction in funding, recognising that the prison is under enormous pressure to provide their services? We have heard time and again of an under-resourcing of our Tasmanian Prison Service. You have had inmates being incorrectly classified

and being in situations where they are able to escape. We had one inmate, a dangerous criminal, at large in the Risdon Vale community for a couple of days.

There was wide-spread community concern about how someone with that track record could be in a minimum security part of the facility. You have a prison system in constant lockdown and under the pump. We understand that home detention orders are an important part of the matrix of relieving pressure, but are you robbing Peter to pay Paul, in taking \$4 million from the Prison Services and putting those functions under enormous pressure in keeping both inmates safe and correctional officers safe by pushing that across to fund a program internally? Can you update the House on, first of all, the effectiveness of the home detention program and then justify to us why you have effectively cut the prison service budget to fund that program when it is something that you have championed for quite some time as a separate program?

On page 11, in State Growth, you have identified industry business development, skill development. Let us deal with the top two. Under Industry and Business Development and Skill Development, over \$700 000 is transferred to another part of State Growth. You would think at a time, particularly in skill development, where you have industry across the state, no matter which industry you look at, they are crying out across the state about a lack of skill development in Tasmania's workforce. Identification of skills required, coordination of vocational and tertiary education providers is a key area in terms of labour productivity and building a stronger, more resilient, economy and giving Tasmanians an opportunity for a career in Tasmania and not having to leave.

Skill development is part of the work of State Growth and the old economic development department. It would be interesting, minister, if you could update the \$413 000. What proportion of that amount is a total of budget of the skill development unit? That seems like a large amount of money taking away from an area which you know is crucially important to build not only a sustainable economy but to ensure that every Tasmanian and the Tasmanian Government are tuning our policies to work with industry, to provide those pathways and to plug the holes of the skill gaps that virtually every industry in Tasmania is saying that they are suffering. It is an interesting time when the industry and people in the economy are calling out for skills development, you are taking money away from it.

Industry and business development is crucially important to build the resilience of the Tasmanian small, medium and large business community. I am worried that Government is very good at basking in the reflected glory of those who are doing well but lacks the ability to think strategically five and 10 years ahead to build a resilient economy. When tough times come, and we know that they will, we must have a diversified economy in a diversified range of industries that are innovative and respond to changing needs. If you are cutting \$300 000 from industry and business development, to me this demonstrates a very short-term thinking approach. The rhetoric of the Government is one thing, but when you are cutting money, that is altogether another thing.

In terms of the Metropolitan General Access Services, I assume that relates to the bus services. Am I right on that, Treasurer?

Mr Gutwein - It is buses.

Ms O'Connor - It is for the private operators.

Mr Gutwein - It is the only detail I have.

Mr O'BYRNE - At a time when the shambolic implementation of regional bus services at the beginning of the school year, when children in New Norfolk wanted to catch a bus, the only buses they could get arrived at school after 9 a.m. I met with the department at the end of last year saying, 'I think you need to rethink this. There is a whole range of implications to your decision on how you structure the networks'. You did agree to pause it in the Dover area after a number of community meetings raised concerns with the proposed plans. Public transport, be it delivered by Metro or whoever, if it is government funded, it is a basic human right to be able to move people in your community. We have seen the shambolic implementation of that in Sorell, in the Derwent Valley and on the west coast. You are trying to reduce congestion in Hobart yet you reduce the bus services and you make it so complicated that kids cannot get to school for school time, so they are back in cars. It shows the shambolic approach to this. To then take \$300 000 from the metropolitan general access services sounds counterintuitive.

It is a no-brainer. The first crisis meeting called by then minister Rene Hidding in 2016 was for immediate urgent action on Hobart traffic congestion and they were going to invest more in buses. There is no example of that. When you had a crack at renegotiating, I think it was called Project 2018, it was supposed to be implemented at the end of 2016 for 2017 and it was absolutely shambolic. If they have saved in that area so they can transfer it somewhere else, we see through it straight away. They have saved some money, but the cost is with the community. They are not able to get to school or work and, if you want to go to the west coast from the Derwent Valley, you have to go via Burnie and have an overnighter.

I know that decision was withdrawn and changed but you were warned and you did not listen. To say that you can make savings in that area, your shambolic approach to bus services in Tasmania is exhibit A. Maybe it is not a saving. Maybe it is not the appropriate transfer to be made. Could you outline for the House justification around industry and business development, skills development and general access services, and particularly in terms of those three items, what percentage of the Budget of those line items does that represent?

Over the page we find traffic management. What we have here in outputs 2.5 and 2.2, and outputs 2.2 and 2.1 on page 12 is a transfer from Traffic Management and Engineering Services to Infrastructure Strategy. Clearly traffic management does not seem to be a priority so you transferred \$241 000 to Infrastructure Strategy and then you transferred \$284 000 from Infrastructure Strategy to Infrastructure Tasmania. This seems to me a bit of a shuffling of the deckchairs on the *Titanic*. You have promised a 30-year infrastructure strategy now for a number of years and have released a document with no projects, no money, and essentially waffle. The people who wrote *Utopia* would be embarrassed and say, 'Even we can't write this in a script for *Utopia*. This is too much. It's beyond the pale'. You cannot deliver an infrastructure strategy. You have a pipeline of work which is essentially a list of projects which may or may not occur which is in the public domain so it is effectively a list. You have a list of known projects with no strategy to deliver them.

You have Hobart and Launceston regularly in gridlock and one of the major issues is around traffic management. You are transferring money. Could you enlighten the House on what the \$241 000 and \$284 000 were designed to do? Is it a shift from Traffic Management and Engineering Services? Are you washing that through Infrastructure Strategy and then, Westpac-style, ending it up in Infrastructure Tasmania? What are those transfers for? We know that if you are taking money away from Traffic Management and Engineering Services of \$241 000, regardless of the number, given the shambolic and hapless response to traffic congestion in Hobart and Launceston, that does not make a lot of sense. Or is it just another consultant's report you are funding? We know that effectively you could build a bridge across the Derwent with all the

consultant reports that you have been commissioning. That may assist in traffic management but it will not get the job done.

It is interesting that you are taking money away from an area where you have acknowledged there is acute need and you are moving it from Infrastructure Strategy to Infrastructure Tasmania. What do those buckets represent and what are you trying to achieve there?

On page 13 is the Mowbray Connector. Let us look at your broader infrastructure strategy. We know there is the airport roundabout and a range of infrastructure projects that have been announced and reannounced. We saw the Prime Minister raising expectations again and saying they were going to fast-track these projects, listing a number across the country, but virtually all the Tasmanian ones are already delayed. It was great to see the Infrastructure minister at the press conference announcing the commencement of the work of the Mowbray Connector with no work being done whatsoever. There he was in his high-vis vest and helmet to make sure he was safe from the travelling public up and down a road with no equipment, no trucks, no diggers, no work actually being done, but I am glad he was safe - Michael the builder with his high-vis vest.

Could the Treasurer update the House on what that means, what the impacts are on the Mowbray Connector? In terms of the south-east traffic solution and the state road upgrades in the northern region, could he outline the further delays to these infrastructure projects?

In terms of Communities, there is a request for additional funds for a range of programs there. In your annual financial report you identify an underspend of \$16 million on the Affordable Housing Strategy but there is a request for additional funds. They may not directly line up, because that does not make sense to us. If there is an underspend in housing but then a request for additional funds in Housing Services, that to me does not stack up, so could you clarify that for us?

In 7.1 there is a request for additional funds of \$1.5 million, utilisation of unspent funds for Safe Homes, Safe Families from 2017-18. This is a very important part of the budget in dealing with this issue. Could you outline why it was unspent in 2017-18 and what was it used for in 2018-19? If it was not spent in 2017-18, why? What was it used for in this 2018-19 Budget?

On page 15, 5.1, Housing Services, there was an underspend on the Affordable Housing Strategy. It would seem to me that there is a couple of RAFs here going to there, but there is an underspend in the Housing Strategy.

Over those two pages, there is Housing Services 5.1, which was a request for additional funds. Then you have 5.1, 1.1 and \$649 000 for a storm event in southern Tasmania, but when you have a \$16 million underspend on the Affordable Housing Strategy - and I am not accusing you of anything - but could you join the dots on that for us? They may be separate packages and separate programs, but could you explain why there is an underspend in that department, but there is also RAFs? If it is associated or connected to a certain program, we will get that, but if you could explain why that is the case, that would be helpful.

It is more of a point on page 20, the State Fire Commission and there is a number of other natural disaster relief schemes and you touch on it in a couple of other areas in housing, the storm; there is a request for additional funds of \$29 million which reflects an initial additional firefighting cost incurred during the 2019 bushfires.

In your state budget and also in the long-term Fiscal Sustainability Report from Treasury in pushing forward and looking at the various scenarios for the state budget, we know that from time to time and historically every decade or so, there is a major disaster and that is managed through cash flow and at the time. In the last 10 years, we have seen the major Dunalley bushfires in 2013, we have seen a number of major flood events and we have seen the north-west coast and west coast and highlands fires in 2016. Last year, we saw the biggest fire disaster in terms of length and cost to communities across the state, so they are happening more often.

It is not so much a question about why - we know why this money is put across - but it is, more strategically, why are we not starting to put into account and put in and identify in the budgets and the forwards that we know that there is a greater risk due to climate change? We know that there will be, and we are seeing major events - both summer and winter - which have significant impact on communities, significant impact on the economy so there is a cost to the economy. We know that they will be occurring more often. The science is in. We know that and our experience over the last decade has demonstrated that there will be more major weather events, be that fire, flood, coastal erosion, what have you. Why are we not starting to think about these things in the budget in terms of what we need going forward?

It is pretty clear what the money is for but we actually think that has a strategic implication for the management of the state's finances. In looking at the long-term Fiscal Sustainability Report, whilst there is acknowledgment that some of the more recent events will be calculated, it is not fully calculated in terms of - there is no expectation that it will be, there is no specific -

Ms O'Connor - It is not even slightly calculated in.

Mr O'BYRNE - That is right. We think that this is an opportunity for us to think strategically, moving forward, about how we respond as a state in a fiscally-responsible way. Could you respond to that?

