

30 April 2020



PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Thursday 30 April 2020

REVISED EDITION

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The President, **Mr Farrell**, took the Chair at 2.30 p.m., acknowledged the Traditional People and read Prayers.

MESSAGE FROM THE GOVERNOR

Proclamation

The Clerk read the following Message:

WHEREAS the sittings of the House of Assembly and of the Legislative Council of the Parliament of Tasmania now stand adjourned until 18 August 2020 And whereas it is desirable that the said Parliament should be called together for the despatch of business before the expiration of such adjournment: Now therefore I, PROFESSOR THE HONOURABLE KATE WARNER, Companion of the Order of Australia, Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, in pursuance of the power and authority vested in me by the *Constitution Act 1934*, do declare that the said Parliament shall meet for the despatch of business on 30 April 2020, at 10:00 am in the House of Assembly of the said Parliament, and at 2:30 pm in the Legislative Council of the said Parliament, situated in the City of Hobart, in Tasmania, and the Members of the said Parliament are hereby required to give their attendance at the time and place accordingly.

GIVEN under my hand at Hobart in Tasmania on 21 April 2020.

C. WARNER, Governor.

By Her Excellency's Command,

PETER GUTWEIN, Premier.

QUESTION UPON NOTICE

Mrs Hiscutt (by leave) tabled and incorporated the answer to question upon notice No. 28.

28. SURGICAL SERVICES - REDUCTION

Ms ARMITAGE asked a question of the Leader of the Government in the Legislative Council -

- (1) Despite the Government's claims of record funding growth resulting in 'the second highest rate of any state in Australia', why has there been a reduction of 17 per cent in surgical services in Tasmania during 2019?
- (2) As a corollary of the first question, the reduction in surgical services has caused a commensurate rise in waiting lists. What is the Government's plan to address the elective surgery waiting list, when it is clear that allocating greater portions of the state budget does not seem to be addressing the problem?
- (3) Launceston General Hospital - LGH - has lost training accreditation in medicine and emergency medicine in recent years. With the reduction of surgical activity and only complex cases being performed, as opposed to the more 'typical' cases from which trainees can best learn, there is concern over ongoing training accreditation in the very near future. What is the Government's plan to ensure no additional training is lost in Tasmania?
- (4) What specific plans does the Government have in place to leverage opportunities being presented to the health sector in northern Tasmania, given the significant health and training projects that are underway, such as the University of Tasmania redevelopment and the hospital co-location project?
- (5) What are the Government's plans to attract and retain talented and able health professionals to Tasmania in the years ahead?

ANSWER

The incorporated answer read as follows -

(1) and (2)

The health and wellbeing of Tasmanians continues to be our number one priority as we face the challenges presented by the COVID-19 pandemic.

We acknowledge there has been growing demand across our health system for some time, including elective surgery. This is borne out in the number of people added to the waiting list during the last financial year, which is up more than 3000 people when compared with just five years ago.

This is exactly why the Government fought so hard to have the federal government bring forward funding for more elective surgery and more endoscopies. This \$20 million of funding, agreed to in December, will help thousands of Tasmanians to get elective surgeries and endoscopies, and help patients who have been waiting the longest receive treatment more quickly.

This funding continues to build on our investments over the past five years, with more than \$100 million of additional state-based funding - as well as significant Commonwealth funding - which has delivered improvements to waiting times.

Unfortunately, due to the impacts of COVID-19, we are not yet in the position to return to normal elective surgery levels. There will be a gradual, progressive restart to our surgical program, and we are now working through our surgery plans and capacity with local hospital management and senior clinicians, as well as the private sector.

- (3) The Government values the important role that medical trainees provide in our health system. Trainees not only provide valuable services to patients, they are also training to be the specialty workforce of the future.

We also know that investing in training locally means that the Tasmanian community is more likely to be able to recruit the medical specialty workforce.

The Government will continue to work through the Department of Health and the Tasmanian Health Service on issues of accreditation to ensure that we get the balance right between providing services, training and educating the workforce of the future.

- (4) Although this project has been delayed due to COVID-19, the Launceston General Hospital Masterplan and associated clinical services planning are key parts of our broader commitment to growing health services in the north and planning for our future.

This work will set out a clear path for the future of health facilities in the LGH precinct and inform the delivery of future health services. Public submissions for the LGH Masterplan have been received, with further work and a community forum planned for the period following the COVID-19 response.

More broadly, the developing health precinct in northern Tasmania provides an opportunity to work more closely with the university and the private sector to build our training capacity in the north.

We know that attracting and retaining medical practitioners to live and work in regional centres can be difficult, and that providing high-quality education and training opportunities is a key factor in improving this.

Providing employment opportunities that allow medical practitioners to work across the public sector and the private sector and with educational institutions can often be a drawcard and assist in recruiting to specialty positions.

- (5) This Government has established the Health Workforce Planning Unit which is looking at how best we attract and retain the health professionals Tasmania needs to continue to provide high-class health services to the community.

The Department of Health, Tasmanian Health Service and clinicians meet regularly with the University of Tasmania College of Health and Medicine staff to discuss ways to improve our medical school program.

Similarly, there is ongoing close dialogue with the medical colleges in relation to our training programs in Tasmania.

MOTION

Suspension of Standing Orders - Extension of Questions

[2.35 p.m.]

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

That so much of standing order 49 be suspended for this day's sitting to allow a period of one hour for questions without notice.

Mr President, as members would know we have had an unprecedented number of questions - mostly health-related. Over 27 questions have come in, and I believe a couple have come in just within the last hour. We have not been able to answer all of the questions but we have endeavoured to get as many as we can and have extended the time hopefully to do that.

Many of these questions are also multilayered, and, as members would be aware, the Health department is under extreme pressure, so it has done the best it can.

To this end, the Health department has offered a briefing to bring members up to date, which we will organise probably for next Thursday, but the time is yet to be determined.

Ms FORREST (Murchison) - Mr President, on that point, I assume that the questions we have answers for have been distributed. If they have not all been answered within the hour, would you, Mr President, use your discretion to extend time until they have all been answered because today is the only day we are here?

Mr PRESIDENT - We will see how we go with the questions we have. There may be other questions directed to the minister as well, so we will take it as it comes. We will see how we go with an hour. There is no tremendous pressure at the moment because we are still waiting for the legislation to come from the other place. I am sure we can accommodate that.

Mrs Hiscutt - Mr President, I would like to prioritise COVID-related questions. I will table others we have answers for.

Motion agreed to.

QUESTIONS

COVID-19 - Arrival in North-West Tasmania

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

(1) Where in Tasmania was the first identified case of COVID-19?

- (2) What was the source of the COVID-19 transmission that led to the virus arriving in north-west Tasmania?
- (3) Were there any known or reported breaches of our border quarantine processes? If so, what ports of entry to the state?

Mr President, these questions were put to the Leader a few days ago and prior to the release of the report into the outbreak in north-west Tasmania, so no doubt some of them are covered in that.

ANSWER

Mr President, I thank the member for Murchison for her question. We are trying to get through as many questions as we can because the answer might be different tomorrow.

- (1) The first identified case was in Launceston.
- (2) As noted by Dr Veitch in the COVID-19 North West Regional Hospital Outbreak Interim Report -

the original source of infection in this outbreak was most likely to have been one (or both) of two inpatients who were admitted to the NWRH with COVID-19 acquired on a cruise ship, the *Ruby Princess*.

- (3) A response is being prepared and will be provided when available.

COVID-19 - Home Isolation

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

- (1) How many people infectious with COVID-19 have been sent home to isolate?
- (2) Of these people -
 - (a) How many are isolated in households with family, carers or housemates?
 - (b) How many are isolated in government-provided facilities/hotels?
 - (c) How many household contacts of home isolation infectious patients have been -
 - (i) subsequently diagnosed with COVID-19;
 - (ii) hospitalised with COVID-19;
 - (iii) admitted to ICU with COVID-19;

- (iv) died with a diagnosis of COVID-19;
 - (v) the source of COVID-19 transmission to additional people outside their household; and
 - (vi) the source of COVID-19 transmission to staff or patients within a healthcare setting?
- (3) Were any COVID-19 cases related to the north-west outbreak acquired from a household contact? If so, how many?

ANSWER

Mr President, I thank the member for Murchison for her question. This is one of the very lengthy questions I mentioned earlier.

(1) to (3)

As of 28 April 2020, there were 45 active cases being managed at home.

The Health department goes on to say -

It is not possible to provide a further breakdown at this time. However, the Department of Health is progressing work in this area and will provide members with a fuller response as soon as it is able, noting that the current focus is on addressing the outbreak at the moment.

It is noted, but it was too time-consuming at this time, so we will concentrate on that one.

COVID-19 - Hand Sanitisers

Mr DEAN to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

Mr President, my questions are as a result of constituent contact and request. In relation to COVID -19 and hand sanitizer, will the Leader please advise -

- (1) During the period March and early April were the Government or government departments able to access the quantities of hand sanitiser necessary to satisfy their total needs?
- (2) At this time a Tasmanian producer in the north of the state came on the market and was able to produce hand sanitiser in large quantities and offered their services to the Government through the Premier and minister to supply the product. Why was this offer not accepted?
- (3) Did the Government have another or other contracts for supply in place at this time?

(4) If so, who were the contracts with and what were the applicable conditions to supply?

ANSWER

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

(1) to (4)

Hand sanitiser shortages have been experienced globally since the COVID-19 outbreak. Demand has increased dramatically and supply chains have been disrupted, making supply difficult.

Traditional suppliers of hand sanitiser were unable to meet requests for increased supply during March and April 2020. Tasmanian distillers and other manufacturers pivoted to sanitiser production as a community service and business opportunity. A number have approached the Tasmanian Government directly or through their local members offering their products and seeking supply contracts.

As a result of the shortages experienced with usual providers, the Department of Health engaged two local companies to produce hospital-grade hand sanitiser to a formula provided by the World Health Organisation.

The Department of Health is using this local product to supplement its traditional supply and is confident it has sufficient reserves. These products have also been supplied to the Department of Education and the Department of Justice.

Other agencies, key infrastructure providers and business and community members are sourcing alternative products from a range of existing and new suppliers found across the state and interstate. Department of State Growth consultation has found that most users prefer to use their usual sanitiser and cleaning product suppliers where possible due to confidence in the quality of the goods and efficiency in sourcing a range of products from the one location.

The Department of State Growth has been coordinating personal protection equipment requirements and offers for Tasmanian government agencies, critical infrastructure and priority industry. Its priority has been to sustain trading and essential services delivery during the COVID-19 disruption and to help fill PPE gaps where possible. The department has been in contact with over 20 businesses either producing or looking to produce sanitiser for the Tasmanian market.

Activities to support PPE supply in the state include -

- A high-level needs assessment of state government agencies and essential service providers to gain a fuller understanding of PPE needs.
- Entering into an arrangement with St John Ambulance Australia - Tasmania to assist in coordinating the unmet PPE needs of Tasmanian government agencies, private

health providers and priority industry. St John has been tasked to engage with local suppliers, including sanitiser producers, to assist with supply solutions where possible.

- Developing a temporary online PPE company register to support access to all known PPE supply options to broader business and the community beyond the priority group. It will be hosted on the State Growth website and was made live on 30 April 2020.
- Engaging with states' and territories' task forces coordinated by the Australian Government to feed into the national approach to managing PPE needs
- Encouraging Tasmanian industry to register its capability, with national portals collecting data on PPE manufacturing capability via the Industry Capability Network, Advanced Manufacturing Growth Centre and AusTrade. State Growth is also engaging with businesses with PPE investment proposals on an individual basis.

The Department of Health has contracts in place with White Label Distillery in the south and M2 Logistics in conjunction with Tasmanian Alkaloids in the north.

The contracts vary in quantity; however, each contract required the companies to produce the hand sanitiser to the strict instructions provided by the World Health Organisation.

Please note that most new Tasmanian producers are currently supplying sanitiser made under the World Health Organisation recipe. The Therapeutic Goods Administration has given an exemption to its usual regulatory requirements to permit the sale of this product. This is a temporary exemption and usual regulatory guidelines will be applied once the COVID-19 crisis has ceased. Some Tasmanian producers intend to obtain the necessary approvals to continue to produce and sell sanitiser into the market once the exemption is expired. Others will revert to their usual production.

COVID-19 - Personal Information

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

The Personal Information Protection Act 2004 is the primary law protecting the privacy of Tasmanians when their personal information is handled by state public authorities. When the COVID-19 act passed in March 2020, one of its effects was to suspend PIPA.

Given that PIPA already specifically permits government to disclose personal information if necessary to 'lessen or prevent a serious threat to public health', please clarify more fully why the suspension of PIPA is required.

- (1) What is it precisely that health officials and police need to do with citizens' personal information that they are prevented from doing by PIPA?
- (2) Was the suspension of PIPA necessary to pave the way for the COVID-19 tracing app 'COVIDSafe'?

- (3) Of the 10 privacy principles established in PIPA, have all 10 been suspended during the emergency period? If so, for each of the 10 principles, what is the rationale for suspension?
- (4) Has the right to lodge a privacy complaint with the Tasmanian Ombudsman been suspended?
- (5) Will the suspension of PIPA be reactivated in the future for different emergencies, such as bushfires or floods?

In the passage of the COVID-19 act in March 2020 during the Committee stage in the Legislative Council, I asked the Government -

In terms of the circumstances in the current emergency that may lead to the disclosure, collection, exchange or use of relevant information between those agencies, where does that decision-making lie about when and where that can happen? Where will it be documented that it has happened? How will the Government be held accountable within the parameters of that, the extent of it and the details at a later date?

A full answer to each part of this question was not received at the time and a commitment was given to provide an answer. As one has not been received to date, the questions remain -

- (6) (a) Who will be the decision-maker in regards to any sharing of personal information among government agencies?
- (b) Where will any decisions to share data among government agencies be documented?
- (c) What scrutiny and accountability mechanism will be in place in relation to those decisions?

ANSWER

Mr President, I thank the member for Nelson for her question. I will just start at the end for the member. We had those answers ready for tabling this afternoon, so we have withdrawn them and incorporated them into the answer to this question. There is no good in tabling them twice.

- (1) The Tasmanian Government remains committed to improving the openness, accountability and transparency of the operations of the Government of Tasmania -

As an aside, I want the member for Nelson to know that we did have the answers here to give -

We are in extraordinary circumstances at present. This is Tasmania's first public health emergency response coordinated under the Emergency Management Act 2006.

I want to reassure members and all Tasmanians that PIPA continues to apply to collection, use and disclosure of personal information, except in very limited circumstances during a state emergency.

To clarify, the amendment to the Emergency Management Act 2006 by the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 provides that PIPA does not apply to section 60A of the Emergency Management Act, which is a very limited provision.

It applies to any state of emergency and has even narrower application to emergencies not involving a major public health response, such as COVID-19, as public health legislative powers would not be exercised significantly, or at all, in such emergencies

The bill's second reading speech at the time indicated the State Controller requested a provision be inserted to allow government agencies to share important information during the state of emergency.

For example, in our current emergency, government agencies may need to share information around COVID-19 test results, so it can then be relayed to the person who had been tested.

Due to its limited application to both emergency and public health legislation, it will have even narrower application in emergencies that do not involve significant collection of information under public health legislation (as in bushfires, for example).

While there are exceptions to the general principle of not using personal information without consent of the person, these may not fully address the scenarios presented by a state of emergency.

Under the current state of emergency, the collection, sharing and use of relevant information between Tasmanian government departments is essential to allow the state to respond to and manage effectively the public health risk arising from the spread of COVID-19 in Tasmania.

The Public Health Act 1997 includes provisions for the Director of Public Health to allow disclosure of personal information collected under the act if it is for the purpose of the management, detection, notification, treatment or prevention of the spread of a notifiable disease or notifiable contaminant, or managing a threat to public health or a likely threat to public health. COVID-19 is a notifiable disease in Tasmania under the act.

The Department of Health is currently collecting personal information under the act, including the name, address, mobile number and email address both from confirmed COVID-19 cases and people identified as close contacts of COVID-19 cases. These data are stored in the Health department's REDcap system, an online database that has recently been established to manage the state's tracking of COVID-19 cases and close contacts.

The REDcap data is also combined with data from Department of Primary Industries, Parks, Water and Environment's Travel Arrivals Card data and managed in the database that underpins Tasmania's Emergency Management Common Operating Platform. A regular scheduled data extract is then provided for use by the statewide Police Operations Centre to assign information to police districts for compliance checking purposes.

Other secrecy, privacy, or confidentiality provisions of other acts, such as the Public Health Act 1997, continue to apply at all times. In a state of emergency involving a pandemic, the Public Health Act 1997 in particular provides a specific framework for the collection, use and disclosure of information relating to notifiable diseases (for example, COVID-19).

Tasmanians should be confident that the State Controller, Public Health Services and other relevant Tasmanian government departments take the responsibility for maintaining data security seriously, while ensuring protocols are in place to enable effective and timely responses to the public health emergency.

- (2) No, COVIDSafe is an example of information use that could operate under PIPA. The COVIDSafe app is a Commonwealth initiative based on voluntary participation and individual consent to the collection and use of information.
- (3) PIPA, including the privacy principles, operates as a whole. PIPA continues to apply to the collection, use and disclosure of personal information, except in the circumstances as specified in section 60A of the Emergency Management Act.

In the very limited circumstances where PIPA does not apply to certain information during a state of emergency, state departments continue to ensure that they meet the privacy principles administratively to the greatest extent possible.

- (4) Any person may still complain to the Ombudsman about an administrative action taken by a public authority under the Ombudsman Act 1978, such as the collection and use of their information for the purposes of the emergency.

For example, the Ombudsman can consider whether actions were contrary to law, unreasonable, taken for improper purposes and so on.

- (5) In times of emergency, urgent and unexpected circumstances can arise where there is a critical need to collect, use, and share information to mount a rapid and effective whole-of-government response. The amendment means that PIPA does not apply to a very limited range of information in very limited circumstances during a state of emergency. Those circumstances refer to a state of emergency, and are not confined to the current COVID-19-related state of emergency.
- (6) (a) The State Controller, the Director of Public Health, and the Manager, Emergency Services Geospatial Infrastructure and Surveying - DPIPWE, agreed on the

parameters of data sharing between their respective departments, as required for the purposes outlined in question (1).

- (b) Work is now underway through the State Control Centre to document the data sharing agreement through a memorandum of understanding.
- (c) Accountability mechanisms are built into the arrangements for each of the relevant systems housing personal information in relation to COVID-19.

In relation to those questions, I assure the member for Nelson that I had those answers prepared but since you have re-asked them, we have incorporated them into the one,

COVID-19 - Isolation Procedures and Protocols

Mr VALENTINE to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

- (1) In the event of a significant increase in coronavirus infections in the south of the state, what is the general intended course of action to isolate people who are asymptomatic or in the early stages of the disease - is it to have them isolate at home, admit them to a medihotel - e.g. Fountainside - or admit them to an isolated ward at the main Royal Hobart Hospital campus for closer observation?
- (2) Are any international workers travelling to the state for harvesting during this pandemic? If so, what protocols are being put in place to reduce the opportunity for the transmission of COVID-19 among those workers and/or at their hostel accommodation and what testing regime is being undertaken?
- (3) Is there any specific information being provided to fruit and vegetable retailers in the state with respect to protocols they are to follow when handling produce that is ultimately to go on sale to the general public? If so, is the Government checking on compliance in this regard?
- (4) What particular procedures and processes is the Government putting in place in our prison and remand centres to reduce the opportunity for the transmission of COVID-19 at those centres?

ANSWER

Mr President, I thank the member for Hobart for his question. We have answers to questions (1), (2) and (3), but we do not have an answer to (4) yet. That is with the Minister for Justice, who is busy at the moment.

- (1) The Tasmanian Government is committed to minimising the impact of COVID-19 on our community, with evidence-based strategies and ensuring our health system has the resources that are needed.

The treatment of COVID-19 is always based on the individual circumstances of the patient. Many patients who contract COVID-19 are safely able to be treated in community settings, which can include facilities outside of home such as hotels with medical support. This is an option that is presently available for COVID-19 patients who require it.

The Royal Hobart Hospital has developed specific COVID-19 treatment areas, and created a separate Emergency Department area and entrance for patients presenting with suspected COVID-19 symptoms.

- (2) Since 11.59 p.m. on 18 March 2020 we have had no international workers travelling to the state for harvesting who have sought an exemption for 14 days quarantine in Tasmania.

All people, including itinerant workers, must comply with directions under the Public Health Act and the Emergency Management Act. All commercial accommodation operations may only provide accommodation and services to guests who are staying for the purpose of employment.

The situation regarding COVID-19 continues to evolve. The most current information and links are on the Tasmanian Government websites - we all know the www.coronavirus.tas.gov.au website and the www.dpipwe.tas.gov.au website. The National Farmers' Federation COVID-19 Workplace Guide, which is at <https://farmhub.org.au/covid-19-nff-workplace-guide/>, also provides a reference for agricultural employers and transport and accommodation providers.

- (3) Regulation of food retail is a local government (environmental health officer) responsibility overseen by the Department of Health.

The Department of Health advises that no specific information has been provided to fruit and vegetable retailers with respect to COVID-19 protocols to follow when handling produce. This is because standard existing food safety controls are adequate for food safety management.

Although COVID-19 is not a foodborne illness, information addressing the food safety issue for when shopping and preparing food has been provided by Health on the Tasmanian Government COVID-19 website.

I hope, member for Hobart, that the answer to question (4) will be forthcoming.

COVID-19 - Parks and Reserves - Closure

Mr ARMSTRONG to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

We are receiving much representation regarding the restrictions on people accessing their local beaches, reserves and national parks. At the same time we are encouraging people to exercise to keep up physical and mental health fitness.

- (1) Has there been any consideration to relaxing these restrictions on the basis that people practice social distancing and restrict group sizes?

ANSWER

Mr President, I thank the member for Huon for his question. This question is similar to one that is in place for the member for Windermere, so if we have an answer and that member wants to ask his question, this is a similar answer.

Mr Dean - If you can cover both areas, there is no need to.

Mrs HISCUTT - Hopefully we will be right -

The risks associated with the COVID-19 virus are well documented from experiences around the world. From the outset of the pandemic, the Tasmanian Government has been committed to protecting the safety of Tasmanians in accordance with clear advice from public health experts. To curb the spread of the virus, it is imperative to maintain appropriate social distancing, avoid all non-essential travel and avoid gatherings of people.

The decision of the State Controller to close Tasmania's parks and reserves supports the Government's strategy to slow the spread of the virus by minimising non-essential travel and support the stay at home message. All parks and reserves are included so the message is clear and consistent everywhere.

The Government is regularly reviewing all restrictions and will consider appropriate changes guided by the best available public health advice. Any easing of restrictions needs to be carefully informed by public health officials under the direction of the State Controller.

The Government strategy is to slow the spread of the virus by minimising non-essential travel and ensuring that Tasmanians stay at home unless they are going to work, going to school, gathering essential supplies, exercising or attending medical appointments. The closure of the parks is consistent with that strategy. Advice from other interstate and international jurisdictions is that the early lifting of restrictions has in some cases led to adverse congestion and crowding on walking tracks or around public amenities in parks and reserves, damaging the important gains that have been made through travel restrictions.

Racing Shutdown Decision

Mr WILLIE to MINISTER for RACING, Ms HOWLETT

Thursday 30 April 2020

Tasmania's racing industry is fighting for its survival. When the Government shut down racing just over three weeks ago, it sent shockwaves through the industry. With no sign of a restart date, some participants are leaving the state while others contemplate leaving an industry that has been their lives for decades.

Minister, it was reported in *The Mercury* over the weekend that you are working to secure a restart date but that you have virtually no sympathetic ears in state Cabinet. An industry figure was also quoted as saying -

Dishing out the portfolio to a rookie was not in the best interests of racing and that has been highlighted during this shutdown.

Minister, is true that you do not agree with the racing shutdown decision of the Premier?

ANSWER

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

Mr Dean - Do you?

Ms HOWLETT - Aren't we in a very collegial House here?

Mr Willie - It's not going to get you out of scrutiny.

Ms HOWLETT - I understand that, honourable member.

The Tasmanian Government announced the closure of racing for a four-week period effective on 2 April. This has now been extended to 15 May.

As the Premier stated in the other place this morning, the Government is determined to reduce the risk of the community infection of COVID-19 and the health and wellbeing of all Tasmanians has to be paramount right now.

Racing industry participants are spread directly right across regional Tasmania, and the decision was made by Public Health to cease racing to stop those people attending race meets throughout Tasmania.

Participants have a relatively high average age -

Mr WILLIE - Point of order, Mr President. I asked a very simple question -

Minister, is true that you do not agree with the racing shutdown decision of the Premier?

Ms HOWLETT - I support the advice from Public Health.

COVID-19 - Alcohol Consumption and Domestic Violence

Mr DEAN to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

My question relates to COVID-19 and concerns raised by the Women's Christian Temperance Union regarding domestic violence and the connection to alcohol consumption.

Will the Leader please advise -

- (1) Has there been any increase/decline in the number of reported domestic violence/family arguments - DV/FA - situations during the restrictions in place for COVID-19?
- (2) If so, what have been the changes - increase and/or decrease - in numbers?
- (3) Have alcohol sales increased during this time? If so, to what extent?
- (4) Is there any evidence to show alcohol consumption is impacting DV and FA situations at this time?
- (5) Are or will alcohol purchases be restricted while the current strict living, working and association conditions apply?
- (6) Will or have trading times for alcohol retailers been restricted or changed in anyway?

ANSWER

Mr President, I thank the member for Windermere for his question. This question had to go to two different ministries, so the first one I have is from the Minister for Police, Fire and Emergency Management -

- (1) The Safe Families Coordination Unit has been closely monitoring the incidence of family violence and family arguments, particularly during the COVID-19 pandemic.

At this stage, there has not been an increase in reports of family and sexual violence to Tasmania Police; however, we are closely monitoring the situation, receiving weekly data updates from the Safe Families Coordination Unit and working with specialist family and sexual violence workers.

- (2) As above, numbers remain comparatively stable.

COVID-19 does not cause family and sexual violence, and there is no justification or excuse for any violent or abusive behaviour.

Although COVID-19 has been explicitly mentioned as a factor in some cases, mostly in family arguments, at this time there is little evidence of the virus being a contributing factor to family violence incidents, but I am sure the member for Windermere means having to stay at home and alcohol drinking.

- (3) Analysis shows that the level of alcohol consumption impacting on family arguments and family violence incidents is unchanged when compared to before Tasmania's first COVID-19 case.

The rest of material came from the Minister for Finance -

- (3) It has been reported by some major banks that credit card data has shown evidence of an initial spike in alcohol sales that has since flattened and declined. It is too early to draw any conclusions from this data.
- (4) The Safe Families Coordination Unit of the Department of Police, Fire and Emergency Management has been closely monitoring the incidences of family violence and family arguments, particularly during the COVID-19 pandemic.

Analysis shows that the number of family arguments each week remains similar to the three-year (2017-19) average in the weeks following Tasmania's first confirmed case of COVID-19.

The number of family violence incidents each week has also been close to the three-year average in the weeks following Tasmania's first confirmed case.

Analysis shows that the level of alcohol consumption impacting on family arguments and family violence incidents is unchanged. The proportions are similar for episodes prior to, and for those following, Tasmania's first COVID-19 case.

Family violence incident data is included in the department's annual reports.

- (5) Many licensed premises have ceased trading as a result of the current restrictions. Premises currently operating are not generally permitted to sell liquor for consumption on the premises, and include standalone bottle shops, bottle shops attached to pubs, and restaurants and cafes licensed to sell takeaway liquor with takeaway meals.

Restrictions are applied where a temporary special permit is issued to an existing licence holder to sell takeaway liquor with takeaway meals. These restrictions are -

- sales and deliveries are not permitted after midnight;
- the type of liquor that may be sold is restricted to beer, cider and wine; and
- the quantity of liquor per sale is restricted to -
 - o two 750 ml bottles of wine; or

- o two packs of up to six containers of beer or cider (maximum 375 ml per container); or
- o one 750 ml bottle of wine and one pack of up to six containers of beer or cider (maximum 375 ml per container).

A permit may also be issued to an existing licence holder to sell excess liquor stock, restricted to sale to other liquor licence holders only.

- (6) Where liquor licence holders are permitted to sell takeaway liquor, their hours of operation have not been changed.

Temporary special permit holders must not conduct sales or deliveries past midnight.

COVID-19 - Quarantined Individuals - Health and Welfare

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

- (1) (a) Regarding the north-west COVID-19 outbreak, for those in mandated quarantine as a COVID-19-positive individual and/or as a North West Regional Hospital- or North West Private Hospital-related worker, how, was or is the mental health and welfare of these people assessed and supported?
- (b) How is their personal safety assessed and supported?
- (2) How were communication processes within Health system and government related to this outbreak managed and communicated?
- (3) How were the healthcare staff in the north-west supported prior to the shutdown of both these hospitals?
- (a) Were concerns raised by staff at NWPH and NWRH addressed in a timely fashion?
- (b) If so, how were these concerns addressed?
- (4) What resourcing for contact tracing and investigation was put in place? How was this configured?

I acknowledge that a lot of this may be included in that report released this morning.

ANSWER

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

- (1) I am advised that the quarantining process includes daily contact from Public Health Services, which is able to arrange for any support or assistance required. The Public Health Hotline on 1800 671 738 - I know that off by heart now - is also available to support any healthcare worker or other Tasmanian while in quarantine. Staff continue to be paid as normal during this time, including all loadings and allowances, and accommodation was provided for those staff who were not able to be quarantined in their own homes.
- (2) The Tasmanian Health Service - THS - has been communicating regularly with staff by direct emails or other messages, especially when major events occurred, such as the close of the North West Regional Hospital.
- (3) THS staff have been provided with resources and support since the commencement of the COVID-19 pandemic. The Government expects that any concerns raised internally will be taken seriously and appropriately addressed with the THS.
- (4) An investigation was immediately commenced into identifying and contacting any person who had had close contact with the staff, both inside and outside the hospital. The THS moved immediately to establish an incident management team as part of this process, which worked to ascertain any person who may have been at risk of being exposed to the coronavirus at the hospital, and to ensure necessary actions were taken.

A copy of the COVID-19 North West Regional Hospital Outbreak Interim Report has been made publicly available.

COVID-19 - Supporting Tasmanians in Rental Accommodation

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

Tasmanian was proactive in passing legislation to support Tasmanians in rental accommodation during this pandemic. In the passage of the COVID-19 disease emergency bill through this House, a commitment was sought and then given by the Government that -

Should Legal Aid, Community Legal Centres and the Tenants' Union require additional resourcing due to demand during the notice period, to comply and assist with their duties in aiding tenants during the emergency period set out in the notice, the Government will provide for those additional resources during the notice period.

The Government has already agreed to resourcing any other place in relation to the Residential Tenancy Commissioner.

I believe that means 'in the other place' to the Residential Tenancy Commissioner. Given the Tenants' Union of Tasmania role in supporting vulnerable Tasmanians and the significant increase in demand for its services, can the Government advise -

- (1) What increase in demand has been experienced in April 2020 by the Tenants' Union?
- (2) What additional funding or resources have been provided by the state Government to the Tenants' Union of Tasmania to date?
- (3) If additional funding has been provided to date, can the Government demonstrate that it was sufficient to meet the increased demand already experienced by the Tenants' Union?
- (4) What additional funding or resources will be provided to the Tenants' Union of Tasmania across the duration of the emergency period?
- (5) If additional funding is provided to the Tenants' Union across the emergency period, can the Government guarantee that such funding will be sufficient to meet the increased demand experienced by the Tenants' Union?
- (6) What other, if any, measures is the Government considering to ensure the Tenants' Union of Tasmania can keep up with the increased demand in supporting Tasmanians in rental accommodation?

