

Tuesday 6 August 2019

The Speaker, **Ms Hickey**, took the Chair at 10.02 a.m., acknowledged the Traditional People and read Prayers.

RECOGNITION OF VISITORS

Madam SPEAKER - We are very privileged today to have visitors from the Glenorchy Golden Years club. We welcome you to parliament.

Members - Hear, hear.

QUESTIONS

Ms O'CONNOR - Point of order, Madam Speaker. Just quickly, can I ask if an extra two minutes will be added to question time today given that it started two minutes late?

Madam SPEAKER - Question time normally goes for a minimum of an hour anyway or to the end of the prescribed questions, so that will be taken into account.

Hobart Private Hospital - Expiry of Lease

Ms WHITE question to PREMIER, Mr HODGMAN

[10.04 a.m.]

Your Government has been so distracted by chaos and dysfunction that you are drifting towards another health disaster. The current lease on the Hobart Private Hospital expires on 13 December. The failed former health minister, Michael Ferguson, announced in January that a preferred operator would be identified by the middle of this year to allow for detailed lease negotiations to commence. During budget Estimates he assured Tasmanians an announcement would be made before August. We are now into August and the deadline has been pushed out again by your Government. The Hobart Private Hospital is an important health provider for our state. It employs 700 people who have been left in the dark about their future by your Government. Why have you missed your own deadline and when will you announce the preferred operator to give certainty to patients and hospital staff?

ANSWER

Madam Speaker, I thank the member for the question. The Government will not rush to secure a good outcome for our state - in fact the very best outcome for our state. That is our absolute priority. We are currently undertaking an open and competitive tender process to select the future operator of the Hobart Private Hospital and we would not want to do anything to compromise that process or our competitive position with respect to that matter.

The Government is committed to maximising the availability of private health services in our state as well as to ensure that the sector is taking as much pressure as possible off the public system,

and there is an opportunity for our private sector to work closely alongside our public sector and to do just that.

With the 20-year contract expiring in December of this year, our priority to achieve more health services delivered more often to allow more patients to get treatment is part of that process and those negotiations.

Ms O'Byrne - If you don't sort the deal out you won't have a service.

Madam SPEAKER - Excuse me, Premier. Ms O'Byrne, I started a new regime last week which I expect us all to adhere to. You have made about four interjections already so this is warning number one. Please continue, Premier.

Mr HODGMAN - Thank you, Madam Speaker. The tender process is underway and I can inform the House that there has been strong interest in the hospital from across the Australian private hospital industry. This is an important sign of confidence, not only in an investment in Hobart but also in Tasmania's health system. It is imperative that we secure the best possible outcome for our state. That has to be our priority, not to rush to meet some arbitrary time frame that the Opposition may seek of us.

Mr O'Byrne - You said August.

Madam SPEAKER - Mr O'Byrne, warning number one.

Mr HODGMAN - We will always give indicative time frames but we will not rush the process because we have to secure the best possible outcome. We need to have the necessary time to run that process. It needs to be robust and also include the appointment of probity auditors. We are committed to ensuring we get the best possible outcome for Tasmania's health system and for potential future operators of the Hobart Private Hospital. We will ensure that the process continues appropriately, so we will update the House and those who work at the hospital and any other interested parties when we are able to do so, but not in a way that would compromise good process.

TEMCO - Loss of Jobs

Ms WHITE question to PREMIER, Mr HODGMAN

[10.08 am]

While your Government has been so consumed by chaos and dysfunction, you have ignored a major threat to the Tasmanian economy. Last week it was revealed that you have not met with South32 since 30 May, despite the fact that 300 jobs are on the line at the TEMCO smelter. In trying to mount a defence, you said that you had a meeting with South32 executives tomorrow, 7 August. When was that meeting arranged? Can you confirm that the only reason South32 executives are in Hobart is because Labor requested a meeting with them? How can you claim that you are fighting for the jobs of 300 people at TEMCO when the Labor Opposition has to set up your meetings for you?

ANSWER

Madam Speaker, I thank the member for the question but that is seriously pressing the bounds of all credibility. I do not believe anyone would seriously think we would take the lead from the

Labor Party when it comes to economic development or any other policy matter. As we have said and shown on numerous occasions, they have no policies of their own, they stand for nothing and all they do, more often than not these days, is whatever the Greens are doing. We have seen them vote increasingly more often with the Greens in this place, demonstrating their lack of substance, and that was shown in that question.

My concern is not to try to play one-upmanship with the Leader of the Opposition, who has very little else to offer in this debate, but to ensure that, whether it be me or any relevant minister or relevant government officials, we are in close contact with all Tasmanian businesses that may be considering their futures. They may be confronting issues that are of concern to them or may want to be a part of investing in Tasmania's strong economy, which has the highest levels of private capital investment in the country, and we are talking through issues with these businesses.

Ms WHITE - Point of order, Madam Speaker, which goes to standing order 45, relevance. I ask you to draw the Premier's attention to the question. The Premier was asked when tomorrow's meeting was set up with the TEMCO executives.

Madam SPEAKER - As you are aware, that is not a point of order. I will be putting out a statement soon if this continues. We will not be having frivolous points of order. I cannot put words into the Premier's mouth. I ask the Premier to do his best to address your question.

Mr HODGMAN - Thank you, Madam Speaker. I am not able to inform the House precisely when my office or when any other minister's office may set up meetings with key stakeholders, including South32. My concern is that we are able to discuss with them any issues they may have, and that includes with ministers, our officers and government agencies, to discuss with them matters that are important to them, to understand how the review process is going and we are abreast of that.

I urge the Leader of the Opposition, when she takes the opportunity to meet with South32, to talk to them and also understand from them what you might do to best support them and their presence in Tasmania. If the best you have is the question you have just delivered, they are going to be pretty disappointed.

Donations Disclosure Laws

Ms O'CONNOR question to the PREMIER, Mr HODGMAN

[10.11 a.m.]

Tasmanians still do not know how many millions the gambling industry poured into your re-election campaign in order to guarantee its profits until 2043, at least. Most Tasmanians know we have the weakest donations disclosure laws in the country. The UTAS Institute for the Study of Social Change has today handed down a report outlining the need for restored transparency and trust in Tasmanian electoral system. Do you agree more transparency and trust is needed? What is your response to the institute's call for the disclosure on all donations over \$1000, including for third parties, near real-time donations disclosure, that there be caps on expenditure and that Tasmania join every other Australian jurisdiction and enact a modest public funding regime to level the playing field? Do you agree these reforms would strengthen Tasmania's democracy?

ANSWER

Madam Speaker, I thank the Leader of the Greens for the question. Yes, certainly, the Government is committed to reviewing our Electoral Act, as members would be aware, having passed improvements through the first tranche of amendments to the Electoral Act and that we took very swift action to deal with those reforms. A number of submissions were received and I acknowledge the Institute for the Study of Social Change and Professor Eccleston, for whom I have the greatest respect, for their contribution to the debate, and the very measured and balanced way a number of reform options have been put forward in that submission. It is one of a number of submissions that have been received as part of our consultation process into future reforms and we welcome that.

All the submissions, as well as this, will inform recommendations contained in the final report. Unlike others, the Government recognises that appropriate process needs to be followed and all stakeholders should have the opportunity to have their submissions considered. We do not want to pre-empt, as the member is asking us to do, the outcomes of that proper process or the final recommendations made to Government. We are particularly conscious of any reform to these laws, which will be carefully considered and measured to ensure that no one party is advantaged over the other.

Ms O'Connor interjecting.

Madam SPEAKER - Order, Ms O'Connor. I ask you to restrain your passion, please. This is warning number one.

Mr HODGMAN - Notwithstanding the high moral ground that some political representatives take in this matter, many people in the community would be highly suspicious when one party demands of another a certain reform because it is most likely to come from a position of self-interest. We need to strike the right balance and ensure that what we do is in the interests of our state. There is a number of matters that have required the need to extend our consultation to take into account court decisions at a national level, which are not insignificant.

The matter the member raises is worthy of considerable consultation and consideration, and that is whether public funding might be a part of any future reforms. That is a matter in which the Tasmanian taxpayer would have a considerable degree of interest.

I note the advocacy of the Greens for this and I am not sure what Labor's position is. We suggest very strongly that having to fund or being asked to fund Tasmanian elections would be a matter of some interest to them. It is appropriate that proper process be undertaken, clear and objective advice received, and a final report and its recommendations forwarded to Government. We will further consult with the community, including the Greens and other interested parties, to strike the right balance to make improvements and reforms to our electoral system that deliver many of the objectives this report refers to.

Tasmanian Economy and Job Creation

Mrs PETRUSMA question to PREMIER, Mr HODGMAN

[10.16 a.m.]

Can you please outline to the House how the Hodgman majority Liberal Government is delivering on our long-term plan to keep Tasmania's economy strong, and is supporting job-creation

in partnership with the federal Morrison Liberal Government. Are you aware of any other approaches?

ANSWER

Madam Speaker, I thank the member, my colleague from Franklin, for the question. Later this week, the first meeting of the Council of Australian Government since the re-election of the Morrison Coalition Government is to be held in Cairns. There are a number of important issues on the agenda, which are also very clear priorities for our Government: the prevention of violence against women and children; suicide prevention; skills and vocational education and training; regional development; and the delivery of a massive national infrastructure pipeline, which is very much alongside the strong commitment we have to infrastructure investments here.

The re-elected Morrison Coalition Government has made significant funding commitments to our state that we expect will be delivered to support the growth in our state and its economy. There are tax cuts for the majority of Tasmanians, and 60 000 small- and medium-sized businesses will be eligible for the instant asset write-off measure in a very strong level of commitment by the Morrison Government for Tasmania's infrastructure, which our growing state needs. It supplements our Budget - which is all about investing in the infrastructure that is needed to provide better services to our state and our people, and to ensure we are meeting the demands our growing state now has - with substantial road, rail and bridge funding, including the Coalition Government's share for a new Bridgewater bridge, which is something Labor could never deliver.

There is funding for a Launceston City Deal and a Hobart City Deal. We are progressing the second interconnector, the national work that is being done in energy to build our renewable energy status. Further investments will be made in irrigation schemes to drive our agriculture sector. There is close to a billion dollars-worth of projects and services committed to Tasmania by the re-elected federal Liberal Coalition Government to build on their very strong track record of working closely with my Government and to delivering. We are delivering on the extension of the Freight Equalisation Scheme and co-funding of important projects, and I point to the \$500 million investment in the Midland Highway. There is much progress being made on that, despite the silly notion suggested by some that it can all just happen overnight, as we are in our Freight Rail Revitalisation Program through the Commonwealth. There is a lot more to be done, supplemented by a \$3.6 billion investment under our Budget.