On page 23, Support for Ministers and certain Parliamentary Office Holders. The request for additional funds of \$790 000 reflects additional costs for ministerial offices. Which ministerial offices is that money going to? Is it equally spread across all of the offices? Does the Premier have the bulk of the money? Has it gone to wages? Has it gone to extra, or has it gone to people who have been given the 'ta ta's down the road'? Also, particularly given the Safe Night Space proposal can barely get \$100 000 or \$150 000 from the Government to get that across the line and we had the image of the Housing minister standing next to the community sector saying the community sector has raised \$100 000 of \$150 000 and the Government is putting in \$100 000 or \$150 000, I think it is, yet you are still short. We can see quite easily with a stroke of the pen, here is \$800 000 for the ministerial offices. It reflects poorly on the Government in terms of its priorities. Before voting on this, we seek further clarification on where that money went, who that went to. Is it for existing staff, paid-out staff, and which offices the money was spent in?

Again, on page 25, I reiterate the point around Emergency Management. We are seeing \$2.3 million for extreme weather event. We are seeing \$1.5 million reflecting the reallocation of unspent Category D NDRRA funding flood mapping project, \$621 000 additional funds for an extreme weather event, or a recovery unit to coordinate whole-of-government. These are all important but you should not be surprised that these things are coming and we are getting more examples of extreme weather events. You are managing them through requests for additional funds, through RAF requests, and you are not actually thinking forward and being prepared for these

events. A number of these things seem to be a surprise to you, and in terms of broader budget management, they should be run of the mill.

The request for additional funds of \$581 000 reflects funding for the Bushfire Recovery Taskforce. Bushfire recovery is of crucial importance. There is cross-party and independent support for that sort of activity, but could you outline what that went to and what kind of money that was spent on?

Page 26, Management of Executive Government Processes. The request for additional funds of \$42 000 reflects funding for the advertising program developed to provide Tasmanians with information on short-stay accommodation. Could you outline what that money was spent on? What was the benefit and what were the outcomes?

The request for additional funds of \$157 000 reflects the utilisation of unspent funding in 2017-18 for the Housing Initiatives Campaign. If you could explain that. It is the same question for both of those things: Management of Executive Government Processes on page 26, the request for additional funds of \$157 000 and the request for additional funds of \$42 000. One is about the short-stay accommodation and one is for the Housing Initiatives Campaign. Would you outline what that money was spent on?

On page 27, 3.2, the request for additional funds of \$350 000 reflects a grant provided to the National Trust of Australia to assist the Trust to address a number of pressing capital works needs and enable it to undertake urgent conservation and maintenance works on a number of properties. The National Trust has the responsibility of managing some wonderful Tasmanian built assets and \$350 000 is not a small amount of money. Can you outline what the money was spent on and does it indicate that the Government is chronically under-funding support to National Trust and their work in Arts in your portfolio area? Can you provide some information about those works?

In National Trust properties, the maintenance task and the capital upgrades are known. They know clearly what is required and managing that sort of budget through RAFs for such a large amount of money is probably not the best way to go about it. Could you outline what the money was spent on and your reflections on whether that indicates you are under-funding that area?

On page 28, Historic Heritage Services has a grant of \$80 000 to the Woolmer's Foundation to facilitate a review and restructure of operations and finances. Could you update the House on the details of that? Woolmers is part of our convict heritage and a part of our UNESCO listing of those convict sites across Tasmania, so it is an important heritage asset for the state. From time to time, there have been challenges with the management and operation of that site. It is important for the state that it is sustainable but in spending Government funds there needs to be an explanation of that. Can you provide information to the House on what kind of review was undertaken and what kind of restructure is being undertaken to justify that \$80 000?

Still on page 28, State Growth, Energy Policy and Advice. You have a RAF for \$3.4 million, which reflects costs for specialist legal advice regarding the Basslink cable failure. This was the time where you plunged the state into an unnecessary energy crisis where you were selling off the Tamar Valley gas power station. We know we are still waiting for the advice and a letter from Treasury. On his leaving of the House, Mr Bacon asked me to pursue this letter in the interests of transparency and of seeking justice for those aggrieved by that appalling management of the time by you and Mr Groom. You may not have been on the same page but the advice would have been

very clear about the sale of gas power station. Again you are ignoring the very important Public Accounts Committee request for you to produce that letter.

Ms O'Connor - Public Accounts Committee, whatever.

Mr O'BYRNE - That is right. I was at a national public account committee forum where they talked about it. There was a lot of tut-tutting around the room about the disrespect.

Ms O'Connor - Taking Tasmania to the next level.

Mr O'BYRNE - Next level. The disrespect the Government had for such an important committee, seeking a document of importance which effectively led to advice and a series of decisions which cost Tasmania over \$160 million. That is skimming the surface of the full cost where you plunged Tasmania into an energy crisis.

To make a virtue of the fact that you pulled together a taskforce and you have an energy security plan that effectively saved you from yourself because of a series of decisions. Now we have another bill to provide legal advice to the Government on the Basslink cable.

Ms O'Connor - It is a massive bill. Must have been paying a team of silks.

Mr O'BYRNE - It is a massive bill. That is right. Again it is a matter that is before the courts. This is yet another example of the Government recklessly using taxpayers' funds to cover their own incompetence over a series of decisions which plunged Tasmanian into the biggest energy crisis since 1967. I would like to hear whether you think that is the last bit or whether more is coming.

There is a reason why you do not budget for it. You know it is coming so it has been snuck through for a RAF at the end of the financial year. Is that it? Is there more money that the taxpayers are going to have to fund to cover your incompetence?

Time expired.

[6.18 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - I was enjoying your contribution, Mr O'Byrne, and I know you have more to say.

Madam Deputy Speaker, as ever the Return under Section 19 of the Public Account Act 1986 tells a story of chronic underfunding of public services and agencies that have to keep coming back to the Treasurer for additional funds. Critically, it tells a story of accelerating climate disruption. All through this return is evidence of the exponentially increasing cost to governments of extreme weather events. Yet here we have a Government that does not have a climate adaptation plan.

As far as we know has not yet gone to the Commonwealth and sought the \$50 million, which I understand is owed to us as a result of last summer's utterly devastating bushfire season. I can understand why there would be some hesitation going with your cap in hand to a coal-kissing climate-denying prime minister who has run a mile from those communities that have lost everything as a result of bushfires. In fact, he went to the cricket. The longer it takes to extract that money from the Commonwealth the heavier the hits on our finances are.

Let us go through some of the climate-related costs in this section 19 return. On page 6 we have a transfer from the State Fire Commission to other outputs. According to the explanation, it is to enable the provision of funding to the entities that incurred the costs fighting fires. So, \$10 million went from the State Fire Commission of which \$1.5 million went to Sustainable Timber Tasmania, yet there is an \$8.5 million expenditure that has no footnote, no explanation; it is 'Other Grants and Subsidies'. Can the Treasurer explain what those other grants and subsidies are, and where the \$8.5 million ultimately went?

Then we have the climate-related costs in Finance-General to the State Fire Commission, \$29 million. This request for additional funds of \$29 million reflects initial additional firefighting costs incurred during the 2019 bushfires. Major areas of expenditure included aerial firefighting, the cost of interstate resources and firefighting costs.

Another \$3.8 million was requested under the Natural Disaster Relief Scheme for the costs associated with the June 2016 flood event and the May 2018 severe weather event.

Under Premier and Cabinet, Security and Emergency Management, there is a request for additional funds of \$2.3 million reflecting funding for the southern Tasmania extreme weather event, which in part is funded through the Australian Government with the remainder being state funded.

An extra \$1.4 million has gone to Security and Emergency Management for data collection and flood mapping. Another \$620 000 request for additional funding to Security and Emergency Management to coordinate whole-of-government support for recovery from the southern Tasmania extreme weather events.

A request for additional funding of \$581 000 for the bushfire recovery taskforce. We then go to Parks and Wildlife, page 27, Primary Industries, Parks Water and Environment, where Parks and Wildlife had to request \$5.3 million to cover year-to-date costs of firefighting-related expenses incurred by the department. The explanation is that this expense is partially offset by a saving of \$2.7 million in Finance-General from funding provided in the 2018-19 Supplementary Appropriation Act. Is that \$2.7 million from government broadly or \$2.7 million that was saved from Parks?

Mr Gutwein - My understanding is that would be in the Supplementary Appropriation Bill. At that time it would have been based around what we understood the cost as being. There was a further request for funding.

Ms O'CONNOR - Thank you, Treasurer. We have, under Infrastructure Strategy, another climate-related allocation, a request for additional funds of \$1 million reflecting the state Government's contribution to the Latrobe Flood Mitigation Project. Extreme flooding events are also becoming increasingly prevalent. There is no longer any such phrase as a once-in-a-hundred-year flood. We are in the age of the new abnormal. That is why the costs to the State budget will continue to get exponentially higher.

What we need, as Mr O'Byrne stated, is to factor these costs into the front-end of budgeting so we are not constantly playing catch-up, where we have a state budget that is crafted and passed through the lens of accelerating climate impacts across all government agencies, all layers of our community, but no, it is all in here as RAFs because there has been no forward planning for climate impacts.

The Fiscal Sustainability Report was really clear that they did not seek to factor in the climate-related costs to the budget, but it is a glaring hole. This Section 19 Return makes that really clear. The highest costs that have come through in the return relate to climate impacts on Tasmania and our emergency services, Parks and Wildlife and Sustainable Timbers Tasmania having to respond. Right across our firefighting agencies there have been requests for additional funding in order to try to save lives, wilderness, property and communities from extreme weather events.

There was a request for additional funding - page 29 - in industry and business development of \$200 000 which was for small business recovery grants provided to small businesses affected by storm damage in 2018.

If you add all of that up, that is a huge hit on the state's finances. We need to be preparing fiscal sustainability reports that understand you need to embed the science in your economics. It is no longer justifiable to say because we cannot quantify the impacts, we cannot account for them. We cannot project four years ahead to what some of those costs might be on the state's finances. We do not have that excuse anymore. We have seen at least some of the costs over the past year to the state Budget and they are high.

We need to have a coordinated climate mitigation and adaptation plan for Tasmania. There is no coherent adaptation strategy coming out of this Government. Of course, let us not forget this is a government that wants to open up new coal mines, log carbon-rich forests and lock up those people who will not stand for it. As I said at the rally yesterday, you cannot arrest your way out of a climate emergency, but no doubt the Liberals will try.