The Residential Tenancy Commissioner has a key role in the provision of information and advice, and the resolution of disputes for both tenants and landlords -

- (7) What increase in demand has been experienced in April 2020 by the RTC?
- (8) What additional resources have been provided to the RTC to date to assist with increased demand?
- (9) If additional funding has been provided to date, can the Government demonstrate that it was sufficient to meet the increased demand experienced by the RTC?
- (10) What additional funding or resources will be provided to the RTC across the duration of the emergency period?
- (11) If additional funding is provided to the RTC across the emergency period, can the Government guarantee that such funding will be sufficient to meet the increased demand experienced by the RTC?
- (12) The COVID-19 disease emergency bill provides the option for either tenants or landlords to apply to the RTC to break a lease due to hardship. Since the legislation was enacted, how many such applications to break a lease due to hardship have been lodged with the RTC by -
 - (a) tenants
 - (b) landlords?

(13) Noting the urgency of such applications, in what time frame are the applications being processed and resolved?

(14) How many such applications have been resolved to date?

In light of the Australian Securities and Investments Commission's advice of 3 April 2020 to the real estate industry warning against agents providing financial advice - for example, by suggesting that tenants draw on their superannuation to cover rental costs - can the Government advise -

(15) How many complaints or communications has the Government, and departments or agencies received from tenants or their advocates alerting them to instances of real estate agents potentially contravening ASIC's advice?

(16) What support has been provided by the Government to tenants who have made complaints or raised this issue to help them liaise with real estate companies and landlords?

(17) What actions has the Government and the Attorney-General taken against real estate companies who have been shown to contravene ASIC's advice?

(18) In how many instances has action been taken against real estate agents contravening ASIC advice?

ANSWER

Mr President, I thank the member for Nelson for her question. Like the Minister for Racing, I am not sure I will thank her for her 18 questions.

(1) The Department of Justice had a preliminary conversation with the Tenants' Union of Tasmania in early April 2020 regarding the changes to the Residential Tenancy Act 1997 during the emergency period.

At this time, the Tenants' Union indicated it had received an increase in demand in inquiries from tenants that had, in part, been offset by a reduction in matters before the Courts. The Department of Justice communicated the Government's commitment to fund the Tenants' Union of Tasmania during the emergency period in the event this was necessary due to additional demand.

In line with this commitment, the Government will consider any request from the Tenants' Union for additional funding.

(2) to (6) See above.

(7) The Office of the Residential Tenancy Commissioner have had a significant increase in demand during April 2020, being upward of 175 per cent. Inquiries have more than

doubled between March and April 2020. The increase includes bond disputes inquiries, applications for orders, and complaints of noncompliance.

- (8) Rental Services is within Consumer, Building and Occupational Services, an output of the Department of Justice. Rental Services incorporates the Rental Deposit Authority and the Office of the Residential Tenancy Commissioner. CBOS has redirected resources to be able to provide additional resources to the RTC, specifically employees of the output who are trained and qualified to undertake investigations.
- (9) To date, additional funding has not been required. Rental Services, which incorporates the Rental Deposit Authority and the Office of the Residential Tenancy Commissioner, is funded predominantly from the interest from bonds that are held in trust.
- (10) The Government will continue to monitor the requirement for additional resources and will provide the RTC with further resourcing as the need arises.
- (11) As stated before, no additional funding has been required to date and additional resourcing has been provided from within CBOS. This will continue to be monitored and additional resources will be provided as required.
- (12) Owners or tenants can apply to the Residential Tenancy Commissioner for an order to terminate a residential tenancy agreement if they are experiencing severe COVID-19-related hardship. A total of 19 applications have been received since the legislation was enacted. Of these 17 have been submitted by tenants and two by owners.
- (13) Applications for the termination of a residential tenancy agreement due to severe COVID-19-related hardship are being assessed as soon as practicable.

When an application is received, each party is contacted regarding the matter and given seven days to provide any evidence to support their claim. The application is then assessed and the commissioner will make a decision if an order of termination is required.

- (14) To date, six applications have reached a mutual agreement after contact from the RTC. One order has been made and 12 applicants have been contacted and assessment is currently in progress.
- (15) Consumer Building and Occupational Services within the Department of Justice and the Property Agents Board have not received any complaints regarding the above practices.
- (16) Consumer Building and Occupational Services within the Department of Justice and the Property Agents Board have not received any complaints regarding the above practices.
- (17) The practices in question are a potential breach of the Corporations Act 2001, which is Commonwealth legislation administered by the Australian Securities and Investments Commission.

The Tasmanian Government and the Attorney-General have no role in the administration of the Corporations Act 2001.

(18) As above.

Racing - Resumption

Ms RATTRAY to MINISTER for RACING, Ms HOWLETT

Given the minister's stated support for racing, what negotiations are occurring with Tasracing and the other codes to allow racing under appropriate guidelines to recommence as soon as possible in our state?

ANSWER

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

A lot of detail has gone into this document - it is a resumption of racing document for all three codes to resume -

When the closure of the industry occurred, we started having some good discussions with key stakeholders and Tasracing. On 7 April, we announced a support package of \$2 million per month, which is broadly equivalent to the continuation of the full funding of the stakes and other funding continuing to be invested in the industry.

The details of the support package were discussed and agreed with industry stakeholders and Tasracing, and they were released on Wednesday, 8 April.

The package was aimed at retaining participants and incentivising trainers to continue to train their animals to have them prepared for a return to racing.

Applications opened on 10 April and the first round of payments was made on 17 April. As of Monday, 27 April, we had a total of 395 applicants from all three codes.

The Tasmanian Government believes that this support package has been structured to enable racing's return in a strong position. A return to racing plan has been lodged with Public Health, and I hope this will mitigate the risk and achieve that goal.

Ms Rattray - Is there a time frame around that?

Ms HOWLETT - The plan entails an initial resumption at two locations, Mowbray and Elwick, plus code-specific approaches, race day protocols - including very strict social distancing - and biosecurity rules.

As the Premier said in parliament today, he has read the return to racing plan, which is a very impressive and comprehensive detailed plan, and he has discussed that plan with Public Health. That plan is currently with Public Health.

We want to continue to work with the industry towards a date of the resumption of racing. In the meantime we will continue to closely observe the trajectory of the cases in the north-west coast area, and I will continue to work with the industry and Tasracing to get racing restarted -

Ms Rattray - So still no date?

Ms HOWLETT - There is still no date at the moment, but that is what we are working towards. As members can understand, at the moment the health and safety of all Tasmanians is our primary priority.

Ms Rattray - They are getting desperate, Minister.

Ms HOWLETT - I know, and I understand that you have a lot of participants in your electorate, as do I, and I will continue to work and meet weekly with Tasracing and key industry stakeholders.

As I said, the document is a very good, comprehensive document; it is in the hands of Public Health at the moment and I will wait for a response from them.

Ms Rattray - I know they are busy, but they need to hurry up.

COVID-19 - Environmental Health Officers

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

The Premier stated in his press conference on 29 April that he would like the best people spending their time dealing with COVID-19 and ensuring we save lives. Environmental health officers are some of the best people available to assist with the management of the pandemic. Local government environmental health officers know their local communities well and could be playing an important role in contact tracing, home visits, business support and the Public Health Hotline.

Why is the opportunity to utilise and employ the skills and expertise of environmental health officers employed in local government to assist with the management of the pandemic being overlooked by the Government?

ANSWER

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

In Tasmania environmental health officers are employed by local councils and the Local Government Association of Tasmania has a resource embedded in the State Control Centre to provide a direct link between the sector and the State Controller.

Ultimately the identification of roles and functions, and the assignment of resources to those roles is a matter for the State Controller according to the Emergency Management Act 2006.

The Government greatly appreciates all offers from those willing to contribute to the COVID-19 pandemic response and this will extend to the recovery phases where local councils will have a critical role to play. We will be working with the State Recovery Advisor in the Department of Premier and Cabinet regarding the role that local councils and their staff can play.

COVID-19 - Numbers Tested in Tasmania

Mr ARMSTRONG to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

With the focus being concentrated on the north-west coast of Tasmania in regard to COVID-19 testing - and understandably so - what are the testing numbers for the last two weeks in other areas of the state, particularly Hobart and Launceston?

ANSWER

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

In the two weeks ending 29 April 2020, 1527 tests from southern Tasmania had been processed, and 1142 tests from northern Tasmania.

COVID-19 - West Coast - Numbers of Positive Cases

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

- (1) How many positive cases have been detected in people who normally reside on the west coast, and -
 - (a) how many of these cases are currently active;
 - (b) how many have been or are currently hospitalised with COVID-19;
 - (c) how many have recovered; and
 - (d) how many have died?
- (2) How many positive cases have been detected in people who normally reside in Circular Head, and -
 - (a) how many of these cases are currently active;

- (b) how many have been or are currently hospitalised with COVID-19;
 - (c) how many have recovered; and
 - (d) how many have died?
- (3) How many positive cases have been detected in people who normally reside in the Waratah-Wynyard municipality, and -
- (a) how many of these cases are currently active;
 - (b) how many have been or are currently hospitalised with COVID-19;
 - (c) how many have recovered; and
 - (d) how many have died?
- (4) How many positive cases have been detected in people who normally reside in the Burnie municipality, and -
- (a) how many of these cases are currently active;
 - (b) how many have been or are currently hospitalised with COVID-19;
 - (c) how many have recovered; and
 - (d) how many have died?

ANSWER

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

As of 6.00 p.m., 28 April 2020, there were 145 confirmed cases in north-west Tasmania, comprising -

- 63 active cases
- 72 recovered cases
- 10 deceased cases.

Of these, eight are currently inpatients across the state.

Public Health Services is progressing work to look at providing a more detailed level of geographic breakdown, which will be released publicly and provided to members once complete.

Ms FORREST - Mr President, It would be helpful to have some indication of when that's going to be done. It is a matter of serious concern for members of my electorate - not that they should change their behaviours in any way, but I was hoping we could at least get some high-level figures about how many cases there have been each part of the region. I had hoped we

could have that sooner rather than later. Is it likely, Leader, that we will have that information next week when we sit?

Mrs HISCUTT - Honestly, member for Murchison, your question is like, 'How long is a piece of string?'. We are working to get these answers as quickly as we can. I know that you, for one, do appreciate the pressure that the Health department is under at the moment. We still will be pursuing the answers to these questions. As I said, we are trying to arrange a briefing for members when we sit next Thursday; hopefully, the answers will be available then at the latest, if not before. I am sorry, but that is the best we can do at the moment.

North West Private Hospital - Maternity Services

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

With regard to maternity services at the North West Private Hospital in Burnie -

- (1) Will consideration be given to opening the maternity unit for just low-risk women once the cleaning and restocking has been completed?
- (2) What is the expected time line for the opening of full maternity and obstetric services?
- (3) Will the service continue to be operated by the THS while the state of emergency remains in place as opposed to the private operator? If not, why not?

ANSWER

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

(1) to (3)

It is currently anticipated that maternity and obstetric services will reopen at the North West Private Hospital in the week commencing 4 May 2020.

I am advised earlier partial service commencement is not feasible due to the workforce currently undergoing return to work checks, including testing, and the need for associated backup services across the hospital to be in place to support service delivery.

While THS will continue to support service delivery across the North West campus, the contracted maternity service will be provided by the North West Private Hospital.

MOTION

Suspension of Standing Orders - Further extension of Questions

Motion by **Mrs Hiscutt** agreed to -

Thursday 30 April 2020

That so much of standing order 49 be further suspended for this day's sitting to allow a further period of 30 minutes for questions without notice.

QUESTIONS

COVID-19 - Public Health Act and Emergency Management Act - Directions

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

- (1) Regarding Tasmania Police and the enforcement of the Public Health Act 1997 and Emergency Management Act 2006 and COVID-19-related directions, will the Leader please advise -
 - (a) What training has been provided to Tasmania Police officers in enforcing the COVID-19 directions made under the Public Health Act and the Emergency Management Act?
 - (b) How is it ensured that all Tasmanian police officers maintain a current understanding of the directions?
- (2)
 - (a) What specific guidelines or instructions have been provided to police officers on the practical interpretation of what might be considered a reasonable excuse, which forms the basis of determining whether a person has breached a Public Health Act or an Emergency Management Act direction?
 - (b) Are the infringements issued due to not having a reasonable excuse based on a set of criteria; if so, what are those criteria?
 - (c) What steps are being taken to provide clarity to the public on what might be a reasonable excuse in the eyes of an officer enforcing the directions?
- (3)
 - (a) How many COVID-19-related fines have been issued to date under either the Public Health Act or the Emergency Management Act?
 - (b) How many fines have been issued in each Tasmanian region or local government area?
 - (c) Of the fines issued, what proportion have been issued in conjunction with another charge or penalty that is unrelated to COVID-19?
 - (d) What demographic data or statistics are or will be available on the fines that have been issued, categorised by traits such as age, gender, citizenship status, ethnicity, or socio-economic background?

- (4) (a) Is every infringement notice issued reviewed by the police commissioner to determine whether there has been a genuine breach of Public Health Act or Emergency Management Act directions?
- (b) If so, how many of these fines have already been reviewed, and how many remain outstanding for review?
- (c) Of the fines reviewed, how many have been determined to be invalid or cancelled?
- (d) What additional accountability mechanisms have been put in place to ensure there is no police overreach in their use of the broad discretionary powers conferred under the COVID-19-related directions?
- (5) (a) What measures have been taken to ensure that the infringements issued by officers are not disproportionately or unfairly targeting specific community groups?
- (b) What consideration has been given to the increased impact of the significant COVID-19-related fines on financially disadvantaged persons?
- (c) What steps have been taken to ensure that homeless persons in Tasmania, who cannot self-isolate due to not having a home, are not being unfairly targeted by the Public Health Act or Emergency Management Act direction infringement notices?
- (6) (a) How many of the infringement notices issued under either the Public Health Act 1997 or Emergency Management Act 2006 have resulted in court action or have been subject to appeal?
- (b) Of the infringements issued, how many have been successfully cancelled, appealed or revoked, and what were the reasons for invalidity?
- (7) What consideration has been given to the significance of an accused person having to provide a reasonable excuse when it comes to why they are leaving their home, rather than the police having to prove they do not have a reasonable excuse?
- (8) (a) Have Legal Aid Tasmania and Community Legal Centres experienced an increase in demand for advice or assistance due to COVID-19-related directions?
- (b) If so, how have these agencies been supported to meet demand for COVID-19-related legal assistance?

ANSWER

Mr President, I thank the member for Nelson for her question. In light of those 21 questions, I seek leave to have the answers tabled and incorporated into *Hansard*.

Leave granted.

The incorporated answer read as follows -

- (1) (a) Although the restrictions resulting from the COVID-19 emergency are unprecedented in terms of the limitations they impose on the public, the legal enforcement of restrictions by police is not. Police officers routinely enforce restrictions that require the exercise of judgment and consideration of reasonable excuses.

This applies in the law generally, for example -

- the offence of trespass is only committed where the entry onto land is without reasonable excuse; and
- restrictions that may be applied under a legal authority, including bail conditions, restraint order conditions, family violence order conditions, etc.

Police officers are able to apply their training from the routine enforcement of restrictions to this situation, including the exercise of judgment as to when action should be taken or should not.

In addition, in the context of this emergency, daily guidance is provided to police through internal communication channels on the current state of restrictions and the approach to enforcement. This includes through the maintenance of a living COVID-19 response manual, which details information regarding the restrictions, the offences for noncompliance, and the enforcement approach.

Tasmania Police's approach to enforcement of the restrictions has been to prefer education and guidance to enforcement. Ideally, police seek to not charge anyone, but rather gain the voluntary cooperation of the community. Enforcement has been limited to circumstances where people are clearly and knowingly noncompliant, which is necessary to provide both general and specific deterrence to future noncompliance.

- (b) Updates are published daily on the internal police intranet as to the current state regarding the COVID-19 response.

In addition, a dedicated COVID-19 section has been built within that intranet to provide a consolidated and indexed source of contemporary information, including the previously mentioned COVID-19 response manual, which is continually updated as circumstances change.

This resource contains links to the actual directions that are currently in place, which are also available to the public on the resources page of the Government's coronavirus website - coronavirus.tas.gov.au.

- (2) (a) The directions themselves contain exemptions and these are considered by police whenever action may be considered against a person for noncompliance.

Beyond this, there is no list of criteria for what amounts to a reasonable excuse. Circumstances can be many and varied, and it is not practical to provide black and white criteria around when charging is appropriate. However, as detailed

in my answer to the first question, police officers are accustomed to exercising judgment in considering the reasonableness of conduct in the context of the restrictions.

I reiterate that the overarching position of Tasmania Police has been to approach any noncompliance from an educative perspective to encourage compliance whenever possible.

- (b) Tasmania Police do not currently have the authority to issue infringement notices for breaches of the restrictions and consequently none have been issued. Amendments to provide for police officers to issue infringement notices are due to be considered by the parliament.
- (c) The Government has been very clear in its messaging as to what the restrictions and exemptions are. This has been a consistent focus of media attention every day of this emergency, and people should have little doubt as to what they should be doing.

The Government has also made the actual direction documents publicly available on the coronavirus website, where any member of the public is free to review the restrictions and the exemptions.

Ultimately, we expect people to exercise some degree of common sense, which the police will also exercise when considering enforcement.

- (3) (a) As I mentioned previously, Tasmania Police have not issued infringement notices for these offences, so no fines have been imposed.

However, from the 25 March 2020 to 27 April 2020, Tasmania Police had arrested 73 people for noncompliance and summonsed a further 104. What penalty will be imposed on any of these individuals is a matter for the courts, assuming the individuals in question are convicted of the offence.

- (b) As mentioned previously, Tasmania Police have issued no fines to date.

In regards to the summons and arrest matters, it is not possible to provide a breakdown by local government area without manual counting, which cannot be prioritised at this time.

- (c) The answer to this question cannot be provided without manual counting, which cannot be resourced in the context of the response to the emergency.
- (d) As no infringement notices have been issued to date, there is no data that can be provided. Should police be authorised to issue infringement notices following the amendments to be considered by the parliament, a statistical breakdown could be provided by age and gender. However, information on citizenship, ethnicity and socio-economic background is not captured.

Regarding the charges by arrest and summons, any statistical analysis at this time would require manual counting, which cannot currently be prioritised.

- (4) (a) No infringement notices have been issued to date, so there have been none to review.

In regard to the charges by arrest and summons, the circumstances of each incident is reviewed by the investigating officer's immediate supervisor and again by the regional police prosecution area. It is intended that a further review will be undertaken by the Office of Legal Services within the Department of Police, Fire and Emergency Management.

Should police be authorised to issue infringement notices in the future, there will be a review mechanism put in place. At this stage it is anticipated that any infringement notices issued in respect of COVID-19 would be reviewed by an inspector of police.

- (b) As there have been no infringement notices issued to date, no reviews have taken place.
- (c) Again, as no infringement notices have been issued to date, no determinations have been undertaken.
- (d) Before answering this question, I will again point out that the preferred approach by Tasmania Police is not to charge people at all, but to gain their willing cooperation with the restrictions through education. This message has been strongly communicated to operational police members.

In ordinary times, we entrust police with significant authority and discretion, and I have no doubt that every member of Tasmania Police takes the authority they have seriously. We can similarly entrust them to exercise judgment and compassion in these circumstances, but given the unprecedented nature of the restrictions, additional review mechanisms have been put in place. As I said, every arrest and summons matter is being reviewed, and should police be given the authority to issue infringement notices, these will also be reviewed for COVID-19-related offences.

- (5) (a) Again, police are not issuing infringement notices at present. However, we have a highly trained and professional police service underpinned by strong values that does not discriminate against any sector of the community.
- (b) In answer to this question, I reiterate the position of Tasmania Police is not to charge people wherever their voluntary cooperation can be achieved. Prosecutions are, and will, only occur by exception. Where people are proceeded against through the courts, the penalty is a matter for the court.

Should police be authorised to issue infringement notices in the future, if a person disputes they committed the offence for which an infringement notice was issued, they can write to the department to request it be withdrawn. Detail on how to do this is printed on any infringement notices issued by police. This process is also detailed in section 15(1)(b) of the Monetary Penalties Enforcement Act 2005.

A person who receives an infringement notice can also elect, within 28 days of its issue, to have the matter heard and determined by a court. Again, detail on how to do this is printed on the infringement notices issued by police.

- (c) If a person is homeless, that will be a reasonable excuse to not be at home. Police understand this in enforcing the restrictions, and should some lapse occur where someone is charged, this will be identified in a review.

I also highlight that the police are not the sole part of the process. Police only charge people where they determine that it is necessary, and in addition to internal and administrative review options, every person charged ultimately has the right to have the matter heard and determined by a court.

- (6) (a) Again, no infringement notices have been issued to date.
 - (b) Again, as there have been no infringement notices issued, there has been no necessity to conduct cancellations or revocations.
- (7) An accused person does not have to prove anything. They have to be in breach of a direction to be charged, and it is only that, if acting contrary to a restriction, that a reasonable excuse amounts to a defence.

This is a common feature of the law. Many offences provide exceptions for reasonable or lawful excuse. The circumstance of the current restrictions does not impose any additional evidentiary burden on an accused person.

However, where a person approached by police does have a genuine and reasonable reason for being out, I would encourage them to tell the police. Our police are compassionate people and are working to protect the public in the course of this emergency. People should absolutely have no fear of an adverse outcome if they are acting in accordance with the spirit of the restrictions.

- (8) (a) The Tasmanian legal assistance sector in general is experiencing an increase in the demand for services due to COVID-19, whilst at the same time adjusting the manner in which it delivers services and interacts with clients and the justice system, in response to social distancing requirements.

Based on feedback received from Community Legal Centres to date, the impact of unemployment, isolation and social restrictions have started to take effect and requests for advice in relation to family law and domestic violence matters have increased. There has also been a spike in the number of requests for assistance from tenants.

There have also been a large number of COVID-19-related inquiries to the Legal Aid Commission of Tasmania's advice service. Demand for assistance has remained steady across the range of services provided by the commission. The commission anticipates an increase in demand for family violence, family law and criminal law services over the short to medium term.

There has also been a sharp rise in tenancy-related calls to the commission, which has been working with the Tenants' Union of Tasmania to assist to meet the demand for these services. There has also been an increase in questions concerning wills.

- (b) The Attorney-General and the Department of Justice continue to actively work with the Commonwealth Government to consider what additional support can be provided by both levels of government to address the increasing pressures on the legal assistance sector arising from COVID-19, and ensure that justice services and the justice system can return to normal as quickly as possible. This has been the subject of a number of Council of Attorneys-General meetings, held with the Commonwealth, state and territory attorneys-general by teleconference, with input from the state and federal courts.

The Tasmanian Government is committed to ensuring legal assistance services can meet the rapidly growing number of people with legal needs who are otherwise unable to afford legal advice.

COVID-19 - Elective Surgery

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

With regard to the cancellation of all elective surgery in response to the COVID-19 pandemic -

- (1) When is it expected that elective surgery will recommence?
- (2) Will resumption of Category 1 elective surgery be prioritised?
- (3) What is the expected time frame for recommencement of Category 1 elective surgery?
- (4) Will elective surgery recommence across all hospitals at the same time; and if not -
 - (a) Will Category 1 patients from around the state be reassessed to ensure all Tasmanians can access urgent care as soon as possible and in a timely manner?
 - (b) How will this be undertaken?
- (5) What communication has and/or will be provided to patients who are waiting for procedures, including Category 1 elective surgery cases to inform them of these decisions?

ANSWER

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

(1) to (5)

During the COVID-19 pandemic, the difficult decision was made to cease most elective surgery and IVF procedures nationally.

However, the most urgent Category 1 surgery has continued to be delivered in our hospitals.

As announced last week, the National Cabinet, acting on the advice of the Australian Health Protection Principal Committee, has made the decision to resume some other procedures in addition to this Category 1 surgery.

The Department of Health is now working through surgery plans and capacity with local hospital management and senior clinicians, as well as the private sector.

We are not yet in the position to return to normal elective surgery levels, so this will be a gradual, progressive restart to our surgical program.

There will be close consideration of current constraints in our health system, for example with the north-west outbreak and the extra pressure from that outbreak placed on the Launceston General Hospital, and the final decisions on the category and types of patients to be operated on will remain at the discretion of our medical professionals, and will vary from site to site.

Our hospitals and surgeons will continue to communicate with patients when their date for surgery approaches.

COVID-19 - Pandemic Planning and Preparedness

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

Regarding the north-west COVID-19 outbreak - again, some of this will probably be included in the report released this morning -

(1) With regard to pandemic planning and preparedness -

- (a) Were personal protective equipment protocols, staff training and PPE availability consistent in all hospitals?
- (b) Have any concerns regarding pandemic planning and preparedness including PPE protocols, staff training and PPE availability in the north-west health system been raised or did they contribute to the outbreak at the North West Regional Hospital?

- (2) What impacts, if any, did overall hospital resourcing, clinical governance and staffing have on the outbreak and its progression?
- (3) What infection control measures will change immediately, in the medium term and longer term, to reduce risks and to prevent a recurrence?

ANSWER

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

- (1) Ensuring our frontline staff are as well protected as possible against COVID-19 is an absolute priority for both the THS and the Tasmanian Government.

The Government has been assured that there are regular checks in health facilities to ensure supplies are being maintained throughout the day, and that PPE is being actively managed and promoted in our facilities in line with the evidence-based national COVID-19 infection prevention and control recommendations from the Australian Health Protection Principal Committee.

Tasmania's guidelines are being constantly reviewed to ensure they are meeting the needs of our services and staff, and further training is being rolled out to ensure our staff are supported.

- (2) and (3)

The Tasmanian Government has today released the COVID-19 North West Regional Hospital Outbreak Interim Report. This report is vital to develop early epidemiological findings, so that immediate issues can be acted on, in line with best practice in outbreak management.

Importantly, the COVID-19 North West Regional Hospital Outbreak Interim Report has been made available publicly.

The Government is committed to ensuring we learn the lessons from the north-west outbreak, and we will share these across our health system so that we can all continue to work to do our best to avoid similar outbreaks in the future.

The minister has confirmed today that they have accepted all the report's recommendations, which include a range of recommendations relating to governance, planning, infection control and PPE processes.

The Secretary of the Department of Health has been tasked with developing an implementation plan.

Some recommendations are being actioned very quickly and are already being implemented, including enhanced staff screening, improving PPE training and

communication for our staff, and clarifying return to work processes on a statewide basis.

Other recommendations will take longer to progressively plan and implement, as in parallel to this work we are continuing with our preparations for this pandemic.

COVID-19 - North-West - Vulnerable Groups

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

Vulnerable groups with below-average health outcomes are at greater risk of serious illness and death if infected with COVID-19.

The disease poses a significant greater risk for older people, Indigenous people, people with disability, low income earners and LGBTIQ people. Members of these groups can also experience greater degrees of social isolation and resulting mental health issues.

Regarding the north-west COVID-19 outbreak -

- (1) What is the Government doing to ensure the health of members of each of these specific vulnerable groups is protected?
- (2) What health messages and communication mechanisms have been developed specifically for each of these vulnerable groups in relation to the COVID-19 pandemic?
- (3) What has been done to ensure that members of each of these specific vulnerable groups remain connected to social networks and community support?
- (4) What additional funding has been allocated for -
 - (a) health services
 - (b) social services
 - (c) representative organisations for these vulnerable groups?

ANSWER

Mr President, I thank the member for Nelson for her question. Yet again, with regard to question (4) -

Ms Webb - There were only four.

Mrs HISCUTT - With regard to question (4), there is quite a lengthy answer with all the money and how it is being spent. With this question also, Mr President, I seek leave to table the answer and have it incorporated into *Hansard*.

Leave granted.

The incorporated answer read as follows -

(1) and (2)

The Government has provided significant funding for a range of social supports and community-based services, to ensure Tasmanians in vulnerable cohorts have access to resources, services and information relating to COVID-19.

The Government has developed a dedicated COVID-19 website to ensure accurate and evidence-based information is freely publicly available (www.coronavirus.tas.gov.au), and the Government has also bolstered mental health and other health services to meet expected demand.

The Tasmanian Government's public information unit has developed a range of broadscale communications strategies relating to COVID-19, including advertising across television, print media, social media and over radio broadcasting.

(3) and (4)

The Department of Health has engaged GP Assist for health screening of non-essential travellers going into mandatory quarantine in government-managed quarantine hotels. This is to expedite the process for an exemption from the hotel if required on medical grounds, be proactive in identifying medical issues that may need support during quarantine, and to help people connect with their usual health care providers.

The Department of Health has also engaged GP Assist to provide telephone-based clinical oversight of COVID positive patients who are able to self-manage at home. GP Assist makes daily phone calls to COVID positive people to monitor for deterioration, and support and advise on healthcare options.

More broadly, the Tasmanian Government also -

- is in the process of developing a policy for Patient Transport to assist people who have no access to a vehicle, with transport to testing facilities, or the person is in isolation due to COVID-19 and has to attend medical appointment; and
- has been providing short term PPE to community service providers to assist them to safely continue their service provision.

The Government is also investing \$4 million into mental health support services to plan and respond to COVID-19. This includes -

- \$875 000 to establish a dedicated 1800 phone number to allow the Tasmanian community to call in and receive psychosocial support, and provide a reach out service for older Tasmanians and industries significantly impacted;

- \$360 000 for increased capacity to provide mental health advice, support and referral for vulnerable Tasmanians living in rural areas;
- \$450 000 supporting providers to use technology to keep vulnerable Tasmanians connected;
- \$120 000 for targeted support for Tasmania's migrant community regarding the COVID-19 pandemic;
- \$600 000 for increased capacity to provide mental health support for Tasmanians living in supported accommodation; and
- \$250 000 to adapt Tasmania's pharmacotherapy program to the challenges of COVID-19.

As part of the stimulus packages, the Tasmanian Government has provided an extensive range of funding support to vulnerable Tasmanians including -

- \$1 million to enable non-government organisations including the Salvation Army, the Australian Red Cross and Rural Business Tasmania to support vulnerable Tasmanians required to self-isolate through the provision of food hampers, medical supplies or counselling;
- \$790 000 to support a range of organisations that provide emergency food relief to meet changing and increasing demand;
- \$100 000 to TasCOSS to ensure a joined-up and connected community sector response;
- \$250 000 for an essential technology fund to be managed by TasCOSS to enable community sector organisations to access technology to continue to deliver vital support services to vulnerable Tasmanians by phone or online, and work from home;
- \$130 000 for Volunteering Tasmania to assist in mobilising volunteers;
- \$65 000 each to the Council on the Ageing Tasmania and Youth Network of Tasmania to develop an effective communication and marketing campaign in response to COVID-19;
- \$65 000 to Tasmanian Men's Shed Association to help sheds and members stay connected;
- a dedicated \$500 000 grant program to help those organisations that support veterans and their families (such as RSL Clubs, RSL subbranches, ex-service organisations) whose operations have been impacted by COVID-19 pandemic restrictions;
- up to \$3 million to assist an estimated 26 000 temporary visa holders in Tasmania, including students, fruit pickers and skilled workers; this package will include funding for an extension to the eligibility for pandemic isolation assistance grants (for financial hardship) and additional funding for emergency relief and assistance;
- \$260 000 for Community Transport Services Tasmania to continue to maintain essential transport for our most vulnerable;

- \$700 000 for Neighbourhood Houses (\$20 000 for each of the 35 houses in the state) to support their local communities; and
- \$15 000 towards disability support to support those with disability face the additional challenges of COVID-19. This complements the support provided by the NDIS;
- an extra \$1 million increase in the provisions of the No Interest Loan Scheme to enable further loans to be provided to healthcare card receipts;
- \$2.7 million to address a range of issues associated with family violence that may increase during the COVID-19 pandemic;
- an additional \$2.5 million to enhance child safety and wellbeing;
- a freeze in rent for social housing tenants for six months, and Australian Government COVID-19 payments will not be counted as income for the purposes of calculating rent contributions; and
- \$4.3 million for additional housing and homelessness support to complement the measures previously announced and provide more help for those doing it tough.

Mr Dean - Mr President, while incorporated questions are being taken, I have a pressing question on fuel and another question on COVID-19. I wanted to make sure we got this in -

Mrs HISCUTT - If it is not COVID-19, I will just seek leave to table the answer, so, yes, ask it if you wish.