We have seen the turnaround in our economy as a result of strong economic leadership here and at a national level. Today, there are 12 500 more Tasmanians employed than when we came into office. That is a stark contrast to the 10 000 who left under a former government. This week, the ABS retail trade data for June 2019 showed that retail trade turnover in our state reached a record high of \$549 million for the month-in-trend terms. It follows on the back of CommSec's recent report of our strong economic performance and many other indicators that are highlighting the importance of a state Government working closely with a Commonwealth Government to deliver positive outcomes for our state; economically, socially and culturally. That is exactly what we are doing.

I was asked about alternatives. To be frank, there is no credible alternative on display to ensure that our state's economy remains strong, our budget remains in good shape, and we are able to invest more into the essential services that Tasmanians need and the infrastructure that our growing state needs. That is what we are offering. The track record of members opposite and the absence of any policies to do such things sadly demonstrates that there is no credible alternative, but that is just a

minor matter because our focus, including at this week's COAG meeting, is to get on with the job of delivering for Tasmanians and focusing on issues that are important to them.

TEMCO - Loss of Jobs

Ms O'BYRNE question to PREMIER, Mr HODGMAN

[10.20 a.m.]

You have admitted to this House that you have been completely hands-off when it comes to the threat to the 300 Tasmanian jobs at the TEMCO smelter. You admit that you have not met with the parent company, South32, in months, at a time when the smelter's future and those jobs are hanging in the balance. That makes tomorrow's meeting make or break. What measures will you put on the table at tomorrow's meeting to keep the smelter open? Importantly, will you commit to updating this House on the outcomes of tomorrow's meeting with South32 so Tasmanians can understand what you are doing to fight for their jobs?

ANSWER

Madam Speaker, I thank the member for the question but ignore the absolute nonsense of the initial claim made by her. As I have said repeatedly, this Government will engage positively, constructively and in a way that supports not only the interests of that business but also Tasmania's business and our economy. That is what we will always do. I will be fascinated to hear back from the Opposition a report from them as to what they discuss at tomorrow's meeting. I am sure when we speak with South32 tomorrow we will seek from them a very clear understanding of the process they have commenced and which has occurred previously and indeed by other major industrials as part of business process to review operations in our state.

Of course, our fundamental concern is our ongoing presence here, the support of Tasmanian jobs, doing what we can as a government to assist them in our shared objectives, and for them to know that it is under this Government that our economy is one of the best performing in the country, has the highest level of business confidence and has a number of key performance indicators that demonstrate the importance of economic management -

Ms O'BYRNE - Point of order, Madam Speaker, under standing order 45, relevance. This is a really serious matter because there are 300 direct jobs and the people in the community are very distressed.

Madam SPEAKER - Under standing order 147 I rule that out of order because it is out of order and -

Ms O'BYRNE - Sorry, if I might, Madam Speaker -

Madam SPEAKER - I hope you are not going to start this again and question the authority of the Chair. Please resume your seat.

Ms O'BYRNE - The Standing Orders also say I am allowed to finish my point of order -

Madam SPEAKER - I beg your pardon?

Ms O'BYRNE - I am reviewing the Standing Orders, Madam Speaker.

Madam SPEAKER - Then could you do it quietly and turn your mic off? Thank you.

Ms O'BYRNE - I don't have access to a mic switch; I can't turn it off.

Madam SPEAKER - Don't you have a button at your desk?

Ms O'BYRNE - Do you want me to mute my entire -

Madam SPEAKER - Your mumbling, yes. End of story - warning number two. Please proceed, Premier.

Mr HODGMAN - Thank you, Madam Speaker. The content of the questions asked and the behaviour displayed by members of the Opposition this morning shows that they are not serious about this matter. We are, and we will appropriately continue to meet with the owners of this business and actively talk with them, as we have done, about their status but also their presence in our state which is important to our state. There has never been more investment in Tasmania than under this Government, there have never been more Tasmanians employed than under this Government, and there have never been such sustained high levels of business confidence than under this Government. There are a lot of positive things to talk to the owners of this business about and how we can continue to support their workers, but nothing sensible or constructive offered by the Opposition. We will not be distracted by that. I look forward to further updating the House on all the things we are doing to support that business and all others in Tasmania.

Tasmanian National Park Entry Fees - Increase

Mr TUCKER question to MINISTER for ENVIRONMENT, PARKS and HERITAGE, Mr GUTWEIN

[10.25 a.m.]

Can you update the House on the outcome of the recent review into Tasmanian national park entry fees and what this Government is doing to enhance the visitor experience by keeping the cost of entry low for all Tasmanians?

ANSWER

Madam Speaker, I thank Mr Tucker for the question and his interest in this very important matter. We are delivering on our long-term plan to keep our economy strong and protect the Tasmanian way of life, and our plan is working. There is no better example than the CommSec report last week, which had this small state punching above its weight on many of the measures, including confidence, leading the country.

Tasmania has much to be proud of and our national parks and our spectacular environment are, without doubt, the jewel in the crown. The Tasmanian way of life is the envy of world and being able to visit our national parks and experience all they have to offer is what makes our lifestyle so special. With over 40 per cent of the 1.32 million visitors coming to Tasmania last year saying they visited a national park, our parks are a key driver and a significant attraction for our visitor economy. Every year our national parks make a positive contribution to the Tasmanian economy, particularly

in our regions where they support more than 200 small regional tourism operators as well as a multitude of businesses across a range of industry through the delivery of critical infrastructure and maintenance projects.

We know that to maintain our momentum we must protect what is special about Tasmania. Since 2014 the Hodgman majority Liberal Government has made an unprecedented investment in our national parks, in excess of \$100 million, but with the Parks and Wildlife Service managing 2.9 million hectares of Tasmania and a suite of approximately 23 000 assets with a combined value in excess of \$1 billion, we know there is more that can be done.

Our park entry fees are all reinvested back into our parks. However, they have not been increased since 2009, a decade ago. In that time, visitation to parks' key reference sites has increased by approximately 60 per cent, with data last year indicating there were 1.46 million visits across these sites. Today I am announcing for the first time in a decade that park entry fees will be modernised. Tasmanians should share in the benefits generated by the spectacular increases in visitation and so should our parks, and they will.

Our new park entry fee structure will ensure that we can invest more into our parks whilst also reducing the cost of annual visitor passes for those who regularly access our parks, who are mainly locals. For example, the price of annual all parks pass will fall by \$6 or 6.25 per cent, and there will be a decrease of \$8 or 6.5 per cent for all two-year parks passes. Combined with our successful seniors' parks pass initiative, our new fee structure will keep the cost of visiting a national park affordable for people who regularly visit our parks whilst ensuring that short-stay visitors pay a little more. A single-day pass will increase to \$20 whilst an eight-week holiday pass will increase to \$40. We know that our parks are world-class and surveys have indicated very strongly that visitors to them are prepared to pay more for the experience and, importantly, for the safe and reliable services that are offered within them.

These changes are estimated to generate additional revenues of around \$3 million per annum which will all be reinvested into critical infrastructure maintenance and service delivery across our parks. This will be progressively implemented from May next year.

In contrast with those on the other side, after five-and-a-half years in opposition they still have no plan for Tasmania. They still have no plan for our economy. They still have no plan to protect our way of life.

Ms White - This was our policy. You have adopted our policy. Well done.

Mr Bacon - Why are we all you can talk about?

Madam SPEAKER - Order. Leader of the Opposition and Mr Bacon, another warning each.

Mr GUTWEIN - Mr Bacon asks why we constantly talk about them. It is because it is incumbent upon a political party to stand for something and you stand for nothing. That is why we continually speak about it.

Ms WHITE - Point of order, Madam Speaker. I draw the Treasurer's attention to the fact that he has just adopted Labor's policy -

Madam SPEAKER - That is not a point of order, thank you.

Mr GUTWEIN - You have no policies. A policy vacuum.

Our new park entry fee structure and continued strategic investment in our national parks will ensure the visitor experience matches expectation whilst protecting what makes those areas so special in the first place. Our vision is for a stronger Tasmania, a resilient Tasmania that continues to grow across all regions, improving the lives and opportunities for more Tasmanians. This initiative will ensure that our parks remain the jewel in our crown.

Farm Tax - Impact on Jobs and Investment

Dr BROAD question to **PREMIER, Mr HODGMAN**

[10.30 a.m.]

Last week you doubled down on your Government's big new farm tax. It is clear that in your rush to plug your budget black hole you have not given any consideration to the impact of this policy on jobs and investment. According to the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES), the average return on assets for Tasmanian farmers over the last three years has been 3 per cent. You are planning to slug investors with a new farm tax of 1.5 per cent, which means you will be slashing their returns in half. Premier, how many jobs will this policy cost when investors pull out of Tasmania?

ANSWER

Madam Speaker, I thank the member for his question. Under this Government, not only has Tasmania's economy continued to be one of the best, if not the best, performing in the country, but we have also had strong growth in Tasmania's agricultural output, high levels of confidence amongst farmers in our agriculture sector, buoyed by important investments under this Government, whether it be to our road and rail infrastructure, or across Bass Strait, but also into the irrigation networks that are turbo-charging Tasmania's economy and being delivered in the next tranche under this Government.

I know the member for Braddon would like to hope for Tasmania's economic performance to turn the other way and perhaps go back to where it was under a Labor-Greens government, and to try to whip up concerns about what we are doing here.

As I told the House last week, Tasmanians would understand why we should, alongside other state jurisdictions which have higher rates of similar duties, ensure that there is not only a level playing field here in Tasmania, but we are getting a greater share from the investment that comes from foreign companies. We want to ensure that Tasmania, our state, receives a fair and equitable return on those investments. We welcome foreign investment in this state, but we want to ensure that those foreign investors are paying their fair share, and to ensure that we get the maximum return on what is an important asset, our agricultural sector. We are increasing the fairness as we have previously outlined, and we will do so in a way that does not damage our economy. That is done in a way that implements the policy objectives that we have outlined. That supports our strong financial position.

Dr BROAD - Point of order, Madam Speaker. I draw the Premier's attention to the question. This question was about the land tax.

Madam SPEAKER - That is out of order.

Mr HODGMAN - Exactly, as I have outlined previously, I ask the member who asked the question to listen to the answers. We will not accept his 'Doctor Doom' prediction that there will be jobs lost in Tasmania under this Government, because 12 500 more jobs have been created since we were in Government. You should ask the same question of yourself because under you 10 000 were lost.