We have also seen in the section 19 return that a bit over half a million dollars has been taken out of the Resource Management and Planning Appeal Tribunal and the Tasmanian Planning Commission and put back into a government agency. I would like to think that most Tasmanians appreciate their robust and independent planning bodies. I believe that most Tasmanians want to make sure that our planning bodies, which give people voice in land use planning decisions, are properly resourced. However, what we have seen here is half a million dollars being sucked out of the tribunal and the commission to go back into a government department. That means less expertise, and fewer human resources in our independent planning system. That is the bottom line of that reallocation. If the Treasurer could detail to the House what advice he was given by RMPAT and the TPC about the human resource implications of that transfer of moneys, that would be most helpful.

To some other sections of the requests for additional funding, could the Treasurer explain page 8, Justice, and the transfer of \$230 000 out of the support and compensation for victims of crime into the Guardianship and Administration Board, the Mental Health Tribunal and the Office of the Public Guardian? There is no question that those bodies require more resourcing, but why does it come out of a fund established to provide support and compensation for victims of crime from a government that has spent most of this afternoon trying to tell the House they are the only people in here who care about the victims of crime? You are taking away money from a support and compensation fund for victims of crime. Talk about hypocrites.

I reiterate a question asked by Mr O'Byrne on the allocation of funds from Metro, nearly \$750 000 into the private passenger transport system, noting that it was always part of the mantra when the passenger transport contracts were being renegotiated that it would be a revenue-neutral outcome. Clearly it has not been revenue-neutral and perversely it has led to worse passenger transport outcomes for many people who have relied on those services and certainly the frequency

of Metro services, in my view, has diminished. You have a government that is taking nearly \$750 000 out of public transport and putting it into the passenger transport system. We argue that the passenger transport system needs that money, but you should not be taking it out of public transport. In terms of access to transport, we are agnostic about whether it is private or public, as long as it is accessible and affordable to people. You should not be robbing Peter to pay Paul to provide access to the transport services that Tasmanians need.

In great news for all of us who suffer the congestion in Hobart, there is \$200 000 extra that has been allocated for the Greater Hobart traffic solutions, an exceptional outcome for the people of Hobart who have endured worsening congestion ever since the Liberals were elected. There is also the \$241 000 that was taken out of Traffic Management and Engineering Services and allocated into infrastructure strategy. A total \$9 million has come out of student-only passenger services to go into non-metropolitan general access services, again robbing one underfunded part of the Budget in order to top up another.

It is fascinating that the Department of Health can declare \$2.8 million in savings. Scandalous, really, quite breathtaking. Perhaps the Treasurer could explain how it is that the Department of Health can declare a savings of \$2.8 million when elective surgery waiting lists are skyrocketing and people are waiting in our emergency department, sometimes for days on end.

Mr Gutwein - Sorry, what page were you on?

Ms O'CONNOR - Thank you for interrupting my flow - page 14. People are waiting in the emergency department for days on end. You have junior doctors at the Royal Hobart Hospital very clear that they are working in an unsafe environment and yet the Department of Health can find \$2.8 million in savings. It is quite amazing, Mr Deputy Speaker.

This Government is doing a great job - not - of resetting the relationship with the Aboriginal community, so it is totally unsurprising that there was unspent funding from 2017-18 for resetting the relationship with the Tasmanian Aboriginal community. It is a total of \$166 000 in Communities and the explanation is:

This request for additional funds of \$166 000 reflects the utilisation of unspent funding in 2017-18 for resetting the relationship with the Tasmanian Aboriginal community.

That means very little progress was made last year on resetting the relationship with the First People and, as we know, the year before that, the year before that and the year before that. This is a government that has promised the First People of Tasmania that it would reset the relationship but it has done nothing but divide Aboriginal people. It has returned no lands and will make no commitment to treaty or changing the date from 26 January. There has been no substantive resetting of the relationship with Aboriginal people, other than to take the relationship backwards. That is why Aboriginal Affairs did not spend that \$166 000 in the last financial year.

In Education we see a massive allocation of extra funds to the private education system, non-government schools, \$6 million at the top of page 19. This request for additional funds of \$6.1 million reflects additional Australian Government funding provided in the 2018-19 Australian Government Mid-Year Economic and Fiscal Outlook for the non-government schools. There is another \$1.6 million RAF reflecting an increase in the Australian Government funding agreement for non-government schools. Another \$765 000, request for additional funding reflecting an

increase in state payments to the non-government sector; \$110 000 request for additional funds provided in the 2018-19 Australian Government budget for non-government schools. This while in our public schools parents are having to hold raffles to buy art materials. Teachers are paying for art materials out of their own pockets. School communities are having to raise funds for some of the most basic needs in their schools, let alone play equipment.

We know this all started under John Howard as prime minister where you saw this massive shift of public money into the private school system so that the wealthy private schools can build big pools and concert halls for their precious children. Meanwhile, the public schools are having to go to parents with their caps in their hands asking for raffle money and other donations while their kids are taught in terrapins, in demountables. I wonder how many members of the government send their children to public schools.

The health system is a litany of underfunding. This is a health service that could find \$2.8 million over here, but on page 21 and I am not going to go through it all, but large requests for additional funding in the health system: \$4 million, \$2 million, \$1.5 million, \$1.4 million, \$682 000, \$500 000, \$160 000, \$130 000, \$70 000, \$900 000. The total health request for additional funding was \$11.3 million. Why doesn't the Government just properly fund the health system? It is a question many Tasmanians are asking.

On some of the other smaller matters, on page 23 under Legislative Council, there is a RAF for \$20 000 for the office set-up costs for the new Liberal member for Prosser. My understanding was that members of parliament could spend about \$10 000 on set-up, that we had an allocation of about \$10 000 for new members to set up their offices. On behalf of the taxpayers of Tasmania, I would like to know why it is that the new Liberal member for Prosser got twice that much to set up her office.

Can the Treasurer confirm that the \$790 000 request for additional funds, in additional costs for ministerial offices, was to fund the staff clean out after the last state election? We believe it is. We believe that is election fallout costs.

Of course, we have the \$350 000 that the taxpayers of Tasmania had to pay to cover the High Court challenge to the original Workplaces (Protection from Protesters) Act 2014 in which the High Court made it very clear that the law that was enacted and rubberstamped through this House of Assembly in 2014 was unconstitutional. That determination was made in October 2017, from memory. The taxpayers of Tasmania have forked out \$350 000 on that legal challenge to the High Court to defend the indefensible.

Now we have legislation in this place which seeks to put a shine on a cow pat. In fact, the amendments to the workplace protection from democracy act, broadens the reach of the legislation, alienates Tasmanians from their own land and sea and Crown lands, their own roads and thoroughfares.

In all likelihood, should these laws pass the parliament, the police will not use them because they already have all the powers they need under the Police Offences Act. We already have trespass provisions in our law. So, either the police will not use them, as they were reluctant to use them last time, or they will use them and this law will again be struck down by the High Court. Are the taxpayers of Tasmania going to have to face another massive legal bill defending a political piece of legislation which is designed to be a bill of rights for business? It is a bill of wrongs. I hope that when the legislation is debated in the parliament, every member in this place who believes in the fundamental tenets of democracy and has a good look at that amendment bill, and seeks some advice

from people with expertise, will vote against the legislation and not buck pass their responsibility to the other place.

Finally, there is a request for additional funds of \$30 000 reflecting funding for the Brightside Farm Sanctuary greyhound adoption program. I take this opportunity to again thank Emma Haswell for everything she does for the voiceless, for the countless hours that she puts in to looking after animals and advocating for animal rights. It is a great thing that she got a small sum of money from the Government to try to rehome greyhounds which are the victims of a blood sport industry.

I am interested to know what happened to the pledge for all greyhounds to be rehomed by June or July this year? Mr Deputy Speaker, before you came into this place, in 2015 this House established a parliamentary inquiry into the greyhound racing industry and we heard overwhelmingly compelling evidence of the cruelty at the heart of this industry. I was the chair of that committee. I ended up being sacked as chair because I supported a ban on greyhound racing which I believe has very significant community support -

Mrs Rylah - You went out to the media.

Ms O'CONNOR - Mrs Rylah, I was asked to speak at a rally. I happened to be the chair and I was speaking about the welfare of greyhounds and supporting a ban on greyhound racing. I remind you, Mrs Rylah, in case you were not paying attention at the time, when your colleague Mr Barnett was the chair of the Triabunna inquiry, he went out into the media on an almost daily basis and he pre-empted the evidence that we would hear. He forecast his own personal views, put conspiracy theories out there which were truly, truly whacky, made multiple repeat comments on the issue of the sale of the Triabunna mill by a private company to a private company - completely inappropriate conduct as chair. He sent letters to people that he never bothered to check with the committee; bullied witnesses; and tried to stop me from asking questions in the inquiry. So do not give me your, 'You went out in the public to defend greyhounds, therefore you weren't fit to be Chair'. I certainly was fit to be Chair, but that is okay because I could not have supported the committee's report in the end anyway, because it was captured by the industry and both the Liberal and Labor parties were not prepared to support better protection for greyhounds, ultimately.

It will be interesting to see when Tasracing comes before GBEs next week what explanation they have for failing to rehome all the greyhounds, failing to fix tracks so we are not seeing those beautiful dogs injured by bad track designs, and their failure to be transparent about the life journey of greyhounds from whelping through to invariably premature death. It will also be really interesting to hear from Tasracing their response to the damning evidence that went to air on the *7.30 Report* before the Melbourne Cup that thoroughbreds born, bred, raised and raced in Tasmania are finding their way to an abattoir interstate to die the most terrifying deaths.

Tasracing has made no public statement since that allegation went to air on the *7.30 Report* a bit over a month ago. They have hidden from the media, refused to go on *ABC Mornings* to explain to the people of Tasmania what happens to racehorses after they have passed their use-by date. Yes, \$30 000 going to Brightside is a good spend. At least we know that the greyhounds in Emma Haswell's care will be well loved.

I will close by saying that this section 19 return was tabled in September. It is no surprise at all that the Government has not wanted to bring it on in the period of time since. It tells a damning story of a government that is underfunding its agencies, robbing Peter to pay Paul, and not adequately accounting for the accelerating impacts of climate change on Tasmanian people, our

communities and our natural environment. It is well past time that this Government took the threat of the climate emergency seriously and accounted for it in their financial planning.

[6.48 p.m.]

Ms O'BYRNE (Bass) - Mr Deputy Speaker, I will not take much of the House's time. The shadow treasurer has identified most of the questions we had. There are just a couple that were left over due to time constraints that I will put on the record and seek some advice and information of the Treasurer on.