Mr Dean - I will ask it if I can.

COVID-19 - Fuel Costs

Mr DEAN to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

I ask the following questions because many constituents are raising what they see as the exorbitant cost of fuel in the state at this time; a number of other members have been approached in relation to this matter.

Will the Leader please advise -

- (1) Is the Government aware of the position that our motorists are currently being ripped off at the bowser for fuel at costs of 130 and 140 cents per litre and above for both diesel and petrol?
- (2) If yes, what has the Government done to cause a fair and reasonable cost for diesel and petrol?
- (3) What can the Government do in the circumstances?

- (4) Has the Government spoken with oil companies/retailers regarding the costs of fuel in the state at this time?
- (5) If not, why not?
- (6) If so, what was the response to the discussions? Diesel fuel at Lewisham is currently 105 cents per litre and petrol is 100 cents per litre.

ANSWER

Mr President, I thank the member for Windermere for his question. I found his question rather interesting; it may be COVID-19-related in these times of financial stress for many people. I did note that the fuel price app GasBuddy is a good way of checking on prices all around the state. If people have not got that app, perhaps this might be a good time to download that and participate in it.

Ms Forrest - As long as you're not driving out of your region.

Mrs HISCUTT - As long as you are doing everything appropriately, yes. Mr President, I seek leave to table the answer and incorporate it in the *Hansard*.

Leave granted.

The incorporated answer read as follows -

- (1) Retail petrol price movements are driven by a number of factors including changes in the international petrol prices and the exchange rates. Petrol prices in Tasmania change at a slower rate than mainland counterparts.

The Tasmanian Government continues to support Tasmanian drivers to find the cheapest fuel available through the fuel price app, GasBuddy. The Government is not in a position to make comment on whether motorists are being 'ripped off' at the bowser.

- (2) Whilst the Government is not in a position to pass comment on whether motorists are being ripped off at the bowser, the Minister for Building and Construction, the Hon Elise Archer MP, has written to the ACCC to request that they investigate the fuel practices in Tasmania as part of their ongoing fuel monitoring role.
- (3) The Tasmanian Government continues to support Tasmanian drivers to find the cheapest fuel available, through the fuel price app, GasBuddy. I urge Tasmanian motorists to use the app and contribute the prices they are paying for fuel.

Additionally, I urge all fuel retailers to ensure global reductions are passed on to Tasmanian motorists. Motorists can do this by shopping around to ensure they get the best deal available.

- (4) No. The Australian Consumer Law does not regulate prices. Responsibility for regulating competition rests with the ACCC. The Tasmanian Government has raised its concerns with the ACCC.
- (5) The Government has written to the ACCC to investigate this matter in line with its role in monitoring fuel prices. As such the Government is awaiting a response to this request before it considers further actions.
- (6) The Government is awaiting a response from the ACCC.

COVID-19 - State Emergency Management Committee - Membership

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

Is the Leader able to provide the membership of the State Emergency Management Committee - SEMC - as per section 8 of the Emergency Management Act 2006?

ANSWER

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

Yes, I am and the House might be interested in some of the people there -

SEMC is established under section 8 of the Emergency Management Act 2006. The membership is as follows -

Chair

- State Emergency Management Controller - Darren Hine

Executive Officer

- Director, State Emergency Service - Andrew Lea.

Members

- Deputy Commissioner of Police (Deputy Chair) - Scott Tilyard
- Secretary, Department of Premier and Cabinet - Jenny Gale
- Secretary, Department of Health - Kathrine Morgan-Wicks
- Secretary, Department of Primary Industries, Parks, Water and Environment - Tim Baker
- Secretary, Department of State Growth - Kim Evans

- Secretary Department of Justice - Ginna Webster
- Secretary, Department of Education - Tim Bullard
- Secretary, Department of Treasury and Finance - Tony Ferrall
- Secretary, Department of Communities Tasmania - Michael Pervan
- Deputy Secretary, Department of Premier and Cabinet (State Recovery Advisor) - Craig Limkin
- Chief Officer, Tasmania Fire Service - Chris Arnol
- Director of Public Health - Mark Veitch
- Chief Executive, Ambulance Tasmania - Neil Kirby
- Director, State Emergency Service - Andrew Lea
- Chief Executive Officer, Local Government Association of Tasmania - Katrena Stephenson
- Regional Emergency Management Controllers -
 - Regional Emergency Management Controller - Southern Commander Tasmania Police - Anthony Cerritelli
 - Regional Emergency Management Controller - Western Commander Tasmania Police - Debbie Williams
 - Regional Emergency Management Controller - Northern Commander Tasmania Police - Brett Smith
- Chairs of SEMC subcommittees
 - Chair of Capability and Capacity Sub-Committee - Deputy Chief Officer Tasmania Fire Service - Bruce Byatt
 - Chair of Collaborative Leadership Sub-Committee - Commander Special Response and Counter-Terrorism Tasmania Police - Joanne Stolp
 - Chair of Recovery Working Group - Director, Office of Security and Emergency Management - Simon Roberts
 - Chair of Risk Sub-Committee - Director, State Emergency Service - Andrew Lea
- Any other person holding a position or office determined by the State Controller (nil at this point in time)
- Any other persons the State Emergency Management Controller considers appropriate (nil at this point in time)

COVID-19 - Frank MacDonald Memorial Prize

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

The global COVID 19 pandemic has understandably meant the Frank MacDonald Memorial Prize winners were not able to travel to the Western Front for Anzac Day.

- (1) Will the six winners get to go next year instead?
- (2) How has this pandemic changed the prize's structure?

ANSWER

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

(1) and (2)

The Tasmanian Government has postponed the 2019-20 Frank MacDonald Memorial Prize trip until April 2021. It is anticipated that the six winners from 2019-20 will participate and the itinerary will be the same as was planned for 2020.

Due to the ongoing uncertainty around the COVID-19 pandemic and its impact on the education system, the Government has also made the decision to postpone the opening of the 2020-21 Frank MacDonald Memorial Prize.

Alternative options are being developed for consideration so that a Frank MacDonald Memorial Prize competition can be held later this year if it is appropriate to do so.

The final decision on travel for prize winners will be based on the advice of the Chief Medical Officers and other formal advice.

Mr President, this was a very good question and a very good trip.

Fallow Deer - Culling - Cattle Hill Wind Farm

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

Could the Government confirm that it has approved a cull of fallow deer at the Cattle Hill Wind Farm site and that 1500 carcasses will be buried?

ANSWER

Mr President, I thank the member for Rosevears for his question. As this is not a COVID-19 question, I seek leave to table the answer and have it incorporated in the *Hansard*.

Leave granted.

The incorporated answer read as follows -

The Department of Primary Industries, Parks, Water and Environment recently issued crop protection permits for the farming property on which the Cattle Hill Wind Farm is located. These permits authorise the taking of up to one hundred immature male fallow deer and an unspecified number of antlerless fallow deer on the property in accordance with provisions of the Wildlife (General) Regulations 2010.

I am advised that the landowner's intention is that the deer will be shot by game hunters who will retrieve all carcasses and bone out the meat for personal consumption. Deer skeletons and offal will be buried in pits on the property, meeting the requirements of the Animal Health Act 1995. I am further advised that it is not their intent that whole deer carcasses will be buried.

Right to Information - Publication of Decisions

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

Acknowledging that there is nothing in the Right to Information Act 2009 that makes it compulsory to publish decisions and given that the former premier Will Hodgman in 2014 advised in a media interview that he had directed all government agencies to publish right to information decisions within 48 hours of being made -

- (1) Are GBEs and state-owned companies exempt from the former premier's edict on publication of decisions?
- (2) If so, why?
- (3) If not, why is Hydro Tasmania the only compliant business that maintains a disclosure log?
- (4) Why is a disclosure log not maintained by all other government businesses?

ANSWER

Mr President, I thank the member for McIntyre for her question. I seek leave to table the answer and have it incorporated in the *Hansard*.

Leave granted.

The incorporated answer read as follows -

- (1) Yes.
- (2) The requirement to publish right to information decisions within 48 hours applies to State Service agencies. Government business enterprises and state-owned companies are not State Service agencies as defined in Schedule 1 of the State Service Act 2000.
- (3) Not applicable.
- (4) Hydro Tasmania has made a decision to voluntarily publish right to information decisions.

COVID-19 - North-West Coast Restrictions

Mr DEAN to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

These questions come as a result of constituent contact with me and their concerns about this. In relation to COVID-19 and the restrictions in place for the north-west coast, will the Leader please advise -

- (1) Were/are roadblocks or checks being done on traffic movements from the north-west coast?
- (2) If no, because the north-west coast outbreak was/is an extremely serious matter, not just for Tasmania but also for the country, why were roadblocks or inspection points not put in place?
- (3) If roadblocks/inspection points are in place, what results were achieved?

ANSWER

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

I can confirm that the roadblocks were happening because where I live, I look down on the truck checking station, and, yes, they have been there.

Mr Dean - I ask because members were saying they have seen many north-west coast people shopping in the supermarket in Launceston -

Mrs HISCUTT - That was when the roadblocks were put in place.

- (1) An additional 10 police vehicles and 20 police have been deployed to the north-west coast to provide a high-visibility presence in the area. Police have actively sought to

check the reasons for movement of motorists and pedestrians in order to promote the message and identify people flouting the directions.

Since the commencement of specific north-west restrictions, there have been a number of static checkpoints where police have intercepted vehicles on roads in the north-west coast. These larger operations have usually been carried out on the Bass Highway, where the highest number of interactions can be achieved and generally during daylight hours for safety reasons.

High-visibility patrols and random vehicle checks have also been conducted on other major and minor arterial routes into the north-west region - that is the Lake Highway, Marlborough Highway and Frankford Highway.

- (2) As referred to in question (1), both static checkpoints and random inspections were conducted to restrict the movements of vehicle traffic inward- and outward-bound from the north-west region.
- (3) The teams have intercepted up to 500 vehicles per day and spoken to hundreds of pedestrians moving around the north-west coast. A further concentrated effort was undertaken during the Easter period, including using air support. I heard the helicopters going over my place quite consistently.

A number of motorists were given advice and warnings in respect of their travel in and out of the north-west region.

Tasmania Police remains committed to educating and supporting the public prior to considering or undertaking more punitive practices.

Tasmania - Foreign Ownership of Land, Property and Business

Mr DEAN to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

This question relates to foreign ownership of property and businesses in Tasmania. Questions on this subject were raised by the member for Hobart, Mr Valentine, in 2018 and 2019.

Will the Leader please advise -

- (1) What is the extent of foreign ownership of land (including farming properties), properties (including residential properties) and businesses in Tasmania as of 29 February 2020?
- (2) What is the ownership in each category?
- (3) What is the limit on foreign ownership in Tasmania in each category?

- (4) If there is no maximum limit at this time, is it being considered?
- (5) If not, why not?
- (6) Do other states and territories have limitations on foreign ownership of property (all categories)?

ANSWER

Mr President, I thank the member for Windermere for his question. As the question is not related to COVID-19, I seek leave to table the answer and have it incorporated in the *Hansard*.

Leave granted.

The incorporated answer read as follows -

- (1) Matters relating to the foreign ownership of land in Australia are the responsibility of the Australian Government.

Information published by the Australian Taxation Office in its Register of Foreign Ownership of Agricultural Land shows that in Tasmania as at 30 June 2018 some 362 000 hectares had a registered foreign ownership.

The Foreign Investment Review Board - FIRB - annual report provides some statistics in relation to the number of investment proposals considered during the relevant financial year but this is not representative of the full number of investments by foreign persons because not all investments are notifiable under the legislation.

- (2) There is no further publicly available data on the extent of foreign ownership of other land types, including commercial or residential properties in Tasmania (or in other states).

All states and territories have been required to collect and report information to the ATO in relation to transfers of freehold interest in real property that occur from 1 July 2016 onwards, including the nationality of each purchaser. However, there were no uniform reporting arrangements prior to that date and Tasmania did not collect this information.

- (3) In response to the COVID-19 pandemic, the Australian Treasurer announced, on 29 March 2020, that all proposed foreign investments into Australia subject to the Foreign Acquisitions and Takeovers Act 1975 will require approval regardless of value or the nature of the foreign investor.
- (4) Australia's foreign investment policy falls within the jurisdiction of the Australian Government

- (5) Decisions in relation to Australia's foreign investment policy fall within the jurisdiction of the Australian Government
- (6) The Government is not aware of limitations on foreign ownership of property in other states or territories.

Tasmania Police - Special Operations Group - Proposed Headquarters

Mr DEAN to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

My questions relate to police and are supplementary in the main to answers provided last week and supplementary to answers provided several weeks ago.

As raised in my noting of the State of the State contribution, will the Leader please advise -

- (1) What numbers will make up the core group of the Special Operations Group - SOG - as referred to by the minister?
- (2) Will the core group be domiciled in both the south and north of the state?
- (3) I understand money has been made available for a headquarters building for the SOG. If correct, where will the complex be built and what stage is planning at?
- (4) If a current building is to be fitted out for a SOG headquarters training facility where is it or where will it be located?
- (5) Will the new complex as approved to be built for police at Longford also be occupied by other outstation police and/or other Emergency Services?
- (6) If so, who will occupy the building?

ANSWER

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

As the question is not related to COVID-19, I seek leave to table the answer and have it incorporated in the *Hansard*.

Leave granted.

The incorporated answer read as follows -

- (1) Tasmania Police has appointed a full time inspector to the SOG and is in the process of filling two sergeant positions and one constable position as part of the full-time core SOG.

These four positions will initially form a SOG project group and will be examining opportunities and making recommendations regarding the future full-time SOG group.

- (2) The SOG project group will consider where the core group should be domiciled and make a recommendation.
- (3) The state Government has provided \$1 million in funding for a fit-for-purpose secure SOG facility in last year's budget.

At this time, the most likely option for the SOG facility will be based on an extension and redesign of the current SOG facility in the south of Tasmania.

Tasmania Police has appointed a manager from Property and Procurement Services to support the SOG project group. An architect is also being engaged to provide concept drawings as part of the project.

- (4) Although yet to be confirmed, the most likely outcome is that the current SOG facility will be redesigned and developed into a secure fit-for-purpose SOG facility.

Given the sensitive nature of the work and the security required for SOG equipment the exact location of the SOG facility should not be disclosed.

- (5) Yes.
- (6) The proposed large operational store at the rear of the new station will provide capacity for various other policing functions to store specialist equipment, including Search and Rescue, Bomb Response Group, Forensic Science Service and the SOG. This will enable those units to have an area to centralise their equipment holdings in the Northern District.

The State Emergency Service will also be able to store equipment in the proposed operational store.

Consideration is being given to housing some Northern Road and Public Order Services members in the new Longford Station. The new station design allows sufficient space for this to occur. The purpose of this is to provide specialist road safety activities on the main highways and feeder roads of the Northern District. The two major highways in the Northern District, the Bass Highway and the Midland Highway, are both near Longford.

TABLED PAPER

Parliamentary Standing Committee on Subordinate Legislation - Scrutiny of Notices - COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 - Report

Ms Rattray presented the first report of the Parliamentary Standing Committee on Subordinate Legislation in relation to the scrutiny of notices issued under the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020.

Report received and printed.

SUSPENSION OF SITTING

[4.07 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I thank members for their patience during that question time. There are still a few questions to come, but hopefully the briefing will be able to clear a lot of stuff up. I look forward to members' next lot of questions.

Mr President, I move -

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

Motion agreed to.

Sitting suspended from 4.08 p.m. to 7.02 p.m.

COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) BILL (No. 2) 2020 (No. 17)

First Reading

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

MOTION

Suspension of Standing Orders - Bill to Pass all Stages

Motion by **Mrs Hiscutt** agreed to -

That so much of the Standing Orders be suspended to allow the bill to pass through its remaining stages at such time as the Council may appoint.

COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) BILL (No. 2) 2020 (No. 17)

Second Reading

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

That the bill be now read the second time.

This bill is another step in delivering on the Government's commitment to respond to the COVID-19 disease emergency and to manage the risks associated with the spread of the disease and the financial hardship affecting the community as a result.

The Tasmanian Government is committed to responding quickly to the issues faced by Tasmania as a result of the COVID-19 disease emergency. The COVID-19 Disease Emergency (Miscellaneous Provisions) Bill No. 2 of 2020 provides a range of discreet measures to address the effects of the COVID-19 disease in Tasmania by amending or modifying the application of a number of Tasmanian acts. While most of these changes will be in place for the emergency period, the bill also makes a small number of discreet amendments to the Emergency Management Act 2006 and the Public Health Act 1997 that will continue to apply to public health and other emergencies beyond the current COVID-19 disease emergency.

The bill follows on from the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 which was passed earlier this year and commenced on 27 March 2020.

The Minister for Justice also intends to table a separate bill to deliver on the Government's commitment under the National Cabinet to implement the Mandatory Code of Conduct for Commercial Leasing Principles during COVID-19. As the Premier noted when the first COVID-19 Disease Emergency (Miscellaneous Provisions) Bill was introduced to parliament in March, there are areas of law in our state that were simply not designed to work in the kinds of circumstances we are likely to face as this emergency unfolds.

The bill before you now builds on the foundations put in place by that act to ensure the Government and the administration of law can continue to respond and adapt to the COVID-19 disease emergency situation. The bill makes a number of discreet amendments identified as being necessary at this time in response to the COVID-19 disease emergency, by modifying or amending certain provisions of the following acts and, where relevant, associated regulations.

- the Constitution Act 1934 and the Electoral Act 2004
- the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020
- the Emergency Management Act 2006
- the Public Health Act 1997
- the Tasmanian Health Service Act 2018

- the Taxi and Hire Vehicle Industries Act 2008 and
- the Vehicle and Traffic Act 1999.

The bill is set out in a number of discreet parts that deal with how each of these pieces of legislation are either modified, or amended, by the bill. It also provides for the making of regulations for the purposes of this act and provides for the minister to declare the emergency cessation day with respect to the provisions contained within the bill.

Mr President, I now turn to the specific provisions of the bill.

Part 2 of the bill deals with the Legislative Council periodic election for 2020. These elections for the divisions of Huon and Rosevears are an important part of Tasmania's democratic system and we take the responsibility to conduct these elections in accordance within our current framework very seriously. On 5 April, the Minister for Justice announced the Legislative Council elections would be deferred as part of measures to protect Tasmanians against the spread of the coronavirus.

This decision was based on advice from the Director of Public Health that it is likely the gathering of people on a polling day in May would be a public health risk and against current directions issued under the Public Health Act 1997. For these reasons, it is not considered feasible to hold the Legislative Council periodic elections in May 2020.

A number of steps have been taken to defer the elections. First, the Tasmanian Electoral Commission has resolved not to conduct the Legislative Council periodic elections during May 2020. Second, Her Excellency, the Governor has revoked a proclamation appointing 30 May 2020 as the polling day for the Legislative Council periodic elections. Finally, the Premier has issued a Notice under the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 relating to the polling day for Huon and Rosevears. The notice allows a polling day for the elections on a Saturday in either June, July or August 2020. That day can be fixed by proclamation.

As the minister said at the time, while these elections are an important part of our state's democratic process, on advice from the Director of Public Health, and in the best interests of the Tasmanian community, the strongest measures must be in place to minimise any risk of transmission or spread of the coronavirus, the COVID-19 infection. The minister also stated at that time, that should public health circumstances require a further deferral of the election, then a further notice would need to be considered. In addition to these steps already taken to defer the election, this bill includes provisions to ensure certainty and continued representation for the people of Huon and Rosevears by extending the time within which the Legislative Council periodic elections for 2020 can be held, and extending terms of the current members for Huon and Rosevears until the election can be held, and related matters.

Specifically, Part 2 of the bill modifies the application of the Constitution Act 1934, and the Electoral Act 2004, to enable the election to be held, so far as possible, on a date on which the holding of the election will not substantially increase the risk of the spread of the disease.

Importantly, the bill modifies the application of these acts with respect to this matter, but does not amend the provision of these acts directly. Rather, it allows for the provisions of the bill to prevail in relation to this matter only to the extent of any inconsistency between a

provision of those acts and the provision of the bill. The Government understands the importance of these elections to the people of Huon and Rosevears, and will continue to take advice from the Director of Public Health to ensure they are conducted safely and in the best interests of the Tasmanian community.

The bill provides legislative certainty for various matters relating to the deferral of the election by modifying the application of the Constitution Act of 1934 and the Electoral Act 2004.

In light of uncertainty regarding the date on which the periodic election for 2020 may be held safely, the bill provides that the Governor may, under section 19(4) of the Constitution Act 1934, appoint by proclamation to hold the 2020 election on a Saturday in a month before 31 December 2020. The Governor may only make a proclamation if the Director of Public Health has notified the minister he or she is of the opinion that there is no longer a significant risk to public health that would make it undesirable to hold the 2020 election.

The bill extends the term of the current Council members for Huon and Rosevears until an election can be held and provides that if the election cannot be held before December 2020, the election in respect of 2020 will be held at the time of the periodic election in 2021 on a Saturday, in a month in May in 2021 in accordance with section 19(4) of the Constitution Act 1934.

The bill also provides that the term of the newly elected members in the Council division of Huon and Rosevears will end at the time of the new candidates being declared for the next period election for those Council divisions in May 2026. This will ensure a return to the usual six-year term of office provided in the Constitution Act 1934 at the time of the 2026 periodic election.

The provisions in Part 2 reflect the need to modify the provisions of the Constitution Act 1934 and the Electoral Act 2004 in relation to the Legislative Council 2020 periodic elections and are not specifically linked to the emergency cessation date as defined in this bill.

Some of these provisions, such as the provisions allowing for a return to 2026 to the usual six-year fixed term for council members under section 19 of the Constitution Act 1934 will need to be in place beyond the emergency cessation day.

I now turn to Part 3 of the bill which relates to the functions of the Tasmanian Health Service, the THS, during the emergency period. Section 17 of the Tasmanian Health Service Act 2018 sets out the powers and functions of the Tasmanian Health Service in providing health services and health support services where those services are not provided for under the act. Under the act, the Tasmanian Health Service is not able to act as a service provider in contracts with third parties such as other service providers unless those services are specifically contemplated in the THS Service Plan in place at the time. This may limit the ability of the Tasmanian Health Service to enter into commercial arrangements with a third party service provider to deliver services to a third party where this arrangement is not specifically in the THS Service Plan.

In the context of managing the COVID-19 disease response, it is considered that modifying this requirement during the emergency period could assist in managing the relationships between public and private hospitals where the THS may provide services to support those private hospital facilities.

The bill provides that the Tasmanian Health Service may enter into contracts or arrangements during the emergency period to ensure that functions, hospital services, medical services, health services and health support services that are reasonably required may be performed or provided during the emergency period. It provides that for the emergency period such contracts and arrangements may be entered into where it is not consistent with the Ministerial Charter, is not specified in or is consistent with the THS Service Plan or it would otherwise not be authorised under the act.

It is critical in the current COVID-19 disease emergency that these services and functions are able to be delivered and that documents and plans that may be in place that were not specifically designed to address a disease emergency such as this, and may not be adequately responsive to the changing circumstances of the emergency, do not hinder the ability of the Tasmanian Health Service and health providers to deliver clinical health services during this time.

Mr President, parts 4 and 5 of the bill address specific matters relating to financial hardship during the emergency period. Part 4 modifies the operation of the Taxi and Hire Vehicle Industries Act 2008 and the Taxi Industry Regulations of 2018 in relation to taxi licences and the regulation of ordinary and wheelchair-accessible taxis during the emergency period and also separately modifies the application of section 23(1) of an act in relation to the years 2020, 2021 and 2022.

The bill provides that the requirement under section 23(1) of the Taxi and Hire Vehicle Industries Act 2008 to make available new licences for issues does not apply in 2020 and that the minister may, by notice, declare that this requirement does not apply in 2021 and/or 2022 in relation to any taxi area. The amendment relates to the financial hardship effects of the COVID-19 disease emergency; however, the modification of the operation of section 23(1) is not linked to the emergency period under the act.

This modification is broadly consistent with the existing provisions of section 23 of the Taxi and Hire Vehicle Industries Act of 2008 which already provides for the minister to declare by notice that the requirement under section 23(1) does not apply in relation to a taxi area in respect to any of the years of 2016, 2017 or 2018.

The Government had originally intended to introduce a bill this year to amend this section of the act in relation to the requirement under section 23(1) to extend the years in which such a notice could be made. However, due to the current COVID-19 emergency situation, this has not yet occurred. This provision gives broad effect to that intention for the current year and also for 2021 and 2022.

Mr President, Part 4 also provides that while this provision is in force the commission may approve vehicles for use and issue or transfer licences for ordinary and wheelchair-accessible taxis to continue to operate where the specific maximum vehicle age and odometer readings set out in the provisions, which reflect certain provisions in the Taxi and Hire Vehicle Industries Act of 2008 and Taxi Industry Regulations of 2018, are exceeded.

This amendment, the new clause 14, is linked to the emergency period under the act and will cease to be enforced on the emergency cessation day, or a later day determined by the minister by notice published in *The Gazette* before the emergency cessation day. This modification of the application of Taxi and Hire Vehicle Industries Act 2008, and associated regulations, applies only to the maximum vehicle age and odometer readings set out in the

provisions, and does not affect other requirements for ordinary or wheelchair-accessible taxis including other criteria in schedule 1 where the commission may approve a vehicle for use as a wheelchair-accessible taxi.

For example, Schedule 1 of the Taxi and Hire Vehicle Industries Act 2008 includes a range of other criteria for wheelchair-accessible taxis, including that the vehicle must comply with Disability Standards for Accessible Public Transport 2002, formulated under section 31(1) of the Disability Discrimination Act 1992 of the Commonwealth, that the vehicle be fitted with a wheelchair restraint assembly that complies with AS/NZS 10542.1:2009 and that any hoist or ramp fitted with a vehicle complies with AS/NZS 3856. These important safety requirements will not be compromised by the changes made by this bill.

Part 5 of the bill modifies the application of the Vehicle and Traffic Act 1999 and associated regulations to allow the registrar to freeze the registration of a vehicle for part or all of the emergency period. Clause 15 of the bill defines the relevant period for this part in relation to a vehicle as the emergency period or a shorter period ending on a day nominated under clause 16(2) by the owner or a registered operator in relation to the vehicle. Once the period ends, either the registration is to be extended for the period for which it was frozen, or, where the owner or a registered operator requests, the registration is to be refunded to the person for the period for which the registration was frozen.

The Government has previously announced this financial hardship measure in response to the impact of the COVID-19 disease emergency and trading restrictions on Tasmanian small businesses. If the registration of a vehicle is frozen under this provision, the bill provides that the vehicle may not be used on a public street during that period, except if otherwise authorised under the act.

Part 6 of the bill makes two minor amendments to the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 that was passed by the parliament earlier this year. The first amendment expands the definition of permit, under section 4 of that act, to include a relevant licensing act, which is defined in the bill as the Conveyancing Act 2004, the Occupational Licensing Act 2005, the Property Agents and Land Transactions Act 2016, the Registration to Work with Vulnerable People Act 2013, and the Security and Investigations Agents Act 2002.

Section 14 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 provides that the minister may make notices to amend or revoke, for the period specified in the notice, a permit or any permit within a class of permits specified in the notice. While the definition of permit under section 4 of that act allows for further acts in addition to the Land Use Planning and Approvals Act 1993 to be prescribed by the regulation to meet the definition of a permit under section 4, it is expedient to make this amendment at this time as part of this bill, rather than to prepare a separate regulation under the act for that purpose.

The bill also makes a minor amendment to expand the wording in section 13 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 in relation to where a notice issued by the minister may amend a statutory period by which an action must be taken under a relevant legislative instrument, to include the period where such an action must be, or may be, taken. This amendment recognises that in many cases, the terminology used in a relevant legislative instrument could either be must or may, and the current wording is likely to be too restrictive with regard to the original intension of that provision.

It also recognises the definition of the terms 'must' and 'may', as set out in section 10A of the Acts Interpretation Act 1931 whereby 'must' is to be construed as being mandatory, and 'may' is to be construed as being discretionary or enabling as the context requires. The amendment in the bill will address any uncertainty around whether a notice may be made under section 13 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 in relation to the amendment of statutory periods for various legislation by notice under that act. The effective duration of notices that can be made under the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 and related matters are set out in that act.

Mr President, I now turn to Part 7 of the bill, which makes amendments to the Emergency Management Act 2006 to provide for infringement notices to be issued under that act.

These amendments are not restricted to the emergency period, and are intended to permanently amend that act to allow for infringement notices to be issued in relation to offences under that act.

The bill inserts a new section 60C in Part 4 of the Emergency Management Act 2006 to allow infringement offences to be prescribed by regulation, and for infringement notices to be issued and served by a police officer in relation to these infringement offences. It provides that an infringement notice may not be served on an individual who is younger than 18 years of age, and may not relate to more than three offences.

The bill also provides that the regulations may prescribe different penalties for bodies corporate and individuals, and that the penalty for an infringement notice for an individual is not to exceed 20 per cent, and for a body corporate is not to exceed 30 per cent, of the maximum penalty that could be imposed by a court in respect of that offence. This amendment does not create any new offences under the Emergency Management Act 2006; instead, it provides an ability for police to issue and serve infringement notices in regard to existing offences under the act.

These amendments are not limited to the emergency period for the COVID-19 disease emergency. The ability to create infringement offences, and for police officers to issue and serve infringement notices in regard to these offences, is something that is considered to warrant broader application, and will provide a new enforcement option for police under the act.

In relation to emergency circumstances, this may assist police in achieving more immediate compliance where necessary. However, I am also advised the approach police are taking in response to the current emergency is to encourage compliance in the first instance, through an educative role by explaining the restrictions that are in place.

Mr President, Part 8 of the bill makes a number of amendments to the Public Health Act 1997. As I will outline in a moment, some of these amendments relate only to the emergency period for the current COVID-19 disease emergency, while other amendments are not restricted to the emergency period and will permanently amend the act in regard to public health emergencies.

In relation to the COVID-19 disease emergency only, the bill extends the period at section 15 of the act for which a public health emergency declaration made by the director can be made and extended by a maximum period of seven days, to a maximum period of 12 weeks.

The change put forward in this bill will ease the current requirements for the Director of Public Health to make a declaration extending the public health emergency declaration every seven days. This change recognises the unprecedented and extended period of the current public health emergency for the COVID-19 disease in Tasmania, and the likelihood that the disease emergency may continue for some time. This is a significant administrative burden on the Director of Public Health and government agencies associated with preparing and executing the declarations, and extensions of the declarations, every seven days in the current COVID-19 emergency situation. This also represents an administrative risk that a declaration may be made invalidly on a technical basis, undermining the integrity of the declarations.

The bill does not make any further changes to the provisions for a public health emergency declaration under section 15 of the Public Health Act 1997, and the director will still be able to declare that the period by which this declaration is extended is a shorter period than the maximum period. The requirement that the director must revoke any emergency declaration as soon as practicable after he or she is satisfied the situation no longer requires the emergency declaration to be in force, will also remain unchanged.

The bill also inserts a new section 198B in the Public Health Act of 1997 to provide that the emergency declaration under the act on 17 March 2020 has effect for a 12-week period on the day it was made, consistent with the extended period of 12 weeks introduced by this bill and may be extended under the act. This amendment will also address any possible issues that may arise and would otherwise require the validation on any previous extensions of the declaration made on 17 March 2020.

This amendment is consistent with the amendment to section 40 of the Emergency Management Act 2006 introduced by the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 which is in force, which provides in relation to the COVID-19 state of emergency only an authorisation by the State Controller of the use of emergency powers may be made to have effect for a maximum period of 12 weeks. The maximum period of 7 days for such an authorisation under the act, other than in relation to the COVID-19 state of emergency, remains unchanged.

As I mentioned earlier, the bill also makes a number of permanent amendments to the Public Health Act of 1997 which I will briefly describe.