Housing Tasmania - Eviction of Tenants

Ms O'CONNOR question to MINISTER for HOUSING, Mr JAENSCH

[10.33 a.m.]

It is National Homelessness Week. As you know, homelessness, housing and security and soaring rents are on the rise, particularly since 2014. We know the Supreme Court delivered a thorough rebuke to your agency, Housing Tasmania, for evicting tenants without good cause into homelessness. We also know that throughout the court proceedings Housing Tasmania was continuing to evict tenants on the basis of lease expiry. The Tenants' Union has written to you about this detailing at least 20 households evicted in that manner. Could you please explain Housing Tasmania's actions in relation to these 20 households and further, what changes have you ensured are made to Housing Tasmania's policies to prevent it evicting tenants into homelessness as it has under your Government?

ANSWER

Madam Speaker, in response to the matters raised in the member's question, I am advised that the Director of Housing will be responding to the Tenants' Union of Tasmania's claims regarding the matter. I am advised that the director does not intend at this stage to review the other eviction matters raised by the Tenants' Union of Tasmania. These have been appropriately determined by the courts and no further action is deemed to be warranted. As I have said previously, Housing Tasmania has also advised they do not intend to appeal the recent court decision.

I reiterate that evictions are always a last resort. A notice to vacate only occurs if a tenant seriously and repeatedly breaches their tenancy agreement. Housing Tasmania will continue to manage its tenancies in line with the Residential Tenancy Act and work closely with its tenants to maintain their tenancies. Eviction is an action of last resort and only occurs if a tenant seriously and repeatedly breaches their tenancy agreement.

Ms O'CONNOR - Point of order, Madam Speaker. I make this representation on behalf of Gregory Parsons and the other tenants who were evicted because of their lease expiry. It is untrue for the minister to say evictions are a last resort.

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

Mr JAENSCH - If a tenant takes reasonable steps to remedy breaches such as entering into arrangements to pay off arrears, eviction action can be stopped. Tenants are provided with clear information about their responsibilities and potential consequences for continued behaviours.

We remain committed to supporting those in greatest need to maintain their social housing tenancies. We are a social landlord. We are providing for those who are -

Ms O'CONNOR - Point of order, Madam Speaker. I very cautiously raise this point of order under standing order 45. For Housing Tasmania tenants, could the minister please explain how the court decision changed its policies?

Madam SPEAKER - That is not a point of order but the minister may wish to answer it.

Mr JAENSCH - Housing Tasmania demonstrates its commitment to supporting those in greatest need to maintain their tenancies by using a 'three strikes' approach to managing any breach of tenancy agreement issues. This management approach gives tenants the opportunity to rectify breaches of tenancy agreement issues with a view to avoiding notices to vacate actions. Tenants are provided with clear information about their responsibilities and consequences.

Housing Tasmania employs two tenancy intervention officers to assist tenants with multiple complex issues to engage with supports in the community and to work towards addressing issues which place their tenancy at risk. The 'three strikes' approach often results in changed behaviour before a person received a notice to vacate. As of 31 March 2019, 25 tenants had received a first strike, 13 a second strike and eight a third strike for the 2018-19 year. These numbers show that tenants often choose to change their behaviour through this process.

We remain committed to looking after Tasmanians who cannot by themselves maintain a tenancy in the private market. We provide housing for 12 000 households across Tasmania through a combination of public and community housing. We provide supported accommodation and assistance to those who are in our housing system to maintain their tenancies where they might not be able to in the private market. We work under the Residential Tenancy Act. We employ special management provisions to assist people to maintain their tenancies above and beyond the requirements of the act and will continue to do so in Homelessness Week and every other week of the year.

Homelessness - Assistance from Government

Mrs RYLAH question to MINISTER for HOUSING, Mr JAENSCH

[10.38 a.m.]

Can you update the House on how the Hodgman majority Liberal Government is ensuring that Tasmanians who may be experiencing housing stress or are at risk of homelessness can access the help they need when they need it?

ANSWER

Madam Speaker, I thank my Braddon colleague, Mrs Rylah, for her question and her ongoing interest in this important issue in Homelessness Week and all year round. All of us here know how critical it is for people in housing stress to be able to link into the services that can help them. I take this opportunity to thank on behalf of our Government and this parliament the 17 specialist homeless services providers and the hundreds of workers and volunteers who deliver these services every day to people in greatest need and who reach out to them and support them when they find themselves in homelessness.

I previously outlined the steps that the Hodgman majority Liberal Government is taking to address the need to increase emergency accommodation for those facing homelessness. An extra \$5 million has also been allocated to increasing capacity at existing shelters to ensure that extra support is provided to people in need. This includes support tailored to the different needs of different groups such as families, women escaping family violence, rough sleepers and men who are homeless.

Through our Affordable Housing Strategy and action plans we are pulling all the levers we can to increase the supply of houses across the spectrum of need because, as the theme of this year's Homelessness Week reminds us, housing ends homelessness. Homelessness can strike anyone. No-one is immune and no-one gets to plan for their homelessness, so when it happens, knowing where to go and who to speak to is key to accessing support for people as soon as possible. Housing Connect is the one-stop shop for those seeking housing assistance but there is also a range of other services that provide help and assistance to those who are doing it tough.

Homelessness Week provides us with an opportunity to reflect on the ways that we as a community and society can further raise awareness, not only of the issue of homelessness, but also of the support that is available to people in need. In the spirit of Homelessness Week and its theme 'Housing ends homelessness today', I am proud to announce that an expo will be held in October this year that will provide information and raise awareness about the whole range of services available for Tasmanians experiencing housing stress or who are at risk of homelessness.

The Housing Ends Homelessness expo will be held in collaboration with the not-for-profit, local government and housing and community sectors and will address the full spectrum of housing need and services available, from crisis accommodation to affordable home ownership. The Department of Communities Tasmania is project managing the event and is working with the housing and community sector, local government and service providers as key partners in the sector to ensure that we deliver an event that meets the expectations and needs of Tasmanians. The expo will bring together services and information for those who may need support in one place at one time. It recognises that not everyone knows about the range of services available and it is important to ensure that Tasmanians can access and refer others to the help they need when they need it.

Madam Speaker, as you know, initiatives such as this have worked well in other jurisdictions and I thank you, as the Liberal member for Clark, for bringing this idea forward in one of our recent meetings with sector representatives looking for solutions. While this first expo will be held in Hobart, we hope to take the idea to other regions and other centres in future years because homelessness is not just a Hobart thing.

As Homelessness Week rolls out across the state I encourage everyone here and listening to get involved and think about how we all play a part to reduce the stigma around people who find themselves homeless. It can happen to anyone. Events are being held right around the state this week. In the north you might want to get along to the combined Launceston City Mission, CatholicCare and Anglicare event in Civic Square during lunchtime on Wednesday. If you are in the north-west you might want to go to a similar event being held in the Devonport Mall on Friday supported by Anglicare, Warrawee Women's Shelter and Action Against Homelessness, which I will be attending after being part of the Salvo's Sleepout with others here, I am sure, on Thursday night here in Hobart.

While this week and the expo give us the opportunity to raise awareness and listen to people's lived experiences, to meet them and hear their stories, it is important also to recognise our Housing

Connect partners, outreach programs, specialist service providers, shelters and volunteers that are helping people every day to get back on their feet. We thank them for their service and their experience which will continue to inform the Hodgman Liberal Government's response to homelessness in Tasmania.

Renewable Energy Investment

Mr O'BYRNE question to PREMIER, Mr HODGMAN

[10.44 a.m.]

The Prime Minister, Scott Morrison, has thrown the door wide open for nuclear energy. Shortly before the last election Mr Morrison said it was not on the agenda. Now the issue of nuclear energy has been referred to a powerful federal parliamentary committee by Energy minister, Angus Taylor, a known critic of wind farms, to appease opponents of renewable energy within the Liberal Party. Nuclear energy poses a major threat to jobs and investment in renewables in Tasmania and would destroy the business case for pumped hydro and the Marinus link. What are you doing to protect renewable energy investment in Tasmania from the dual threat of Bob Brown and your federal Liberal Party?

ANSWER

Madam Speaker, I thank the member for the question. He must have been living under a rock for the last year or two to not know what we are doing to establish Tasmania's status and our position as the renewable energy battery of the nation. We have put this at the top of our reform agenda and it is another great example, which I did not mention in my earlier answer, of a state government working in close collaboration with the national government, on this occasion the Coalition Morrison Government. If you are questioning their commitment to this project, you only need look at their most recent \$56 million invested to take us to the next stage, all the work that is being done in collaboration with national agencies in this area and the strong investments we have made as a state.

We can talk at length about what we are doing as a state government, and in collaboration with the Commonwealth Government, that firmly recognises this fact. The Prime Minister, Mr Morrison, has said very clearly that he wants to deliver this project to ensure that Tasmania is an important part of the national market and that we can export our renewable energy into that national market and support other unstable states: most notably the Labor state of South Australia, as it once was, and in relation to the Victorian Government's own approach to energy security, which has not been strong in those states under Labor governments. We are happy to play our part at a national level.

We are also going to ensure energy security here, which we now have, low power prices, which we have delivered, and to progress what is national infrastructure and a project of national significance. Whilst the parliamentary committee will do its work - and it is not true, as the member has said, to suggest that the Prime Minister has pre-empted the outcomes of that inquiry - there can be no doubt as to the Morrison Government's, let alone our Government's, commitment to progressing Project Marinus and pumped hydro schemes in this state as well as bringing on the development of new wind farms, which is happening and has happened under this Government.

Our track record is strong. It is one of our great competitive advantages and we look forward to working collaboratively. I will be having more conversations with the Prime Minister about this matter this week at COAG because he firmly recognises the progress we have made, even if the Opposition cannot.

Hobart - Traffic Congestion

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

[10.48 a.m.]

Can you update the House on the measures the Hodgman majority Liberal Government is taking to reduce traffic congestion in the Hobart CBD and its feeder routes? Are there any other alternatives?

ANSWER

Madam Speaker, I thank the member for Franklin for her question. The Government is taking decisive action to deal with the frequency and severity of traffic congestion that affects the people of Hobart and southern Tasmania. To members opposite, who may wish to mock and laugh and carry on, we take this seriously. Unlike members of the Opposition, we have a plan. We took our plan to the election and the Tasmanian people voted for that plan, and they are still wondering what Labor even stands for.

Members interjecting.

Madam SPEAKER - Order. There is a lot of low-level mumbling and it is difficult to hear the minister. Please refrain.