I draw the Treasurer's attention to page 33 and the money allocated for the new northern prison. We are not really sure about the \$166 000 request for additional funds but it says that it is bringing that funding forward to 2018-19. It is unclear what that money is being spent on. I can only assume that this must be the money allocated for consultation. I am looking for some guidance from the Treasurer to know where to take this line of questioning. It could be for staffing or a host of other things in terms of how they may have got the land.

Mr O'Byrne - It was the flyers. They were printed last year and got stuck in somebody's car.

Ms O'BYRNE - It could have been for the flyers, particularly the flyer that went out suggesting there would be consultation after that consultation opportunity existed. It could have been for that, in which case we would all agree it is a phenomenal waste of taxpayer dollars. If that is the case, if we have actually spent that money on a glossy flyer that did not go out until after the time period identified in the flyer had closed, if it had been given to some agency to distribute, would the Treasurer be seeking that funding back from them because it was seriously sitting in a car for that period of time? Was it in the Treasurer's car for that period of time? Were one of the members for Lyons supposed to letter-drop it? I do not know why you would spend that amount of money and not distribute it in time.

It might not be what that money was spent on. It might have been other government funding that we will see in other requests for additional funding that will come before this House. As the former speaker mentioned, this is from June and clearly the Government has been propping up other challenges they have had since then which we will undoubtedly see at some stage, but we are sitting late on the last week of parliament to deal with matters that were assigned some time ago, possibly to avoid the scrutiny of this House. Far be it from me to suggest that this Government might not be utterly transparent, but what is clearly not clear in the issue of the northern prison is what the \$166 000 is for. Was it the fires? Is it for the consultation that is belatedly being undertaken? Is that consultation more expensive because you so badly mismanaged the process of engagement with the community? Could the Treasurer shine some light into the dismal and dark story of the identification of Westbury prison and the failure to consult with that community?

I cannot let it pass without reflecting on a letter in the paper. I only very quickly caught that letter but it was about the offence that residents of that community have taken from the way the Government has spoken about them. Perhaps the \$166 000 is to buy them all a gift to say sorry for treating them with such contempt and being so rude.

Ms O'Connor - No, they make no apologies. Remember?

Ms O'BYRNE - Sorry, they make no apologies. Then it clearly must be for the glossy flyer that did not go out in time, or the consultation you have to undertake because you could not do the

consultation further. If there is another area that this money is being spent on I look forward to the Treasurer identifying it.

To finish my last bit of contribution with a laugh, I would love to know more details about Laughs of Launnie.

Ms O'Connor - About what?

Ms O'BYRNE - On page 29 it says the \$120 000 reflects the funding for Laughs of Launnie Comedy Festival in March 2019. We raised this in Estimates and the Treasurer did respond. There were conversations at that time that the \$120 000 went to payment of artists and suppliers who were not paid by the festival management. Just by coincidence it appears to be exactly the same amount of money they asked for that they did not get, which indicates that there may have been a problem with their forward planning.

One of the things we do not know is how the agreement was done to fund the organisation. I would like the Treasurer to confirm whether we are now being asked to approve this funding. I am comfortable with that, because the reputational damage done to Tasmania by failing to pay some of our national artists was huge. That reputational damage was really quite difficult for us. Internationally well-regarded comedians were tearing their hair out and wiping their hands of ever coming to Tassie again for a festival if they do not get paid.

I get the payment. What I want to talk about and would like the Treasurer to identify is what happened to the original application? Is it true that Events Tasmania did not want to fund it because they did not think it stacked up? That is certainly the allegation I have received. Which area of State Growth decided to fund this if it was not out of Events funding? If it was not Events funding, who funded it? Can the Treasurer also update to make sure that everyone has been paid? I have had a call recently and am playing a bit of phone tag with that person to see whether they got paid. They may have, and I will come back to the Treasurer if they have not. What would be really useful is if we could see the original application in the contract. I think you are tabling those things and you can redact the private and commercial information within that.

It is interesting that the amount of money that they have to be bailed out by so neatly equates with the amount of money they requested the first time. It is interesting that it was not funded through Events Tasmania. It is interesting that we do not know which part of State Growth funded that. I look forward in the scrutiny that this parliament applies to returns under section 19 of the Public Account Act that we understand exactly what happened around Laughs of Launnie because of the reputational damage and the message it sends to other festivals.

What we do not want is opportunities being put up and funded by the Government with a view that it will be okay, they will be bailed out. What we do not want is for reputable festivals that do the work, do the planning and pay the artist to be damaged in any way by this kind of attitude. We need to have a better understanding of that because it is a significant decision and not one lightly taken to fund them. I understand why you have bailed them out. The damage that was done to the community was high. What I do not understand is how you got yourself into the mess in the first place.

[6.55 p.m.]

Mr GUTWEIN (Bass - Treasurer) - Mr Deputy Speaker, that was an interesting range of questions on a number of issues. I will not be able to answer some of them in the detail that you

are looking for because it will go to other ministers' portfolios. This is not Estimates and I do not have a team of advisers from those relevant departments behind me. I will do my best to answer what I can. I am happy to take on notice questions and provide further detail. I will deal with some of the high-level issues first of all and then try to work backwards.

Both members have raised climate change. The Government obviously takes its planning on these issues seriously. What we have attempted to do in the budgets that we have forecast moving forward is to ensure that we have had moderate surpluses and the capacity to respond. I should make very clear the national disaster relief arrangements that come into play and put the thresholds on the record, and also the fact that we do have disaster insurance. I think the excess is \$5 million and then we have disaster relief insurance for other buildings and assets should there be a major natural disaster.

Ms O'Connor - Treasurer, you would be aware, that insurance companies are increasingly restricting the kind of natural disaster coverage they will provide.

Mr GUTWEIN - Again, I make the point that that is in place, and I do not have the policy with me, but it is there. Then, there are also the national disaster relief arrangements. In broad terms, when we are able to claim for disaster relief from the federal government, we meet the first \$14.5 million, or thereabouts, of the claim. In between \$14.5 million and, broadly speaking, \$25 million, the Commonwealth will meet 50 per cent of the claim. Over the \$25 million-and-a-bit threshold, the Commonwealth then pays 75 per cent of the claim. So if there were to be a natural disaster and a cost of, say, \$100 million, the state's exposure would be in the \$30 million to \$35 million bracket because the Commonwealth would be on the hook for the rest subject to meeting the thresholds for -

Mr O'Byrne - But there is a knock-on effect for a whole range of other departments. That is not the total cost.

Mr GUTWEIN - A question was asked about the transfer of funds, some of which went to Forestry Tasmania, \$1.5 million, I think it was -

Ms O'Connor - Then there is another \$8.5 million, two other grants and subsidies.

Mr GUTWEIN - The other grants and subsidies were related to fires and they were the business grants and the emergency relief grants that were provided.

Mr O'Byrne - That was not done through the Tasmanian Development Board?

Ms O'Connor - Why is that coming out of the State Fire Commission?

Mr GUTWEIN - From a funding point of view, these matters are compiled and they form part of the overall package that we then go to the Commonwealth for, for the natural disaster relief arrangements.

Mr O'Byrne - Surely the business grants are coming from the Tasmanian Development Board? There were some programs that are administered out of State Growth.

Mr GUTWEIN - There are some programs, but I have been advised that these are the grants.

Ms O'Connor - That is bushfire funding coming out of the State Fire Commission to go to compensation for -

Mr O'Byrne - No, I think he is confusing us.

Mr GUTWEIN - It was the emergency relief assistance grants and the business disruption grants that were paid through that.

Mr O'Byrne - The money from the State Fire Commission went to Sustainable Timber -

Ms O'Connor - Yes, \$1.5 million of it was.

Mr GUTWEIN - There was an amount to Sustainable Timber for firefighting and there was an amount to grants.

In terms of our exposure in the event of a natural disaster, we take the view that in ensuring that we have some capacity within the budget, but we also have insurance and the national disaster relief arrangements to fall back on as well.

There was a range of questions on transfers. A vast majority were asked by the shadow treasurer. I am not in a position to explain each of those individually because they ranged across different agencies. I want to put clearly on the record that all of our secretaries - and they were under you, and they will be under future governments as well - are tasked with internally managing their budgets. They may have parts of their agency that have not expended all of their funds for whatever reason. It may be that they were looking to fill a position but they were not able to recruit. It may be that there were unspent grant funds or programs that were not able to be delivered for whatever reason. At the end of the year secretaries will look at each of the individual allocations and they will make decisions and they will transfer within those areas that are within their approval.

Many questions were asked in that area. The total amount of transfers which were in 10.1 and subsection 10.3 were the transfers that had no impact on the broader budget in secretaries managing their own budgets. These are mainly recurrent. The \$10.3 million is capital. They will make the decision to manage their own funds within their agency and fund those areas where they need to and where they have spare capacity. How spare capacity has been raised is a matter for the secretaries. But generally, as I said, it will be because a position was not filled, or it was a grant program that funding was not able to be paid out for in that financial year.

Ms O'Connor - It goes back in the service delivery though.

Mr GUTWEIN - In terms of secretaries managing their departments, and it happened under you, it is nothing new. It is what we would expect our secretaries to do.

Ms O'Connor - How does Health find \$2.8 million?

Mr GUTWEIN - You raise the \$2.8 million. You would be aware that the Department of Health and Human Services was split into the Department of Health and Department of Communities Tasmania. There was funding left within Health that should have been transferred to the new Department of Communities Tasmania.

Ms O'Connor - It described it as savings from Health.

Mr GUTWEIN - If you looked through all the transfers, they describe them as savings. In effect it is unspent capacity, or in the case of the one you raised regarding the Department of Health, it was one that should have been transferred with the Budget but wasn't.

Ms O'Connor - I still think you guys are going to rue the day you split the Health and Communities.

Mr GUTWEIN - That is your view. You can put them back together if you want.

Let me deal with the last two questions from the Deputy Leader of the Opposition. In terms of the prison, the note makes it clear that there was \$270 million across the forward Estimates beginning in the 2019-20 year. Obviously preliminary works were done on project scoping. There was a range of preliminary works that go on with capital projects of any size. That would probably have been, and I do not have the detail, I am happy to check, in terms of design and looking at the other aspects of a project of that size.

I can see the member winding up fear and loathing in the community, looking at me from her perch on the backbench.

Ms O'Connor - You have done a great job of that yourselves. By all means, make no apologies.

Mr GUTWEIN - As you would well be aware, the announcement of the preferred location and community consultation has occurred more recently than the last financial year.