The bill increases the penalty under section 42(2) of the Public Health Act 1997 from the current penalty of a fine not exceeding 50 penalty units, currently set at \$8400, to a new maximum penalty of a fine not exceeding 100 penalty units, currently set at \$16 800, or imprisonment for a term not exceeding six months or both. This new higher penalty will apply generally and is not restricted to the COVID-19 disease emergency. This penalty is consistent with the penalty under section 16(3) of the principal act where a person does not comply with the direction of the Director of Public Health under the section and where an emergency declaration is in force. It is also consistent with the penalty for an offence under section 60 of the Emergency Management Act of 2006, which was recently increased from a maximum penalty of a fine not exceeding 100 penalty units or imprisonment through a term of not exceeding three months or both to provide the maximum period of an imprisonment is a term not exceeding six months.

This new higher penalty in the Emergency Management Act 2006 was made as a consequential amendment to the Emergency Management Act 2006 in the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 passed by the Parliament earlier this year.

Section 42(2) of the Public Health Act 1997 provides a penalty where a person does not comply with a direction given under section 42(1) by the director by notice served the person who the director is aware or suspects on reasonable grounds has or may have been exposed to a notifiable disease.

These are serious offences and it is appropriate the maximum penalties in the act reflect this. The bill also consequentially amends the section 169(1) of the Public Health Act 1997 to provide in addition to an authorised officer or a council, a police officer may serve an infringement notice on a person for a prescribed offence under that act. This amendment recognises in many cases it may be a police officer who is dealing with an offence under this act. This new higher penalty will apply generally and is not restricted to the COVID-19 disease emergency.

Finally, the bill amends section 194 of the Public Health Act of 1997 to provide in the absence of evidence to the contrary, in any proceedings for an offence or failing to comply with a direction under the act, it is sufficient evidence that a person knew of the requirements of the direction if certain facts set out in the bill are established. This new higher penalty will apply generally and is not restricted to the COVID-19 disease emergency.

I want to indicate I have extra here and to indicate the Government will be making a small amendment to the bill. This amendment was agreed to in the other place. It was relating to some of the questions the member for Mersey was asking during our briefing. The emergency cessation day for this bill is currently when the minister may by notice declare a cessation day which is not consistent with the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 passed by both Houses in the previous sitting week. This is an administrative error made when the commercial tenancy code of conduct legislation was split from the draft bill.

It is anticipated the economic difficulties arising from the impacts of COVID-19 will go on longer than the public health emergency and therefore a need for temporary commercial tenancy arrangements to extend beyond the emergency period, hence the difference in emergency cessation days. When the two bills were split that provision was not changed and the Government's amendment will fix this housekeeping error so the emergency cessation day in this bill will have same meaning as in the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020. I can highlight that will come in at clause 3 of the bill.

I commend the bill to the House.

[7.36 p.m.]

Mr ARMSTRONG (Huon) - Mr President, with regard to this bill I advise the Chamber that given certain provisions contained in the bill, which are of a pecuniary interest nature and being direct and personal to me, I will not be voting on the second reading or the third reading, and will not be voting on the provisions contained in the parts of the bill and I will leave the Chamber.

[7.37 p.m.]

Mr FINCH (Rosevears) - Mr President, similar to the member for Huon, yes, there is a pecuniary interest involved here so I will not be making a second reading contribution or voting on the second or third reading. However, I will remain in the Chamber and make a contribution outside of clauses 5 and 9 if I feel it is necessary. Also, in the Committee stage I will be able

to make similar contributions if the spirit moves me, except for clauses 4 to 9. If there is a division I will leave the Chamber and certainly I will leave the Chamber at the end of the second reading so I am not part of that vote.

Mr PRESIDENT - Member for Rosevears, we will take that as a point of personal explanation and not as a second reading contribution in case you feel the need to make a contribution.

[7.38 p.m.]

Mr VALENTINE (Hobart) - Mr President, I thank the Leader for the briefings we have had. It has cleared up a few things, but there are still some things a little unclear. I have some areas of concern, which I will deal with more particularly during the Committee stage.

The election of 2020 is a concern. I was one of the people who considered this might be an issue at the start when we started to deal with this. I was contacted, and there was concern that it might be a problem with the COVID-19 situation. I am not saying the election should not be deferred; it is how the election is being deferred that I am more interested in. My main concern is generated by the approach. I have since considered the matter before us and wondered about the solution. When I look at the Constitution Act, I suppose it is one of the cornerstones of all the legislation we deal with in this place in some sense. The Constitution Act gives us our structure and the power to do things. I have thought, why would we not have changed the Constitution to deal with this? It is not going to be the last time this happens -

Ms Forrest - Hopefully it will.

Mr VALENTINE - I do not think it will be the last time we have to deal with something like this. There may well be another COVID or some other emergency that causes us to be in the same position. We have to be realistic in that regard. We have just heard from the United Kingdom that there is some other virus now that some people with COVID-19 have contracted and they are not sure what it is. Who knows where this all stops. I am not trying to scare people. I am saying we need to have a system that works and allows for change under these sorts of circumstances, and I am keen to look at that side of it.

If you read section 19 of the Constitution Act 1934, it is quite short. It is six clauses -

- (1) Every Member of the Council, subject to the provisions of this Act, shall hold office for 6 years.
- (2) Periodical elections of Members of the Council shall be held in every year.
- (3) Except as specified in a determination made under section 29A of the Legislative Council Electoral Boundaries Act 1995 -

and that is only to do with redistribution and it has a couple of clauses there - in a redistribution sense, certain things can happen.

- (4) In the event of a poll being required for any such election the same shall be held on the first Saturday in the month of May, or on such other day

(being a Saturday) in the month of May as the Governor may, by proclamation, appoint in that behalf in respect of the periodical elections to be held in any particular year.

- (5) At any such election the retiring Member if otherwise qualified shall be eligible for re-election.
- (6) If the seat of any member of the Council becomes vacant otherwise than by effluxion of time, the person elected to fill such vacancy shall hold office only until the expiration of the period for which the vacating Member was elected.

That is it about Council elections. I am pointing out that it is pretty specific. I think to myself, maybe changing the Constitution to allow for it is a better way to go.

Moving it to another month - when you read that act, it does not allow for it to be moved to another month. It is specific that it is May. It has been put to us that we can work our way around that by having the Constitution become subservient to another act in the sense that the other act prevails over the Constitution. That is quite a significant thing, to my mind. The Leader might be able to tell me why the Constitution can be - 'subverted' is too strong a word, but it is being overridden. A fundamental thing in our parliament is being overridden. That is the first problem I have. The Leader might explain why that is not an issue.

It is possible when you look at this that the executive government, which happens in the lower House, is basically subverting the spirit of the Constitution by fiddling with the processes of parliament. In fact, not only the processes of parliament, but the processes of parliament that actually deal with this house, the House of review. Think about that aspect: we are supposed to be two separate Houses and yet we have executive government telling us to allow this change to go through to fix a problem.

I do question the method. I do not question the reason. I understand the reason but I do wonder why executive government can put forward an amendment that allows the way this place operates to change to suit their need.

Ms Rattray - Is the member suggesting that it should have come from the Legislative Council to the other place? That would have been a better process.

Mr VALENTINE - I am not a constitutional expert.

Ms Rattray - Neither am I.

Mr VALENTINE - I am a layperson in that sense and yet here we are setting law. It is a pretty onerous situation that we find ourselves in when you think about it. Changing the Constitution Act itself might have been a better way forward than changing other acts to allow for a circumstance that has arisen which basically subverts the Constitution itself because the Constitution says it has to be a six-year term. The Constitution says it has to be in May.

Ms Rattray - If this bill does not pass and that extension is not provided then, at 12 o'clock on 1 May, there is no member for Huon or Rosevears.

Mr VALENTINE - I understand that entirely. It is a rock and a hard place, but if we get to the appointed date even under these changes we could find that there is another pandemic and that prevents it from happening again. It then might go out to 2021 and then we find that we have a third of the House being elected at one time. That is not contemplated in the Constitution. That certainly is not in the spirit of the Constitution.

It would have been better if the Constitution was changed. I again ask the Leader to let us know why the Constitution could not have been changed rather than it being tackled the way it is?

I have some issues with the definition of 'current Council member' in the act, and I will deal with that in Committee. It possibly needs to be changed because the components that are in some of the clauses in the bill need to be written to account for the possibility of the 2021 election. It does not contemplate that in the definitions. Even though it provides for a 2021 election, because it actually does that, it does not seem to allow for that in the definition provided under 'current Council member' or indeed under '2020 election'. I have concern about that.

I had some concerns about taxis and hire vehicles under clause 14(2) but they have been allayed through the briefings that we have had. I was concerned for those vehicles whose life could be extended that there might be a problem with the safety of those vehicles. I have been told that the vehicles will still have their safety checks, regardless of the age of the vehicle. I had some comfort from that.

Another concern relates to clause 26 - the power to issue infringement notices - and I have sent you an amendment. I will listen to the debate on this. With respect to the police being given powers to issue infringements under the Public Health Act, it is not just for this particular emergency. It is actually a permanent change. Why is that change needed? There could be unintended consequences. We have not had a chance to delve into that. Through conversation, some would say it benefits a person who is receiving - if I can put it that way - the infringement in that they do not have to go through a whole court process. I want to hear some debate as to whether the police ought to have this power permanently, as opposed to during the emergency.

It is allowed under the Emergency Management Act under clause 21 of the bill - the proposed section 60C(2) on page 23 - but only for the emergency period. I understand why police need to have the opportunity to issue an infringement notice under an emergency period. People need to know it is serious. It has been suggested that even though the emergency finishes there still may be a need to keep up that level of pressure with regard to infringements to ensure people understand how serious this situation is. I am keen to listen to other members' opinions.

I can understand the reasons behind this bill. It is a pretty fulsome second reading speech, as long as it is. I read through it and made marks, and went through it carefully. I know there are some other amendments about and am interested in hearing the debate on those. There are some minor things as we go through the bill I will probably raise. I will leave it there and take a lead from the member to my left who said, keep it short if you can.

[7.52 p.m.]

Mr DEAN (Windermere) - Mr President, we know why we have this bill: it is an emergency situation and changes are necessary to certain elements to ensure we can provide

the right support and treatments, and help our emergency service workers. We received it on Tuesday and we are dealing with it now. It would have been nice to have it a week or so ago -

Mrs Hiscutt - I am hoping to get the next bill a little bit earlier and will plan a briefing - whether it is by phone hook-up or whatever - earlier than the day we debate it. I am trying.

Mr DEAN - I was going to mention that. We know that bill is coming through. Originally, we were told we were also dealing with that bill this week.

Mrs Hiscutt - It is not ready.

Mr DEAN - There must be quite a distance down the path to having it.

Mrs Hiscutt - It is close.

Mr DEAN - Yes, close. I am hoping we will get it in reasonable time.

Mrs Hiscutt - If I receive it in reasonable time, I will organise a phone hook-up to do a pre-briefing briefing.

Mr DEAN - Thank you.

I commend the Premier, his team and his Government. I also commend all those people who have been involved in this emergency and moving it in the way they have and the directions they have taken. I also recognise the Opposition and the Greens who have all come together in making sure this all works. There has been a lot of work by many people, but the Premier - a baptism of fire - has performed admirably in all the circumstances. I take my hat off to him.

We are in extraordinary times. Therefore, it is accepted that we need to implement extraordinary measures to come to terms with what we are confronting. That does not mean what we do should not be right. In another way, the right thing to do in these circumstances - we need to do what is right in all of the circumstances and into the future. We should not in any way accept change or accept conditions that are not in the better interests of the state and people, or unnecessarily impact their democratic rights. We live in a democratic state and country. This means we should not impact the lawful rights and entitlements of these people where there is no need to do so.

That brings me to Part 2 of the bill. The member for Hobart has gone into this in some detail. It was extremely concerning when I learned it was the original intention of the Government to virtually abandon the electorates of Huon and Rosevears leaving the positions vacant - for how long nobody knew or would know at that time - with no Legislative Council representation at a time that this generation has not previously lived through, that is with the pandemic. At this critical time, that was the detail of the original Government position I was given - deferring the election but not to have the incumbent members remain in those positions. My office has not closed down. My workload has not decreased in any way at all. In fact, it has increased and has been constant. Other members I have spoken to have echoed those similar comments and it is safe to assume both Huon and Rosevears were in a similar position with contact to their offices, support being sought, people wanting to know what is going on and where to go and so on. The work has been constant.

I was quite angry and emailed the Premier the night before when I heard this saying I was incensed as to what was happening and would be writing a more detailed report to reach his office the following morning.

In the meantime, I am not quite sure how this happened now, but I had discussions with the member for Launceston and the member for McIntyre about this situation. The three of us agreed we could put a letter together, and co-sign a report through to the minister and the Attorney-General for their information, with us identifying our real concern with the position that Government wanted to take. I also discussed a number of these issues on ABC radio.

The Government position changed and I would like to think that the actions taken by us, the members for McIntyre, Launceston and myself, may have had some influence on the Government and the position they were wanting to take in relation to the election. We asked a question in the report to the effect of, was the position being taken in relation to the election to abandon Huon and Rosevears discussed with our President and our Clerk prior to the position being formulated? I have asked that question and still do not have an answer. So I ask that question again: prior to the first statement being made by the Government of deferring the election and leaving those positions vacant, did a discussion take place with our President and our Clerk, prior to that position being formulated? If there was no discussion I question that, because it is a decision that impacts this place. It impacts our members and the right of members to do their job. I will ask that question now -

Ms Forrest - I think you already knew the answer.

Mr DEAN - Yes. Well, I have asked that question again. It is a situation that is disappointing.

As we know, the term of members is set out in the Constitution Act - the member for Hobart referred to this, it is six years and no longer. The periodical Legislative Council elections are required on the first Saturday in May or another Saturday in May as proclaimed by the Governor. We know the Governor had at an earlier time proclaimed that the elections would be on 30 May and not 2 May. That proclamation - and I was involved, I have a copy of the proclamation. I was starting to put something together in relation to it, but that proclamation was subsequently withdrawn I think within a couple of days after it was issued. I am not exactly sure of the day but I think it was issued one day and then withdrawn either the first or the second day thereafter. Close to it.

Ms Forrest - One of the notices was issued under the COVID-19 act that we passed last time to change it to an election in June, July or August. Then that made that proclamation redundant.

Mr DEAN - But the proclamation was issued after all of this. I wondered why and what was going on there. I believe that proclamation was issued in the first place in accord with what I have previously said, which was that it was the Government's intention to defer the election and leave those positions vacant. I believe that is probably involved in there somewhere as well.

Against a backdrop of the current health crisis, the Director of Public Health has advised the Electoral Commission that it is likely to be a health risk to open polling places any day in May. I can accept that. My position as to an extension of the terms of the members for Huon and Rosevears is clear: the electorates should not be left without representation until elections

can be held. The measures before us address that matter, albeit with a fairly heavy hand in my view. I am pleased that with the legislation passing through here today, which will be supported - maybe with amendments - those incumbents will remain in place until we have an election, whenever that might be.

Equally important is the question of when the elections will be conducted. Many people are thinking about that and considering it. A fundamental of our democracy is being able to vote for the people we wish to represent us and to do so at the time the election is to be ordinarily held.

These are unprecedented times and unprecedented measures may be necessary for a variety of issues that confront our state. In fact, numerous unprecedented measures have already been put in place. We are all part of this. We are all working with that and we are all trying to ensure that compliance is maintained. We are setting the example. I would have loved to have gone to my shack over the Easter period. We normally always go. My family from the mainland were coming down to our shack at Easter to be a part of getting together as a family. We do not see them very often, but to comply and to set the example -

Ms Howlett - We have all made sacrifices.

Mr DEAN - We are making sacrifices to ensure and get compliance from all the people and generally people are complying.

Mrs Hiscutt - I have not seen my grandchildren for a long time and it is not easy.

Ms Forrest - Me either and I probably will not see my new one.

Mr DEAN - You are right. It is great to catch up with them again. You can catch up with them on Zoom and on Webex and everything else but it is not the same thing as seeing them in person. They do not understand it. I have a four-year-old and a six-year-old and they are asking, 'Why can't we see you, what is wrong? Come and see us'. It is difficult.

In these extremely challenging times all businesses, government services and individuals are not only being required to act in certain ways but by innovation are self-adapting and finding solutions to problems. That is amazing. We have seen that happen with many businesses - how they have adapted and how some have changed. I suspect many of these businesses will probably never return to where they were at the time of the COVID-19 restrictions coming into place.

Surely nothing less is expected of the parliament. We should be in the same position of adapting and making changes. In this place we should constantly challenge the manner in which we go about our business. The current circumstances demand that we investigate a sensible solution to deliver to the people their opportunity to vote as soon as possible, not glibly indicate that it could be sometime in June, July or August, as we have seen in the order published by the Premier a couple of weeks ago.

I might add that merely extending the terms of members for an indeterminate time without also facilitating a postal vote is a poor attempt at refloating the foundering good ship of democratic rights.

If we consider for a moment what the reaction would be in the lower House if the Government proposed a general election be delayed, indefinitely at that, without facilitating a postal vote - in the event that there were emergency circumstances similar to the current time, I do not think it would go down too well -

Ms Forrest - Not with the Opposition, anyway.

Mr Valentine - Or if we proposed it.

Mr DEAN - Yes, I think we all know the answer to that rhetorical question.

Ms Rattray - I understand that the Queensland Parliament is in the process of facilitating a general election later in the year. They are going to have a postal vote - for how many million?

Mr DEAN - Yes, Queensland has about three million people. The Premier there has said that they will be having a postal vote, if they need to, if it is not clear by October. If it is not clear by October, they will be having a postal vote. She has said that categorically.

Mr Willie - Does Queensland have fixed terms?

Mr DEAN - I am not quite sure. I believe that a full postal vote should be facilitated -

Mrs Hiscutt - When are those elections due?

Mr DEAN - October.

Mrs Hiscutt - Well, they have time to think about it. This only happened yesterday, in the blink of an eye.

Mr DEAN - We have plenty of time between now and the end of August to consider a postal vote.

Mrs Hiscutt - What are you going to do with the members in the meantime?

Mr DEAN - We need an amendment, we need changes to -

Mrs Hiscutt - What are you going to do with the members in the meantime?

Mr DEAN - We need amendments in the meantime to get us through.

Mrs Hiscutt - The members.

Mr DEAN - Yes, the members.

Mrs Hiscutt - The member for Huon and the member for Rosevears, they are members.

Mr DEAN - For that to happen we would have needed some amendments to come through to have them remain in place.

Mrs Hiscutt - We are getting a bit bogged down here.

Mr DEAN - As I said, I believe a full postal vote should be facilitated as soon as possible, particularly given that nobody knows just when the Director of Public Health may be in a position to determine there is no longer a significant risk in attending the polling booths.

Ms Forrest - Not even him, I do not think.

Mr DEAN - It is an unknown thing; we just do not know.

It is clear there is no appetite within the Government to facilitate a full postal vote. Yet, in truth, it really has nothing directly to do with the executive. The member for Hobart has raised this: consideration of the matter more properly rests with this House. Yet, in this bill, we see an executive telling this House what is good for it. It is this House that should be making these decisions.

I can only conclude that there is some political focus at play and, if there is, we would do well to consider the maxim that political argument is rarely founded in logic, and logic sits at the very foundation of our democratic right to vote, and that means as soon as possible. Clearly, what is possible is a postal vote, irrespective of what Mr Hawkey says. He is virtually saying that you cannot have one - I think he is saying that with his answers to our questions - but a postal vote could take place.

Mr Willie - He was talking about maintaining the integrity of the voting system since 1851. The principal act references 'in person' or 'poll' voting and so it is very difficult.

Mr DEAN - It may be, but we are in extraordinary times and extraordinary times need extraordinary changes and moves. In my view, a postal vote is a no-brainer but something more seems to be impacting the Government's political radar.

Members are probably aware the Queensland Government is preparing for, as the member for McIntyre has raised, a full postal vote in the general election due in October in the event that COVID-19 is still an issue at the time. That is a postal vote covering 3 million voters, whereas Legislative Council electorates here have about 25 000 voters in each electorate.

Ms Rattray - I've a few more than 25 000 at this point in time.

Mr DEAN - I think I have 27 000. I am of the view that we should consider a postal vote and I am not satisfied that we looked at it closely enough. I am not sure enough work was done there. I spoke to Mr Hawkey - and I thank him for that - and raised a number of these issues with him. He was happy to exchange conversation with me, but it was fairly clear to me that Mr Hawkey was simply set on the current position remaining - that is, polling booths. It was mentioned to me at that stage when I was talking with him that the Electoral Act would almost need rewriting to accommodate a postal vote. I do not think that would be necessary at all. A suggestion I put forward at the time was that it could be as simple as deeming electors ineligible to attend a polling booth due to the COVID-19 pandemic. Or it could be amendments to the Electoral Act to deem electors to have applied for a postal vote, warranted only for the 2020 periodical elections. I believe an amendment like that might well have covered it. When I raised this with Mr Hawkey, he did say it would need to be a matter for the Solicitor-General and the Attorney-General, and not a matter for him, and I accepted that. For an election in 2020, with the emergency that we are confronting, I would have thought this could have been considered, and could still be considered.

Overarching all of this, what I would contend is that it is not at the whim of this or any government. Rather, it is for the Legislative Council to address elections for this House, and not be told by the executive what is to be done relative to the operations of the Council. The time-honoured mutual respect between the Houses deems this to be so. Since about 1856, the convention in this place has been that we do not interfere with the happenings and workings of the other place, and they do not interfere with ours. We are the authors of our dealings. So here we have convention being interfered with; the member for Hobart made some comment around this point as well. That does not please me. Other members might be accepting of it, but I am not.

I believe that Part 2 of this bill - and the members for Hobart and McIntyre may have raised this - could have been commenced in this place and gone back to the other place. In other words, it is us telling them what we want, and what is good for us.

I believe the Leader is obliged to advise the Council why the Government has had no appetite for a postal election in the bill. I ask that question to get it on the record. Mr Hawkey provided answers to us, but it needs to be on the record here as to what the Government did in relation to a postal vote, what work they did on it, and why they are saying it cannot occur.

I could be wrong, but as I understand the situation, if this currently cannot be sorted out between now and the last Saturday in December, the 26th, if there is no cessation of the COVID-19 emergency by then, then it automatically goes to the first Saturday in May for the election, and there will be five members coming up for election at that same time.

If that cannot occur, where do we go to from there? Keep further deferring it and deferring it? There comes a time when a postal vote or some other form has to be considered, and the Government should be thinking about that. They should be thinking ahead to say, in case it is not safe to have people rocking up at polling booths, we should be looking at what else we might be able to do in the circumstances. I hope that they are thinking ahead, and the Leader might be able to tell us.

Ms Forrest - I reckon the Treasurer will be in counselling if it goes on that long.

Mr DEAN - You are probably right.

Mrs Hiscutt - Not as a comment from the Leader, but as a comment from the member for Montgomery, in time to come there could be electronic voting.

Mr DEAN - Yes, we are moving forward and we are changing. Somebody said to me the other day - no disrespect to the people in this Chamber - about how we are doing business back in the dark ages. This person, who understands technology and the computer world well, was saying it was time we moved forward.

What annoys me is that we, through this place, have said to local government that if postal voting is good enough for you, then why isn't it good enough for us? Now would have been the ideal time, too, when you look at it. We only have two areas coming up for election - about 50 000 voters all up. It would have been a good time to have trialled a postal vote system, to see how it would work with those small numbers, and they are very small numbers. We could have moved down that path.

I am disappointed that the postal vote was not being considered, and has not been considered more. We were told yesterday that there was not a huge amount of work put into that area of the election that we should be having on Saturday.

Briefly, on the taxi issue, the next part of the bill, I am not sure that the decision taken to not provide new taxi licences in 2020, or 2021-22 and wherever it goes on to, will have any real impact. They are currently not in demand. I was told that by way of question late last year. I was given an answer by the department to a question asking about relevant interest in the licences. I was given an answer, which said, 'The demand for these owner/operator taxi licences is unknown, but it is expected it will be low, based on interest in the most recent tender processes'.

Having said that, the Leader might be able to tell me - I asked a question in the briefing yesterday and did not get the answer to it; if I did, I must have overlooked it - how many taxi licences are currently out there that have not been taken up from previous years? The reason I raised this, and the member for Launceston might want to talk a little more on it, is that we have been at a number of meetings with the taxi industry in Launceston, and they are beside themselves. They are doing it bad. We have taxi operators on the skids, as it were. They can barely make a living. Why any of the taxi operators are in that business I do not know. They would be better on the Centrelink line, and they will tell you they can make more money on the Centrelink line. They like to work. They want to work. In my view, what has happened to that industry over a fairly long period is cruel.

I was bitterly disappointed at the time of the Uber legislation. I did not support it for this very reason. I could see what it was going to do, the impact it was going to have on these operators in the taxi industry.

I am not quite sure that this amendment will really do much for them at all. I sought some information from them on this and they said, 'Yes, let it go through. We cannot see it helping us but it is good that it is there and no more licences will be issued at least'. That was their view on it. It is disappointing for them in that regard.

I have a couple of other comments - I am sorry and I apologise to the member for Mersey -

Ms Forrest - I have already told him it is his fault.

Mr DEAN - Maybe others will just get up and say ditto to some of it, I am not sure.

Mr Gaffney - I doubt it.

Mr DEAN - Vehicle registrations: I raised a couple of questions on this during the briefings. I thank the Government and all the people contributing to those briefings. Thank you for that and the manner in which the questions were answered. I thought all people handled that well. I thought the department handled it very well and the police did an exceptional job. They were probably the best.

Members interjecting.

Mr DEAN - Sorry about that. The changes here will assist those businesses that have vehicles that are used entirely within their business. There are many of them that have small trucks, vans, and what have you. Those people whose vehicles are up for registration will not

be required to register their vehicle. It will simply be delayed until such time as the restrictions are removed and they are able to operate again. They will not then have to go over the pits and do all of those other things that you do with an unregistered vehicle. That is a great move and will be welcomed by many businesses.

Does the Government have any idea - and I would have thought they might have - of the number of people who might come forward? I guess Transport would know of vehicles coming up for registration. They would know where they are and so on, but it might not be that easy for them to get that information.

Ms Forrest - These sorts of things are not totally relevant to this bill. In view of the time, do we really need to go into that level of detail?

Mr PRESIDENT - I know the member is referring to the electoral issues contained within the bill which are fairly broad, but I understand the member's concern as well. I am sure the member for Windermere will keep it tight as he moves forward.

Mr DEAN - This is to do with the relief being provided for vehicle registrations. They are being delayed for purposes of helping these businesses to keep going.

Mrs Hiscutt - We have the departments of Justice and Health with us tonight. I imagine the department of Transport has probably gone home. I do not think we can get the answers to those questions.

Mr DEAN - The further issue I raised during the briefing session - and I am not sure how far ahead the Government has gone at this stage, but when the cessation period gets here, hopefully it will be sooner rather than later - was whether Service Tasmania and Transport Tasmania will be geared up sufficiently to action all those matters that will come forward to them. I would think they would come fairly quickly at the one time. I suspect work is being done in that area and I think what came out in the briefing is that it was being done.

I wanted to talk about the emergency management area and the right of police to issue infringement notices which will remain in place, if it is passed, after the cessation of this period, the COVID-19 era. I could not quite understand why we had all of this discussion yesterday in relation to this part of it. The member for Hobart raises it again today. The issuing of infringement notices simply makes it easier for the alleged offender, plus the police, the courts and everybody else. It does not impose any extra burdens on an alleged offender; in fact, it makes it easier for them. Rather than police saying to them, 'I am going to summons you to go to court' - the option they have now is to summons them to court or arrest them in certain places. With arrest, you lose your liberty, and we know that is a terrible situation for people to be in. To summons is almost as bad. You take out a summons, it is listed in the court, the summons is served on the person. The person then has to come along to court, take a day off work and whatever else they do, probably engage a lawyer to come into the court to defend their matter or to plead guilty. They have to come into the court.

With an infringement notice, if they are guilty, accept it, they will pay it. As we know, the fine can only be 20 per cent of the fine that could be imposed through the court.

Ms Forrest - It can be \$756.

Mr DEAN - That is right. That is 20 per cent of what could be imposed through a court. That is to their benefit. If they still want to go through the court, and you have copies of the infringement notice and it explains very well what happens, if they have not paid it within 28 days it is taken that they are guilty of the offence and it is listed with the Monetary Penalties unit. If they believe they are not guilty, they can take the matter to court, and still have their day in court. They still have the same privileges as they have with the summons.

Ms Forrest - Or take it to the commander and ask him as well.

Mr DEAN - True, and as a commander of police I withdrew an enormous number of infringement notices, to the extent I was starting to get rapped on the knuckles for withdrawing too many. I was seen as too easy, too soft. The commander has every right to do so, and the commander is very accepting of explanations put up by people. If they can put up a hardship story, number one, you look at that. You look at their circumstances, you look at other matters around it. You look at their previous offending; you take it into account. The commander will withdraw probably seven or eight cases out of 10 that come to them. They do it fairly regularly. Normally, it is a 'Monty' that you will get an infringement notice withdrawn if it is your first time. That is the process.

I ask members to accept this and understand why it is there. If it is going to be in place during the emergency period, as I think some have suggested, and then be lost, it would simply mean that that legislative change would have to be brought back into this place and dealt with independently again, which I suspect it would be if that happened. I ask the members to consider that as it is done.

Mr Valentine - One wonders why it was not there in the first place?

Mr DEAN - I think the police said it was probably an oversight in the first instance. They used the word 'oversight' somewhere, and it might have been here. I cannot say that was absolutely clear.

This legislation has to get through. I ask that the Leader takes up some of those issues, particularly the postal voting matter.

[8.29 p.m.]

Ms FORREST (Murchison) - Mr President, I make a couple of comments at the outset. It is disappointing we are dealing with this legislation all in one day, and dealing with it after only getting it for first sight yesterday morning. I appreciate the briefings we had yesterday afternoon and this morning, but it is a pretty big task, particularly as it covers so many pieces of legislation. When you read them in context with the acts they are amending, it is a big piece of work.

It is disappointing that the Government made a decision to only sit one day and to try to do it in one day. I know the Premier and Minister for Health particularly are very busy at the moment, and have many other commitments - the Premier with the National Cabinet and other considerations - but they can sit one day and we can sit another. It is disappointing that we look to be doing exacting the same thing next week. That is a problem and other members may speak about it another time. This could be done so much better. Parliament has been recalled for the purpose of dealing with emergency legislation. It does not mean that it should

not get full scrutiny and should not be properly considered. It makes our task very difficult as our job is to ensure that it is adequately scrutinised.

I do not know if the other place will change their mind when they adjourn tomorrow morning - nice for them to go home and have a night's sleep. We do not get that. It is disrespectful to our House; if it is an emergency bill they should stay here and wait. I hope when they do come back tomorrow they reconsider when they return next week and possibly consider returning on Wednesday and start the legislation next week, which is obviously complex otherwise we would have been dealing with it today as well. I hope the Leader takes that back to Mr Ferguson, who seems to be in charge of these things.

Mr Gaffney - It could have finished in one day on the Wednesday or you go on to the Thursday. It gives you more flexibility than Thursday/Friday. It just makes sense.

Ms FORREST - Exactly. In reflecting on the COVID-19 act that we passed - I don't know how long ago it was; it seems like two years ago -

Mrs Hiscutt - It was 17 March 2020.

Ms FORREST - It feels like two years ago. I remember at the time making the comment that it was so nice to see my diary emptying out and all that time we would have. I should never say things like that. My days have been 14 hours long every day, seven days a week, with no let up. Part of that has been with my background in health. I have a great understanding of the implications of this virus but also my electorate has been the heart of the outbreak that Tasmania has seen. It has drawn international and national media attention. It has been very difficult for the people of my electorate, particularly for the healthcare workers who have been vilified in this situation. I got a message just a while ago from one of my constituents saying she pulled up at a fuel station to get fuel so she could get to work tomorrow and was abused at the petrol station for being a healthcare worker 'who caused this outbreak'. When are people in Tasmania going to stop being such mongrels?