Mr FERGUSON - Thank you, Madam Speaker. We have seen the population grow and jobs increase since we were elected in March 2014. That is putting more vehicles on the roads and putting pressure on the road network, particularly in southern Tasmania. We have recognised that Tasmanians have been spending too long in their cars and trucks and less time with their families, arriving late for work, late for school, appointments, or late home at the end of the day. We are all about freeing up our network.

We have responded with our election commitment. We took our plan to the Tasmanian people and they voted for it - the Greater Hobart Traffic Solution, which members on this side of the House have strongly advocated for and we are delivering. I am delighted to give the House a progress report on that commitment today. I hope members opposite might wish to adopt our policy.

Late last year, we took responsibility for the couplet, Davey and Macquarie streets, from the Hobart City Council and this allows us to make real strides in reducing congestion. That couplet, where a number of congestion events occurred, has been the missing link between the key feeder routes of the Southern Outlet, the Tasman Highway, the Tasman Bridge and the Domain Highway.

With Davey and Macquarie streets now in state hands, we have moved quickly to improve traffic flow on our roads. This began with changes to traffic light sequencing at peak periods resulting in measurable improvements. I am also delighted to report that the next phase of the traffic

incident response plan, which we promised, began yesterday. From this week, motorists will start to see the first of our fleet of new rapid-response tow trucks operating on our busiest streets, the first of which will be posted to the Southern Outlet near Mt Nelson and Tolman's Hill. That will be welcome. Further tow trucks will be introduced into service on the Brooker and Domain highways, followed by the East Derwent and Tasman highways. Yesterday was also the first day of extended tow-truck hours. Traditionally it has been available for example on the Tasman Bridge during peak periods. We are changing that to make them run all day, between 7 a.m. and 6 p.m. instead of only at peak times.

By now, I expect that the new tow-away signs will be erected on the clearways of Macquarie Street to make it clear that these are for vehicle movements and not for parked cars. While the towing of vehicles will be strictly enforced from 14 October, we are using this time to give people a chance to come to understand what the new rules will be. In the meantime, I encourage motorists not to take the risk because they will still be hit with a substantial fine for parking in a clearway and blocking traffic. That should be enough to encourage people to think twice before parking in clearways and blocking traffic, which is one of the key causes of peak hour bottlenecks. People will welcome this as a Government taking action. Over coming months, following consultation with CBD property owners, we will be extending the length of clearways. We have commenced the clearway hours earlier.

We are also planning a fifth lane on the Southern Outlet, backed by our \$35 million commitment, which is in the Budget, and a range of other initiatives under our greater Hobart traffic solution. This is being scoped. It includes the Derwent River ferry service between Bellerive and Sullivans Cove and the creation of bus priority measures on key feeder routes into the CBD.

I was asked if there are any alternative policies. No, there are no alternative policies from members opposite. No, Mr O'Byrne and Rebecca White have no alternative vision. No, I believe the Leader of the Opposition is preventing her shadow ministers from being allowed to have policies and have them costed, or to even allow an alternative budget so that Tasmanians could see what the Labor Party stands for today. Labor is prepared to come forward with problems -

Mr Bacon interjecting.

Member Suspended
Member for Clark - Mr Bacon

Madam SPEAKER - Order, Mr Bacon, that is warning number three. I am afraid you have to leave us. I am going to be fairly lenient and ask you to come back in an hour.

Mr Bacon withdrew.

Mr FERGUSON - Thank you, Madam Speaker. The Labor Party is prepared to come forward with problems but they are now allowed to develop solutions.

This Government will not be distracted. We are focusing on taking action, we are focused on real solutions that are about improving the quality of lives of Tasmanians. I am pleased to continue to deliver on behalf of this Government, acknowledging that the pressures we are experiencing in our road system are evidence of the growing jobs in our state.

Renewable Energy Policy

Mr O'BYRNE question to PREMIER, Mr HODGMAN

[10.54 a.m.]

You have been consumed by so much chaos and dysfunction that you have let your Coalition colleagues in Canberra undermine the business case for jobs in renewable energy. Your Energy minister, Guy Barnett, failed to front the last energy ministerial council meeting in December last year. Instead, you sent Sarah Courtney as a stand-in minister. At that meeting the New South Wales Liberal Government put forward a motion to commit to a net zero-emissions pathway that would, undoubtedly, strengthen the case for more renewable energy investment in Tasmania. However, Tasmania meekly voted only with the federal minister and the South Australian Liberal Government to block the motion.

Why did your Government vote against something that would be in the best interest of jobs and investment in renewable energy?

ANSWER

Madam Speaker, I welcome the opportunity to again speak about Tasmania's important status nationally as a producer, a generator, of renewables. Within the context of Tasmania's economic growth, we are also able to ensure with the Commonwealth that we are progressing nationally significant reforms in lock-step with the Morrison Coalition Government, delivered in the latest instalment by the Commonwealth through a \$56 million commitment to progress Project Marinus - the second interconnector - to the next stage of development. The Prime Minister has even said, very clearly and publicly, that this is critical infrastructure and a critical project, and I quote, 'We have got to get this second interconnector built. We are backing it in.'

There is no stronger endorsement of what we are doing, and the Prime Minister's commitment and the Commonwealth Government's commitment, than that very expression that this just needs to happen, and that they have got to get on with helping us deliver it and they are backing it in.

Mr O'BYRNE - Point of order, Madam Speaker, on relevance. I direct the Premier to the question: why then did you vote against the motion that would support Tasmania?

Madam SPEAKER - That is not a point of order but I am sure the Premier heard you.

Mr HODGMAN - It is just nonsense to suggest that we are not strongly supporting Tasmania's renewable energy capacity and capability - and not only here, and that is the point I am making. Not only are we delivering for Tasmanians, keeping prices down, investing in infrastructure and ensuring that Tasmania can again be a leader in climate-change policy and programs - that is a large part of what our infrastructure and energy investment is doing, because we will be totally renewable by 2022, which is another thing that will happen because of the good work by this Government - but also the Battery of the Nation, the Marinus interconnector, and key parts of the federal government's climate-solutions package as well, to bring firm, reliable power from Tasmania to the mainland.

I should also point to the fact that it is a clear policy objective of the Australian Government through that climate-solutions package to ensure that our nation's energy mix is strong and that it is well supported by Tasmania's renewable capacity, and also to keep power prices down.

I totally and utterly reject that we will not, at every opportunity, stand up for Tasmania's interests, notwithstanding the game-playing by members opposite. I again point to the fact that it is under this Government that we have been able to secure \$56 million from the Australian Government to advance Project Marinus. We have, through the work with the Commonwealth, been able to progress other important developments in the renewable space. Wind farm development is underway, pumped hydro projects on the board supported by the Commonwealth Government, by the Prime Minister, Mr Morrison and his Cabinet ministers, and that work will continue.

Renewable Energy Policy

Mr O'BYRNE question to PREMIER, Mr HODGMAN

[10.58 a.m.]

Your Government has been so consumed by chaos and dysfunction that you are letting opportunities for jobs and investment in renewable energy slip through your fingers. You had an opportunity to rectify your Government's monumental failure at the December ministerial council meeting. There is a COAG meeting in Cairns this Friday, and hopefully you will remember that you will be in the room, unlike your vote on the ABC. Will you commit to taking a strong stand against nuclear energy and put this significant issue on the agenda at COAG?

ANSWER

Madam Speaker, I thank the member for his question. Of course we will continue to strongly advocate Tasmania's position in this regard. The Prime Minister has said, as I have told the House, that he wants to get on with delivering it, and contribute not only to Tasmania's economic growth through our increased capacity to invest in renewables and export renewable energy into the national market, but also to ensure that our national energy mix is secure.

In other states, I know there may be different positions held by the member's colleagues in Victoria, and no doubt up in Queensland, depending on when the next election is due, on matters relating to energy and our environment, but we will continue to strongly advocate for Tasmania's renewable energy capabilities. This in itself is an extraordinary investment in Tasmania's future that will be perhaps our greatest economic opportunity of this generation to deliver Project Marinus and our pumped hydro schemes - billions of dollars of investment and thousands of jobs for Tasmanians and we will not allow this project and the work that underpins it to be undermined by opposition members. It is significant and it is progressed -

Mr O'BYRNE - Point of order, Madam Speaker, going to relevance. I asked the Premier if he would stand up for Tasmania and put on the COAG agenda an issue which is a threat to all that this Premier promises. We ask you to stand up for Tasmania and not roll over and have your tummy tickled by the troglodytes in the Liberal Party.

Madam SPEAKER - Mr O'Byrne, that was a step too far. That is ruled out.

Mr HODGMAN - That was a slightly strange description, but we have worked cooperatively, constructively and positively with the Commonwealth to deliver a \$56 million investment from them alongside the investments we are making. It is arrant nonsense from the member who asks the question to claim we would do otherwise when our track record shows we are progressing

Project Marinus, investments in wind farms and the pumped hydro schemes. They have all happened under this Government and are things that members opposite could only dream of. This Government and I will continue to advocate for our great competitive strengths, including at the COAG table and at the national agenda, so you need not worry.

Rent Increases - Regulation

Ms O'CONNOR question to MINISTER for HOUSING, Mr JAENSCH

[11.02 a.m.]

As you know, it is Homelessness Week and I am sure you too have had reports from constituents who have experienced massive rent spikes such as Orana, who performed yesterday at the launch of national Homelessness Week, whose family was made homeless as a result of a \$70 a week increase in their rent. The Tenants' Union of Tasmania makes it clear that as a result of the housing crisis some landlords are gouging tenants, which is driving up homelessness rates. Do you agree that, as a government, you need to have a look at regulating rent increases to protect vulnerable tenants from landlords gouging?

ANSWER

Madam Speaker, as the member who asked the question should know, rents have increased in Tasmania because Tasmania does not have enough houses. Our priority is delivery of more houses in Tasmania, more supply in the market to meet demand to push prices down and affordability up.

Ms O'CONNOR - Point of order, Madam Speaker. I believe the minister has misled the House, perhaps inadvertently, because rents are not only rising because of the shortage of housing but because this Government has allowed short-stay accommodation to rise unchecked.

Madam SPEAKER - Thank you, but that is not a point of order.

Mr JAENSCH - Madam Speaker, rents have increased because Tasmania does not have enough housing. Our priority and our focus is delivering more houses for Tasmania. Housing ends homelessness - that is the theme of Homelessness Week. When we consulted with our community five years ago and only eight months ago, delivery of more housing for Tasmanians was the priority issue raised because housing ends homelessness. That is why we delivered nearly 300 new social housing dwellings last year. That is why we have invested \$125 million in our Affordable Housing Action Plan 2. That is why we are pursuing the waiving of our Commonwealth housing debt and that is why we are proceeding to use the Housing Land Supply Act provisions that were agreed to by everyone in this House last year to release more land at Huntingfield and other sites around Tasmania so there is more land and more houses for Tasmanians who need them, because Tasmania needs more houses.