Regarding the questions which I did take with good grace in terms of the political point that was attempting to be made, no, these were not in relation to brochures sitting in someone's car that were not delivered.

Ms O'Byrne - Who did pay for those? I reckon you should get your money back if they were not delivered.

Mr GUTWEIN - Thank you for your very unhelpful and unrequired advice.

I put on the record that whilst I know that you have an interest in playing the politics on this, Deputy Leader, at the end of the day it was good to work with you to be able to provide an outcome. The simple fact is that the Laughs of Launnie organisers did not get the people that they thought would turn up. That is the simple fact of the matter. What was a fantastic opportunity for Launceston it did not receive the level of patronage that was expected. Therefore, they ended up running at a loss. I would have to check the State Growth website, but I understand there was an RTI and I thought that the original application, their business plan, was all released some months ago.

Ms O'Byrne - If I have missed it then, Treasurer, I will apologise and go and have a look for that.

Mr GUTWEIN - Regarding the matters that you raised, I do not think it was an RTI request from your party, but it might have been *The Examiner* that looked for that information.

If I could just say and it was interesting, you touched on the point of a letter to *The Examiner* in respect of another matter: a letter that was written to *The Examiner* by one of the comedians who had attended, I think a guy from Queensland. He wrote to make the point that he was concerned, and saddened was broadly the way that he put it, by *The Examiner's* treatment of what was a genuine attempt to put on a world-class comedy festival that actually fell within that period when there were international comedians in the country and national comedians who were appearing at the South Australian Fringe Conference and would then be appearing at the Melbourne Comedy Festival. He said that it was a fantastic opportunity and to see the festival portrayed as not being successful he thought was concerning. As he put it, the opportunity for young Tasmanian comedians to share the stage, as they did, with some of the world's best and some of the nation's best comedians was priceless.

Obviously, we would have preferred that they were able to manage their expenditure within the confines of the initial grant and their budget but they were not. The Deputy Leader of the Opposition brought to my attention the concerns that were being raised with her and we then worked through that process and Mr Deputy Speaker, as you would have an interest in this I am sure, you asked whether everybody had been paid. To the best of my understanding everybody has been. Unfortunately, the simple fact is that they set their expectations too high; they had a rich offering but they never got the people to turn up, as they would have expected.

Ms O'Byrne - That is how Events Tas normally work. That is why I was asking who approved it because normally when Events Tas gets those things they look at how deliverable the opportunity might be for a festival. My understanding is that Events Tas were not keen on funding it.

Mr GUTWEIN - I can say that I acted on advice in terms of the initial level of funding and I think I made that clear at Estimates.

Ms O'Byrne - It was very early in our conversations.

Mr GUTWEIN - In terms of the initial level of advice and the initial level of funding, I acted on advice, as was made clear by Kim Evans who was with us on that day when you asked those questions. Regarding the outcome, it was unfortunate. I thank you for your assistance and willingness to work closely to ensure that we got an outcome at the end of the day in terms of payments.

The shadow treasurer asked for updates on a range of capital programs. Again, you understand with the timing of capital programs, you mentioned the Mowbray roundabout and if you have driven through Launceston lately, you would notice that they are working hammer and tongs on that.

Mr O'Byrne - They are late but they are on to it.

Mr GUTWEIN - With these capital programs and the start dates, you know that there is a range of matters that can affect them, weather being one of the principal ones. Where projects cannot start, transfers within portfolios can occur. Without even looking at section 19, I think it indicates that those funds were spent on northern road projects.

Tasmanians were getting the benefit of secretaries making decisions in concert with their ministers to ensure that works were undertaken.

You raised the matter of \$413 000 in the skills development area. Again, I do not have visibility as to why that funding was not spent but my understanding is that skills, including the significant amount of funding which is in the order of about \$118 million with a significant component for TasTAFE -

Mr O'Byrne - Yes, that is identified differently. This is in State Growth.

Mr GUTWEIN - State Growth administers the skills budget. I only have the headline figure of \$118 million of which in the current financial year, around \$90-odd million will be provided to TasTAFE, so it is a substantial bucket of money for skills.

At the end of the year, as I have indicated, if there are unallocated funds for whatever reason, they will be applied to other parts of the portfolio that secretaries work through to ensure they manage their funding accordingly.

Questions were asked about ministerial and parliamentary. The advice I have on that -

Ms O'Connor - You mean, you do not know?

Mr GUTWEIN - I do have some advice here on that. What I have in front of me is the Premier's QTB because it is his area: things that could not be budgeted for, including a large number of new and upgraded electorate offices right across the state, due to the state election. This is out of MPS, that is the advice that I have, the reason being that electorate offices which are administered by the Department of Premier and Cabinet, extra expenditure was also required for employment separation payments, for both resignation and termination payments to cover leave payouts and contractual arrangements.

Ms O'Connor - Can you disaggregate them?

Mr GUTWEIN - I am happy reading what I have but it may not provide you with the detail that you want. The additional funds of \$790 000 can be attributed to necessary upgrades to electorate offices, a limited number of ministerial and staff separation costs, and there are also some increases to allocations, noting that Labor and the Greens' increases come out of this as well. I do not have a breakdown with me of what you received.

Ms O'Connor - We got an extra \$100 000.

Mr GUTWEIN - It is interesting to run through them.

Ms O'Connor - You have to be transparent about that.

Mr GUTWEIN - I will not name individual members but in terms of that side of the House, one office had construction of security barriers, insulation, tenancy separation, office partitions, door locks, power, data cabling, and other office supply of insulation and CCTV, purchase of office equipment and furniture, construction of security barriers, signage, security, painting removals. Another office had office partitioning, power and data cabling and construction of security barriers. Another office had installation of security and CCTV and signage removals. Another office had installation of lights and furniture; another construction of security barriers, construction of a new meeting room and new carpet.

Mr O'Byrne - And all of that is out of the \$700 000?

Mr GUTWEIN - As I understand it, yes.

Ms O'Connor - Can you explain why that part of the extra allocation apparently comes out of Ministerial and Parliamentary Services and Ms Prosser's comes from a different line item under Legislative Council?

Mr GUTWEIN - In terms of the upgrades I have just explained out of MPS, they would show it under House of Assembly, so the House of Assembly was paying.

Ms O'Connor - Well, they haven't.

Mr GUTWEIN - No, they have not because MPS has paid for these. In terms of the Legislative Council -

Ms O'Connor - This is all really clear.

Mr Ferguson - There's a fair bit of tradition there.

Ms O'Connor - Is it because we're not as frightfully important?

Mr GUTWEIN - My advice from Treasury officials is that it is the long-established practice that House of Assembly upgrades and matters are dealt with through MPS. Legislative Council upgrades are dealt with through Legislative Council -

Ms O'Connor - They have their own special allocation, don't they?

Mr GUTWEIN - Look, we have had this -

Ms O'Connor - They do, because they got extra money for travel.

Mr GUTWEIN - I am not going to be drawn on the Legislative Council, but they deal with those matters that way.

Ms O'Connor - It's the frightfully important line item.

Mr GUTWEIN - In broad terms I have covered most of the matters that were raised. I will make the point that out of the \$118 million, roughly half of that was offset by other Commonwealth funding and I have been through the funding that was dealt with through transfers.

Mr O'Byrne - You haven't touched on the Basslink legal costs or the National Trust. I understand transfers but RAFs are a little bit different, aren't they?

Mr GUTWEIN - I am sorry for overlooking that. In terms of Basslink, it is important that we protect and pursue the Government's position with the owners of Basslink. It is an unfortunate statement of fact, as many lawyers in this room would understand, that there are costs associated with this.

Ms O'Connor - Some of us don't have law degrees, so you need to talk to us really slowly and carefully, and if necessary refer us upstairs.

Mr GUTWEIN - Lawyers cost a lot of money. We are seeking a claim from Basslink for the costs the state incurred and we are going through that process at the moment.

Mr O'Byrne - So you're going outside of government to get legal advice and that is why it's costing so much.

Mr GUTWEIN - In terms of the cable itself and the operation of the cable, whilst the Solicitor-General is engaged, specialist advice is required.

Mr O'Byrne - Is that the sum total? Is there any more coming?

Mr GUTWEIN - That would depend on how quickly the matter is brought to a conclusion.

Mr O'Byrne - Because it's ongoing after the financial year, so we're going into it at the moment?

Mr GUTWEIN - I am not going to speculate on what those costs may be. I am certain that you would have every interest that we pursue Basslink for all of our rights under the contract. The other matter you raised was the National Trust.

Ms O'Connor - The \$80 000 Piguénit sold without a process?

Mr GUTWEIN - No, that was a separate one.

Ms O'Connor - Did you ask them to raise their own money in return for the \$350 000 you gave them?

Mr GUTWEIN - In terms of the National Trust, I have a note here that I will refer to if I can find it.

Ms O'Connor - Did you ask or instruct the National Trust to sell some of its assets in order to pay for itself?

Mr GUTWEIN - Absolutely not.

Ms O'Connor - Were you forewarned of the Piguénit sale to one of your donors?

Mr GUTWEIN - Absolutely not. They are matters of administration within the National Trust and I think deaccession is the word for it.

Ms O'Connor - Deaccessioning?

Mr GUTWEIN - Deaccessioning.

Ms O'Connor - And they didn't consult with National Trust members or mention it at the AGM?

Mr GUTWEIN - Deaccessioning is a matter for National Trust.

Ms O'Connor - It possibly should be a matter for the Integrity Commission.

Mr GUTWEIN - The National Trust was seeking support and we provided \$350 000, as has been noted here. There were six properties the National Trust wanted to do some urgent and essential conservation and maintenance works on - Clarendon, Nile, Franklin at Youngtown, Oak Lodge, the Old Umbrella Shop, the Penitentiary Chapel and Runnymede. As both the minister for Heritage now and the Treasurer, I have a keen interest in what is occurring within the National Trust and I will work closely with them on these matters as we move forward.

In terms of the other matter that was raised, which I think was the funds that DPIPWE might have provided in terms of the new business plan for Woolmers, it became apparent during the year that Woolmers needed to restructure and consider its business plan moving forward. Over time members would be aware that there have been significant private funds provided to Woolmers, and I will correct this on *Hansard* if I am wrong but I think Nigel Peck was a major philanthropic supporter of Woolmers. There was a grant provided by the state government some years ago to develop the new restaurant and -

Ms O'Connor - Interpretation centre?

Mr GUTWEIN - Yes. Woolmers sought some support to go through an internal planning process and the government provided that support. With that, I commend the motion to the House.