Mrs Hiscutt - It's not all people.

Ms FORREST - No it's not, but there are enough of them. This goes on top of comments by the Chief Medical Officer, and I called him out earlier on and I thank the Premier for calling him out, for relying on rumour and innuendo and absolutely destroying the souls of so many of our nurses and doctors on the north-west coast. Some of these young nurses have just graduated and started a job and that is what they are told. Unless you put yourselves in the shoes of those people for even five seconds you have no idea of the harm that this causes people, who are then locked up in quarantine in a hotel room for two weeks, often without anybody to protect their families. None of us have had to do that. None of us have had to be separated from our families. None of us have had to suffer the vilification, the rumour-mongering, and the hate that has been thrown at some of these people.

Some of these people have put their lives on the line for us and they turn up when things are really tough. A report that was released today - and I have not had time to read it all, but I certainly will - talks about the reality that nurses turn up for work. When you are busy, and I have been there, and you have just got home after an eight-hour shift and a midwife rings you and says, 'We are desperate, Ruth, four women have just come into labour, can you come back?', you do not say, 'Oh no, sorry, I am a bit tired'. You say, 'Sure', and you go back because you do not let your colleagues down. To think these nurses working on the medical ward, who

may have been infectious and not known it because they had no symptoms, would have decided because they were working on medical wards, and felt well, that they would not go to work today in case they might be infectious because there were a couple of COVID patients on the ward - they do not do that.

Some of the messages I have received and some of the things I have read on social media and phone calls I have had - when people are in isolation for 14 days, they have a lot of time on their hands. When they ring me, to talk about what is happening to them, I listen. I might have to listen for an hour for some of them because they have all the time in the world. I might not, but for them I did because it mattered to them to be heard.

We then had the Prime Minister stick his bib in as well. Again, same thing. It has been tough in my electorate and we still have problems there now. I hope people from other parts of the state can pull their heads in, particularly on the live feed of the Premier's updates. There are some absolute trolls on there. Maybe the ABC could do a little moderating. I am not sure what they do, but it is particularly bad on the ABC site. They are also pretty bad on the *Mercury* site. I have three sites going at once. I keep an eye on the Premier's site which is pretty good as far as the comments there. I would say the *Mercury* and ABC are pretty crap at times. I do engage because I want to counter some of that. I know some of these health workers in isolation are watching this - people ought to give some thought to that.

I wanted to make people realise how it is so important we stick together in this. We do no finger-pointing. We do no blaming. We look for learnings and we learn from those. We look for how to prevent this getting any worse and acknowledge that at any time it could become worse anywhere in Tasmania. If it does, I will be out there backing the area it is in. I hope it does not, but if it does, you will hear no vilification, criticism or blaming from me, only support and encouragement, and help if I can.

I thank the Premier, the Minister for Health, Ms Courtney, and the Deputy Premier and their staff, and the Commissioner of Police for being so available to assist me in the work in my electorate. It has been publicly spoken about in other parts, but I want to acknowledge how important it has been to be able to get the responses, action and answers I have needed to assist the people of my electorate and broader than that at times. I do not ask people where they are from. If they come to me for assistance I will help them as much as I can. I wanted to make those points before I addressed this bill.

The bill before us covers a range of areas. I want to speak to two or three of them, not at any great length, but to raise some key points with them. I know the election - excuse me, I was a bit emotional there. I have to blow my nose.

Mrs Hiscutt - You have had a test and we know it was negative.

Ms FORREST - Yes, in fact, one of your staff called me the 'negative Ruth Forrest'. I thought he was being rather nasty, but he told me he wasn't. He was trying to be funny.

The Legislative Council elections were scheduled for the beginning of May this year. It has been an ongoing feast of trying to figure out what is the best thing to do. I have had some communications with a number of people about this. It is a matter of great interest because our elections are important. Democracy in this state is dependent upon it and every constituent in Tasmania deserves representation. It is important that we do have an elected member for all

seats at all times, except perhaps in circumstances where a member dies and we have a period before a by-election can be held, or they retire or resign for some other reason.

We do need some certainty around this. While this does not give us certainty, it gives us a process to undertake that. At the moment, if this part of the bill was not supported, we still have an emergency notice issued under the COVID-19 act that deals with that, and I am not sure why that is not really suitable in some respects, because it calls for an election to be held in June, July or August. I accept that we do not know how long these restrictions are going to go on.

Mr President, there was a letter sent from the Electoral Commissioner to you on 17 April that I would like to not read out, but seek leave to have tabled and included into *Hansard*, and also a subsequent follow-up letter that was circulated today by the Leader after I emailed the Leader back regarding information the Electoral Commissioner provided at the briefing yesterday.

Before I seek leave, I would like to refer to some points, particularly in his second communication, because it makes sense for consideration to be given to a full postal vote in actually facilitating the election. The Electoral Commissioner's comments yesterday, and then this today, did explain - and it will appear as part of my speech if people agree to have this tabled and incorporated - but he sets out aspects of the Electoral Act that make our elections to this place the important democratic process that they are. He also goes on to say -

Outside of the legislative issues, any changes to this 120-year-old system should include consideration of other important aspects of Tasmanian election processes and rituals that create public consent and electoral mandate:

- The inability to open any polling places removes one of the core elements of our democratic system and will make it much more difficult for some electors to vote.
- The conduct of a universal postal ballot does not enable an elector to attend a polling place on polling day to cast their vote. The removal of this key right under the Act may make the election highly contestable.

That was one thing that concerned me - if we went down that path, the election could be contestable. You have however many candidates in each seat, but someone wins, and a losing opponent then challenges it, under the fact that it was held as a full postal vote, as it may not be a valid vote. Imagine the trauma of going through all of that. In my mind, that was quite convincing to me of the need to actually make sure that there is an opportunity for people to attend a polling booth.

I asked the commissioner at the briefing yesterday about whether the election can occur while we still are under a state of emergency, or a public health emergency. His answer was that it can, but he would need to have the approval of the Director of Public Health to facilitate that. We talked about measures that could be taken to protect, not only the public, but also electoral staff - such as perspex shields and barriers between electoral staff and voters, and obviously social distancing in the booths, and the proactive sending out of applications for postal votes to encourage people to exercise that option if they chose.

While those things are being considered, then this is probably an effective model, but I do not think it should go on and on. This should be something that is constantly reviewed. I am sure, as we come back over coming weeks, a question that probably I or other members will ask the Government is, what progress is being made in that? We do not have to wait for the emergency to end, according to this, for an election to occur. So they are questions that we will ask.

Mr President, I seek leave to table these two communications from the Electoral Commission and have them incorporated into my speech.

Leave granted.

Documents incorporated as follows -

[Incorporation 1]

To The Honourable Craig Farrell,
President of the Legislative Council

In accordance to section 9(1d) of the *Electoral Act 2004*, we are writing to inform you that on Wednesday 15 April 2020 the Tasmanian Electoral Commission made the following resolution:

As a result of advice from the Director of Public Health that it is likely that it will be a health risk and breach of a future Direction to open polling places on any polling day in May, the Commission resolves not to conduct the periodic Legislative Council elections in May 2020.

Background

Under section 19 of the *Constitution Act 1934*, there are to be periodic Legislative Council elections in each year and polling day for these elections is to be a Saturday in May (by default the first Saturday in May).

In response to the health risks of COVID-19 and related social distancing restrictions coming into effect in Tasmania, the election dates for the 2020 Legislative Council elections was revised, changing polling day from Saturday 2 May to 30 May. The new date provided for an extended early voting period and longer period for electors to apply and be issued with postal votes, if they were unable to attend a polling place.

However, on 30 March, the Director of Public Health (OPH) issued directions creating significantly tighter restrictions on many facilities including those scheduled to be used as polling places and, with the exception of essential services, placed new restrictions on gatherings of more than 2 persons. The Commission sought further advice from the Solicitor General and sought a formal direction from the OPH as to the safety of Tasmanians attending polling places for these elections.

On Friday 9 April, the Director of Public Health informed the Commission that it is likely that the gathering of people on a polling day in May and the assemblies of people needed to conduct an election would be a public health risk and breach a Direction issued at that time.

Resolution

Therefore, the Commission resolved to not conduct the 2020 Legislative Council elections in May.

Why not a postal vote election?

With the new restrictions effectively removing the possibility of opening polling places for these elections, some have called for these elections to be changed from an attendance ballot to a full postal vote.

As established under the *Electoral Act 2004*, Tasmanian Parliamentary elections are to be attendance ballots, where voting should be undertaken at a polling place on polling day. As voting at these elections is compulsory, the Act also provides for supplementary processes - including pre-poll, mobile, Antarctic and postal voting - to enable those electors unable to attend a polling place on polling day to vote.

After seeking advice from the Solicitor-General, the Commission takes the view that a Tasmanian Parliamentary election conducted solely by postal vote is not an election for the purposes of the Electoral Act. Therefore, to continue with an election in May and not be able to provide any attendance voting, would provide a structural problem, which may be highly contestable. There may also be other grounds for legal challenge to May elections, due to the restrictions on movement and campaigning by candidates. In addition, the dominance of COVID-19 across Tasmania in all forms of communications meant there has been no opportunity for any community conversation and debate regarding the 2020 Legislative Council elections.

Where to from here

A special gazette dated Wednesday 15 April 2020, included the following two elements:

- The revoking by the Governor of her Proclamation dated 30 March appointing a date on which a poll is held in respect of the periodical elections of members of the Legislative Council to be held in 2020, and
- The issuing of a notice by the Premier under section 13 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* to declare that the Saturday in the month that the Governor may by proclamation appoint under section 19(4) of the *Constitution Act 1934*, in behalf of the next periodical elections, to be held in the year 2020, be extended to a Saturday as fixed in the month of June, July or August in that year.

As a new proclamation appointing a new polling day is yet to be made by the Governor, it could be argued that there is still a requirement for the Commission to conduct elections with a 2 May polling day. Therefore, the Commission has made the resolution stated above for procedural completeness and to remove any doubt as to the immediate conduct the 2020 Legislative Council elections.

As the future course of the COVID-19 outbreak in Tasmania is unknown, it is not possible to predict how long current social distancing and gathering restrictions will be in place. Therefore, new election dates for the 2020 Legislative Council elections are yet to be set.

However, as noted above, the notice issued by the Premier has enabled the Governor to appoint a polling day for these elections to a Saturday in the month of June, July or August this year.

Please feel free to contact either Mike or Andrew if you have any questions.

[Signatures]

Mike Blake
CHAIRPERSON

Andrew Hawkey
ELECTORAL COMMISSIONER

Karen Frost
MEMBER

17 April 2020

[Incorporation 2]

Notes following the Briefing to the Legislative Council

The following are notes of the Electoral Commissioner answers to Member questions at the briefing on Wednesday 29 April 2020.

Why can't the 2020 elections be conducted as a universal postal ballot?

- Consistent with all Australian Parliamentary elections, as established under the Electoral Act 2004, Tasmanian Parliamentary elections are to be attendance ballots where voting should be undertaken at a polling place on polling day.
- Voting in private at a voting screen in a polling place is the best way to ensure the secrecy of the vote. This principle is enshrined throughout the Act.
- As voting at these elections is compulsory, the Act also provides supplementary voting processes for those electors who cannot attend a polling place on polling day.

- More specifically, under section 108, a person who is entitled to vote at an election in a division may vote:
 - on polling day at an ordinary polling place or
 - by pre-poll - if they can't attend a polling place on polling day, or
 - by mobile polling -if they reside at a home appointed to receive mobile polling
- A good analogy for the differences in legislation for conducting universal postal ballots and attendance ballots would be the comparison of a high jumper and a sprinter. Both are athletes on the track but built differently for different purposes.
- Part 5 of the Electoral Act outlines how elections are to be conducted. Within this Part the following divisions include sections that are written specifically for an attendance ballot:
 - Division 1- establishes the election timetable which is considerably different for attendance and postal ballots.
 - Division 2 - covers nomination, the announcement of candidates and the announcement that a poll will take place on polling day.
 - Division 3 - outlines the arrangements for the appointment and opening of ordinary, pre-poll and mobile polling places.
 - Divisions 7 & 8 - outline how voting is to take place in ordinary, pre-poll and polling mobile polling places.
 - Division 9 - outlines the postal voting service including the:
 - The need to apply for a postal vote by completing and lodging a postal vote application (PVA), and
 - That an elector is only entitled to vote by post if they determine that they are not able to attend a polling place or are a silent elector.¹
 - Division 14 - outlines the processes regarding compulsory voting, which may not easily transfer if the elections were to be universal postal ballots.
- Outside of the legislative issues, any changes to this 120-year-old system, should include consideration of other important aspects of Tasmanian election processes and rituals that create public consent and electoral mandate:
 - The inability to open any polling places removes one of the core elements of our democratic system and will make it more difficult for some electors to vote.
 - The conduct of a universal postal ballot does not enable an

elector to attend a polling place on polling day to cast their vote. The removal of this key right under the Act may make the election highly contestable.

- Assuming the continuation of the current members - who already have an electoral mandate to represent their divisions - a delayed election hopefully enables the usual election processes to be conducted and may also enable other central elements of Legislative Council elections, such as candidate campaigning within the community, to also be undertaken.

What other impacts does COVID-19 have on these elections?

The Commission is satisfied that the electoral elements of the Bill will provide more flexibility for the Governor to appoint any future Saturday in 2020 as polling day for the 2020 periodical Legislative Council elections and ensure representation of membership for those divisions in the interim. However, the Commission also notes:

- The Commission usually produces the full Legislative Council election timetable for consideration by the President of the Legislative Council and the approval of the Minister for Justice, before producing the writs. The involvement of the Commission before the making of the Governor's proclamation is vital to ensure all additional election arrangements can be included.
- The timetable for these elections will need to be longer than the usual timetable due to the following consequences flowing from the COVID-19 outbreak:
 - The Commission will need a week to 10 days lead time before the issuing of the writs to enable the production of the bespoke election advertising campaign, establishment of returning officer offices, the production of early election material and the preparation of the election roll.
 - An extended early voting period to enable a greater period of time for electors to attend pre-poll centres, with an aim for less congested spaces for people to vote.
 - Australia Post are flagging removing the priority mail service and extending delivery times including only every second day delivery for metropolitan areas, which will result in delays to the normal postal services. Commission staff are meeting with Australia Post later this week to look at any possible special arrangements for the elections.
 - The Commission is working with the Department of Justice and Public Health to determine the appropriate PPE resourcing and other safety arrangements for polling places. This may mean fewer polling places on polling day. To a certain degree, this cannot be finalised until the period of election is identified and the assessed continuing level of

public health risk.

{Additional information}

- The Commission has also undertaken preliminary discussions with a Tasmanian cleaning company to provide additional staff and possibly resources for the continual cleaning surfaces within polling places.
- While the Commission will encourage electors to bring a pen for marking the ballot paper, 30,000 small golf pencils have been purchased for those electors without their own pen to use and take home with them.
- Some electors will still be concerned at attending a polling place, therefore postal voting service must be made as easy as possible. The Commission will post a PVA to every elector before the close of nominations. This will enable each elector to consider their circumstances and provide sufficient time for the full postal vote process to be completed.

Can the Commission guarantee the quick counting of the election after polling day? In short, no.

The counting of votes usually requires many people, including scrutineers to be moving quickly in and around each other. The social distancing restrictions at the time of counting will dictate how many staff and scrutineers can be used.

- As the ballot papers and other election material will have come into contact with up to 50,000 Tasmanians within the north and south regions, the Commission is considering setting all material aside for a period to reduce the risk to our staff.

What will happen to the candidate expenditure cap?

Under the Act:

- Electoral expenditure is expenditure that relates to:
 - promoting or procuring the election of the candidate and
 - is within the expenditure period, or before the expenditure period on material used within the period.
- The expenditure period for periodical elections is from 1 January until the close of the poll. The Commission is of the view that this will not change and that a later polling day will mean a longer expenditure period.

Andrew Hawkey

¹ The only other group (known as General Postal voters) are electors that are generally unable to get to a polling place, which have this status listed against their national enrolment.

Ms FORREST - Mr President, I will move on from that aspect of the bill to the provisions regarding the Tasmanian Health Service and the need to enable the public hospital to provide other services or purchase other services that are not contained in the current service plan.

The Leader may need to respond to this in her reply, but I am wondering what was the barrier to issuing an emergency notice to enable the purchase of those services or things that would be facilitated under this provision. Was it determined to do it through legislation for the purposes of the COVID-19 emergency, rather than rely on the notice? There is an opportunity to provide a notice to achieve that, to amend the service plan or the service level agreement. That was what I wanted to ask on that one.

Regarding the amendments to the Emergency Management Act and the inclusion of infringement notices, I note there has been a lot of discussion; the member for Windermere alluded to these points as well, particularly the enduring nature of some of these. Personally, I do not see a problem with the inclusion of infringement notices. It would have been quite helpful in my electorate for the police to actually issue an infringement notice, rather than have to basically issue a summons to a person, because the person then thinks damn it, I have to go to court. If you could issue an infringement notice where they actually pay a fine up-front then they are more likely to think, well I will not do that again. They get the summons and they think that is off in the distance, particularly at the moment, so off they go again and do what they were doing, not following some of the instructions about staying home, and not perhaps abiding by other measures.

When we look at the Public Health Act, and the emergency under that, some of these offences have potentially very serious ramifications, and this was talked about to some degree in the briefing. It is common knowledge that we have some challenges on the north-west coast, with potential further outbreaks related to the North West Regional Hospital outbreak, and the origins of that.

Having the capacity for police to actually issue an infringement notice right now, right there, right then, I believe will have a much more meaningful impact on people's behaviour, particularly as a public health officer or a council officer can do that anyway. We have asked the police to be out there now, and they are, checking on where people are going, and why they are going there, and turning them around if they are just heading off down to Bunnings in Launceston, or whatever it might be. They are being turned around. Many have been warned. There have been some arrested.

Some other serious offences are people not abiding by their quarantine arrangements. If you are in quarantine because you are COVID-19 positive, that is very serious. If you are in quarantine because you have been exposed to a COVID-19-positive patient or person, you may be infectious yourself. That is very serious. Those people may well be arrested and

summonsed but at least there is an opportunity if it is for the police to consider, and they use their discretion and say this is a lower level offence, then they have got a larger suite of actions.

It is the police out there doing this. It is not the council staff. It is not often the public health officers. It is the police. We call on police to be doing this. We call on them to be out there checking on the people in quarantine. You have seen it on social media. You have seen it on the news. You have someone in quarantine and the police go and ring the person from outside. The person comes out and puts their identification documents on the step, they step back, the police officer goes up with the basic PPE on, has a look at their identification and checks it, reminds them of their obligations and off they go. That is the police doing that.

Mrs Hiscutt - They do more than that. They do ask, are you okay?

Ms FORREST - Yes, I am saying we are asking the police to do this. We are not asking the public health officers to do this. We are asking the police to stop people out there in front of your place at Howth and ask them where they are going.

Mrs Hiscutt - They do.

Ms FORREST - I know, that is what we are asking police to do. We are not asking public health officers to do that. It makes sense to give police the opportunity to issue an on-the-spot fine as a more timely deterrent to doing the wrong thing.

In relation to the penalties in the Public Health Act that are being increased for directions made under a notifiable and infectious disease that is outside the public health emergency period, what do other jurisdictions have? I am hopeful that her staff and advisers will have some information about the penalties in other jurisdictions, the monetary penalty and jail term, potential custodial sentence. If they could do that, that would be helpful just as a comparison. It may be helpful during the Committee stage of the debate.

The other matter is related to the registration of vehicles being suspended for a period, and the wheelchair-accessible taxis when they are coming out of the time when they would normally would need to be replaced. It is sensible in this time. We need those services to be made available. Many operators are having struggles anyway because people are not moving around as much, they are not using them as much, so it is a pragmatic and sensible approach. I know some work was being done on that by the Government before this happened. This provides some relief. There is probably more work to be done in the longer term but that is a matter for another day.

I support the intent of the bill. I will be listening to any other amendments that are being proposed. I thank members for their indulgence in allowing me to speak about the harm that has been done to some people in my electorate through the behaviour of others.

One final comment on that. I want to acknowledge and thank the really hardworking staff at the Launceston General Hospital who have taken on the patients of the north-west, the majority of them. Some have gone to the Mersey, but anyone with a higher acuity than could be dealt with at the Mersey have all gone to the LGH. These are sicker people, including a COVID-19 patient. The Mersey took the COVID-19 patients from Burnie. I thank the Mersey staff as well because that is a huge task - and a frightening task - to be caring for a positive patient.

I thank the LGH midwives. They had one of the busiest days and busiest months they have ever had. That was before the north-west women turned up. They just added to the top of that. So it has been extraordinarily busy for those nurses and midwives. They have worked double shifts. They have done everything they can to help the women who are struggling, who are having to travel four hours. They have had a woman from the Arthur River who runs a farm with her husband. The woman relocated to Launceston, the husband went back, four hours back, so that she could wait until she was in labour. When she went into labour, because he had to run the farm, he came back four hours again to be with her during labour.

That is the sort of thing that women in my electorate have had to do, families have had to do. It has been a huge task. I have directly assisted about a quarter of the women who were due in this period. There are still some in Launceston because we do not have full maternity services at the North West Private Hospital open again yet. I acknowledge the work of the Launceston midwives who have done a fantastic job. They have been under enormous pressure. Thank you to them and I support the intent of the bill.

[8.55 p.m.]

Mr GAFFNEY (Mersey) - Mr President, I am not even going to try to follow on from what the member has just said in my electorate of Mersey. She has covered it very well. She is across the medical side with her health background so I can only reinforce and support those words. I have had similar conversations with many of my colleagues and my niece is a nurse at the North West Regional. Much of what has been said been channelled through to me as well so I will not go there.

I will speak quickly on a couple of aspects of the bill. I might like to take up the member for Hobart's concern regarding the Constitution Act and how I see it. Also, I will touch on the infringement notices that the member for Murchison mentioned and this is how I see it.

We have a bill for an act to provide for special measures related to the social effect of, and the risk of the spread of, COVID-19 disease in the state by amending or modifying the application of the constitution blah, blah, blah - all these acts. Because of this special circumstance we have, it is asking us to amend or modify the application of the Constitution Act. In my mind, the Constitution Act is clearly about getting rotation of the elected members in the Legislative Council on a six-yearly rotation. They are saying that because this is a special circumstance we have the capacity through this to change that because of the COVID-19 situation. So yes, we would like it to stay six, but if it cannot it might have to be a five- or a seven-year term depending on how this plays out.

I would prefer to use this course of action legislation-wise rather than going back to the principal act and looking at changing the principal act because, to me, that defeats what that act is trying to do. I am not so concerned about the five- and seven-year term, depending what happens, because it is hopefully a unique situation and if it happens again it happens again but it is the application of the Constitutional Act 1934. That one does not worry me. I hope the member for Hobart is listening in and I am sure he will be somewhere.

To do with the infringements notices, we all agree about the police being able to give infringement notices on the spot. It makes common sense in this situation but I take on board what the member for Nelson has raised, and I am sure she will go into it further. This says, 'special measures related to the social effect of and the risk of spread of COVID-19'. Once that social measure and that risk of that spread has been deemed by the health professionals to be

over, should then the measures that have been raised in this bill and this application be able to continue into some of the other bills without further scrutiny? That is the importance of the infringement notices.

We are dealing with this bill but by passing it the way it is written, the powers of the police to issue those infringement notices will still continue once this emergency has ceased. That is the issue. That is well worth us to debate further. I do not think, and the member for Nelson should speak for herself but she made clear it is not about the decision to do that. Our police do a wonderful job, we all know that, and they would do the right thing. But is that the right legislative process when this bill is for special measures related to the social effect of and the risk of the spread of COVID-19?

Under that parameter I am inclined to support that once this emergency period ceases then all of the bills will go back to how they should be in the first place. If the Government wants to address that again they should bring that back and it should go through the proper process. From that point of view, I am inclined to support but willing also to listen to the Government response.

At this stage, I hear what they are saying but definitely, we all believe and it makes sense the police should be able to issue these infringements on the spot. It is a special time, but I will be listening to the other contributions from members.

[9.00 p.m.]

Ms LOVELL (Rumney) - Mr President, I have a brief contribution to make on behalf of the Labor members in this place. I was not going to make a contribution given the extraordinary circumstances we find ourselves in, the efforts we are making to minimise the time we are in this Chamber, and the amount of work we have to get through in a short period of time. I was comfortable with the idea that as a party, we would have the opportunity in the other place to put all our concerns on record and have all our questions answered there.

Having said that, clearly, as we have seen, this is not how things eventuated in the lower House and it was disappointing that the debate was cut off in such a manner. This is very important legislation. It is a critical bill we are dealing with in critical times. There is a great deal of work and scrutiny that needs to go into this legislation. There are a number of important questions that need to be answered and explored, so it is very disappointing to start with the Government attempted to push this through in one day.

It was clear from the outset that was never going to be a practical solution or a practicable way of dealing with the bill like this. Other members have raised this and there were questions we did not have time for. A couple of those have been raised by other members as well and I have no doubt there will be further question raised. Indeed, I intend to raise some questions in the Committee stages and that process is probably now more important than ever.

We are now in a position of having to rush through making these important decisions, informing ourselves on what took place in the debate in the other place and how those questions were answered on this critical legislation we are dealing with in extraordinary times. It is even more disappointing that after the Government made the decision to curtail the debate in the lower House with the argument that it is an urgent bill - which none of us have disputed and we needed to get through this bill tonight, for the lower House to then adjourn, leave this place with the intention of coming back tomorrow morning to finish their work ,while we are

expected to sit here late into the late evening and bring ourselves up to speed on all the things that have happened in this period of time - we only received the bill yesterday, having had briefings and it is a huge amount to take in in that period of time. We know we have all been through this before late in the night, we get tired, it gets hard to make your point, it is harder to understand and take in all the information we need to make these most critical of decisions.

Putting that aside and having said that, all of us here are happy to sit late into the night and I have said that from the start. I will be happy to stay here.

Mr Dean - Not happy.

Ms LOVELL - Sorry, I should not speak on behalf of other members. I am happy; not everyone is happy to sit late into the night. Perhaps that is a debate we will have. With legislation like this, my personal view is we should sit here until it is done. I am quite prepared to do that. However, when the other place is not going to be here to receive the bill we finish with at whatever hour of the night or morning, it raises the question as to whether it is the best way for us to deal with this legislation. If there is room for this to be finished tomorrow, is there not room for our Chamber to do also some of our work tomorrow? Perhaps that is a debate we shall have.

We support the bill, but we have a number of questions. I know there are amendments to be put forward and am interested to hear other members' contributions. I am deeply disappointed in the way this has been handled. I am disappointed in the way the Government has approached this return to parliament and hope they reconsider their approach for next week and for our future weeks. This is a practice that is not working and will not work.

[9.05 p.m.]

Ms ARMITAGE (Launceston) - Madam Deputy President, this is serious legislation I certainly support. I appreciate and thank you, Leader, for the briefings yesterday and today.

The current bill, regarding the election, enables the incumbents to remain the members of their electorates until the winner of the Huon and Rosevears elections are declared. This will ensure all Tasmanian communities have access to the assistance and leadership mandated by our parliamentary system. I note the comments by some members with regard to postal voting, but also note the letter tabled by the member for Murchison. I too had that put to me; it made complete sense of why it really was not the way to go with a full postal vote. I certainly understood the comments made.

By the time of the 2026 election, the Huon and Rosevears electorates will return to their usual six-year terms meaning the members who are elected at the upcoming elections will serve less than the usual six years this time. These are highly unusual and extraordinary circumstances and we hope we will never see them again. Many would agree this is probably the fairest way to go about it while ensuring we will return to normality of the Council elections are soon as possible. As has been said we really do not know in these difficult times when it will end or whether it will ever come again. We need to realise, as other members have said we are really fortunate in that all we had to do was stay home. In years gone past how many of our families have had to go to war and to far flung countries? Realistically it is difficult times, but we are very fortunate compared to what many others have been through in the past.

A few brief comments with regards to a couple of sections of the bill. The freezing of motor vehicle registrations for nominated periods. This is a sensible and fair measure to assist people who are not driving now to take this up again once the free lease period on their vehicle ceases.

Leader, it might be worth considering extending the period of free or subsidised public transport on Metro beyond 31 May - I notice that was going until 31 May - to avoid people using vehicles with frozen registration just that once and to minimise the possibility of accidents occurring without cars being registered. Even if you freeze it there is always the possibility there might be a time you actually need to use that vehicle.

In a similar vein amending the Taxi and Hire Vehicle Industries Act and Taxi Industry Regulations to allow approval of vehicles to operate as an ordinary taxi or wheelchair-accessible taxi provides a greater range of options for essential travel for those who cannot or do not drive.

Allowing leeway for specific maximum vehicle age and odometer readings to make operation of these taxis more flexible is a reasonable measure to take for these and other hardship purposes.

I am also pleased to see the bill does not affect or compromise other requirements for ordinary and wheelchair taxis, including the necessity for compliance with the disability standards for accessible public transport rules and the Disability Discrimination Act.

As the member for Windermere said, over more than 12 months we have been working with the taxi industry, particularly in the north, and how difficult it is for many of them particularly when they have set areas they cannot go outside and they have been fined. It has not been easy for them with Uber. It was not easy for them before but Uber has made it extremely difficult and I am sure now it has become even harder.

The personal observations I have made especially with school resuming this week is more people are leaving their homes for the purposes of these essential reasons. I do not know how many people here go walking, or walk the streets, or go for a ride on their bike. Personally, I prefer the walking machine, but my husband likes to go for walks and I have never seen so many people on the street. I actually hate being out there going for a walk. I know you are supposed to go out and exercise, but there are so many people out there doing this it actually feels quite dangerous as if there really are too many. I am going back to my walking machine and exercise bike. It is much safer to stay at home than walk around streets and go down to the parks for exercise.

It is important to remember that the coronavirus emergency is not over and we cannot become complacent now. Avoiding a second wave of transmission and illnesses here in Tasmania is of paramount importance.

While I hope it is not necessary to be used, it is probably prudent to amend the Public Health Act to allow for extension of the public health emergency declaration to be made for up to 12 weeks, but relating to the COVID-19 disease emergency only is an important caveat to this and I am glad this is also being included in the wording of the amendment. It is additionally prudent to amend section 42(2) of the Public Health Act, to increase the penalty for noncompliance with the directions of the Public Health director, from a fine not exceeding

50 penalty units to 100 penalty units, or imprisonment not exceeding six months or both, and I accept that this is for consistency.

However, I question the amendment of section 194 of the Public Health Act, which provides -

- (2) In the absence of evidence to the contrary, in any proceedings for an offence of failing to comply with a direction under this Act, it is sufficient evidence that a person knew of the requirements of the direction if it is established that -
 - (a) a document specifying the direction was served on him or her; or
 - (b) where the direction is a direction given by the Director, the direction was given to the person orally or the substance of the direction was conveyed to the person by an authorised person within the meaning of section 17.

This section also does not expressly provide any defences for noncompliance with the direction. All that needs to be established is that the direction was served in writing, or delivered orally by an authorised person in an authorised way. It then falls to the person to rebut that with evidence to the contrary. This is ostensibly a reversal of the onus of proof - for a person to prove themselves innocent, rather than the Crown proving them guilty. I understand the seriousness and severity of this offence. I am aware that other offences operate in this fashion, and sincerely hope that this has been properly thought through by the Government.

Honourable Leader, I would also like some assurance, if you could, that typical defences to this will apply, and that people functioning involuntarily - for example, under duress, or unintentionally, such as operating under a mental disorder - will have these defences available to them in proceedings for noncompliance of a directive.

Also, I am happy to support the infringement notice by Tasmania Police. I agree with other members. I believe this should be available to the police long after COVID-19. Realistically, anything that saves on court time, and saves on police time, has to be a good option. To be able to give an infringement notice, whether someone realises or not, or whether the police have the time to actually explain to them that it could cost them less, realistically, I cannot see any detriment to it. If they are not happy with it, they can still choose to go to court, they can still choose not to pay the infringement and let it go to summons, but at least in this case, if they wish to, they can pay. It does not take up court time, it does not take up police time with police having to go to court.