We are not considering at this stage the introduction of any new rules that could end up reducing the size of the private rental market and dissuading people from investing in new houses to rent to Tasmanians who need them when we actually need more houses to be invested in and built and rented to Tasmanians right across the spectrum of need. Across the housing spectrum in Tasmania there is a variety of rent-setting approaches already used. Tenants in public housing pay an income-based rent which is set at a maximum of 25 per cent of their assessable income capped at market

rent. Community housing tenants under the Better Housing Futures program pay 25 per cent of their assessable income and the Commonwealth rent assistance -

Ms O'CONNOR - Point of order, Madam Speaker, on relevance, and I apologise to you in advance, but this is about the private rental market, not about the Government as landlord.

Madam SPEAKER - Thank you. Unfortunately, it is not a point of order. I ask the minister to continue.

Mr JAENSCH - Madam Speaker, I assure you I am directly addressing the topic raised by the member regarding how rent-setting approaches are applied in Tasmania. Community housing tenants under the Better Housing Futures program pay 25 per cent of their assessable income and the Commonwealth rent assistance that they are entitled to receive from the Australian Government. These funds are also used to provide services to tenants. Tenants who rent properties that were constructed under the National Rental Affordability Scheme usually pay rent set at a maximum of 80 per cent of market rent, and people in the private rental market usually pay market rent.

The Residential Tenancy Commissioner already has powers to make orders to limit unreasonable rent increases under the Residential Tenancy Act 1997, and under that same act, rent amounts can only be increased if certain conditions can be met, including whether there is a written lease which allows for increases and sufficient warning has been given to the tenant at the beginning or at the renewal of the lease. It is important to note that the Residential Tenancy Commissioner has the power now to review all rent increases to assess their reasonableness. In an event of an increase that is found to be unreasonable, the commissioner may order the owner to limit or change the increase to a specified amount under the Residential Tenancy Act 1997 right now.

This is just another thought bubble from the Greens aimed at introducing and constraining investment in new housing and rental properties for Tasmanians who need them at a time where everyone here should agree Tasmanians need them most.

Time expired.

MATTERS OF PUBLIC IMPORTANCE

Answers to Questions

[11.09 a.m.]

Ms WHITE (Lyons - Leader of the Opposition - Motion) - Madam Speaker, I move -

That the House take note of the following matter: answers to questions.

I am not going to start on the failure to answer the question put to the Premier just now about whether he supports nuclear energy. It was clearly an abysmal performance from him today. He does not go anywhere near a question that is put to him. If the Premier cannot clearly explain that he does not support nuclear energy, how can we have any confidence that he is standing up for Tasmanian jobs and investment in renewable energy? He had a chance on Friday to put this right, to put it on the agenda for COAG and make sure that nuclear energy was there for debate and rectify the failures of the failed energy minister, who did not even show up to the ministerial council meeting and instead sent along another minister who voted against Tasmania's interests. They voted

against a New South Wales' Liberal government motion that would have ensured that we were at least committed to a net zero emissions pathway.

That would have provided certainty for businesses to invest in renewable energy and provided certainty for those people working in the renewable energy sector. They did not do it then but he has a chance on Friday to rectify that failure and do what he says, because I fear that he speaks with one voice in Tasmania and a different one in Canberra. In Canberra, he cowers down on bended knee to the Prime Minister, Mr Morrison, and Senator Abetz, the extreme right-wing elements of the Liberal Party, who are dictating energy policy for this Government. What he says in Tasmania is different to what happens when he is at the table in Canberra. That question was unanswered today.

I want to raise another serious matter of the questions that remain unanswered from budget Estimates. During budget Estimates, we put a number of questions to ministers, who agreed to take them on notice and provide answers. The convention is at the end of that week, on the Friday, the answers are provided and then circulated to members. We come back for the following parliamentary session and we debate the dot points, as you probably recall, Madam Speaker.

I advise the House that there are still a number of questions to ministers that remain unanswered. I have pages of them, pages and pages and pages. The Premier has failed to provide answers to any of the questions put to him. The Treasurer has failed to provide answers to questions put to him, and the Minister for Housing, and Human Services, has failed to provide answers to questions put to him. Let me detail to you how serious this is. If we have no process to elicit responses from Government to the questions put to them on notice during Estimates sittings, what power do we have to compel them to provide the information they promised they would give except to debate it here? Perhaps we could consider referring it to the House Committee unless they finally come to the party and provide the information they promised. What are they hiding?

Let us look at some of the questions. What are the state's borrowing costs across the forward Estimates of the Budget? This is a question put to the Premier because he has plunged the Budget into \$1.1 billion of debt. This is a simple question about how much money will be required from the Tasmanian taxpayer to service this debt, ongoing. What are the borrowing costs? That is a fairly straightforward question that you would hope the Premier or Treasurer could provide an answer to but, months later, we have heard nothing. How much does Mr Brooks owe to the Tasmanian taxpayer? Remember that Mr Brooks charged the taxpayer for the pleasure of defending him, to the tune of \$60 000. Mr Brooks, by all accounts, was supposed to pay that money back by the end of June. We have heard nothing about whether that occurred, let alone whether there is any money still owing.

When was the position of Deputy Chief of Staff created in the Treasurer's office and when was Brad Nowland's contract signed, and was the Deputy Chief of Staff a role in the Treasurer's office an existing position or was it created following the 2018 election? Why does this matter? This is a matter of transparency, good process and honesty. It is common decency. If the Government is creating positions for people to put them into, only to abolishing the position so that they can receive a redundancy, the Tasmanian taxpayer deserves to know because that does not sound like good practice to me. It sounds rather dodgy.

We also have questions on notice about how much staff spent on credit cards. What was the total amount of the payout Mr Hidding received when he left parliament? That should not be a

secret. There should be clear provision of information like that, which is in the public interest, about how much a former MP received when they left public office.

The Government is hiding the answers to these questions because they are embarrassed. There can be no other explanation for it. There are plenty of ministers on that side who have provided answers to the Estimates process and did so in a reasonably timely fashion. There are a few outstanding matters and most of them fall within the Premier's portfolio.

Serious questions were asked of the Premier regarding other areas of his responsibilities, including what is happening for the staff of Port Arthur who are rostered to work when a cruise ship is scheduled to visit but are told they are not needed when the ship is cancelled the same morning. The staff prepare to come to work, show up for work and the cruise ship is cancelled because the weather is rough. I asked the Premier to investigate how that could be dealt with more appropriately, given they are public servants and it seems entirely inappropriate to request them to come to work and cancel their shift at the same moment. There has to be a better way of providing for those occasions when ships are cancelled.

Other very important questions were asked. Why was the JAC group not notified earlier that they would not be running the Great Chef Series in 2019? This has been a tremendous success. Josef Chromy is to be commended for the enormous amount of work he has done driving visitation to the norther part of the regions in winter, highlighting our fine produce and promoting the Great Chef Series. They had planned to provide that service and experience again this year and were only told at the last moment that their services were not required. We asked questions about that because we are very interested in making sure that there are opportunities for people to understand the career options in hospitality and tourism and this had been a terrific way to showcase the industry.

Time expired.

[11.16 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Deputy Speaker, I rise on behalf of the Greens to contribute on this matter of public importance today. This matter relates to one of the most important functions of this House in the Westminster system and that is to scrutinise government, government ministers, and legislation that is put forward and, through that, to try to improve public policy outcomes. At the risk of indulging in tedious repetition, I can only repeat what Dr Woodruff and I have said before about this Government's aversion to transparency and accountability. You see it in so many areas of the operations of this parliament.

Question time is only the most recent and glaring example in which, each day, members of the Opposition and the crossbench ask questions in the public interest, and too rarely do we receive a straight answer. The reason that members who ask the question so often have to resort to standing order 45, which goes to relevance, is out of frustration because there is no commitment on the part of Government ministers or the Premier to answer questions straight and honestly. The only questions that we do hear a full answer to are the Dorothy Dix questions, four of which are asked in this parliament every day. When we have an hour for question time that means a full third of time allocated, and sometimes longer, is dedicated to Government asking and then telling itself how absolutely terrific it is in every single way.

The New South Wales Parliament is moving to ban Dorothy Dix questions. The Commonwealth Parliament now has a referral before it to examine question time practices and I believe one of the matters on the agenda is to examine Dorothy Dix questions. In the public's mind,

there is no justification at all for government members to ask government ministers to tell us how terrific the government is on the public purse. This House should do the right thing and move on Dorothy Dix questions too.

I was looking at the questions we put on notice. I reminded the Leader of Government Business that in the last term of the parliament, that is the term between 2014 and 2018, we put questions on notice that were never answered. I put questions on notice about forestry policy. Dr Woodruff put questions on notice about the treatment of seals in the salmon industry. We are stonewalled on those issues. I currently have a question on notice that has been sitting there for nearly two months and that is which ministers are on the Expenditure Review Committee of Cabinet. I will be stunned and delighted if we get an answer to that question, but this is a question that we asked the Treasurer during budget Estimates. We asked the then minister for Women in budget Estimates. I asked the minister for Primary Industries, then Ms Courtney, in budget Estimates, who is on the Expenditure Review Committee of Cabinet.

A government that has nothing to hide has nothing to fear and the membership of a Cabinet committee can never be a matter that is kept from the public because ministers are paid on the public purse. They are administering public funds. The ministers who are on the Expenditure Review Committee of Cabinet are making some of the most significant decisions that impact on the lives of everyday Tasmanians. I have never encountered a government that would want to hide, for example, the membership of a Cabinet subcommittee. Indeed, there is precedent, even under this opaque Government, for detailing who is on whatever committee of Cabinet that has been established. There is a Cabinet subcommittee in relation to the prevention of domestic and family violence. We heard about the membership of that committee. There was another infrastructure subcommittee of Cabinet and the then minister, Mr Hidding, detailed to us the members of that subcommittee. But we cannot get out of the Government a straight answer about who is on the razor gang. It is the most powerful subcommittee of the Cabinet and this Government wants to keep it secret from the people of Tasmania. It is completely unjustifiable. There is no justification for that whatsoever and in a way it synthesises and says everything we need to know about this Government's contempt for the public's right to know.