Motion agreed to.

ADJOURNMENT

[7.23 p.m.]

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

That the House do now adjourn.

Aileen Atkins - Tribute

Madam Deputy Speaker, tonight I honour the life of a truly wonderful woman who I believe would be known to many members of this House, especially northern members, Aileen Atkins.

Aileen was born on 22 May 1922, the middle child of five born to Victor and Elvie Watts. Her childhood was busy with school and her spare time was spent helping with domestic and farm work. Life became harder for her family when the Depression hit. Aileen recalled many memories from her childhood days which she enjoyed sharing with people, including the story of how she got a scar on her hand after being bitten by a snake and her father lancing through the two puncture wounds and sucking the venom out. At 13 years of age she finished her formal education and later moved to Scottsdale for employment at the potato factory. She then worked at Kelsall and Kemp at Invermay on the weaving looms.

Aileen met her future husband, Ken, at a dance at the Hotel Tasmania in Charles Street. They were married on 4 October 1947 at St John's Church in Launceston and had three children together, David, Greg and Carolyn. Sadly, Ken passed away in 1981, far too young, followed by David in 1984, tragically and far too young.

Aileen was known for many things - her cooking, her hospitality, but especially her extraordinary community efforts. Let me share with the House the names of the organisations that the family have been able to collate and share with me. Aileen was a member, a founder, contributor or board member of many organisations over the years including the Country Women's Association, the Bible Society, the Mothers' Union, the Scout Association, Legacy, War Widows, Friends of the Library, the Historical Society, the Launceston School for Seniors, the Girls' Friendly Society, a disability organisation, Arthritis Foundation, the Victoria League, the Clifford Craig Medical Research Trust, the Leukemia Association, the Heart Foundation, the Women's Christian Temperance Union, the Anglican Board of Missions, the RSL Auxiliary, Royal Guide Dogs, the Macular Disease Foundation and Vision Australia.

I think there are others. Indeed, some of the names I mentioned are organisations that do not exist any more but in their time were mainstays of welfare and care in the northern and the state community.

Ms O'Connor - What a great woman.

Mr FERGUSON - A truly great woman. She was also a member of the Liberal Party for what I believe would amount to at least 50 years.

Aileen continued her outstanding work in the community into her 70s, 80s and 90s. In her 70s she saw a need for an independent living centre in Tasmania. She worked tirelessly on a committee with politicians and health professionals and achieved her goal of having an ILC set up in Launceston, the only one outside of a capital city. A room in the independent living centre in Launceston has been named after her - the Aileen Atkins Room.

Aileen's contribution to the community was such that she was awarded an Australia Day award by the Launceston City Council, which I feel quite sad about because as much as the value of those awards, knowing Aileen as I did and knowing of her legacy to our state, I believe that she ought to have been honoured in her living years with a much higher honour. Maybe there is a way to have that considered.

Aileen had three children, seven grandchildren and 14 great-grandchildren whom she loved and adored and I know they loved and adored her in return.

On Thursday 24 October at 97 years of age Aileen passed into glory and was reunited with her Ken and her David.

On a personal note as often happens to all members of this House, I am saddened to say that I was unable to attend her funeral to honour her life as parliament was sitting at the time.

I know Aileen's death will leave a huge hole in the lives of her family and also in the community which she so willingly and generously served. I say what a legacy that she has left behind. For many of us in this House and in the broader the community, I know that we can look on a life like this and consider how we too can better ourselves and live a life like that: a life of love, of

generosity, of kindness such as this, and in her inimitable modest and humble way, never seeking glory and indeed never looking for return other than a better and happier society. I know that that is her lasting legacy. Not only has she raised a wonderful family but she has left to my children an inheritance of a better state, a kinder state and a state that thinks of others.

I pay tribute to this wonderful woman, thank her in her passing for her life and for the wonderful generosity with which she lived and say thank you to her family for lending her to us for that time. Vale, Aileen Atkins.

Aileen Atkins - Tribute

Violence against Women

[7.29 p.m.]

Ms O'BYRNE (Bass) - I add my voice to yours, Mr Ferguson. Aileen Atkins was an incredible community contributor. We can all honour a life very well lived. I pass that on as well.

Madam Deputy Speaker, in the wake of the International Day of Elimination of Violence Against Women, I once again want to update the House on the number of women who have been killed in an act of family violence. I do this, unfortunately, too regularly in parliament. It is a devastating thing to have to do but I want to make the point that I source this from Destroy the Joint. I commend the research and the work that their volunteers do. When I talk about the now 50 women who have died - there may be more - the numbers we use are those who can be verified to a point of knowing that it was an act of family violence, that led to their death.

On 8 November a 67-year-old woman in Chambers Flat, Queensland was killed. On 10 November a 57-year-old woman in Berala, New South Wales, died. On 22 November a 76-year-old woman in Harnfield.

Every single life that we lose to violence is unacceptable but the continued rate of harm done to women and children at the hands of those whom they should love, be able to love, whom they have loved, whom they should be able to trust, is an indictment on all of us as a society.

I am happy at any time to talk about the social and cultural attitudes that give licence to violence. Ms O'Connor addressed some of that research today. There is a lot of research on our culture that gives permission and entitlement that leads to men's belief that they have the right to demand, to punish and to kill.

It is also important for us to ensure that our response to victims and those at risk is fast, that it is appropriate and it is properly funded. We raised this matter in question time today around the Family Violence Counselling Support Service, which I will touch on again later.

I asked in the matter of public importance about some of the demand and the way in which we are meeting demand within our support services for women in particular, who are the victims of, the survivors of, or at risk of continued family violence.

I talked today and asked the question about waiting numbers for our sexual assault support services. Former members of the service at Laurel House have told me they believed it might be as high as 85. I hope it is not but I am hoping that the Government will come back and tell me what

it is. I do not know what the figures are in Hobart. I have heard large figures before but I have not heard them recently.

What we all need to know, is what the waiting times are, the amount of time that people are waiting for services within our sexual assault support services. We also want to know how long people are waiting and how many people are waiting for access to our women's crisis centres, our places where we house those women who are fleeing violence. The point of leaving violence is the most dangerous time. If you cannot get into those services, then it is really frightening.

I have one constituent who was told that she could get into the service in Launceston in four weeks' time with her young children. They said, it is okay, we can get you in a shorter period of time in Hobart. That is fine. She could have gone to Hobart but how would her children get to school? It is not a reasonable response to the pressures she was facing. It took an inordinately long time for us to find her safe housing that she could sustainably live in with her children to provide them more than the car and the tent she was living in at one of the local camping grounds.

I want the Premier to tell us how long people are waiting for access to women's legal services. That is often the way that people safely exit a circumstance. The waiting lists and waiting times are long for those services. If you need that support and you need that advice, you need it then.

It is also one of those issues of power, control and entitlement that is used against women. They have not got the capacity to seek legal advice and legal processes they need in order to manage their circumstance, so how long are they waiting for?

Of the many people on the public housing list, how many of those are women who are waiting for a home because they are fleeing family violence? It matters because I brought to this House and I took to the minister recently, a case of a woman who left her husband because of violence, with her young children. She could not find a place for them to all to be. One of her children had to go to a former partner. She and the children were cramped into an unaffordable expensive caravan park, where the rates are higher in school holidays. It was unsustainable.

I asked then what we were going to do. She was only category 2. If the most dangerous point in time of leaving a violent relationship is when you go leave, how dangerous when you go back because you cannot afford to live outside it? Do you know what happened to that women? She went back and she got beaten up and she had her child taken away. Finally, she is in some safe housing. She should not have had to go through that because we could not, as a state, respond to her needs. These are the obligations that we have.

It all leads to concern even though we are doing new programs and putting in new initiatives - and I am not saying that they are bad. Many of them are absolutely worthy, and worthy of support of the members of these Houses. If at the same time we are fundamentally failing to support the need and the base of those services that are not new, because there is no announcement in it, because it is the only one, or 'I am the first', or if you cannot make an announcement out of it and we continue to underfund them, then we are failing these people. We give them the messages about how clearly we are supportive of those services and how much we want them to be safe. Then when they seek support, we do not provide it. That leads me to the issue of the Family Violence Counselling and Support Service, which we did raise today, because it does matter, it is important. Under-funding it matters.

We know that, historically, Liberal governments have a bit of a plan that they do when they want to get rid of something. First of all, they underfund it, then they make sure everybody sees that it is underfunded, then they review it and they say that clearly, it does not work, and they close it. We have seen it with the federal Liberals time and time again, and we will continue to see it.

There is now a review into the Family Violence Counselling and Support Service here, and do not think, for a moment, that that review is about anything else than attempting to shut it down, outsource it, privatise it, or give it to a non-government body, but not make it a state government responsibility any more.

It is impossible to review the effectiveness of a service that is not funded properly and I urge the Government to fund it properly.

Time expired.

Northern Regional Prison - Public Meetings

[7.41 p.m.]

Ms BUTLER (Lyons) - Madam Deputy Speaker, I draw the House's attention to Emma Hamilton from Westbury who has been here all day. She will be here all day tomorrow, as well.

Today, the Minister for Corrections put out a press release stating her intention to hold individual public meetings over three days with the people of the Meander Valley in relation to the proposed maximum security prison in Westbury.

This is a contravention of the commitment that the minister gave to the people of Westbury who she met with on 2 November.

To enable context, I will provide the build-up to the meeting on 2 November at the Green Door Café. The group of residents did not wish to speak with the minister unless they were given a commitment by the minister that she would attend a public meeting with the whole community. The group spoke to Mr Guy Barnett on two occasions prior to this meeting to reiterate their conditions. They did not want their meeting with the minister to be a simple tick in the box for the Government. They wanted a plausible outcome.

I quote a message from the group to the minister prior to the meeting, and it reads:

May I speak to you, Minister Archer. This is not a WRAP meeting. We are here as individual community members. Before we meet with you, we would like the commitment from you, please, that you will come back to Westbury within a month, and with at least a week's notice, to a public meeting with the whole community.

If you are unable to give us this commitment, I am sorry but we are unable to speak with you today.

That is a document.

The group was firm and in front of Mr Guy Barnett, John Tucker and Mark Shelton, this commitment was made. Today the minister denied that she had promised concerned community members that she would return in December to attend an open public meeting, organised by the group, in a public forum, to be attended by anyone who wanted to be there. The minister is stating that she did not make this commitment. This is a blatant mistruth and all community people in attendance would be willing to swear evidence to the contrary. The group is utterly appalled that not only has the minister backed down on this commitment but, further, that the minister has not told the truth about having made that commitment.