I see that as a very sensible move, and one that should have been made quite a long time ago, so I accept the bill that we have before us.

I also acknowledge the Premier, and the Health minister particularly, for the work they have done. As the member for Murchison also said, all our frontline staff - whether they be nurses, doctors, cleaners, anyone in our hospitals, also the people in our supermarkets - sometimes we forget that they are at as much risk as everyone else. They are at their place of work, whether they want to be or not, and they are doing this for us; we all have to eat. Whether we go to the doctor, or the hospital, or to a pharmacy it is really important

that we acknowledge all our frontline workers, and thank them for the work they are doing. Without them we certainly would not be able to exist.

I certainly support the legislation before us.

[9.14 a.m.]

Ms RATTRAY (McIntyre) - Mr President, I endorse what has been said in regard to those who are out there on the front line. Certainly, the member for Murchison, in her contribution, was very strong in her support, particularly for the north-west community, and I support that as well. All those frontline services workers have gone above and beyond to make sure that we can receive the essential services that we believe we need as a community. I take my hat off to what they have done, and to them, and I will make sure that I give them as much support as I possibly can. I sometimes go too often to the supermarket thinking I need essential items.

That brings me as well to the support that is being provided to my role as a Legislative Council member through my office. I also had a terrific avenue through the Premier's office with a particular person by the name of Carol Jones, who has been exceptional in getting back to us when we cannot go into that process with some queries on behalf of our constituents, and if it is not that day that you get a response then it is the next day, so that we can get back to those people. People have certain issues. They all want to do the right thing, and they are looking for some support and an acknowledgment that yes they can do this, or no, it would be better if they did not. I particularly thank Carol on behalf of Melissa and myself. She has been exceptional. I know there would be other people working within those offices who are doing the same for other members of the parliament as well.

Ms Armitage - Nerissa in the Premier's office has been our go-to person, and she has been wonderful as well.

Ms RATTRAY - Yes, I am sure there is somebody people have made a connection with, and I am going to introduce myself personally when we get past this.

Ms Forrest - You would walk past them in the street and you wouldn't know them.

Ms RATTRAY - You would not know that it is Carol. I will be doing that for sure, and I am sure others will too.

I have been fortunate to make contact with the Premier at different times and have received a call, because when the north-west coast announcement about being shut down came out, McIntyre sways into the north-west coast, as the Railton area belongs to McIntyre, but it is also classed in that north-west area. It is appreciated to be able to receive that direct contact, because otherwise you hear it on the news, and you think it would have been nice to have known beforehand. That is all appreciated and I know everyone is busy.

Another issue I would like to touch on - and I know everyone is looking to get going, but we have to make it our time that we bring up matters - is support for business through the COVID-19 situation. That is one of the biggest issues that most of our communities, particularly small businesses, are struggling with at the moment - ones that have closed for necessity, or have been forced to close, and others that have taken that opportunity to close because there was a lack of support for their business. That process is overwhelmed at the

moment with applications for support, and I hope the Government can see their way to putting some extra resources into that process.

I talked yesterday to a business owner who was down to their last \$50. You do not know what to do for people in those circumstances. You can offer up, 'contact your bank', but everyone knows how long it takes to get through the banking system, even if they are saying we are here to help, just contact us. It is not simple to get yourself an overdraft or a loan or whatever you need to support yourself. I hope that the Leader and the Deputy Leader will take back to the Government that the process be sped up, because that business support application and those funds that are going to be available to businesses is not adequate at the moment.

Ms Howlett - From a state perspective, we have been very effective.

Ms RATTRAY - There is the \$2500 emergency grant, but there is that other \$15 500 larger sum. When you are talking about paying wages, \$2500 is not going to go very far at all, sadly, for some businesses. We want to see business come out of the other side of this, and if we do not give them the support they need as a community and as a state, then it is going to be difficult to have them there in the future. I wanted to touch on that as well.

I will move on now to the bill and thank honourable members for their indulgence.

It is quite a significant piece of work when you are amending seven acts. I know we have not had much time, and here we are in this emergency situation again. I also support the comments that have been made regarding having two days. I did miss out on part of the briefing because I did not come yesterday. If we are staying overnight anyway, for those who have travelled and are away from home, to spread the workload across two days seems much more practical.

I know we do not want to be necessarily in this place. We are practising more spatial distancing than we do at the Woolworths store, with all due respect. You have closer contact, even though they are doing an exceptional job in some of those places that I have been visiting to receive essential services. This is actually at a higher level than we have there. I am keen to see that we take that opportunity to use an extra day and not try to push ourselves into the wee hours of the morning and feel like, with all due respect, that we need to rush our contributions and we do not get to say what we would like to say. I expect that there will be an opportunity to have input into that at another time. I know the Premier and his team and his Government are trying to do everything they can to keep everyone safe. I acknowledge that. To be working through to the wee hours of the morning - perhaps that is what we will be doing - is not ideal. Then to be travelling home, even tomorrow when it gets to that mid-afternoon when you have had a really late night, that is not ideal.

I will move on to the different aspects of the bill. I took on board what the member for Hobart said in regard to the constitutional aspects of the elections for the Legislative Council seats of Huon and Rosevears. I also shared some of those concerns about this process and acknowledge that it is the executive government telling the Legislative Council how to go about their business in regard to elections. We are in uncharted waters here, but we also know that there are various times - certainly through redistributions of boundaries - where you can not only lose a year of your term, you can lose your seat. We know these things happen and that is part of the legislative process that is already in place.

I was very pleased to receive the information and the more detailed account from the Electoral Commissioner, Mr Hawkey. I acknowledge that the member for Murchison has had that incorporated into the *Hansard*; it was necessary. Many people were asking why there cannot be a full postal vote. Why do we need to put this off? I feel for the candidates who have their life on hold at this time while they wait to see where this ends up. I would like to think that once the emergency situation starts to be lifted and some of those requirements for the numbers at gatherings and the like start to change for our communities that the Government looks seriously at setting a new date sooner rather than later. That is important. It is equally important that constituents in the electorates of Huon and Rosevears have representation at this time. Our electorate offices are very busy and we would not want those communities not have somewhere they can go to ensure they can have their information provided in a timely manner, which I know the member for Huon and the member for Rosevears would be doing in their offices at this time.

Let us make sure that we keep looking at when it is safe to do so. As I have said, we can frequent supermarkets and bottle shops and the like for what are considered essential services so let us think really hard and put in place the appropriate measures so that a postal vote option is available but also people can turn up at a polling booth and undertake the elections as soon as possible. I would not like to see it head into the next election cycle. The 2021 Legislative Council having five seats go up all together probably makes for a fairly strong argument for why do we not all go together.

Ms Forrest - Then the parties take over. You do not want that.

Ms RATTRAY - I am just saying it has certainly been the process for this. I think there would be a fairly strong argument in the community that could occur. It would be prudent to make sure that that happens in the future. I know, Mr President, you will work with the Clerk and I expect that someone from the Government and the executive will be contacting you to have those conversations on a very regular basis as you are the Leader of this House.

Mr Dean - I think all other upper Houses in states that are looking at the elections are all-in, all-out.

Ms Forrest - That is why we do not want to get parties.

Mr Dean - We are heading now with five seats that could be up for election in May. We know the Labor Party and others have wanted an all-in, all-out election because that suits the parties.

Ms RATTRAY - Once you have a third of your Chamber going in one election it would be a strong argument.

Mr PRESIDENT - One would argue that it has not really worked well for local government.

Ms RATTRAY - Hear, hear, Mr President.

That is where I will leave my contribution in regard to that particular issue. I expect we will have another opportunity to farewell and wish the members for Huon and Rosevears all the best for the future. I apologise for having my back to the member for Rosevears. I am really tempted to go over to that lectern but I am trying to hold back.

Regarding the taxi and hire vehicles industries, it is tough times for all businesses but it certainly is not easy for them. Nobody is out and about so they would be really struggling even more than they have done in the past. I support the Government's direction in not issuing any more licences in that area. I also have no issue at all with the suspension of registrations at this time given there is so much pressure on people, particularly those who are not working and who have businesses that are not earning any money at all.

I know every member will have heard stories from their constituents - it is just heartbreaking. You just do not know what to say to people. You cannot even say you understand if you are not in that position. Perhaps a family member has a business and you have some idea, but other than that I do not have any real understanding of what they must be going through. It is beholden on us all to be as available as we possibly can to answer those phone calls, whether they take an hour or 10 minutes. I would certainly need to support that.

I do not think I need to add anything. I am pleased we are not dealing with the residential tenancies part supposed to be with this bill. I think that would have been just too difficult.

Mrs Hiscutt - I am sure the member means the commercial tenancies.

Ms RATTRAY - That is what I mean - commercial tenancies. We have done residential tenancies. It will take quite some time to work through that. In this case, the seven pieces of legislation affected by this second emergency bill will at least provide some support for our communities.

Again, I remind everyone, whatever they are doing through this difficult time - whether they are at home or at work, or whether their business is really struggling - we need to make sure we look out for each other. The saying 'We are in this together', has never been truer - we really are.

I support the legislation and look forward to having a conversation on some of the aspects raised, whether through the Committee stage or on the other side if it receives the favour of this House.

[9.32 p.m.]

Ms WEBB (Nelson) - Mr President, I acknowledge the incredible efforts and resilience of the Tasmanian community during this time. My thoughts are particularly with those in the north-west who are facing the biggest challenge. Many, many thanks to colleagues in those regions who are bearing the brunt of supporting those communities at this time.

My heartfelt thanks go out to the health workers and the other essential workers who are at the forefront of our response and management of this situation. My deepest sympathies to those families who have lost family members to this disease.

I particularly acknowledge the good work of the Government under the leadership of the Premier and the way in which they have been undertaking what has needed to be done in this situation.

I am going to speak briefly on this bill. I know I say that all the time. This time I will try to make it true. I will talk briefly about some things not touched on yet and then there will be matters I will pick up on in the Committee stage.

Our return to parliamentary sitting is important, not just to deal with bills relating to managing this crisis, but to fulfil the role we have of appropriate scrutiny. Unfortunately, while we have returned to parliament, it is with such a constrained sitting time that we are not able to fully undertake our scrutiny role or, particularly within this minimal version, our broader parliamentary role. Tasmanians want their elected representatives to do their job; a parliamentary sitting with all the details, and particularly the role of scrutiny, requires more than just one day here, one day there. More sitting time for parliament is required over coming weeks and months to ensure accountability and scrutiny are appropriately applied. The value of scheduling more time has been demonstrated quite amply here today. Today is a cautionary tale as to what happens when you do not schedule enough sitting time to deal with an important bill that certainly could have been dealt with quite differently across a two-day period and would have made quite a difference to this place. In particular, our key aim in this one sitting day is to consider one piece of government legislation and to have question time.

This piece of legislation is an important bill and deserves our most effective attention, yet we received it approximately 36 hours ago. Yes, we have received briefings, but under rushed circumstances, and we have not been given an opportunity to readily seek further input, advice or consultation to best consider the features of this bill. This is especially concerning in relation to aspects of the bill that apply beyond the emergency period. The member for Mersey spoke about the fact the title of this bill really focuses us on it being about the emergency period and not beyond, and yet we are asked to contemplate some aspects that do extend beyond that.

The passage of this bill has been far from ideal to an extent I do not believe was necessary and more parliamentary time could and should have been allocated for it.

Last month when the first COVID-19 act was passed, it was with understandable, if still regrettable, haste. This month, I do not believe a claim for forbearance in relation to haste can be claimed by this Government on this bill; we simply should have been scheduled more time to deal with it.

Mr President, last month when we passed the first COVID-19 emergency act, there was much discussion in the other place and here about the fact that scrutiny would be undertaken by the Subordinate Legislation Committee and comfort was drawn and expressed in each Chamber that such scrutiny would balance to some extent the rushed passage of that bill which did not allow for detailed scrutiny by the members of parliament.

As it transpired, the scrutiny role of the Subordinate Legislation Committee is actually quite limited. The COVID-19 emergency act designates the Subordinate Legislation Committee to review notices issued by the State Controller or the executive, and this joint standing committee was the natural choice for such a function; however, it is not through notices under the COVID-19 act that most powers are being exercised over the emergency period so far. A greater proportion of the powers are being exercised in the form of directions issued by the Director of Public Health under the Public Health Act and directions issued under the Emergency Management Act. These directions are far-reaching and unprecedented. They are rules being made that impinge on our civil liberties and our freedom of movement. They give extraordinary powers to our police force and carry hefty penalties.

In regard to these directions issued under the Public Health Act and the Emergency Management Act during the emergency period, they are not reviewed and scrutinised by the Subordinate Legislation Committee. My view is that they should be, that they fall under the usual role of that committee captured by every category of any regulation the Subordinate

Legislation Committee has taken to review; however, that is not an argument I intend to prosecute in detail here today.

I take this opportunity to note, however, that until today when we resumed sitting, there has been no opportunity for any form of parliamentary oversight for directions issued across the past more than a month.

It could be argued the return to parliament today and for certain sitting days over coming months provides an avenue for oversight and scrutiny of those directions; however, I regard this as a disingenuous argument realistically in the context of a limited time and focus on substantial new legislation to be considered and passed. In these constrained sittings, there is scant opportunity for parliament to actively scrutinise specific directions in any detail.

Some of those directions may have been the topic of questions put to the Government and answered here and in the other place today, but this is far from comprehensive and could not be considered to be accountable and comprehensive scrutiny of those directions. In fact, the difficulties of parliament as a whole to scrutinise in close detail a delegated legislative instrument such as these directions was the very reason the Subordinate Legislation Committee was established.

Mr President, I further note discussing potential mechanisms for review and scrutiny of these directions and other matters can tend to generate some defensiveness or slightly negative reaction in the people it is being proposed to scrutinise. Proposing appropriate and comprehensive scrutiny does not express an expectation that the powers being exercised are being abused; rather, it acknowledges that all citizens have a right to know those powers are being exercised appropriately.

It is our job as a parliament to provide Tasmanians with that very assurance. As it stands, I do not believe we can give that assurance to the Tasmanian community. Further to providing such an assurance that powers are being exercised appropriately, review and scrutiny importantly also work to ensure we have the opportunity to have better quality governance and better rules made. Review allows an opportunity to pick up on inconsistencies, to close gaps, to more fully consider unintended consequences and many other things beside.

I think we would all agree that it is hard enough under the best of circumstances to get things totally right the first time. The Government is under enormous pressure right now. The decisions being made and the directions being drafted and put in place are being done at a sprint. I commend and I thank the Government and the public servants who are doing this work under such circumstances.

However, because of these extraordinary circumstances, with such time pressures with decisions being made and governing occurring at full tilt, we should especially consider how best to support good governance and not accept its ready abandonment. Good governance demands appropriate review and scrutiny.

Last month when we passed the first COVID-19 act in a short time period under circumstances of heightened anxiety, an aspect of that bill that received relatively little debate during the constraints of that time was the insertion of a new section 60A into the Emergency Management Act. Section 60A has the effect of suspending the Personal Information Protection Act 2004 during the period of this emergency in particular circumstances. The reason provided for this suspension was that it would facilitate the exchange of information

between state agencies and state and Commonwealth agencies in relation to the emergency. I believe at this time it was well recognised that this exchange of information would be required in the context of the Health response to this crisis. However, to broadly suspend the act was an action that could have great consequences. While well intentioned, I believe it was a much broader response than was required and may unnecessarily remove or make unclear certain privacy protections for Tasmanians during this emergency time.

I will talk more about this in the Committee stage when I move an amendment relating to this. I trust members will recognise that the amendment is a prudent reinstatement of privacy protections while still facilitating the actions required to best protect the health of the Tasmanian community.

I will speak to just a couple of aspects of the bill. I am going to talk briefly about the Legislative Council elections just to underline my support for what the bill seeks to achieve. I understand the need the address matters relating to the timing of the 2020 Legislative Council elections and ensuring they can be held safely in the context of COVID-19. I note those elections may be held at some time through to 31 December 2020 or if at that time it is still not deemed safe to operate polling places, they will be carried over to 2021 and held in May in conjunction with elections scheduled for that time.

However, I wonder whether we may be prompted to contemplate another solution if it becomes apparent that the dangers associated with large gatherings of people extend for a protracted time and risk a delay for those May 2021 scheduled elections. What we are doing today may potentially simply be kicking a problem down the road, so to speak, but with a more comprehensive solution ultimately being required possibly involving amendments to our Constitution Act and Electoral Act which the member for Hobart has alluded to and spoken about already. We will wait to see what transpires on that front.

In the meantime, I support the arrangements made in this bill to ensure that the current members for Rosevears and Huon are able to continue to represent those communities. It would be a disservice to those communities and to the effective and accountable functioning of this place if those members were not able to continue in their roles during this interim period of time.

I have an interest in and questions on a number of other specific aspects of the bill. I am choosing not to speak on those in detail during this contribution in the interests of time, but I will hold those remarks and questions over until we move into the Committee state.

[9.46 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have some quite comprehensive answers here so I will work my way through them as we go.

First, in response to the member for Hobart, and the conversations around the Legislative Council elections, for the reasons set out by the Electoral Commissioner, the clear intentions were set out in the Electoral Act. The Government believes an attendance poll is, in essence, a part of holding an election for the purposes of the Electoral Act. The Tasmanian Electoral Commission will be promoting postal voting, as the commissioner described in his briefing. In Tasmania, the Constitution Act is no different from any other act of parliament. It contains no truly entrenched provisions so it can be amended from time to time. It follows that the six-

year term for members is not immutable and the Government does not consider it unconstitutional for the parliament to pass a law on these provisions.

I was going to quote parts from the Tasmanian Electoral Commissioner's letter. However, as that has been tabled, I will not do that. The member for Mersey put forward some fairly strong comments based around those letters so I will not go through that -

Mr Valentine - I do not have an issue with it being amended. You just said there is nothing to stop it being amended, didn't you?

Mrs HISCUTT - The legislation at the moment is being modified to facilitate this. This is an emergency. We are in a COVID-19 emergency situation. The Legislative Council elections happen to pop up in the middle of it or the other way around. This is how it was being dealt with.

Mr Valentine - I hear what you are saying but I do not agree with it.

Mrs HISCUTT - Further to that, you mentioned police officers' ability to issue infringement notices. Quite a few members covered this also. Clause 26 of the bill proposes to amend section 169(1) of the Public Health Act 1997 to allow police officers to issue infringement notices under the act in addition to the current authorised officers and councils.

It is worth noting that the proposed amendment does not create any new offences, which is a good thing. The proposed infringement notice provisions would allow infringement notices to be issued for the offences police are already using to enforce the restrictions.

Currently, police only have the option to warn people, summons people to a court date that will be some significant time into the future, or arrest them. Infringement notices simply give police another option in that continuum, and one that we think will have a more immediate effect in gaining compliance where some sort of formal action is necessary. However, the primary approach of police will continue to be educational. Their aim is not to charge people at all, but to explain the restrictions and encourage compliance. The member for Windermere gave a fairly good summary of how the police would handle that.

Consideration was given to limiting this ability to the COVID-19 situation only. Ultimately it was decided that the power should be enduring, so that police have the capacity to respond to a future public health emergency and also to deal with COVID-19 issues that live beyond the life of the current public health emergency.

What this emergency has shown us is that a power to issue infringement notices to enforce restrictions during an emergency is desirable. We are now over six weeks into the current emergency, and do not yet have that ability. As a result, it is desirable that the authority be enduring so that it is there for the next emergency - heaven forbid if that were to happen. Should we have another emergency, we do not want to be fighting a rearguard action on the next occasion where we need parliament to provide an authority after the emergency has started. It is something that could be reviewed after the emergency, but in advance of any future one, an ability to issue an infringement notice is not contentious. The offence will still exist regardless of this provision, and people can still be prosecuted regardless of this provision. In addition, COVID-19 will inevitably be with us for some time into the future, and no doubt beyond the life of the current public health emergency.

Once the emergency period ends, there will undoubtedly be instances of COVID-19 infections in the community. These will still be subject to non-emergency directions, and there will still be a need for police to assist with enforcement. To this end, the infringement notice powers will continue to be needed past the end of the emergency. An ability to issue an infringement notice simply provides police with another tool, and one that is likely to provide a more immediate effect in gaining compliance. However, it does not take away any right of the person to whom it is issued. Members, we were all issued with a notice earlier, so we know what is on it.

There are many checks and balances in the infringement notice process. If a person disputes that they committed the offence for which an infringement notice was issued, they can write to the department to request it be withdrawn. Details on how to do this are printed on the infringement notices issued by the police. This process is also detailed in section 15(1)(b) of the Monetary Penalties Enforcement Act 2005, and if some of these people were lucky enough to get a commissioner such as the soft one we have here in our Chamber, they will be well served.

The person also has the option to have the alleged offence heard and determined by a court, and the option of not having to go to court if they accept the infringement. This can save them both financially, and with regard to the time it takes for the matter to be resolved, especially with court dates being pushed out potentially well past the end of the emergency, and the time required to attend court and potentially brief a legal representative.

I must stress the primary approach of police will continue to be educational. Their aim is not to charge people at all, but to explain the restrictions and encourage compliance, which is extremely important in my end of the world. In ordinary times, we entrust police with significant authority and discretion, and I have no doubt that every member of Tasmania Police takes the authority they have very seriously. We can similarly entrust them to exercise judgment and compassion in these circumstances, but given the unprecedented nature of the COVID-19 restrictions, additional review mechanisms have been put in place. Every arrest and summons matter is being reviewed, and should police be given the authority to issue infringement notices, these will also be reviewed for COVID-19-related offences. This is additional to all of the safeguards already in place to challenge infringement notices.

The member for Windermere gave a fairly scathing account of the communications between the executive government and the Legislative Council, and you referred to your letter that was -

Mr Dean - It was not scathing, but anyway I accept it as scathing.

Ms Forrest - Very critical.

Mrs HISCUTT - I apologise for that. I was in the middle of that; there were conversations going backwards and forwards, and then when the suggestion of a letter came forward, I thought that was a good wrapping up of what was going on - thank you very much for writing that letter. That cemented the position.

The Government has always maintained the position that these elections should be held as soon as possible to ensure the voters of Huon and Rosevears are represented. The Government has discussed these matters with the Tasmanian Electoral Commission in relation to the conduct of these elections. That has been specified from the commissioner himself.

You also asked why the 2020 Legislative Council periodic elections cannot be held by postal vote rather than be deferred. The commissioner has gone over this in his letters, but I will reiterate a couple of things.

Part 5 of the Electoral Act 2004 sets out the requirements for the conduct of the Legislative Council and House of Assembly elections, including the arrangements for polling under Division 3. The provisions include that -

- a polling place is to be appointed by the commission at which electors may vote, and that may be an ordinary polling place, a pre-polling place or a mobile polling place;
- hours of polling;
- that the commissioner is to make arrangements for the conduct of a poll in accordance with the act, including to provide certain things such as appropriate numbers of election officials, certified copies of the electoral roll, ballot papers, declaration voting material, voting screens, and ballot boxes which can be securely fastened.

Mr Dean - What about in accordance with the Constitution Act as well? The Constitution Act says every six years, as the member for Hobart raised.

Mrs HISCUTT - While the Electoral Act 2004 provides for postal voting in other matters - it provides, for example, an entitlement to vote by postal vote under section 125 of the act, where the person expects to be unable to attend a polling place on polling day, or the person is an elector whose address is not included on the roll pursuant to section 36(5) of the act.

It is considered that a Tasmanian parliamentary election conducted solely by postal vote would not meet the requirements for an election for the purposes of the Electoral Act 2004.

Mr Dean - Of course it would not without amendment.

Mrs HISCUTT - In addition, the current restrictions of movement and campaigning by candidates would also affect the ability to conduct such an election.

The amendments in this bill allow for the proclamation to be made under the act without the need for a further notice to be issued under the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020.

The amendments also deal with a range of important related matters, including the extension of the terms of the current Council members, to which the 2020 periodic elections relate, and the ability to return to the usual six-year term of office for members under the Constitution Act 1934.

Taxis - in the 2019 tender, 16 licences were released for sale in Hobart, five in Launceston and one each for the remaining 22 taxi areas, making a total of 43. None was sold. These remain available. A similar number were to be released in 2020, so that will not happen now.

I think you spoke about the number of people or businesses that may benefit from freezing registrations. This mechanism is very broad, and all vehicles, including trailers, are under the scope of this power. It could benefit individuals who no longer need a second car, through to

a business that offers vehicles for hire. Potentially, any registered vehicle is in this area, so it is a bit hard to get a number on that one.

I wanted to make a comment on the member for Murchison's defence of health workers in our area. All I can say is, well said. It needed to be said.

The member for Murchison also asked about the powers about protecting public health in general as opposed to non-emergency powers, jurisdictional information with relation to other states.

Victoria - the Public Health and Wellbeing Act 2008, section 193(1) -

A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a public health risk power under an authorisation given under section 189.

Penalty - in the case of a natural person 120 penalty units [which is \$19,826]. In the case of a body corporate, 600 penalty units [which is \$99,132].

New South Wales, the Public Health Act 2010, section 113 -

Offence not to comply with direction -

- (1) A person must not, without reasonable excuse, fail to comply with a direction under this Part. Maximum penalty, 50 penalty units [\$5 500].
- (2) A person who furnishes any information in purported compliance with a direction under this Part, knowing that the information is false or misleading in a material respect, is guilty of an offence. Maximum penalty, 100 penalty units [\$11 000] or imprisonment for 6 months, or both.

Queensland, the Public Health Act 2005, section 28 -

A person must comply with an enforcement order unless the person has a reasonable excuse. Maximum penalty, 400 penalty units [\$53 380].

Ms Forrest - That is for an individual?

Mrs HISCUTT - A person must comply.

The South Australian Public Health Act 2011 -

(81) Duty to comply

A person who is the subject of an order, requirement or direction under this Division must not, without reasonable excuse, contravene, or fail to comply with the order, requirement or direction. Maximum penalty, \$25 000. Expiation fee, \$750.

(122) Offence to fail to comply with public health order

A person in relation to whom a public health order is in effect must not, without reasonable excuse, fail to comply with the order. Penalty, imprisonment for 12 months or a fine of \$50 000.

The member also asked about the Tasmanian Health Service regarding notices - the barrier to issuing emergency notices, issued instead of allowing for contracts, et cetera. There is no specific notice available under the COVID act in force that would allow for amendment of the service level agreement. Notices under the COVID-19 act provide for the following matters as described in the fact sheet for the bill.

Under the bill, notices may be issued in relation to the following: the extension or reduction of statutory time frames; the amendment of provisions of planning permits, or other permits prescribed by regulation; the application of planning law in relation to land that is developed or used to support actions taken consistent with a requirement, direction or authorisation under the EMA or Public Health Act 1997, the PHA; the extension of State Service and statutory office appointments up to a maximum of 12 months; allows for actions, including meetings that would otherwise be required by law to be taken or conducted in person and/or in public, including local council meetings, to be dealt with electronically and by other means; the conduct of court and tribunal proceedings; the waiver or deferral of fees and charges set by legislative instrument; the application of certain shop trading hour restrictions, for example, Good Friday trading, and processes for the public exemption of documents and gazetted requirements.

I will make a comment on the member for Mersey's contribution. The application to the act is what you were talking about which I thought was very well said.

The member for Launceston has asked a question about the clause 27 amendment to section 194 of the Public Health Act, that it does not reverse the onus of proof, so this is for clarity. It simply provides for what is the evidence to be established to meet this section to establish a person knew of the requirements. The prosecution must still bear the onus of proof in establishing the evidence.

The member for McIntyre talked about what she perceived to be the overloaded business help line. It probably is, but I do have a few numbers for you which is why you will see what is happening.

The Government has implemented a streamlined range of grants and loan processes with payments made in a matter of days for emergency payments. So far there have been a Small Business Emergency Support Grant of \$2500. There have been 13 374 applications received. There have been 10 350 approved and paid for so far. The Business Continuity Program of \$750 grant has received 3953 applications with 1857 applications approved and paid. The Business Support Loan Scheme - there have been 286 applications submitted and 87 approved. The Business Hardship Grants of \$15 000, which is a competitive grant round - there have been 22 973 applications received, and 323 grants approved and paid. So more resources are being reallocated and trained each week to support constant processing and increasing the speed and capacity.

The member for Nelson mentioned briefing times. I would like members to know we have had three hours and two minutes of briefings on this one bill. I thought that was interesting.

The member for Nelson also spoke about the amendment to 60A of the Emergency Management Act. The new section 60A inserted into the Emergency Management Act 2006 by the first COVID emergency act provides the provisions of the Personal Information Protection Act 2004 do not apply to the disclosure, collection, exchange, or use of certain information in very limited circumstances. The section does not suspend the provisions of the act entirely in regard to an emergency or at or outside of an emergency response. During an emergency, it only exempts the provisions of the act that apply to the disclosure, collection, exchange or use of relevant information for the relevant purposes by the relevant body or person. The personal information protection principles that do not relate to disclosure, collection, exchange or use in these circumstances, all still apply. Similarly, other provisions of the act, such as the complaints and investigation provisions, still continue to apply.

Ms Webb - Why was the information not included in the answers to my questions earlier today, which asked exactly the same things? That was not spelled out in the answers provided.

Mrs HISCUTT - I will have to ask.

Ms Webb – What I expected, just to remind you, was specifically, which principles are suspended under that and there was no clear answer provided other than to say they all come in a package.

Mrs HISCUTT - I will continue. Principles 3, 4, 5 and 6 already apply. Similarly, the complaints and investigation provisions in Part 4 also continue to apply. With regard to the need for section 60A, the circumstances of the COVID-19 emergency are unique and unprecedented. This emergency is not constrained within Tasmania but is affecting all of Australia and also most of the world. It is also unusual in that it is a public health emergency that heavily involves agencies other than health in the responses.

As a consequence of these unique and unfolding circumstances, certainty was wanted for frontline workers who needed to share information between departments and with other states and the Commonwealth to ensure they were not acting in breach of the law. Information sharing may also include contact tracing. For example, if an individual returned from overseas and was subject to isolation requirement, that information would be passed to another department or to another state if the person left Tasmania so that isolation requirement could be enforced.

There are already exemptions in the act for sharing information, but given the immediate nature of the initial response and the genuine need to share personal information, the Government simply sought to protect frontline staff who were genuinely responding to an emergency requirement in the interest of public health and safety. The current emergency has highlighted the need for provisions of this nature and that it is better to have the provisions in place in advance of any future emergency than to try to implement legislative reform while we are in the middle of an emergency.

Further, the provisions only apply in the context of an emergency response under the act. This is not the case day to day. Consequently, there is no risk of the provision being utilised outside an emergency response under the act.

Ms Webb - That would be useful to have in writing. It probably contains information that I was seeking through the questions earlier that was not provided in the answers to the questions. I wonder whether it is possible to have that provided in writing?

Mrs HISCUTT - Mr President, it is in *Hansard* but in light of time we will have that photocopied now. Mr President, that concludes the summing up.

Mr PRESIDENT - To put it on the record, I notice that the member for Huon and the member for Rosevears have absented themselves from the Chamber.

Bill read the second time.

COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) BILL (No. 2) 2020 (No. 17)

In Committee

Clause 1 - Short title

Ms WEBB - Madam Deputy Chair, I move -

That the Committee reports progress to adjourn the Committee stage until tomorrow morning.

I do this because I believe quite clearly that we do not need to cram the sittings of both Chambers and the passage of this bill into one sitting day. It was clearly an unrealistic expectation to have this bill dealt with in one day and we see that the Government has carried over to tomorrow the possibility of the other place having to reconsider an amended bill from this place. I believe it is our Chamber that has borne the brunt of this ill-conceived and unrealistic scheduling. Quite frankly, I find it disrespectful to honourable members here and certainly to staff.