I cannot sit down without talking a little about the grindingly frustrating Estimates process where, even going back to 2014 when we were trying to discern how much of a funding cut was being foisted on the then Department of Health and Human Services, what portion would have to come out of the Human Services budget and what portion would have to come out of the Health budget, we could not get a straight answer out of any minister we asked. Again, this is not the minister's own savings they are playing with. This is public funding allocated towards the delivery of public services and good public policy. A good minister who is proud of their achievements in their portfolio, who has nothing to hide and is confident they have made the right decisions - and even if they have not, have the courage to admit it - a good minister answers questions at the Estimates table and answers them honestly, in the public interest, with respect for the institution of parliament in a Westminster system.

We have not had that. Ever since 2014, the Estimates process under this Government has been a farce. There are multiple Dorothy Dixers from whatever backbencher they can wheel up to the table, but for Opposition and Greens members the process of extracting information through Estimates has become an exercise in bashing your head against a brick wall and then coming back again the next day for another bash against the brick wall.

It is disrespectful of parliament, it is disrespectful of the people who elected us to this place and it is disrespectful of that fact that we are here on the public purse.

Time expired.

[11.23 a.m.]

Mr FERGUSON (Bass - Leader of Government Business) - Madam Deputy Speaker, that is one of the flattest performances I have seen from the Leader of the Opposition on an MPI for a while.

Mr O'Byrne - What was your last job?

Mr FERGUSON - Welcome back. It was a reasonably spirited contribution from the member for Clark. I am happy to respond to a number of issues that have been raised but it is a little mystifying as to why the Leader of the Opposition wants to raise this as a matter of public importance in the way she has. I am unaware of the concern she outlined towards the end of her contribution around what she says are unanswered questions from the Estimates process but I am more than happy to personally follow that up because, as a matter of good process, we take a lot of pride in answering questions, including the ones -

Mr O'Byrne - You should be ashamed. You take no pride.

Mr FERGUSON - If you would allow me to speak. We take a lot of pride in ensuring that we respond appropriately through the formal processes. I will personally follow that up. I believe the Leader of the Opposition -

Mr O'Byrne - It fills us with a lot of hope.

Mr FERGUSON - Your sarcasm does not help anybody, Mr O'Byrne. I am offering a commitment to follow up the allegation that has been made. I do not know if it is so. If it is so, I will ensure that those formal responses are attended to. I can only speak for myself in saying that questions I agreed to take on notice out of the Estimates process have been answered. If others need to be followed up it is a wonder that the Leader did not write and ask for a reminder on those things. I am happy to address that.

The Government has demonstrated a commitment to improving openness and transparency and the flow of information. Members opposite shake their heads but they are in denial. Members opposite when in government positively closed it down in terms of providing information. There are numerous questions which today remain unanswered.

Members interjecting.

Mr FERGUSON - I know you talk because you do not want to hear this point, but there are numerous questions which today remain unanswered from the Labor-Greens time in office which finished in 2014. I include in that questions through the Estimates process that were agreed to be taken on notice. I am very familiar with this because I remember that period very vividly and the record will clearly show numerous questions that were taken on notice by ministers in the Labor-Greens government that today remain unanswered.

To the point of openness and transparency and the more forthright and proactive publishing of information, we have been doing that. We introduced a routine disclosure process which means that there is a proactive, well-planned and transparent release of information every six months. In April of this year we released the latest round of routine information. We have been doing that on a six-monthly basis. I am not aware of any concerns or criticisms of that. That is a proactive disclosure. Rather than wait for somebody to show an interest and lodge an RTI we are proactively releasing it in advance. The Government has been doing that and has also increased the scope of the information that is proactively released on a regular basis.

Ms O'Connor - That is rubbish.

Mr FERGUSON - It is not rubbish. It is true. The Government has instructed agencies to regularly release updated information on major policy and program initiatives, policies, procedures and guidelines, because they occasionally get RTIs on those, changes to organisational structures, and that is occurring; in fact in some cases it is occurring as soon as 10 days after the internal approval.

In June of last year we extended the routine disclosure of information policy and it was focused on the release of key government service-related data and other information of regular interest to the public. To that end and to support that, there is a new section of the DPAC website which provides a link to the gateway for information which is routinely disclosed. The reason the Government did this is because often it is the same information which is being sought by numerous parties at different times and it can occupy departmental time in an unreasonable way. The more programmed release of data every six months means that the public still gets access to that information but in a way that allows department staff to focus on their actual job, which is delivering better services for the public.

The information gateway website was also upgraded and relaunched at the end of last year and, as I have already said, more information was released on the website as part of agencies' routine disclosure schedules. Updated public sector employment information published on the DPAC website was in April of this year and all agencies are reporting at least quarterly now on agency websites on gifts, benefits and hospitality received by officers. That never happened before. The routine disclosure of information is being reviewed prior to the next scheduled release to identify any new information that would be appropriate for release. If the information is going to be released anyway through an RTI, and if you want to ensure that it is provided in an appropriate way in an appropriate format, at least people still get the information in a way that does not tie up and waste departmental staff time.

Coming back to the Opposition Leader's question, I think it is fair and reasonable and I will happily follow up any outstanding questions that were agreed to be taken on notice. If there are any that the Government has agreed to take on notice that have not been answered I am happy to follow that up as a matter of good practice. However, I generally reject the assertions made by members opposite. We are releasing information in a proactive and proper way that Labor and the Greens could never bring themselves to do.

Ms O'Connor - That is a complete falsehood.

Mr FERGUSON - It sits as a matter of fact that there were many questions that Labor agreed to take on notice but never answered.

[11.30 a.m.]

Ms BUTLER (Lyons) - Madam Deputy Speaker, there is nothing more frightening than a person who believes their own truth. That is absolute nonsense. If you actually believe a lot of the hogwash you just stated across the Chamber, minister, that is quite sad. You really need to conduct a little bit of self-actualisation because, seriously, that is just so out of touch and not in keeping with what is going on right now.

The only information which your Government releases is information which suits your needs and which suits your means. You have no wish to provide answers to questions which would potentially expose you. It is very protected. It is actually not true and I am concerned that you believe your own truth here.

I know you have an education background and I am not sure whether you did political science at university, but I know in the subject I did at uni we learnt about the Westminster system and the whole process in the Westminster system about asking questions and the questions being answered in a timely manner. It helps protect information and it is all done in the public interest, not government interest. Your philosophy is out of whack and I am concerned that you and maybe even members of your team believe your own truth. It is very disappointing.

In August 2018 I tabled over 300 questions to nine members of the Government seeking information in relation to Government spending. Yes, I have gone on about it for a long time because it took 12 months for me to get an answer from the Government. When I did get an answer from the Government the answer was, 'No, we are not going to give you the answers to your questions'. Yes, it was a no. It took 12 months for them to let me know that, 'No, Ms Butler, we think it is a waste of our resources and time to answer your questions'. Maybe if you had told me that after a month I would not have had to waste all this time but I am here to represent the people of the community, the people who elect us. I am here to ask the questions. That is my job. If you had any real understanding of the Westminster system - when you did your Bachelor of Education, I am not sure what your qualifications are, I am not sure whether you studied political science but it is actually how you do the job. It is good process.

It is not just Estimates questions. It is also writing letters to your minister. I wrote a letter to the former Health minister saying that there was some concern in the Bridgewater community regarding the needle exchange syringe system and our funding for that system, and that it may be prudent to put some money into community education. Over the two months I did not receive a response but that is quite normal from this Government - you just do not receive a response. Often you hear from the constituent who provides you with the action instead of the minister having the manners to respond to you. Yesterday there was a protest there and the situation was out of control. That was because the Government did not act on it. If you had answered my question and my letter when I originally wrote to you as the local member, who was doing the job of representing their community, maybe this situation would have been a little bit different. Maybe we would have had a much better outcome. This is where your lack of understanding of the Westminster system and answering questions comes into play. This is where, if you were doing your job properly, we would be able to better serve the people of our community.

I again have some questions that are on notice that are sitting with the Government. They are to do with non-urgent and urgent emergency patient passenger transport. I submitted them well over six months ago. I am expecting a response in another six months saying, 'No, we are not going to answer your question'.

I also wrote to you as the Minister for Building and Construction a few months ago asking for a list of the 42 buildings in Tasmania that have a CP on them. It is quite a dangerous substance, by the way, in case you were not aware of it because you are obviously not doing anything about it as a Government. I was told, 'There is an audit summary report, Ms Butler, if you knew what you were doing, Ms Butler, and it is there. You don't need to ask us for it.' When I looked it up it was not there and then I had to go back to you again. It was this whole cat-and-mouse game instead of doing your job properly. All you are doing is protecting yourself. You are not protecting your constituents, you are not doing your job properly, you are not looking after people's interests. Time and time again this happens.

I am disappointed that there were 300 questions you would not answer regarding Government spending including the use of credit cards and how much money it cost to refurbish offices. They were legitimate questions the public would have liked to know the answers to. Instead, after 12 months I get an answer saying, 'No, we're not going to give that to you'. It was 12 months ago; I lodged them on 23 August. Then I had to relodge them because they were prorogued after your Government went into disarray over the Christmas break when you lost a minister. How on earth could that be in the interests of the public -

Mr O'Byrne - How clumsy. How does one lose a minister?

Ms BUTLER - Well, they did. They lost a minister because of the constant turmoil. It is dodgy. It is a secret regime. There is no accountability. You really need to lift your game and start answering questions and following the Westminster system. It is a pretty good system; we use it quite well in the western world. I would love to see the documents and the evidence of the unanswered questions from 2014.

Time expired.

Matter noted.

CRIMINAL CODE AMENDMENT (BULLYING) BILL 2019 (No. 5)

Second Reading

[11.38 a.m.]

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

That the bill be now read the second time.

This bill delivers on the Government's commitment to amend the Criminal Code to make serious cyberbullying a criminal offence. While the growth of the internet and online access has many wide-ranging benefits, technology can also generate difficulties and issues within the community, such as the problem of cyberbullying. As technology becomes increasingly intertwined with almost every aspect of our lives, so too can the reach of those who may seek to do others harm. Our online lives now make bullying even more commonplace. Social media and other platforms mean bullies can now have access to their victims 24 hours a day, seven days a week.

Bullying can cause significant harm and have lasting effects on individuals and their families. As recent tragedies in Australia have shown, serious bullying can result in tragic personal

consequences for victims such as long-term mental health impacts, self-harm and psychological damage. A criminal justice response is justified where the consequences of serious bullying behaviour are severe. This bill seeks to strengthen the criminal law by amending the existing stalking provisions in the Criminal Code to cover a range of serious bullying behaviours, whether they are pursued in person or online.