In correspondence I have received from the group of people who attended the meeting on 2 November, they state:

She is the Attorney-General and has completely undermined our faith in the justice system. If one of the chief law officers in the state can blatantly lie, where does this leave our legal system?

In short, the public forum was to enable the whole community to hear from the minister why their township was chosen. The Residents Against the Prison group put out a media release this afternoon, 26 November 2019.

On 2 November 2019, the Honourable Elise Archer MP met with a group of concerned Westbury residents in a private setting in Westbury.

The residents who met with the minister agreed to do so on condition that she gave a commitment to return to Westbury to attend a meeting in a public forum open to all members of the community, organised by residents, once the minister advised on a convenient date.

Minister Archer gave that commitment to residents at the meeting and records were kept of that commitment.

Residents have since repeatedly asked the minister for the dates on which she intended to return to Westbury to attend the open meeting.

Just this afternoon, the minister has denied she even made such a commitment. She has stated that her commitment was to attend the proposed 10-minute drop in sessions instead. This is completely disingenuous. The commitment given by the minister was to attend a single meeting in an open public forum so that all community could attend. Residents to whom she made this commitment are utterly appalled, and I quote:

We are quite simply shocked that the minister gave her word on 2 November to attend a meeting in a public forum in Westbury, but in the next breath has denied having made that commitment. In essence, she is accusing the residents who met with her of being liars.

This was said by Linda Poulton, president of WRAP, who was present at that meeting, as was Emma, who is here in the House today. The minister's denial of the commitment she gave on 2 November is a complete and utter disgrace. As Attorney-General she is one of the most senior law officers in this state. We expect much greater ethical standards from our elected representatives and in particular from the Attorney-General. This whole incident raises grave concerns for the administration of the justice system under the minister, Ms Archer. We have absolutely no faith in the minister moving forward. The WRAP intends to organise a public meeting before Christmas

despite the fact that the minister today says she has no intention of attending it. I quote from the group:

We will not let the minister's reprehensible backdown from her commitment prevent the public from coming together to voice its continuing concerns over this appalling proposal.

Halls Island, Lake Malbena

[7.41 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Deputy Speaker, I want to talk about a place that is dear to fly-fishers, to bushwalkers and to conservationists and which has been privatised, that is Halls Island and Lake Malbena, and Reg Hall's hut. We are talking here about a public hut on a public island on public land which has been privatised.

I have here a letter from the general manager of the Parks and Wildlife Service, Mr Jason Jacobi to Mr Nicholas Sawyer from the Tasmanian National Parks Association, which takes us through some of the history of these two leases that were gifted to Daniel Hackett. The first lease was a temporary non-commercial lease over Reg Hall's hut in 1957. In 1980, according to this letter, a family member of the licensee took over this agreement. The licensee then agreed for the current agreement holder to take up the licence and use of the hut in 2016.

Daniel Hackett has been given two leases: one over the hut, and one over the entirety of Halls Island at Lake Malbena inside the Walls of Jerusalem National Park in the Tasmanian Wilderness World Heritage Area. Mr Jacobi says:

I am advised that the agreement holder is currently working to enable organised public access to the non-commercial lease area, being the hut. The commercial lease over the remainder of the island is contingent on the development obtaining all necessary approvals. If those approvals are secured, the lease affords the operator exclusive use.

That is privatisation. What do we have on Halls Island at the moment? What we have on Halls Island is a camera set up in the trees. There is a picture of the camera. Are there any other such cameras in Tasmania's protected areas? Of course, the explanation from the minister's office is that cameras have been installed on the island to monitor and manage the natural values. I call that rubbish. That is rubbish. Are there any cameras anywhere else in the Tasmanian Wilderness World Heritage Area managing natural values in that manner? What is this? This is a motorboat that is parked in Lake Malbena near Halls Island. For *Hansard* purposes I am describing an actual motorboat that is covered in plastic that has clearly been chopped in to Halls Island.

Mr Ferguson - It is called a boat cover.

Ms O'CONNOR - There is a boat under there, Mr Ferguson, but if you want to deflect you go right ahead.

What we have now is an island that has been gifted to a single private proponent. We do not know the lease arrangements because they are not public but we know that each of these leases was transferred for the cost of \$1 and we know that the lease fee is - and I read now from the Crown licence letter:

In the interim the original rental is still payable. Please find attached an invoice for the rental owing from 1 September 2016 to 31 August 2017, totalling -

The figure is redacted but definitely not more than a three-figure sum.

On 7 and 8 December this year, people who love Halls Island, people who have been going there for generations for the quiet enjoyment of Tasmania's wilderness and a bit of fly fishing, want to go in to reclaim Malbena, and around 400 people have apparently signed up to go into there to reclaim Halls Island in Lake Malbena. They have written to Parks about it and what a surprise, Parks has said, 'Well, we're not going to give you permission to go to Halls Island and you'll have to talk to the lessee, Mr Daniel Hackett'. Now we have to get permission from a private operator to go into our own national park to an island that has been fished by people for generations and where bushwalkers have been going for decades. Now we have to get permission from Mr Daniel Hackett, who was gifted a lease over the entire island.

If the minister for Parks wants to understand why people are so furious with him, including many Liberal voters, he needs to have a think about that. The Parks and Wildlife Service is saying to the people who own that place, and this includes Aboriginal and non-Aboriginal Tasmanians, 'No, you can't go there without Mr Hackett's permission' inside the Tasmanian Wilderness World Heritage Area. That is a scandal.

We want to know why there is a boat now parked at Halls Island. We want the minister to understand that when his agency says to bushwalkers and flyfishers, 'Go and ask Mr Hackett for permission', that is completely unacceptable. In the Parks correspondence they talk about a lease arrangement but we do not get to see the leases, do we? No, because it was all stitched up behind closed doors through the Office of the Coordinator-General where this one person and one company, Wild Drake Pty Ltd, has been gifted a heritage hut and an island in the Tasmanian Wilderness World Heritage Area.

That is not bad work if you can get it, if you can front up to this Government and say, 'I've got an idea for a public place', and they just gift it to as they have gifted the Bruny Island Lighthouse.

Shame on them. Halls Island belongs to the people. The Walls of Jerusalem National Park belongs to the people, as does the Tasmanian Wilderness World Heritage Area. This theft of our common wealth will not stand because the constituency that is furious about this privatisation of public assets is growing by the day and people who are furious about degradation of wilderness values grows exponentially with it.

Time expired.

Tasmanian Minerals, Manufacturing and Energy Council - AGM

Better with Balance Challenge

[7.48 p.m.]

Mrs RYLAH (Braddon) - Madam Deputy Speaker, on 15 November I had the privilege to attend what sounds perhaps not so inspiring but it was absolutely inspiring, and that was the Tasmanian Minerals, Manufacturing and Energy Council's AGM. This event brought together more than 40 people from all sectors across exploration, mining, minerals, processing and the energy-intensive manufacturing industries in Tasmania. It was inspiring and I found it uplifting. I want to

share with the House a summary of the work and the input that TMEC has done over the last year because what they have given to the Tasmanian community is amazing.

There are three key areas for TMEC - the acceleration of occupational health and safety matters which goes to things like reviewing the acts and regulations; the promotion of health and wellbeing which is an amazing thing; and emergency responsiveness.

The first event I want to talk about for them is under this heading of emergency responsiveness. The Tasmanian mining emergency response competition is amazing. It is the major event for showcasing excellence and sharing knowledge in the emergency space for the mining sector and showcases the optimum approach to critical incident response management. I congratulate TMEC. The event was held at MMG this year and I doff my hat to all the participants in that particular event. It is an amazing event if you ever get an opportunity to see it.

The second area is their acceleration of state infrastructure for which they are lobbying in a couple of key areas. One is in energy and they reported on the productive relationship they have with Hydro Tas, TasNetworks and the successful submission to the Australian Energy Regulator which has contributed to the lowering of forecast transmission charges in the state. Good work overall for the state.

In freight, TMEC is a member of the freight and logistics committee and we have had in the last year the TFES improvement for the mining sector in Tasmania as a state. That has been valuable Commonwealth money coming to the state. They are working closely with TasRail to maximise the ship loading rates via the Burnie port and at the weekend we saw the collapsing of the old crane which is getting ready for the new ship-loading facilities because the Port of Burnie is really developing very rapidly. I congratulate TMEC on that.

The third area is the Acceleration of People Matter. They have a collaboration under the Centre of Excellence in Burnie, or the old TAFE building as some people might know it. They talk about it as facilitating conversations and collaborations and creating and enhancing partnerships to support manufacturing in Tasmania with world-class training and technologies. I think I have spoken in the House before of the simulated work environment, or SWE, and the partnership with Elphinstone Productivity Improvements and TMEC that is doing an amazing job there. There have been over 1000 participants through that centre in that particular course in the last year. This is world-class training and world-leading technology, virtual welding effectively.

The next area under the people category is the skills development and the strong relationship they have developed with Skills Tasmania and State Growth. The welding skills in training and technology and leadership, TasTAFE and the UTAS partnership and the TMEC and TasTAFE pilot is considerable, and with a maritime upskilling of welders program it is opening up new opportunities for Tasmanian welders and a Tasmanian industry, in particular polar work and our work in the defence sector. There are great things happening in that space.

There is also career awareness in fabrication so that by 2020 these virtual welders will have been in every secondary school in Tasmania. It is terrific work they are doing. They are accessing our bigger talent pool for future employees. They are promoting women in resources awards and the voice of industry was a community promotion they did and which I attended with football at West Park. It was very well attended with an amazing number of people there, in fact hundreds, and a great way of seeing the mining industry contributing and seeing the big yellow machines in

the background at the footy game. I want to congratulate TMEC for the absolutely amazing job they are doing.

In closing I want to mention the Tassie's Better with Balance Challenge. This event has just been held and is a multi-sport event where people run along roads and go through chest-deep snow et cetera to get from the north of the state down to Cockle Creek. This is about fundraising but most importantly it is about mental health and highlighting that life is better with balance but along the way they were raising over \$20 000 for diabetes research.

I commend TMEC for the great work that they are doing. I acknowledge the significant work done by the event organisers and in particular the board of directors, Ben Maynard, president, Ray Mostogl, CEO, and Alison Hilder, for an outstanding evening and all the great work. May they long continue.

Grade 10 Graduation - St Virgil's College

[7.55 p.m.]