I particularly point out that debate was cut short in the other place and that impacted on the Committee stage as the bill transitioned there. I suggest that this makes the Committee stage undertaken in this place of even higher importance. Given this, I regard it as highly desirable that we tackle this task with fresh focus in the morning.

Ms LOVELL - Madam Deputy Chair, we support this motion. As I stated in my second reading contribution, I believe it would be better to consider this over two days. There was no need for this legislation to be rushed through in one day when the bill did not even come before this Chamber until seven o'clock in the evening. We were here earlier in the day. There was a much better way this could have been done. We have covered that ground.

I will not go over that again but I agree with the member for Nelson - I think, given the importance of this Committee stage in light of how the debate took place in the other place, it would be better for us to come back and do this. As I said earlier, I was prepared to stay here until whatever hour was required to get this bill done tonight but the reality is that the bill is

not going to be dealt with in its entirety by both Chambers tonight so there is no reason we cannot come back and finish our work on the bill tomorrow and still have it passed by both Chambers tomorrow.

Mr DEAN - I cannot support the motion we have before us. It has been identified and planned for a period of time now that we would be dealing with this matter today and would be completing it. It is now 10.20 p.m. We have sat much later hours than this on many occasions to deal with important legislation.

The other place, as I understand it, is scheduled to return at 8.00 a.m. tomorrow, and therefore, there are some changes that will be necessary if it was deferred further. I am of the view we need to continue with the Committee stage. I cannot see the Committee stage being unduly long. There are two or three amendments. I appreciate that but I cannot see they would be lengthy matters to deal with here tonight.

Ms Forrest - It depends how long you talk for.

Mr DEAN - I will be short. I cannot support it to that end. If we had not been given the previous notice and prior notice and so on, it has been mentioned many times this matter should be dealt with tonight so the other place can deal with any amendments we might move early in the morning and they return at 8 a.m. I cannot support the motion before the Chamber.

Mrs HISCUTT - Madam Deputy Chair, it is the Government's hope to get this concluded tonight. I rang members, as the member for Windermere has said, alerting that we would be having a late night to deal with this bill. I had hoped you were all prepared with a combination of whatever was required. However, I have been in this House for quite a few years now and I know I am subject to the will of the House. Having said that, it is the Government's desire to complete the bill. I have alerted members to a late night so I hope you might see your way through to not vote in favour of this amendment at this moment.

Mr GAFFNEY - Madam Deputy Chair, I would like to support the motion but I cannot because I think we need to get this through. Most of us would have arrived here quite early this morning because we wanted to listen to the Premier's address. Most of us were here around 8 a.m. or just a little after. We have had briefings. You cannot go back. You are here doing work. It is now 10.30 p.m. We will be here until 1 a.m. getting this done. It further reinforces that next week the Government, with still another important bill, better make a change of what they are planning to do because if I am asked the question next week, I will be supporting the member.

This gives a clear indication that whilst I cannot support it this week, if we are expected to do the same thing next week, I will think differently about that. I am putting it on notice, but I cannot support the motion tonight.

Mr VALENTINE - There is no question that I am prepared to sit tonight. However, I am concerned about the extra bit of information we received in relation to the amendment the member for Nelson is dealing with. I have had no opportunity to absorb that because I do not have a copy and I am going to have to wait for *Hansard* to be printed - or you can give me a copy. The point is it rests on whether the member for Nelson needs extra time to absorb that as to whether she goes forward with her amendment. That is the only reason I would consider supporting it, given the late information received. I will listen to other people's opinions, but I am prepared to sit here tonight to do it. It does not bother me and I do not mind coming back

tomorrow morning. But whatever we do, we need to make sure we have the right information to be able to make the right decision. It seems to be there is a bit of information that has been tabled that has not been able to be worked through properly yet. That is my only concern.

Mr ARMSTRONG - Madam Deputy Chair, I will not be supporting the motion. We have an AFL committee meeting tomorrow morning moved from today to tomorrow. We are paid to be here to progress legislation and I am prepared to stay here until whenever we finish tonight.

Ms FORREST - Madam Deputy Chair, I am going to be pragmatic about this. We were informed by the Leader it was going to be a late night. It is my view at this point we proceed into the Committee stage and get as much done as we can. If it looks like we are getting to a point where answers are not forthcoming, we may need to revisit that decision if we cannot have the answers we need to progress it. I have a committee meeting tomorrow too, but this will take priority and that will have to be put aside. I expect the same with another committee meeting, but that will have to come second if a decision of the place were to proceed tomorrow.

I concur with the member for Mersey's comments that it is a failure of the Government not to set enough time to deal with this - they have no respect at times in understanding how it works. You have a spokesperson for one party, and a spokesperson for the Opposition, and then you have the Greens and you have an independent. Everyone here is entitled to speak and needs to speak because we are representative of the parts of the state, whereas downstairs you have five members for each electorate, except the Greens. But the Government and the Opposition have at least two members in each. That is the reality.

I will be willing to proceed to try to get through as much as we can, but if we get to a point where it is not feasible or realistic to continue, or we just cannot have answers we need, we need to consider supporting a request to report progress at a later time. At this stage I prefer to keep going and see what progress can be made.

Motion negatived.

Clauses 1 agreed to.

Clauses 2 to 5 agreed to.

Clause 6 -

Part to prevail over certain other Acts

Mr VALENTINE - Clause 6(2) says -

In the event of an inconsistency, in relation to the 2020 election, between a provision of this Part and a provision of the *Constitution Act 1934* or of the *Electoral Act 2004*, the provision of this Part prevails, and the provision of the *Constitution Act 1934* ... does not apply ...

I just cannot understand how that can be. Another act can override the Constitution. Can I have that explanation in *Hansard* please?

Mrs HISCUTT - In Tasmania, the Constitution Act is no different to any other act of parliament. It contains no provisions that are truly entrenched so it can be amended, or, as at this particular stage, it can be worked around, so we are not amending it.

Mr Valentine - You are not amending it?

Mrs HISCUTT - Not amending it; we are just working around it. It follows that the six-year term for members is not immutable, so it can be manipulated where and when necessary. The Government does not consider it unconstitutional for the parliament to pass a new law on these provisions, or massaging or addressing them as they are at the minute for an emergency situation that is not permanent. It is just making provisions so that we can address this immediate matter of these scheduled elections in the middle of an emergency.

Mr DEAN - During the second reading, I asked a number of questions. I do not think that my question in relation to the letter written to the Premier and the Attorney-General by the three members was answered as to whether they had previous discussions with the President of the Legislative Council before making that original determination to defer the election.

I asked it again, so this is now the third time - I asked it in writing; I asked it today in the second reading, and I ask it again now, as to whether there was any discussion with the President, and/or with the Clerk, prior to that first decision being formulated.

In relation to the Constitution, I ask this question: obviously there is no requirement for a two-thirds support for any changes to the Constitution Act; it is just a straight amendment, as applied to any other act. Is that the situation?

Ms Forrest - The Constitution Act is different from the Constitution.

Mr DEAN - So the Constitution Act does not require that?

Ms Forrest - That is what was said in the briefing.

Mr DEAN - Right, that was said in the briefing. I am just making sure I have that clear.

Also, I ask the question here again, and I have asked this before and I have not really had a clear answer on it. Is it clear that the Government has no appetite at all to look at or consider a postal vote? I want a clear answer to that question. A yes, no, or yes it is being considered. What the heck has been going on in relation to that matter?

There has been talk about the contestability of a postal vote, if it were to go to a postal vote. My question around this is that anything that is contestable is contestable, as the member for Hobart and others are contesting the position in relation to no changes to the Tasmanian Constitution Act. We have the amendments in place, so have any amendments to the Electoral Act been considered, or to whatever other acts would be necessary under the COVID legislation to include a postal vote on this occasion?

Mrs HISCUTT - In his letter the commissioner said he is going to make sure everybody is well aware that the postal voting part of this election is available, and encourage that. It is still the Government's intention to hold an attendance ballot when it is safe to do so. This is a one-off situation. It is an emergency situation, so this is the reaction at the moment. There is no need to go any further than that because, God forbid, we will not have an emergency like this again in the next 100 or 200 years.

Mr DEAN - So the answer is that a full postal vote has not been considered?

Mrs HISCUTT - No, it has not been fully considered. It has not been considered at all, because we have an emergency situation with COVID-19, and then all of a sudden there is an election in the middle of it. This is how we handle it. This is what is going to be done to make sure that those elections are safely held at an appropriate time, when it is safe to do so.

Had the COVID-19 emergency not popped its head up, this situation would not have happened at all. The elections would have been held -

Mr Dean - We are in an emergency situation so it calls for emergency changes.

Mrs HISCUTT - The Government thought this action was the best way forward and this is what we have proposed. No, we still intend to hold an attendance ballot and the commissioner is going out of his way to make sure that will be as safe as possible to do so. The letter has been tabled with the implementation of what he is going to put in place to make it safe. I have just had a text from the Attorney-General saying that, yes, she had rung the President on the day of the announcement to let him know to defer and offer to answer any further questions he may have, so there has been contact -

Mr Dean - That is with the President?

Mrs HISCUTT - I asked the question, yes, and that was the answer.

Ms Forrest - That was your first question; was there any discussion?

Mrs HISCUTT - Behind the scenes there were phone calls from me to the President and your letter signed by three members was the clincher to move forward with doing something. This is what we came up with, there and then on the spot, in this emergency situation with a disease raging all around.

Mr GAFFNEY - To put the member for Windermere at ease: he asked whether a full postal vote had been considered and the two pages by the Electoral Commissioner actually says all that. That first heading says, 'Why can't the 2020 elections be conducted as a universal postal ballot?' Then he goes through a whole range of reasons why that cannot happen. While some of us might think that is the best thing to happen, it has been considered. He has considered it, but come back and said, 'We understand it can't go because of this, this, this and this and this is what we have to do'.

While local government is looking at it, it is still not compulsory in local government. At this level if you do not have a ballot box for people to go to, there would be many people saying, 'Oh yes, I did post it. It must be lost in the mail or it is still coming', which is more likely the choice. This query has been answered. The commissioner looked at all those things and it is his job is to come back to the Government with his advice.

Mr DEAN - Did the Government look at that? We had the commissioner make his statement but my question was: had the Government itself considered a full postal vote? That is the question; not the commissioner. I will ask the question again, in relation to the report that we - myself and the members for Hobart, Launceston and McIntyre - forwarded to the Premier dated 7 April. I think it was on about the 5 or 6 April that the Premier said a decision had been made at that stage to defer the election. In that process the positions would be left

vacant. My question - and I will make it very clear - was whether the President of this place, the Legislative Council, was involved in the process of formulating the position being articulated by the Government at that time.

Ms Armitage - Consulted.

Mr DEAN - Had the President been consulted and spoken to about the formulation of the direction the Government was going to take? I referred to the date of the report to the Premier, which was 7 April. I sent my email to the Premier on the night of 6 April. So we are talking about the decision taken at about that time. I want to know whether there was any consultation at all with the President of this place and/or the Clerk.

Ms Armitage - Prior to the advice.

Mr DEAN - Yes, prior to them formulating their position.

Ms FORREST - I think we are getting a bit bogged down in an area that does not relate to the bill. However, the Leader said that she had a text from the Attorney-General who said the President was notified the day the decision was being made. Clearly, that is the first notification. The answer to your question is no. The decision was made and then the President was notified. That is what she said.

Mr Dean - I would have thought that the Leader should be answering the questions.

Mrs Hiscutt - I answered it.

Ms FORREST - Yes. The Leader read that out. Whether you think it is right or wrong, I think it is wrong. My view is that the President should be front and centre of the discussions in elections that relate to our Chamber. Clearly he was not, and we are here dealing with what we are dealing with now. The question is whether a full postal vote should or should not occur. In my view, the Electoral Commissioner provided some very succinct reasons as to why it should not. I imagine the reason he did that was because the Government asked him what he thought.

Clause 6 agreed to.

Clauses 7 to 11 agreed to.

Clause 12 -

Interpretation and application of Part 4

Mr DEAN - I asked the question in the briefing on whether the changes under Part 4 had been raised and discussed with the taxi industry, and I was told it would be pursued. I want an answer to that here.

Mrs HISCUTT - The answer was provided. I remember the adviser saying that, but I will gather the information from her in a minute.

Mr Dean - Thank you.

Mrs HISCUTT - Is the taxi industry in support of this? That is what you were asking. The freeze or a moratorium on the release of owner-operated taxi licences was proposed through consultation with the taxi industry in a number of iterations. This included the Tasmanian Taxi Council in the 2017 round of proposed consultations. The release of taxi licences should be based on market demand rather than issued as a default position as is required in the Taxi and Hire Vehicle Industries Act. The draft framework for the Taxi and Hire Vehicle Industries Regulatory Review was released in September 2018 which put forward two options for the supply of new licences. Transition to -

Mr DEAN - Point of order. The question was whether the amendments we have in this bill in relation to the taxi industry, the area of taxis and hire cars et cetera, whether these amendments were discussed with the taxi industry. It was not on the report that had been done, been called for and is being handed in shortly or whenever. Have the amendments appearing in this bill been discussed with the industry?

Mrs HISCUTT - The feedback received from what I was going through was correlated and put into this bill. Was this bill actually then put in front of the taxi industry? No, I do not think so but I will check on that, because Part 4 was based on what had been gleaned from those previous iterations.

The answer still is that from the previous situations with the taxi and hire companies it was gleaned from them what they desired. This was a good place in which to put it in this emergency. Was this actually put in front of them? No, but it was based on what they were wanting in previous iterations, so they have what they want.

Clause 12 agreed to.

Clause 13 -

Requirement to make new taxi licences available not to apply in relation to year 2020

Mr DEAN - You might have answered this question and I apologise if you did. I asked the question yesterday and again today. If it is in *Hansard* tell me and I will shut up. How many taxi licences currently out there have not been taken up? That is without what will happen in 2020, 2021, 2022 and so on. How many currently are there that have not been taken up by any taxi persons or the industry?

Mrs HISCUTT - That was a question I answered in the summing up, but I can go through it again if you like. I could say I have done that and just shut up, but I will not.

In the 2019 tender, 16 licences were released for sale in Hobart, five in Launceston, and one each in the other remaining 22 taxi areas making a total of 43. None was sold. These remain available. A similar number will be released in 2020.

Clause 13 agreed to.

Clauses 14 to 24 agreed to.

Clause 25 -

Section 42 amended (Directions of Director)

Ms WEBB - I want to clarify some things we covered in the briefing earlier but were not done on the record regarding this section 25; it does make a permanent change to the Public Health Act. In this section 42 around the directions of the Director, it is doubling the penalty units and bringing in the option of imprisonment, which is significant. We are presented with a proposition that this is to provide consistency with other penalties.

However, in this immediate time, the benefit of having that consistency is probably obviated by the fact that section 16 of the Public Health Act provides for those higher penalties to be applied to an infringement that is occurring. So, if the argument is higher penalties are required here in section 42 in order to best offer a deterrence, or a more commensurate punishment in relation to the seriousness of what is happening in the current time, that can be given effect through section 16. That does relate to emergency times, and the person could be brought to bear under section 16.

In the briefing, I believe that was confirmed in advice to us, but I would like it to be confirmed again that in this current time a higher penalty could be brought to bear on anything captured here in section 42, with section 16.

Mrs HISCUTT - Madam Deputy Chair, I have quite a lengthy answer, but it will be worthwhile to the member, and it would be handy to get it on *Hansard* so it is clear, so, members, please bear with me.

Clause 25 increases the maximum penalty under section 42(2) of the Public Health Act from 50 penalty units to 100 penalty units, or imprisonment for a term not exceeding six months, or both. The offence in section 42(2) of the act is for breach of direction given by the Director of Public Health under section 42(1). The offence is consistent with breaches of directions issued by the Director of Public Health under section 16 of the Act, and section 60 of the Emergency Management Act. These breaches are serious offences that place at risk other members of the community - serious offences.

Whilst section 16 directions can only apply where there is an emergency declaration in force, section 42 can operate outside of an emergency declaration period. Generally, section 42 directions apply to individuals and in the case of the current COVID-19 emergency, have only been used where the Director of Public Health considers there is a greater risk to the public than if the person was subject to just the section 16 directions.

It has also been the case additional measures needed to be put in place to manage the additional risk to public health. For consistency, the same penalty should apply for breaches of directions issued under both provisions. It is also reasonably foreseeable that the emergency declaration period will cease, along with the directions under section 16, while COVID-19 still exists in the Tasmanian community.

There is no guarantee the threat and the need for the director to issue directions under the provision to manage the spread of COVID-19 will be limited to the emergency period. There is a reasonably foreseeable risk there will be clusters and individual cases presenting in the community after the statewide emergency order is withdrawn that will need to be appropriately and effectively controlled. In other words, in order to manage the public health risk that will remain, it is foreseeable the Director of Public Health would need to rely on the powers in

section 42 to direct specific persons to isolate, for example. This power may also be needed to control small clusters of cases in order to manage the public health risk to the community. Tasmania is a vulnerable community with a high percentage of elderly citizens. It is necessary to ensure that an appropriate deterrent exists for breaches of the legislation and directions issued by the Director of Public Health.

The risks to the community from the spread of notifiable diseases such as COVID-19 can be severe, and ensuring a robust compliance and enforcement process is part of mitigating the risks that such diseases pose in our community.

It is important to note that the penalty proposed is a maximum penalty, with an infringement notice penalty to be prescribed in regulations. The infringement penalty proposed for an individual is \$756, if the maximum offence in the bill of 100 penalty units is adopted.

While there is an increase in the penalty units, it remains lower than in other states, which are around \$1000. However, it does bring us more in line with the provisions in other states.

The penalties attached to these offences are the result of an individual breaching a lawful direction given to him or her by the Director of Public Health. These directions are not issued lightly, and only for the purposes of managing a threat to public health, or a likely serious threat to public health.

The purpose of these infringements is that there is an appropriate level of deterrence and penalties in place, as they are punitive in nature. It is important to remember that police have other powers to provide lesser penalties, such as the ability to issue cautions and warnings.

A person may also elect to have the matter determined by a court. Accordingly, this proposed amendment is to bring the provision in line with many offences and provisions of similar nature in other legislation.

In relation to the amendment to allow police to issue infringement notices under the Public Health Act, this is an important amendment that assists with the Government's response to the COVID-19 emergency.

In addition to the public health response, police have played a significant role in ensuring compliance and enforcement of COVID-19 restrictions. The role of police is critical to managing the spread of notifiable diseases.

It is necessary for police to continue to have this power after the cessation of the public health emergency declaration period, as it is foreseeable that public health directions may still continue to be required to manage and mitigate risks associated with outbreaks of disease within the community.

In the future, it may be the case that a new coronavirus becomes evident in the community that requires management in order to contain the spread to the wider community. In such a case, police play a significant role in ensuring the safety of the remainder of the community. Ensuring compliance with public health directions is vital in protecting public health, and is important not just during the period of an emergency, but at all times.

Ms WEBB - Thank you for the answer. I just want to pick up on a couple of things to enquire into further.

First, I want to be very clear that there is no question about the need for the directions available in section 42 - both now in the current emergency period and potentially well into the future. There is absolutely no question about that.

We are looking at section 42(2), which relates to the penalty. I am concerned that we are establishing a permanent change to the act in relation to that penalty right now in this moment of focus on the emergency period. As the member for Mersey pointed out earlier, that is very much what the title of bill directs our attention to - this emergency period.

You have identified that in this emergency period, we have section 16 in the act available to us. That section will bring that higher penalty and, presumably, the rationale of a higher penalty will bring a high level of deterrence and/or punishment related to the seriousness of the matter.

I accept your point that if the emergency period ends, those directions in section 42 may still then need to be utilised to manage COVID-19 cases, even if they continued outside a defined emergency period. However, that is something we could consider at a time where we are more specifically considering, in an ongoing way, whether these penalties proposed are appropriate for that function under section 42, because that is not what we have right now - the ability to do that in a comprehensive way.

For example, we have not been able to inquire into the claim that an increase in the penalty is commensurate with a significant increase in deterrents. We have not been given a clear, well-evidenced argument to demonstrate that. It feels like common sense, but we have not been able to inquire into it and best understand if that gives effect to a deterrence that is warranted in doubling that penalty. Does it warrant the inclusion of imprisonment?

To increase penalties is a serious matter. This is a permanent change to penalties. We should give consideration to it. You have described a good reason why, into the future beyond the emergency period, it is likely COVID-19 will need to continue to be managed. Do we need to do that here and now? Does this need to be in the emergency time? Does this need to be put in place to help us, right now, manage this emergency period? No. It does not.

You have not made a case for that. You have identified in the briefing this morning, and in your remarks now, during this emergency time, that section 16 captures your intent to increase the penalties - that is, there is a higher penalty available under section 16 that can provide that deterrence and that higher punishment, commensurate to the seriousness. That is there right now for this emergency time.

Madam DEPUTY CHAIR - I remind the member that this is not a second reading speech.

Ms WEBB - Sorry. My question is, do you have a clear rationale that you can present to us as to why it needs to be dealt with now, rather than properly considered as we would a matter going forward, that is a permanent change to an act beyond the emergency period that we find ourselves in right now?

Mrs HISCUTT - Yes, I will seek some more advice on that, but I believe I put forward a fairly strong case as it was: when the emergency period is finished in a week's time, or a fortnight's time or a month's time, we will still need to be able to control the movements of COVID-19 people after that. I thought the explanation I read into *Hansard* was fairly compelling, but I will see if there is any other information we can offer.

There may be other situations where a public health emergency has not been declared, and the Director of Public Health issues a direction in regard to a person, relating to a notifiable disease. There may be some very serious cases where a direction of the director is breached, such as an individual with a notifiable disease who provides a high risk to the community and does not comply with the directions of self-isolation.

We do need this now, because it is also reasonably foreseeable that the emergency declaration period will cease. I have said it before, but I would like to reiterate. Along with the other directions under section 16, while COVID-19 still exists in the Tasmanian community, there is no guarantee that the threat and the need for the director to issue directions under the provisions to manage the spread of COVID-19 will be limited to the emergency order period. There is a reasonably foreseeable risk that clusters and individual cases will present in the community after the statewide emergency order is withdrawn and these will need to be appropriately and effectively controlled.

This is happening here and now. If this emergency situation is lifted in a week, or two weeks, or three weeks, whenever it may be, we may still very well need this. I urge members because we need this.

Ms WEBB - I take my third call to seek more clarity and I am going to ask for some leeway because -

Madam DEPUTY SPEAKER - You have already been provided with some.

Ms WEBB - I make the point that I said in my second reading speech that I would not go into detail on aspects of the bill then and take up time because we would have a chance to go into detail during the Committee stage. I did make that point. This is a tricky one.

Madam DEPUTY SPEAKER - I am doing my best, but I have to be fair to everyone.

Ms WEBB - Thank you. If we do not do this, it takes away nothing from what we are able to do right at this moment in the emergency period, notwithstanding the emergency period will end at some point. What this relates to is that ongoing period of time into the future and whether these increased penalties are appropriate and needed in section 42.

We have not been presented, either in the briefings, which are not on the record, or here with any substantial evidence or rationale for the effect and efficacy of increasing these penalties. There is an assertion that increased penalties carry with them greater deterrents, but we have not been provided with any convincing argument or evidence, which is what you are asking us to contemplate there. As that is the only basis for what we need to think in the future will be a permanent change, is that change needed to best give effect to the intent of that section and really help it be more effectively policed?

We do not need it right this second. We may potentially need it in the future. It is there to be used; section 42 is there; all those things are there - the penalties are there. The question is: does it warrant doubling the penalties and adding imprisonment? That is our question. You are asking us to give a yes or no in relation to this particular clause. That is the question - not whether those things are needed in the future, not whether they are available in there - they are. We have not been given specific information or a clear evidence-based rationale that the increased penalties are required in that way.

So, my question is: do you have and can you present that?

Mrs HISCUTT - I thought the case we put forward was fairly strong. I am not sure what you are after, other than the fact when this period finishes, clusters will come up and these directions will need to be given - and a higher penalty is a deterrent. We can ask the police to come in here, but we have done that. They say if the penalties are higher, people will think twice about what they are doing.

In the meantime, I will see whether my advisors have anything else to offer, but we have put it on the Table and it has been a fairly convincing argument. Other jurisdictions in the states have higher penalties than us; I read them out earlier so I will not go through them again. This is not unusual with other states. I cannot stress enough that this is for serious breaches that occur after the emergency situation has finished. I cannot stress to you how serious these situations have to be.

Ms Webb - That is not in question.

Ms FORREST - Madam Deputy Chair, I will clarify a couple of points on this. I appreciate the member for Nelson's concerns about inserting a provision in a section of the Public Health Act that endures beyond the public health emergency.

The first point to clarify - and I am sure we talked about this in the briefing - is that clearly section 16 directions can be given during the state of emergency, but the police can also rely on section 42 directions during a state of emergency where it is more appropriate to do so. I believe they used section 42 for a recent situation in the north-west. I ask you to clarify this, Leader.

Mrs Hiscutt - Yes, that is correct.

Ms FORREST - Currently, under the state of emergency at the moment the police have two options to deal with matters of serious public safety in terms of health - by issuing a direction under section 16 or section 42. I will go through this because it is important to have this clear. Section 16 provides directions under the public health emergency and it can do things like quarantine or isolate persons in an area. Section 42 is a direction that can be issued under any circumstance of notifiable disease or notifiable contamination where the director can place a person in quarantine - same - or they can direct the person be placed under supervision or submit to clinical assessment or medical treatment or counselling.

This is a really important aspect for communicative diseases. It does not have to be COVID-19. It could be an outbreak of rubella with people going to childcare centres where there are pregnant women; we know the impact on the unborn baby in terms of blindness and deafness. You really want to make sure that person was quarantined and was assessed; if that person were pregnant, they would be perhaps offered the option of a termination.

It is not only COVID-19. We are talking about the situation here with COVID-19. The public health emergency will end at some stage, and as the Leader rightly said, it is probable that active or possible cases of COVID-19 will still be in the state, or will emerge, after that period. Until we get a vaccine, this condition will not be defeated and even then, we do not know. The reality is that a vaccine has never been developed for a coronavirus and there is no guarantee we will get a vaccine for this one. There are no vaccines for SARS or MERS, which are coronaviruses.

Mr Valentine - Or a cold.

Ms FORREST - That is the reality we are facing. So, if we have the police using section 42 under the COVID-19 public health emergency and state of emergency we are in, if it were in circumstances that arose after the end of the public health emergency and exactly the same situation occurred - which it could - why would we want a lesser penalty under this section? I think it is a failing in the bill as it stands that there is an inconsistency here when you could have exactly the same set of circumstances occurring - same risk, same condition - but no longer in a state of emergency, so you cannot charge them under the public health emergency provisions. You have to do it under the notifiable diseases provisions, which attracts half the penalty.

I seek clarity on whether the Government has decided to do this at this time for consistency with a section that gives very similar powers, not exactly the same, but very similar. However, once the public health emergency ends, we are limited to exactly the same situation with only half the penalties and, notionally, half a deterrent. If that is the case, I support the inclusion of it here and now because it provides a consistent penalty regime for what could be exactly the same risk, exactly the same offence, just occurring outside a particular period.

Mrs HISCUTT - It is absolutely correct - it is for a blatant disregard of the law, a serious situation.

Clause 25 agreed to.

Clause 26 -
Section 169 amended (Infringement notices)

Mr VALENTINE - If the police were to have this power to issue infringements, is it likely to result in a harsher penalty than with the police using the summons process? I think I know the answer, but I want to hear it from the Leader. Depending on the answer, I will withdraw my amendment.

Mrs HISCUTT - The answer is that it would have to be lower because it would be 20 per cent less of what a court could impose and there are different ways of dealing with it.

Mr Valentine - Sorry, I am not withdrawing my amendment because it has not been put.

Clause 26 agreed to.

Clauses 27 to 28 agreed to.

Clause 29 - Deleted

Madam DEPUTY CHAIR - I advise members that there is no clause 29 because it was removed in the other place. When the Deputy Clerk reads the next clause and you do not hear '29', that is why.

Ms Forrest - This is the problem with dealing with a non-printed bill. We are dealing with a bill that has been amended, but notionally clause 29 is now titled 'Regulations'. Shouldn't we be calling clause 29 as the regulations clause because we should have changed the numbers. If we had a proper print of this bill, it would say 29.

Madam DEPUTY CHAIR - My advice is that the title and the numbers do not form part of the bill. This will be rectified at a later time.

Ms Forrest - To clarify, Madam Deputy Chair, are we going to call clause 29 and are then we going to call clause 30, suggesting that is the regulations clause?

Madam DEPUTY CHAIR - Again, I have been advised that the process will pick up the renumbering of the clause.

Ms Forrest - The Deputy Clerk might like to read the title of the clause, not just the number, to make it easier for us.

Madam DEPUTY CHAIR - The vellum is the process.

Mr GAFFNEY - If we just say that 29, the one we are looking at, is out of the bill, and if the Deputy Clerk reads out 30 and we go through that, we will not get confused with changing it. Just read out 30 and when the bill is passed, they will fix the numbers. Otherwise we will be all over the shop.

Madam DEPUTY CHAIR - I hope that is clear to everyone. I appreciate the input of honourable members and particularly the advice from the Deputy Clerk.

Clause 30 - Regulations

Ms WEBB - Without much preamble at all, I have three matters for clarification. In many instances this is to get things clearly stated here.

First, given this clause relates to regulations made under this bill, at this time what regulations are already anticipated to be made under this bill when enacted? We heard about some during briefings. I would like them to be put on the record. Currently what are we anticipating making regulations on under this legislation?

Second, when I looked at sections in the Public Health Act and the Emergency Management Act that are similar to clause 30, I noted some language is included in clause 30 that differs to that used in those acts. I seek an explanation, if you have one, for two pieces of language in particular. One of them is in clause 30(2)(a) - the word 'policy' included in that clause but it does not appear in similar sections in the two acts. If an explanation can be provided, I would like to have one. The second example is clause 30(2)(b). I am interested in the words 'dispensed with'. Again, the use in the bill is inconsistent with the two acts. I want to understand why it is here and why it was not picked up in those others. That is the second bit of clarification.

Third, I would like the Leader to confirm clearly that the regulations made under this clause 30 of this bill will be subject to review and scrutiny by the Subordinate Legislation Committee, notwithstanding the matter in Part 6 that exempts them from the regulatory impact statements and some other particular things in there. Will they come before the Subordinate Legislation Committee?

Mrs HISCUTT - With regards to regulations, there are none under this legislation. Some will come immediately under the Emergency Management Act. You were talking about

'policy' - that is a catch-all phrase which is there if it is required, for example, if the health service department formulates a policy it needs to have implemented. 'Dispense with' is used for the same sort of reason. Over 100 acts have regulatory powers in them. This is possibly also drafting terminology used in another act with newer preferences now, for some of the acts are very old. Regulations under this clause - yes, they are subject to Subordinate Legislation Committee.

Ms FORREST - Could the Leader confirm other answers provided to the member for Nelson when she asked what regulations are anticipated under this legislation? I am sure we were told that one of the first things that would be done is regulations for the infringement notices. That was under the Emergency Management Act.

Mrs Hiscutt - Yes, I said that.

Ms FORREST - Right. There will not be one under this, right?

Mrs Hiscutt - I said there are none under this legislation. Some will come imminently under the Emergency Management Act.

Ms FORREST - Okay. This is a positive regulation-making clause. I am really impressed with this one. It is much better than many others. I hope we might see similar ones in the future, particularly the timeliness of the tabling.

It would be nice to think they could be tabled so promptly. That is the rule now - the next sitting day. Hello! Clearly it would be much more expeditious in getting it to the Subordinate Legislation Committee. We have had a bit of trouble in the past; this has upped the ante, so let us see how this goes. That is a very positive thing. I am sure you are pleased to see it yourself.

The member for Nelson's comment regarding the inclusion of policy - again, a really positive thing even though the Subordinate Legislation Committee cannot recommend disallowance of a regulation based on policy, but it gives the chance for policy to be at least scrutinised. It is an interesting inclusion in terms of the regulation can refer to the amendment. I will read this: 'A reference in this section to a code, standard, policy or other document includes a reference to an amendment to that code, standard, policy or other document.'