Clause 4 of the bill proposes a number of amendments to section 192 of the Criminal Code to address serious bullying behaviours. The bill provides that the fault element relating to the state of mind of the accused in section 192(1) includes the intention to cause the victim extreme humiliation or to self-harm. The bill specifies that the requisite intention for the crime of stalking and bullying includes the intention to cause a person to self-harm, which could include aspects of both physical or mental harm. These amendments make clear that an intention to cause a victim to engage in self-harm or experience extreme humiliation satisfies the fault element in the expanded offence against section 192.

The bill also expands the fault element in section 192(3) so that where physical or mental harm, including self-harm, or extreme humiliation is actually caused, a person is taken to have the intention required if that person knows, or ought to have known, that engaging in the relevant serious conduct would or would be likely to cause the other person physical or mental harm, including self-harm or extreme humiliation.

The current offence of stalking in the Criminal Code lists a range of actions capable of constituting a course of conduct. Accordingly, the conduct must occur on more than one occasion or be persistent or sustained. The bill inserts new paragraphs (ea) and (eb) in section 192(1) to provide that the actions of 'making threats to the other person or a third person' and 'directing abusive or offensive acts towards the other person or a third person' can form part of a course of bullying conduct.

The bill also proposes to broaden the conduct in paragraph (j) in section 192(1) to include acting in another way that could reasonably be expected to cause the other person physical or mental harm, including self-harm or extreme humiliation. This makes clear that the proposed amendment is to extend to actions that cause a victim of serious bullying to engage in self-harm or experience extreme humiliation.

Bullying behaviour may be engaged in to cause mental harm to another person. Circumstances may arise where the suffering caused by sustained bullying is so severe that it causes the victim to engage in suicidal thoughts. For the purposes of the expansion of the crime of stalking to address serious bullying, this bill provides that a reference in section 192 to mental harm includes a reference to suicidal thoughts.

This bill provides a new subsection in section 192 specifying that the offence of stalking and bullying will only be proceeded with if the Director of Public Prosecutions consents. The proposed requirement that the consent of the Director of Public Prosecutions is necessary to charge a person with the crime of stalking and bullying is an important safeguard to protect an accused person's rights and that only the most serious examples of bullying will be criminally prosecuted. The requirement that the Director of Public Prosecutions provides consent ensures consistency in charging decisions and that charges are not erroneously laid.

Special consideration is already given to the prosecution of persons under the age of 18 years. Guidelines issued by the Director of Public Prosecutions provide that prosecutions against young

people should be used sparingly and consideration should be given to alternative options such as cautions. In addition, children under the age of 10 will not be criminally liable due to existing provisions in section 18 of the Criminal Code, and a child under the age of 14 would not be criminally liable unless he or she has the sufficient capacity to know that their act is one he or she ought not to do. This will be one of the relevant factors for the Director of Public Prosecutions to consider when deciding whether or not to prosecute.

For the avoidance of doubt regarding the commencement of these changes to section 192 of the Criminal Code, this bill includes transitional provisions which specify that the amendments to section 192 apply only to offences alleged to have been committed on or after the commencement of this bill.

This bill also proposes an amendment to the Justices Act 1959. Currently the Justices Act 1959 provides that the indictable crime of stalking may be dealt with summarily in the Magistrates Court if the defendant elects to do so. The proposed expanded offence of stalking and bullying in the Criminal Code is a serious indictable crime that should only be tried on indictment in the Supreme Court. In view of the seriousness of the alleged crime, the impact on the victim from such repeated conduct over a period of time, the dynamics of control in this type of criminal behaviour, and for general deterrence, denunciation and just punishment, this bill proposes that section 192 be removed from the list of crimes triable summarily.

This bill also makes consequential amendments to the Family Violence Act 2004 and the Community Protection (Offender Reporting) Act 2005 to align the references to section 192 in these Acts with the Criminal Code.

Targeted consultation was undertaken on a draft version of this bill and I thank those who made comments in response to the draft to address the serious issue of bullying, including cyberbullying.

Bullying can have devastating impacts on people, their families and the wider community. This bill provides another option to respond to and address serious bullying behaviours that can have harmful and long-lasting impacts on victims and their families. The Government is determined to do all it can to stop bullying and this bill will improve legal responses to serious cases of bullying, including cyberbullying, to better protect victims and to hold perpetrators to account.

To be absolutely serious and resolute about addressing this issue, authorities must have the range of tools they need to respond to all levels of bullying. The reforms the Government proposes complement the host of measures we are already undertaking, as well as work being undertaken at a national level, to reduce this scourge on our society.

I commend the bill to the House.

[11.47 a.m.]

Ms HADDAD (Clark) - Madam Deputy Speaker, Labor will be supporting this bill. I will reiterate some of what we have heard about the safeguards in the bill and put on the record concerns raised about some provisions of the bill which, arguably, might not go far enough. I will also raise concerns of stakeholders who chose to respond to the Government's invitation and community consultation on the bill, and some questions as to why some of those provisions that stakeholders suggested were not included.

Online activity is an inevitable part of all our lives these days. Most of us would struggle to think of anyone who does not have access to some kind of device, or engages in some kind of online activity like social media and there are countless apps. I cannot keep up with the number of opportunities there are for adults and young people to engage in online environments through different social media apps. It is constant worry for many of us, for ourselves, our children or young people in our care. Bullying has been part of teenagers' lives for a long time and goes to an extreme level when it enters the online environment. That is not limited to young people and teenagers. Anyone in the public eye would have received some fairly horrendous online messages from time to time. I have, although I am unsure whether those instances would constitute bullying under the provisions of this bill. The online environment provides new ways for people to be abused and for people to abuse.

There are positives in this bill that we heard the Attorney-General outline in her second reading speech, including that the provisions of the bill will be limited to extreme cases where humiliation or self-harm was experienced, and that the intent of the accused was to cause extreme humiliation or self-harm. My understanding from reading the bill and the accompanied documents is that the intent of the bill is not to capture lower level instances of online activity that might constitute being mean or the like, but rather its intent to really capture the worst of the worst behaviour. It is important to note and Labor supports the requirement of a pattern of behaviour or a course of conduct element to the offence, which goes to that intent of the bill to capture the worst of the worst and not to be a broad sweep of all online activity that should not be criminalised.

The bill requires that the DPP must consent to action being taken for the new provisions of stalking and bullying. That provides a positive safeguard to actions being taken or potentially being taken under the provisions of this bill.

It is encouraging to see the changes to the Family Violence Act and we support those changes to reflect the changes that have been made to the Criminal Code to include consideration of this kind of behaviour in cases of family violence.

Broadly, Labor supports the Government's intention to continue to keep young people safe and to keep all of us safe online. It is important that legislation keeps pace with technological change and that Government's responses to technological change stay relevant to our experiences in daily life. We have seen this parliament remove some outdated provisions from different acts of parliament. This bill will provide opportunities for the kind of conduct that was not anticipated by legislators and lawmakers years or decades ago to be dealt with in an appropriate way. I am satisfied with the safeguards in this bill in the severity of the offences and the requirement of the DPP to consent to prosecutions.

I will speak on the history of this bill, note some of the concerns, and ask the Attorney-General what her and the department's thoughts were on receiving those written submissions that many stakeholders in the community, community organisations and research bodies provided to the Government when they conducted their community consultation. There are some specific questions I will ask. Broadly, many of the concerns of the community organisations can be divided into two categories. One is the criminalisation of young people and potentially exposing people early to the criminal justice system.

I recognise that the parts of the bill that could lead to criminal prosecution are limited. There were some overarching comments from the submissions that encouraged the Government to take a restorative justice approach or to take alternative approaches to young people, including education

for young people, schools and workplaces to deal with bullying to lead to social change. I invite the Attorney-General to put on the record some of her views about the intent of the bill in exposing young people to the criminal justice system, and what the Government's plans might be toward other approaches to deal with bullying and online bullying. A number of organisations raised that concern about criminalisation of young people.

The second set of concerns raised by a number of organisations is that there is not a definition of bullying or stalking in the bill. My understanding is that considerable thought was given to that and I invite the Attorney-General to put on the record for the benefit of the Chamber and the community the rationale behind not including definitions of stalking and bullying in these legislative changes.

The bill arises following the Tasmanian Law Reform Institute conducting a study and publishing a report into bullying. They made a suite of recommendations to improve legal responses to bullying in Tasmania. They also learnt, from previous investigations they had made into similar provisions, to provide a set of recommendations to government by way of that report. They also provided a written submission to the community consultation that was specifically conducted on this bill. They said that in general they welcome the proposed amendments, but consider that the bill scope was too narrow and that it misses opportunities to implement more comprehensive responses to bullying. They note that responses to the institute's issues paper - so, their report into bullying - unanimously opposed treating cyberbullying as a discreet practice, and that addressing the full spectrum of bullying behaviours was more relevant. They are pleased that despite the media emphasis, the proposed amendments apply to bullying more broadly, but they urge the government to apply the provisions equally to complaints regarding online or other forms of bullying.

They go on to outline other recommendations made in their report that were not included in the bill, including two additional actions: using abusive or offensive words to, or in the presence of, the other person; and performing abusive or offensive acts in the presence of the other person. The institute maintains that including those two actions, in addition to the proposed paragraphs (ea) and (eb), would capture more effectively the range of bullying behaviours that workers, students and others have reported experiencing in Tasmania.

They also recommended a scaled response. This goes to some of the concerns raised by others about criminalising misbehaviour. They recommended broadening the definition of stalking in sections 106(a)(i) and 106(b)(i)(d) of the Justices Act 1959 to include stalking and bullying consistent with the amended section 192 of the Criminal Code Act 1924, which this bill does. In their opinion, that would allow those affected by bullying to apply for restraint orders. I recognise there is a new bill recently tabled that deals with the restraint-orders part of the Justices Act. I cannot profess to have read that bill in enough detail yet to know whether those two recommendations might have been picked up in that reform, but I put those on the record today for further discussion.

The institute also recommended that the Government should develop a civil framework that institutes a mediated and restorative justice response to bullying, whether by introducing a mediation procedure for restraint order applications, or extending the functions of the Anti-Discrimination Commissioner to hear all bullying matters, not just those featuring discriminatory behaviour. I understand that would mean a change to the jurisdiction of the Anti-Discrimination Commissioner, but I put on the record that was one of the other recommendations of the institute.

The institute also put on the record some other issues, including ways the Government could build on dealing with the problem of bullying generally in our community, and believe more can be done in dealing with workplace bullying, and bullying policies for schools. In one of the other submissions made to the Government in the consultation on this bill by the Community Legal Centres of Tasmania also noted this would require an assessment of resourcing for schools to deal with programs that would reduce the likelihood of bullying, including bullying online.