Ms OGILVIE (Clark) - Madam Deputy Speaker, I am rising to inform the House that I have had the best day ever. Whilst we have been in here having lots of debates about things that matter, what has really been happening out there is that my son, in grade 10, together with his friends, all of the grade 10s at St Virgil's College, have celebrated their leavers from that great school. Most of them have been there right through from the very beginning.

You would have seen what looked like a flock of blue blazers out on the lawns at 4.30 p.m. under the watchful eye of the statue of the august A G Ogilvie, former Labor premier of Tasmania. It is his great grandnephew. One Tom Doyle, my son, who together with his little friends from school, is now a grown man in grade 10 and graduated.

We have had a long tradition and association with that wonderful school. Brilliant teachers and brilliant students. The sport, the fun, the good times and rowing, head of the river. My uncle Charles Northam also went through St Virgil's College along with Hugh Northam and Paul Northam. All have grown up and are now grandparents themselves and have a good connection with the decency and the values that are taught at that school.

I lay on the record how proud we are of our sons, and how well they have done, no matter where they go onto from grade 10. Indeed, they will head off to different schools, Guildford Young being one where a lot go but they will also attend EMC, Rosny, HMC and various other schools.

I think about the discos in grade 5 when they were all so small and the socials they had with their friends from St Marys and Mt Carmel. Even the Fahan girls got a look in at one stage as well.

I have particularly fond memories of the music program at St Virgil's. I give a call-out to the music teachers. I recall one day going to see one of their new buildings which was a beautiful music studio. In that building all the boys were learning to drum but they were learning it by live-feed from the Edmund Rice School in Africa. They were drumming in unison across continents. It makes me quite emotional. It was a very beautiful moment.

There is nothing that can kill my vibe today. It does not matter what goes on in here. Real life out there matters. We are looking forward to the restoration of St Virgil's College up to Matric so

they can take on those terrible Hutchins boys full bore as we used to do. I wish all the best to everybody who has put so much effort into getting those young, beautiful men through and looking forward to no longer having to provide lunch boxes for my now 16-year-old or probably even iron his school shirts.

National Training Awards

[7.58 p.m.]

Mr ROCKLIFF (Braddon - Minister for Education and Training) - Madam Deputy Speaker, I rise to congratulate the Tasmanian finalists and winners of last week's National Training Awards.

I was very fortunate to attend the awards in Brisbane last Thursday night. It was a tremendous experience. We heard really heart-warming stories of courage, passion and determination of how vocational training has helped anchor and shape lives. Many people who spoke conveyed that their experience with vocational education and training was a life-changing event.

The Australian Training Awards are the highest recognition of excellence in VET training in the country. I will acknowledge our Tasmanian winners. We had a terrific night. We had the most successful awards night for Tasmanians in over a decade, which was fantastic.

Stephen Witkowski won the Australian Trainee of the Year. Stephen's interests in the aquatic environment has seen him in roles and studies all over Australia. What he gained from a certificate III was practical skills beyond his academic studies. Stephen works as an environment partner with Tassal and chose the salmon industry. In Stephen's own words -

I genuinely believe that pursuing a world where sustainability is paramount whilst acting in a role that can elicit real change is the best way to create a lasting legacy.

Debra Guntrip won the award for Excellence in Language, Literacy and Numeracy Practice. Debra is a literacy specialist who has been working in the language, literacy and numeracy field for more than 20 years and is engaged in the delivery of LLN skills to employees through the 26 Ten funded grants. Debra's skills, experience and a flexible knowledge allow her to meet both employer and employee needs. Debra ensures businesses are equipped to support their staff and equips individuals with skills for career progression and fulfilling lives.

I congratulate Crusader Homes who won the small employer of the year award. Crusader Homes is a family business with a vision to build low-cost high quality homes in the Derwent Valley. They aim to give young apprentices an enjoyable and high-achieving experience and never have the apprentices be out of pocket for their education, which is terrific. Crusader Homes employs locally so the people who live in their hometown have a greater opportunity to prosper. It was fantastic to see the excitement on their faces when their success was announced.

I congratulate the Circular Head Christian School. They won the School Pathways to VET award. That was very exciting. Circular Head Christian School was an early learning to year 12 co-independent school in north-west Tasmania. It provides learning opportunities in years 10 to 12. The pathways specifically focused on each student. The school's VET program is unique. It begins its pathway-focused learning by expecting every year 10 student to commence a certificate course in an area of interest, or that has transferrable skills connected to their pathway plan.

I had the pleasure of learning more about their aquaculture courses. I visited there some 12 months or so ago and we went out to an oyster lease. It was also pleasing that I went there with students not only from Circular Head Christian School but their great collaborators Smithton High School in the program. It was a great example of Circular Head getting together and collaborating in the best interests of the people who live there, particularly the young people.

The model incorporates two businesses that are owned and operated by the school at the Roaring Forties Oyster Farm and Edutech ICT.

Congratulations again to all our winners. This was Tasmania's best performance in 10 years, which is fantastic. Their success is a result of our fantastic teachers, private training providers and staff of our public training provider Tas TAFE who made this success possible. Well done to all of those who played a role in shaping this year's finalists and winners.

I would also like to quickly mention Marek Porter who was a finalist in the Apprentice of the Year category which is a great endorsement in itself. Marek was also a winner on the same night at a different awards ceremony in Brisbane. He won the National Industrial Award at the National Electrical and Communications Association, NECA, apprentice awards being held not far away. Marek took out the National Industrial Award against a field of 4000 apprentices, which is fantastic in recognition of his outstanding performance and commitment to the electrotechnology industry and two national award ceremonies in one night. That is just fantastic and amazing work from Marek.

Our training system is helping our students to achieve outstanding educational outcomes. I congratulate all involved; it was a truly great result.

Poppy Lupatniuk - Tribute

[8.04 p.m.]

Ms HADDAD (Clark) - Madam Deputy Speaker, tonight I wanted to tell the parliament a little bit about a remarkable woman name Poppy Lupatniuk. I first heard about Poppy from my colleague, the member for Pembroke, Jo Siejka, in the upper House of this place. She shared much of Poppy's story with me recently.

Poppy is now aged 93 and has lived in the electorate of Pembroke for most of her life. For all her adult life she has been a tireless advocate for her community. After her childhood spent on Tasmania's north-west coast in the 1920s and 1930s, Poppy settled on Hobart's eastern shore with her husband where they raised four children in the 1960s. The family home they raised their children in was built near the old Howrah tip site. The tip was an active one for much of the time she lived there. On moving in, Poppy and her family, along with the families of her neighbours, believed and trusted government information that the area around the tip site was safe to build on and was not toxic.

However, Poppy soon realised that their home was in a place that was neither healthy nor safe. Despite the assurances that the land was safe, a large number of illnesses and cancers began to occur among the residents of a small number of streets. In a short period of time and over a small area, a high number of illnesses, including brain tumours, rare cancers, immune and other diseases killed many people in the area. Using a map of the area, Poppy showed my colleague, Jo, and pointed out

an alarming number of homes in which she witnessed multiple and rare illnesses. Poppy did a lot of research and believed that the area constituted a cancer cluster.

Poppy's family was directly affected. Her son, Peter, was diagnosed with acute myeloid leukaemia when he was just nine years old. He went into remission at 14 but sadly, 15 years later the leukaemia returned, along with a brain tumour. Poppy's grandson, Tim, was diagnosed with a million to one brain tumour at only five years of age. His illness was complex and difficult to treat and he passed away at age 21.

Another family who were close neighbours, the Kerslakes, lost a father to non-Hodgkins lymphoma, mother to ovarian cancer, son to brain tumours and kidney disease and a daughter to kidney disease. Another former resident of this house also suffered ovarian cancer and only a few houses down the street a man died from non-Hodgkins lymphoma. Many more residents of the two small streets around the site also died of cancer.

Poppy began to document, research and investigate what had occurred. She found out that the small domestic landfill that operated in the area in the 1960s and 1970s was approved and sanctioned by health authorities. The chair of the then Clarence Commission stated that there would be no danger to health and the use of the landfill would be strictly controlled but 20 years later in 2002, a government report found that the tip had been an uncontrolled site from the beginning and during its operation many oil and other dangerous substance disposals were made, unknown to most people.

An investigation was conducted by a consultancy firm but Poppy believes that when testing was conducted for that investigation it was likely they were not made aware of the nature of the dumping that once went on at the site. Residents say that pretty much everything went into the landfill back then. After some media attention, at one point there was a government study commissioned in 1999. This study used information from the Tasmanian Cancer Registry but Poppy believes that because some of the cancers took years to develop and the registry does not necessarily track the movements of people who die of cancer to ascertain when they may have contracted their illnesses, the study may not have had all the information it needed.

During her community advocacy, Poppy submitted information on the cancer deaths she knew about, the house numbers and the dates of the deaths and the movements of the occupants as much as possible to the best of her knowledge. Poppy said she had been in contact with almost every Hobart politician over the years but felt brushed aside. She feels her concerns were not investigated and, despite her research, she was told there had been no more health problems in that area or anywhere nearby.

When she was in her 70s, Poppy published a book about her life and her search for answers called *Tomorrow's Children*. The introduction of the book was written by well-respected former ABC journalist, Judy Tierney, who wrote:

This book will remain a burning reminder to the bureaucrats that they are not always right and that people closest to a problem, with personal investment, can indeed have a greater understanding of the facts and their consequences.

Now 93, Poppy continues to raise awareness of the impact of toxic dumping in the area. All these decades later, the site is considered not to be contaminated any more and with many families moving in to the area, it does not appear that the illnesses are occurring at the rate Poppy witnessed

in the past. However, this should not diminish the experience of Poppy's family and her neighbours. Poppy is not seeking compensation. She simply wants to know that the illness, suffering and death she witnessed does not go unnoticed or in vain. Poppy said, and I quote:

I would like to see the Government publicly acknowledge that these cancers and serious illnesses did occur in our small community of mainly two streets and that the Cancer Registry make the cancer deaths in this area publicly available to very concerned researchers and residents.

Poppy reminds us that mistakes of the past should not be needlessly repeated and the need for responsibility to be taken for damaging actions, even when they occurred in the past.

I wanted to take the opportunity to add those words to the *Hansard* here in the lower House on behalf of my colleague, Jo, who spoke in the other place about Poppy's experience and to wish Poppy, now 93, and her family, all the very best for the future.

Members - Hear, hear.

The House adjourned at 8.10 p.m.