I wonder when it comes to the Subordinate Legislation Committee, if it is a policy, what powers the committee actually has. Anyway, perhaps that is a matter for another day. It is good, at least, we are going to see regulations made, rather than notices under the Emergency Management Act, or Public Health Act that have no scrutiny at the moment. There are swings and roundabouts in all of this.

Ms Webb - It is coming.

Ms FORREST - I am quite pleased. I had an additional briefing and I thank the Leader for organising that. With regard to clause 30(6), I wanted to clarify a point. I want to point something out. I think I can well remember it -

The regulations may specify that the requirement, under section 4 or 5 of the *Subordinate Legislation Act 1992*, for compliance with guidelines, or for the preparation of a regulatory impact statement, in relation to regulations made

under this Act, does not apply in relation to regulations specified in a regulation, or all regulations.

I am concerned about the inclusion of section 4, because section 4 of the Subordinate Legislation Act gives an out in terms of not complying with the guidelines where it is not practicable to do so -

The responsible Minister must ensure that before subordinate legislation is made the guidelines issued under section 3A are complied with so far as is reasonably practicable.

Section 3A guides how regulations are to be made. Why would you get rid of that when there is the capacity not to have to worry about aspects of the guidelines if it is not practicable to do so?

I did go back to the wording of this clause and it says, 'The regulations may specify'. It does not say they will, but I hope - and this is the question - that the general intent is to always apply the guidelines in 3A of the Subordinate Legislation Act to regulations being made. Where it is deemed not practicable - and I understand the regulatory impact statement, we get exemptions from those all the time. In terms of not complying with the guidelines, that is almost a carte blanche to deal with a regulation however you like.

If they are going to apply this clause to section 4 of the Subordinate Legislation Act, when would that be the case when the provision is already within the act to only apply the guidelines as far as is practicable? I am sure your staff will be able to help you with that.

Mrs HISCUTT - It appears it is a way of making a regulation if it needs to be made quickly. The regulations are still subject to Subordinate Legislation Committee scrutiny.

Ms Forrest - Were the guidelines being followed? It is not a carte blanche just to ignore the guidelines?

Mrs HISCUTT - No, it not carte blanche to ignore the guidelines; that is correct.

Madam DEPUTY CHAIR - It is in *Hansard* that the guidelines will be adhered to.

Mr VALENTINE - This is just a simple question that did not seem to be answered downstairs as I was watching it: does the power to make regulations expire at the cessation of the emergency?

Mrs HISCUTT - Most provisions amend certain acts - so that would be the Public Health, COVID-19 or the Emergency Management acts - or they cease on cessation. That means there would be nothing left to make regulations for, so there are only two things that will continue, and that would be the regulations for the Legislative Council elections and taxi licences.

Clause 30 agreed to

Clause 31 agreed to.

New clause A -

New clause A presented by **Ms Webb** and read the first time.

Thursday 30 April 2020

116

NEW CLAUSE A

To follow clause 20, in Part 7.

Insert the following:

A. Section 60A amended

Section 60A of the principal act is amended by omitting subsection (2) and substituting the following subsection:

- (2) Despite the provisions of the *Personal Information Protection Act 2004*, no personal information protection principles, apart from those specified in clauses 3, 4, 5 and 6 of Schedule 1 to that Act, apply under that Act in relation to the disclosure, collection, exchange, or use, of relevant information, related to the coronavirus disease (COVID-19), by a relevant body or person, for the relevant purposes, during the period on and from the day on which this subsection commences until the end of the COVID-19 state of emergency.

Ms WEBB - Madam Deputy Chair, I move -

That the new clause A be read a second time.

Madam Deputy Chair, what an interesting situation it has been with this amendment. I put it forward yesterday to be prepared based on an understanding I had then; then, interestingly, today I received answers to questions during question time from the Government that covers material relevant to this amendment.

I was seeking that to help clarify my thinking and my intent behind the amendment. Now, in the passage of this bill in response to my second reading contribution, in which I made some statements about my proposed amendment, I received some replies from the honourable Leader in her summing up, which she was good enough to give me in writing, so that I could then see how it fitted with my intention to propose the amendment, and that was helpful.

What it has essentially done is to clarify for me that there was actually significant confusion about what had been done in that previous COVID-19 act, to insert the section into the Emergency Management Act that relates to the Personal Information Protection Act. I am still going to propose this amendment, because I think it provides us with the opportunity to be especially clear about what is trying to be achieved.

I believe my proposed amendment almost better achieves the intent the Government had in doing it, because clearly such confusion could arise around it. Let me just describe that a little bit more.

The reason initially provided when we passed the previous act for inserting section 60A into the Emergency Management Act was to facilitate the exchange of information between state and Commonwealth agencies in relation to the emergency. At that time it was well recognised that this exchange of information would be required in the context of the health response to this crisis. That is not in question.

However, the way the insertion of 60A was done has raised confusion, I think, for both people externally looking into that act, and also for the Government, as evidenced today by some conflicting information provided. I would like to clarify where we have arrived at in terms of interpreting what was done in 60A.

You will have to excuse me - I prepared material for this amendment before receiving the two separate and conflicting pieces of information today, so I will just be adapting what I am saying as we go.

Let us have a little look. The question was about the confusion around whether section 60A, particularly (2) - actually, I will read it -

Section 60A(2) in the Emergency Management Act says -

The Personal Information Protection Act 2004 does not apply, in relation to the disclosure, collection, exchange or use of relevant information, for the relevant purposes, by a relevant body or person.

All those relevant things are defined in the act. I think that there was confusion both for the Government and for me and for others in the community who were looking into this space as to whether and to what extent the Personal Information and Protection Act 2004 was not applying in the particular sorts of circumstances described there.

It appeared, or could be interpreted to have meant, it was not applying quite significantly, quite broadly. There was a concern around that and that is why I looked into this to see if we could clarify it through an amendment. When I put questions to the Government to clarify some of this, one of the things I put was what precisely might health officials and police need to do with citizens' personal information that they are prevented from doing by the PIP act.

In essence, I was asking why would we need to suspend any of it? There are already matters that deal with this use of personal information in the Public Health Act and other places that can be accommodating. The answer that came back this morning did not provide any answer specifically to that question. There was a lot of information there which provided context but at no point was that question answered. What precisely might the PIP act prevent being done in these circumstances?

That did not help me clarify any further on that front. One of the elements of the answer to that question that was provided was a point made that, and I will quote this from the answers this morning -

The Public Health Act 1997 includes provisions for the Director of Public Health to allow disclosure of personal information collected under the act if it is for the purpose of the management, detection, notification, treatment or prevention of the spread of a notifiable disease or notifiable contaminant, or

managing a threat to public health or a likely threat to public health.
COVID-19 is a notifiable disease in Tasmania under the act.

Rather than answering the question and providing a reason why we needed to suspend PIPA, this actually seemed to make the case that PIPA did not need to be suspended because we already had the ability to do the things needed there in the Public Health Act. My question was not answered.

I tried to come at that from a different angle, to ask, of the 10 privacy principles established in PIPA - within the act and in Schedule 1, there are 10 privacy principles laid out. My question was: Of the 10 privacy principles in PIPA, have all 10 been suspended during an emergency period in those circumstances? If so, for each what is the rationale for suspending them?

I am trying to discover what elements of PIPA still exist or do not exist. To be clear, these privacy principles are: (1) collection; (2) use and disclosure; (3) data quality; (4) data security; (5) openness; (6) access and correction; (7) unique identifiers; (8) anonymity; (9) disclosure of information outside Tasmania; and (10) sensitive information. I asked which of those under these particular circumstances described in section 60A would be suspended?

The answer I received this morning was that PIPA, including the privacy principles, operates as a whole. PIPA continues to apply to collection, use and disclosure of personal information except in the circumstances as specified in section 60A of the Emergency Management Act.

It went on to say that in the very limited circumstances where the PIP act does not apply to certain information during a state of emergency, state departments continue to ensure they meet the privacy principles administratively to the greatest extent possible. That is quite clearly answering me that the act and the principles within it are taken as a whole and if we suspend any of it we suspend all of it, and then giving reassurance that we are still trying to make sure those principles exist administratively to the greatest extent possible.

That raised my concerns. So, I thought, the whole thing is suspended, which I found problematic and which my amendment is aimed at correcting. What the amendment does is to say, let us be clear about which parts are suspended and which parts still apply during these particular circumstances described in section 60A. I was concerned by that answer because it seemed to confirm that there was the whole suspension because the act - including the privacy principles - operates as a whole. That is interesting because in the Leader's response to my second reading speech this evening, more information was provided and it is much clearer and more specific. It is contradictory to what was provided this morning. So, in this exercise, I am quite keen to have it crystal clear and confirmed that the latter information is, in fact, the case.

When the Leader was summing up and addressing concerns from my second reading speech, she highlighted that the new section 60A, inserted into the Emergency Management Act 2006 by the first COVID-19 emergency act, provides that provisions of the Personal Information Protection Act do not apply to the -

disclosure, collection, exchange or use of certain information in very limited circumstances. The section does not suspend the provisions of the act entirely in an emergency, or at or outside of an emergency response.

The first part of that is very important: it does not suspend the provisions of the act entirely. That then prompts us to ask, which bits? That is what I was trying to get at with my earlier questions. It continues -

During an emergency, it only exempts the provisions of the act that apply to disclosure, collection, exchange, or use of relevant information for the relevant purposes by the relevant body or person.

Then it goes on to be more specific, and says -

The personal information protection principles that do not relate to disclosure, collection, exchange or use in these circumstances, all still apply.

That is interesting. It prompts us to then look to the principles, because it does say the personal information principles, the 10, that do not relate to disclosure, collection, exchange or use. Let us be really clear about which ones still apply -

Number 1 is 'Collection'. That does not, so that is captured by the wording here.

Number 2 is 'Use and Disclosure'. I would say that that is captured by the wording here.

Number 3 is 'Data Quality' and I do not think that is captured by the wording here.

Number 4 is 'Data Security'. Again, I do not think that is captured by the wording here.

Number 5 is 'Openness' and I do not think it is captured by the wording here.

Number 6 is 'Access and Correction' which I do not think is captured by that wording.

Number 7 is 'Unique Identifiers'.

I point out that the last four I have just listed - data quality, data security, openness, and access and correction - are the ones I was seeking to specifically make clear. They do not apply here. I am trying to do what this answer has finally said. It is really agreeing with my amendment to some extent around what does and does not apply.

I would like to be clear about whether number 7 'Unique Identifiers', applies or not and whether number 8 'Anonymity' applies or not.

Number 9 - 'Disclosure of Information outside Tasmania' - does apply. I take that to be captured by the exchange language that is used there.

Number 10 is 'Sensitive Information' and, again, that is probably a question so I think there is a question around whether numbers 7, 8 and 10 apply or not. Beyond the ones that I think are clear that my amendment clearly states, numbers 3, 4, 5 and 6. I just need to cross reference.

The next sentence is the answer that came this evening in the summing up it is included in my amendment. I will leave it at that.

Mrs HISCUTT - Madam Deputy Chair, I can confirm the answers the member received this afternoon are correct. There is no difference. This draws further down into the answers you were given earlier. The section I put on *Hansard* during this debate is the correct one and I do not think I have more information to find for you, but I think we are in furious agreement here.

What is in the bill as presented to us is probably more than likely ticking off on what you are hoping to do anyway. I am going to confer with my advisors to be sure of that.

We appreciate there may have been some confusion. That is why the Government is attempting to further clarify the issues for the member, as to what was delivered during the answers and summing up of the debate.

Regarding the time limit, it is not safe to say the section has no effect after the end of the state of emergency, because we need to keep on foot after the end of the state of emergency the protections from being found to have contravened the principles 3, 4, 5 and 6 during the state of emergency that is set out in section 60A.

I really think that the way it is, we do not need the member's amendment. It is covered well and truly within the bill.

Ms WEBB - Following up on what I asked about that you have not touched on yet, if you are able to provide me with information on this, it will probably clear up the last bit of uncertainty in my mind about this and we will have it on record.

The language here from you in the answer is - and I will quote it again -

The personal information protection principles -

Mrs Hiscutt - That is the third paragraph?

Ms WEBB - Yes, it is the third dot point down -

that do not relate to disclosure, collection, exchange or use in these circumstances, all still apply.

There are four words there - 'disclosure, collection, exchange or use', so it is the principles that do not relate to them. When I was speaking before I was trying to clarify exactly which principles can be captured by those four words. I believe there is still confusion. We have agreed 3, 4, 5 and 6 are not captured by those words.

It is clear that 1, 2 and 9 are captured by those words. That is 'collection', 'use', and 'disclosure', and 9 is about disclosure of information outside Tasmania I think, but they are the only correlations with those four words. That still leaves us with 7, 8 and 10 to clarify.

Are they principles that relate to those four words in the circumstances or not?

Mrs Hiscutt - Can you clarify 7, 8 and 10?

Ms WEBB - Principle 7 - unique identifiers; principle 8 - anonymity; and principle 10 - sensitive information.

Mrs HISCUTT - Madam Deputy Chair, I am advised that 3, 4, 5, 6, 7 and 8 would apply.

Ms Webb - Was 8 included then?

Mrs HISCUTT - Yes, 3, 4, 5, 6, 7 and 8 would apply. The amendment, I am advised, would prohibit 7 and 8 from applying - your amendment. With regards to 10, it may be switched off in part. It talks about 'collection'. I hope that answers your question.

Ms WEBB - Having established that numbers 3, 4, 5, 6, 7 and 8 will be applying there is some question around 10. I am satisfied that that gives us much more clarity than we had before having put this on the record.

If I withdraw this amendment, having clarified those issues, I wonder whether when we are having another bill coming before us next week, the Government might consider popping an amendment on to that which would clarify 60A(2) in the Emergency Management Act further than it is now to reflect what we have just clarified here. So, more explicitly identified, not just through the use of those four words, but articulate in a more explicit way which parts of the principles in Schedule 1 of the act will apply and not apply, and the fact that the rest of the act remains there.

That is the point of confusion that was there, the way it is worded now that led to me bringing an amendment. It was a point of confusion for the Government too in the answers that were provided earlier. It would be beneficial for the Government to contemplate - given that we did that one quite quickly last time, and there was not a lot of time to do it really - I would like the Government to commit to looking at whether a further amendment to 60A(2) in the Emergency Management Act could be achieved after we have clarified this here today. If that is the case, I will withdraw the amendment because I think we can say we have given effect to what I wanted to achieve with it through this.

Mrs Hiscutt - We can certainly commit to looking at it, but to go any further than that would be at the behest of the minister responsible and OPC as to whether it is appropriate. Yes, we can definitely commit to looking at it.

Ms WEBB - I appreciate that. I do not believe I can ask for a further commitment than that. In an open way, I encourage you to accept that there is confusion with the way it is currently worded.

Mrs Hiscutt - I think I have said that.

Ms WEBB - It could be beneficial to correct or clarify that. I seek leave to withdraw the amendment.

Amendment withdrawn.

Bill taken through the remainder of the Committee stage.

STATEMENT BY PRESIDENT

Proposed Sittings - Consultation

Mr PRESIDENT - Honourable members, before I call for the bill to be read for the third time, I just want to put on the record something that was raised during the debate, if members will allow my indulgence.

In regard to my knowledge of the proposed sittings of the Legislative Council - I think the member for Windermere has asked the question on a few occasions - the first I knew about the proposed sittings was when I received a copy of an email to the Leader of the Opposition, the Leader of the Greens, and the Independent member for Clark, from the Leader of Government Business in the Lower House, on Friday 17 April at 5.02 p.m., outlining that parliament would be recalled and the proposed sitting dates. That was the only notification I had. There was no consultation prior to that.

As to the conversation I had in regard to the Legislative Council elections, I had a call a few moments before the press went out on the radio, I believe, from one of the officers in the Attorney-General's office, who advised me that an announcement would be made fairly soon - which it was; it was made probably two minutes later. Sometime after that, I received a call from the Attorney-General explaining what was proposed for the elections, the change of business. That was it.

From my point of view, there was certainly no prior consultation with the Legislative Council about the sitting arrangements.

I believe the member for Windermere is owed that explanation, along with other members of the Legislative Council. Maybe, if we had been consulted, things may have happened in a different way.

COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) BILL (No. 2) 2020 (No. 17)

Third Reading

[12.28 a.m.]

Ms FORREST (Murchison) - Mr President, I know we are doing this bill on suspension, and there is no dissent in doing that, as we all agree it needs to be. I do find it somewhat frustrating that we have to rush this through tonight, in light of the comments you have just made, to clarify a point that was not clearly clarified during the debate, particularly when the member for Windermere was asking it, and particularly as the lower House could not see fit to stay until we finish this urgent bill. They all went home to their beds and will return in the morning. I wonder why we should not wait for the morning and return to tick this off with some sleep overnight - there is no hurry to finish it off tonight, as they have all gone.

I am reluctant to agree to a third reading now, on that basis. Why should we rush it through and not have a chance to make sure that we have ticked off everything? We received it yesterday, we are dealing with it today, right through the whole process.

I will not argue against suspension of Standing Orders to get to this point, but why do we need to finish it off right now when there is no one here to receive it?

[12.29 a.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - In speaking to the member for Murchison's comments, on behalf of the Government I apologise that there is not more consultation with you, Mr President.

I have taken note of some of the comments that have been made today about our seating arrangements. I have been in furious discussion with the Leader of the other House, and I do have the different sitting times organised for next week.

I apologise for what is happening -

Ms Forrest - When you say different sitting times for next week, what do you mean?

Mrs HISCUTT - I mean they will sit on the Thursday, we will sit on the Friday. I was going to propose that, so they can get their business out of the way, and we have a whole day next week to consider the bill.

Ms Forrest - There is no consultation around any of that with this House, is there?

Mrs HISCUTT - No, sorry. The consultation came from members who were saying they did not like the way today was organised. Two days should have been run.

Ms Forrest - So, we will sit on Friday, just like that?

Mrs HISCUTT - I am terribly sorry. I thought that was what you wanted. I took it upon myself to do that.

[12.31 a.m.]

Mr GAFFNEY (Mersey) - Mr President, to clarify that, I did raise it, and I thought we would be better off to sit on the Wednesday. It would be a Wednesday/Thursday situation, which fits into our Tuesday/Wednesday/Thursday slot. Wednesday/Thursday makes more sense. That would have been better.

Mrs Hiscutt - Yes, I did take that into consideration, and the other place has already resolved to sit next Thursday.

Ms Forrest - They are back tomorrow morning.

Mrs Hiscutt - Had you listened to the debate, they have already resolved to do that, and that has been done. With further sittings past next week, I will get it sorted, but they have already resolved to do that.

Mr GAFFNEY - They can change it though.

[12.31 a.m.]

Ms RATTRAY (McIntyre) - Mr President, I take on board what the member for Murchison said in regard to not dealing with this tonight, but we have to be mindful that it is not only us who would have to be here in the morning to do that, when it would take a very short time. I appreciate what you are saying, but I am thinking about other people who might not have to come here if we do it now.

I will be supporting a third reading at this point, but they are very good points that were made.

Mr PRESIDENT - I advise the member for Rosevears we are still on the third reading question, but you will need to leave the Chamber.

[12.32 a.m.]

Mr VALENTINE (Hobart) - Mr President, with a bill that actually involves two members of this House and the electoral processes, there should have been much more consideration given, and a strong message needs to go back in that regard. We are not just here at their whim. We are here as the House of review. The House of review has powers, and it has to make sure that it operates within those powers. To consider that components of this bill have actually been put together without proper consultation with your good self - indeed, I do not know how much involvement, for instance, the Clerk may have had. It is just not good enough. It is fundamentally changing how this House does its business in terms of elections.

A strong message really needs to go back, that this sort of thing should not happen in such a hasty way. Yes, I understand it is an emergency circumstance, but for Pete's sake, do not just push the House aside in the way it seems to have been in regard to this being put together.

Mrs Hiscutt - While the member is on his feet, I think there has been a valuable lesson learned.

Ms Forrest - They will never learn.

Mrs Hiscutt - Well, if they never learn, then what is the point? I think there has. I have been urging them to comply with the separate sitting days. Next week is different because they have already resolved to sit on that particular day, so there is nothing I can do about that, but after next week I hope to get things in order.

Mr VALENTINE - I am still unsure when we are sitting next week. Is it Wednesday/Thursday?

Mrs Hiscutt - The other place has already resolved to sit on the Thursday, so if we want to do it on a different day, it will have to be the Friday. That is the way it has to be.

Mr VALENTINE - Okay.

[12.35 a.m.]

Ms WEBB (Nelson) - Mr President, I concur with everything the member for Hobart said. These past few days, this Chamber has been the accommodating chamber all day, and the imposition has been on us and the staff in this place. Regardless of a resolution that has been made downstairs, a demonstration that the messages of today have been heard would be for

them, tomorrow when they reconvene, to put a new resolution to sit on Wednesday and we sit on Thursday, so we are not again the ones who are accommodating, having to fit around and being disregarded in that way.

Surely, it is simply a matter of a further resolution made tomorrow when they are here that can rectify that and can change the arrangements for next week. That would be a demonstrable act to show lessons have been learned - as that phrase has been used - and they are acting in good faith with this place.

Mrs Hiscutt - While the member is on her feet I am informed by my advisers here and the ones I could get in the other House who were available at the time I said that it has been resolved, set and has to be. That is like us having a quorum call even if we do not have anything to do - the date and time is set and we have to come. That is what they have done. I do not think there is anything I can do about that.

Ms WEBB - Surely when they are here tomorrow they could agree to come. They could still be here in the Thursday as scheduled, but they could make another motion to be here on the Wednesday.

Mrs Hiscutt - I do not think that is right.

Ms WEBB - That is not available as an option under any Standing Orders, under any -

Mrs Hiscutt - Once it is resolved and passed that is it.

Mr PRESIDENT - I thank the member for her comments. We cannot have a debate.

Bill read the third time.

ADJOURNMENT

[12.38 a.m.]

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

That at its rising the Council adjourn until 10 a.m. on Friday 8 May 2020.

Motion - Amendment to Sitting Time

[12.38 a.m.]

Ms FORREST (Murchison) - Mr President, here is my chance to talk on this one. Following my comments on my concern about passing that bill with its third reading tonight, this House has been treated with an enormous amount of disrespect. Governments past and present are slow learners with regard to how the Legislative Council works and the amount of effort we put in in this place in doing our job. That was highlighted tonight through the President and the work of the member for Windermere trying to get clear answers around consultation, around a matter that directly relates to this House and this House only.

We have now seen a motion from the Leader that shows absolute disrespect for this place. Did you, Mr President, know that this was going to be the case, and when did you know? It is important to what I say next.

Mrs Hiscutt - I am sorry, that was my fault.

Ms FORREST - There was no consultation around that. I accept the Leader is doing her best to listen to what we are saying. What I said, what the member for Mersey, and maybe even others said, was we should be looking at Wednesday/Thursday. I am going to move an amendment to the Leader's motion to sit to return on Thursday, at 11 o'clock, or even 2.30 p.m. so we can start then. We can come in, do the prayers and whatever else we need to do and then adjourn or suspend the briefings. If we have to sit on Friday, we will have to, but that will give the lower House the opportunity to show some respect to this place, and consider their position. They can move another motion to sit on Wednesday, as well as Thursday. They have already decided to come back next Thursday. Unless there is some constitutional barrier to this, why can they not move to come back on Wednesday, which is the day before, not the day after the day they have already set? They are here, they are sitting. They have not finished. If they can sit on Wednesday, then we can be here Thursday.

My amendment would be that we sit at 11 a.m. on the Thursday. We can be here at 11 a.m., and we can have briefings and we can prepare for the bill - that is obviously complex - and that would give us a decent amount of time with staff and advisors around who might be able to assist us with not having to ram something through this place so fast that we risk making mistakes and sitting until - what hour is it? Nearly one o'clock in the morning.

The other point is the Subordinate Legislation Committee, the committee that has a responsibility for scrutinising the notices under our COVID act meets on Fridays. We made a commitment based on all the things that were happening that we would meet Tuesdays and Fridays, and here we are - not consulted, not asked if there is something important going on. No, it does not matter. We will not talk about it, we will just make a decision.

Mrs Hiscutt - I am sorry. It was my fault, trying to help.

Ms FORREST - This place has accommodated the Government and we have bent over backwards to work with you and this is what you do. It is not okay. I urge all members to support my amendment to the Leader's motion to come back at 11 o'clock next Thursday, make the most of the time and hope like hell the Government gets the message and comes back next Wednesday and does their work. Why should we be the ones who have to stand here all night while they are in bed?

Mr President, I move

That the motion be amended to '11 o'clock on Thursday, 7 May'.

[12.43 a.m.]

Mrs HISCUTT - Mr President, I am happy with that amendment. I was only trying to help, and with the passion the member put forward, I really apologise for trying to help. I will step out, and whatever.

Mr ARMSTRONG (Huon) - Mr President, I agree with the member for Murchison that we should sit on Thursday, but I would prefer 2.30 p.m., as it does give the lower House time to get into their legislation -

Ms Forrest - They do it on Wednesday.

Members interjecting.

Ms Webb - They are not sitting on Wednesday currently; they are sitting Thursday.

Mr ARMSTRONG - I just put that idea out that we start at 2.30 p.m. on Thursday.

[12.44 a.m.]

Mr DEAN (Windermere) - Mr President, I will not take too much time. We took a vote in this place a long time ago that we would always sit at 11 a.m. It used to be 2.30 p.m.; we sat at 2.30 today. We said it would be 11 a.m. I do not think we should change that at all. Our position should be supported, and I support the amendment put forward on this occasion.

At 11 a.m. we had other things to do, other tasks, briefings as the members referred to, and I think that is a good position. I ask that the Leader honour the position we took a long time ago in this place to sit at 11 a.m. whatever the situation.

[12.45 a.m.]

Ms RATTRAY (McIntyre) - Mr President, I add my support to the member for Murchison's amended motion in the interests of not being here next Thursday night at the same time. If we sit at 11 a.m. and do our question time and whatever else we need to do - and we still have some of the Premier's address to do, I know that - we have some work that we can do while we wait. Otherwise we will be here until the same time next Friday morning if we do not start a bit earlier.

I acknowledge the Leader was doing her best to try to facilitate the House. The member for Murchison indicated that sometimes the other place really does not understand our House that much. Perhaps I do not understand theirs either. I support the amended motion.

[12.47 a.m.]

Mr FINCH (Rosevears) - Mr President, it is interesting to talk about this lack of respect for the way we perform our functions and the lack of attempting to understand how we do our business up here. I point out that through this whole process I have never been informed that our election is going to possibly be held at the end of May. I have never received a notification that there will be an extension of my time in the House. Nothing has come through to me from the Government. That is a lapse in their communication. But I also understand that they are like the little duck on the lake; they are paddling hard underneath to cope with this coronavirus. I understand that and that is why I have never raised the issue with it.

Mr President, I have checked with you a couple of times as to what communication has come through to you. I realise that you have been left out of the loop of the discussion that might take place. We are dealing in this circumstance with parliament. We are not dealing with the lower House versus the upper House and they have overlooked that. It might just be

in the flurry of activity that has had to take place in doing what they need to do in this emergency situation.

However, that oversight has not been good for parliament, as has being reflected here - and Leader, it is not a reflection on you because you are as cooperative as we can possibly hope for in a leader. You are trying to do the right thing by this House. It is not a reflection on you.

It is that lack of understanding - I do not know where it comes from - because ministers, as I say, would be just churning things out and trying to do the right thing even if their advice is not as well-placed as it might have been.

I support this message going back downstairs. I know the Leader is trying to suggest that they have made their decision and we have to stick by that. No, we do not have to stick by that. They have the opportunity tomorrow morning to change their stance on what is going on here. I believe the message should go back: hang on, you have not dealt with this properly as far as the upper House is concerned. Just get it right. We will come back, we are prepared to come back next week. Not a problem. We will come back early but we want to do the work that is efficient and efficacious in dealing with legislation.

Amendment agreed to.

Motion, as amended, agreed to.

Clarification of Sitting Time

[12.50 a.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Honourable members, for clarity, that will be 11 a.m. on Thursday, 7 May.

I would like to read from the *Hansard* from downstairs. It says, 'That the House at its rising adjourn until Thursday 7 May next at 10 a.m.' That was agreed to. What that means is up to the Clerks.

Ms Forrest - How do they come back tomorrow?

Mrs HISCUTT - They suspended there and now, but the sitting is arranged. Whether anything can be done about that I am not privy to that. I will discuss that with the Clerks but it is in *Hansard* and it has been agreed to. That is as it is. We may be doing the Premier's address for those two days and it is possible we may be here. I am just flagging it. It is possible we may be here on Thursday and Friday if members do not wish to sit late on the Thursday. I am flagging it for now. I am not sure what will happen.

The Council adjourned at 12.51 a.m.

LEGISLATIVE COUNCIL INDEX

30 April 2020

ADJOURNMENT

Amendment to Sitting Time	30/4 p. 126
Clarification of Sitting Time	30/4 p. 129

BILLS

COVID-19 Disease Emergency (Miscellaneous Provisions) Bill (No. 2) 2020 (No. 17) -	
First Reading	30/4 p. 51
Second Reading	30/4 p. 52
In Committee	30/4 p. 101
Third Reading	30/4 p. 123

MOTION

Amendment to Sitting Time	30/4 p. 126
---------------------------	-------------

MESSAGE FROM GOVERNOR

Proclamation	30/4 p. 1
--------------	-----------

PRESIDENT - STATEMENT

Proposed Sittings - Consultation	30/4 p. 123
----------------------------------	-------------

QUESTIONS

COVID-19 -	
Elective Surgery	30/4 p. 34
Environmental Health Officers	30/4 p. 24
Frank MacDonald Memorial Prize	30/4 p. 43
Fuel Costs	30/4 p. 40
Hand Sanitisers	30/4 p. 6
Isolation -	30/4 p. 5
Home	30/4 p. 5
Procedures and Protocols	30/4 p. 12
North-West Tasmania -	
Arrival	30/4 p. 4
Vulnerable Groups	30/4 p. 37
North-West Coast -	
Numbers of Positive Cases	30/4 p. 25
Restrictions	30/4 p. 46
Numbers Tested in Tasmania	30/4 p. 25
Pandemic Planning and Preparedness	30/4 p. 35
Parks and Reserves - Closure	30/4 p. 13
Personal Information	30/4 p. 8

Public Health Act and Emergency Management Act - Directions	30/4 p. 28
Quarantined Individuals - Health and Welfare	30/4 p. 18
State Emergency Management Committee - Membership	30/4 p. 42
Supporting Tasmanians in Rental Accommodation	30/4 p. 19
Fallow Deer - Culling - Cattle Hill Wind Farm	30/4 p. 44
Hospitals -	
North West Private Hospital - Maternity Services	30/4 p. 27
Tasmania Police -	
Special Operations Group - Proposed Headquarters	30/4 p. 49
Racing -	
Shutdown Decision	30/4 p. 14
Resumption	30/4 p. 23
Right to Information - Publication of Decisions	30/4 p. 45
Tasmania - Foreign Ownership of Land, Property and Business	30/4 p. 47

QUESTION ON NOTICE

28. Surgical Services - Reduction	30/4 p. 1
-----------------------------------	-----------

STANDING ORDERS SUSPENSION

Bill to Pass all Stages -	
COVID-19 Disease Emergency (Miscellaneous Provisions) Bill (No. 2)	
2020 (No. 17)	30/4 p. 51
Standing order 49 - Question Time - Suspension	30/4 p. 4, 27

SUSPENSION OF SITTINGS

Briefings	30/4 p. 51
-----------	------------

TABLED PAPERS

Parliamentary Standing Committee on Subordinate Legislation -	
Scrutiny of Notices - COVID-19 Disease Emergency (Miscellaneous	
Provisions) Bill Act 2020 - Report -	
Report Received and Printed	30/4 p.