The Law Society asked two very specific questions, and I will put those on the record for answers from the Attorney-General today.

Their first question was to ask why the proposed section 192(1)(ea) and (eb) do not include conduct directed towards a third person, as all but two of the current sections do. Perhaps that has already been picked up in the legislative drafting, but from the Attorney-General's second reading speech, it looks like the other subsections do deal with the possibility of bullying behaviour being directed towards a third person, but perhaps those two do not.

They also asked whether the Director of Public Prosecutions would be issuing updated prosecutorial guidelines as a result of the changes in this bill.

Third-party bullying came up as well in a number of the submissions, including that from TasCOSS and the submission from YNOT, the Youth Network of Tasmania, the peak body representing the needs of young people in Tasmania. Broadly, TasCOSS was supportive of the provisions in the bill but put on record its concern about criminalisation of young people and also went to the other recommendations made by the Tasmanian Law Reform Institute around the areas I have just outlined and asked why those recommendations from the institute were not enacted in this bill while other recommendations were.

TasCOSS talked about amending the definition of stalking in the Justices Act, as the institute recommended, and the development of that second-tier civil law response. They believe that implementing those other recommendations would provide avenues for more moderated responses that would be likely to address vulnerabilities both of young people and of others experiencing forms of bullying not easily captured by the Criminal Code.

Broadly, they argued for a restorative justice approach, which many of the community organisations that submitted discussed as well, and talked about, where possible, dealing with bullying between children and young people, including in relation to issues such as breaches of orders and restraint orders. They put on the record those concerns but were otherwise supportive of the bill.

YNOT was not supportive of the bill. Their arguments were that young people should be held accountable for their actions. They support the principles of restorative justice but they do not believe that law reform will effectively deter young people from engaging in bullying behaviour. Instead, they believe that emphasis needs to be placed on the social drivers of bullying behaviour and the familial community and systemic responses to bullying generally.

I am satisfied with the limited scope of the new provisions in the Criminal Code not being able to be used broadly for things they should not be used for, but it is worth putting on the record the concerns of YNOT and others about other ways to deal with the systemic problem of bullying and cyberbullying in families, communities and schools, and that legislative change like this will ideally have an effect on social behaviour if it is accompanied by other measures such as education

programs in schools and other ways we can inform the community about the expectations of the community as reflected in legislation around how people treat one another. YNOT specifically spoke about young people being adequately consulted in the legislation. I would like to know from the Attorney-General whether there was any targeted consultation with young people as a result of the community consultation into this bill.

The Community Legal Centres of Tasmania were also broadly supportive of the bill but raised some of the same issues I have already put on the record and I will not repeat. They also made the point that criminal law is a blunt instrument and should be targeted at the most intransigent and persistent offenders. In many cases a criminal response to bullying will not be appropriate, either because it involves a youth offender or because the offending is not serious enough. I recognise that is what the bill does, as the Attorney-General says, but they also support the Law Reform Institute's recommendation for a second-tier civil framework that would institute a mediated and restorative justice response to bullying. They believe the advantage of adopting that approach would be facilitating early intervention, could prevent more serious harm eventuating for the victim and also support the bully to change his or her behaviour.

In that regard the community legal centres also talked about workplace bullying and programs that could be put in place to change behaviour in workplaces, including the possibility of granting jurisdictions for the Tasmanian Industrial Commission to deal with bullying complaints from workers unable to use the Fair Work jurisdiction, and a duty to prevent bullying being imposed on employers and that employers include in their anti-bullying policies and procedures a process by which bystanders can report bullying within the workplace and provisions that protect employees who report or intervene from reprisals.

They also talk about the need for resourcing for schools. They point out that Equal Opportunity Tasmania observe that many students believe complaints of bullying are not being addressed within schools - that is some research they did in 2016 - and that young people believe little is done to prevent escalation of bullying behaviour in schools. They agree with the Law Reform Institute's recommendation that would mandate anti-bullying policies and procedures at schools and they note that there would be a resourcing implication for schools that should be considered by government.

I believe I have put on the record the concerns I felt should be put on *Hansard*, with the exception possibly of third-party bullying. That was raised by a number of people who submitted, primarily so by Engender Equality, who explained that third-party bullying is when a family violence perpetrator and people who use abusive behaviour engage in intermediary mechanisms to cause harm, intimidation or instil fear or humiliation. This might be via compelling a friend or associate to inflict abuse upon a target, a tactic that is frequently used to continue to harass an estranged partner and avoid breach of family violence orders or police family violence orders. Their comments were specific to the changes to the Family Violence Act and the prevalence of bullying when it comes to instances of family violence, but third-party bullying was raised in other submissions as well in terms of the possibility of a bully being able to use a friend or associate or somebody else to actually inflict that harm, and whether or not the bill is able to capture that kind of behaviour.

I wanted to put those questions on the record for the purposes of today's debate because they deserve consideration by this parliament. The Government has made it clear that this satisfies an election commitment but there was also a body of work done prior 6.37

by the Law Reform Institute, some of which is considered in the bill and some which is not, and it is incumbent on the Government to explain to the Chamber and the community why that is and to put those issues on the record, as I have done today.

[12.08 p.m.]

Dr WOODRUFF (Franklin) - Madam Deputy Speaker, I am pleased to add the Tasmanian Greens' support to the work this bill seeks to undertake, which is to make a very strong statement and add to resetting the culture which makes it very clear that Tasmania and Tasmanians see bullying as an abhorrent act that deserves to be identified and recognised for what it is, which is about a purposeful intent to harm another person or cause them physical and mental harm. This bill proposes to include self-harm or extreme humiliation and also that bullying can be an attempt to cause apprehension or fear in a person. The important point here is that this is about a purposeful intention to cause harm to another person, and what the bill is doing today is a part of the response that we need to have as a society to bullying. It is pretty clear that bullying is on the rise in a number of communities; it is particularly rising in the online community. Everyone who has been harmed - especially children and young people, but all people - can have lifetime effects on their personal wellbeing, and for children on their ability to engage with education, and to learn and to grow in the ways we want all of our children to be able to grow into their full potential. Bullies and bullying seek to stunt and harm a person, and cause fear and anxiety, which can lead to terrible views a person holds about themselves, and to self-harm, and a withdrawal from social activities, a withdrawal from society. We all have a part to play in making sure that we reduce bullying.

The Greens are pleased to support this bill, but in doing so I want to raise some very serious concerns that have been pointed out in stakeholder consultations. We hold with what this bill seeks to bring into being, and also what it fails to bring into being - in other words the limitations of what is not addressed in this bill, and the additional clarification we would like from the minister regarding questions and concerns we have with the bill.

There is a long history to this bill. There were conversations about it in parliament in 2013, then the Tasmania Law Reform Institute undertook a report which was released in 2016, and prior to that they did an extensive consultation with people in the community. Around that initial TLRI report, number 22, some key stakeholders then made contributions - including the then commissioner for children, the Director of Public Prosecutions, the Commissioner of Police, the Anti-Discrimination Commissioner, the Law Society of Tasmania, the Tasmanian Institute of Law Enforcement Studies, Unions Tasmania, and the Youth Network of Tasmania - challenging bullying amongst other people and organisations.

The TLRI listened to their views and produced a report with 15 recommendations. That is an important report, which has formed the basis of the bill that we have before us today. I want to make the point that as excellent as this is, the change that we have before us represents only a tiny part of the Tasmania Law Reform Institute's recommendations. There were 15 recommendations, and this addresses effectively only one of those. A number of the Community Legal Centres of Tasmania very clearly raised this point in their submission and said bullying has to be tackled holistically, and that the Government needs to adopt the TLRI tiered response to bullying, which comprises both criminal and civil justice responses, as well as introducing legislative responses to implement anti-bullying policies and procedures in schools.

I have a number of specific questions that I will ask the minister regarding those other recommendations and what the Government's actions on those are intended to be.

I want to start by addressing what this bill seeks to do, and make some comments on each of the sections.

We support the amendments to the Criminal Code Act 1924, and the proposed amendments to section 192 to broaden stalking to include bullying. We also support the application of the same mental element for both of those offences, namely that an offender has an intent to cause harm or actually causes harm, and knew or ought to have known harm would be likely to occur.

I would like to make some comments about definitions. This has been raised by a number of stakeholders in their submissions to this bill. These were made by the Youth Network of Tasmania, an organisation that represents the interests of young people aged 12 to 25 years. They made some very strong statements about their concerns that bullying and cyberbullying have not been defined in this bill. The Greens support that view. It is not clear what is meant by 'bullying'. When I was listening to the member for Clark's comments, I noticed that there has been a perception or a discussion about this bill in the community that it is about cyberbullying. It is not just about cyberbullying. This amendment make changes to section 192, and adds bullying into -

Ms Archer - Appropriately.

Dr WOODRUFF - to stalking. Correct, it has to cover all bullying, yes. But there is nothing that is specifically about this; it is not just about cyberbullying.

Ms Archer - That is what I am saying. I am agreeing with you.

Dr WOODRUFF - I absolutely agree. I just want to make the point that it is broader, and must be broader, and -

Ms Archer - We have no control how the media reports things.

Dr WOODRUFF - Yes, but it is important in this debate to be clear that this is not an amendment which specifically relates to cyberbullying. Nonetheless, cyberbullying is a particular form of bullying that has only become prevalent in recent years.

The Youth Network of Tasmania makes a plea to the Government to grapple with the complexities of defining what bullying and cyberbullying means. There are unique characteristics that distinguish cyberbullying from traditional face-to-face bullying, including that numerous online platforms can be used, that cyberbullying is often hidden in its nature, and cyberbullying has the ability to provide material that reaches a wide audience quickly, which can have a very immediate and far-reaching and damaging impact, in a way that is more difficult to do with non-cyberbullying. They make a strong statement about the importance of grappling with the failure to find a definition for cyberbullying in Australia, and this has been recognised as a problem at the federal and the state level.

This was raised by the Senate Legal and Constitutional Affairs References Committee last year and I would appreciate the minister returning in her response to why a definition was not provided in this amendment bill.

The Law Council of Australia's view also is that we need to have a common understanding of behaviour that constitutes cyberbullying, and young people need to understand the boundaries of what behaviour is considered unacceptable and lawful with regard to cyberbullying. This is the

view of the Youth Network of Tasmania, and clearly, they represent the interests of young people. It is also the case that people of all ages need to understand what constitutes bullying and cyberbullying.

I want to reflect on a code of conduct finding against a councillor in Tasmania that was made and reported on yesterday. I will not go into the details, but a complaint was made about a councillor having used bullying and disrespectful language, and that was found in favour of the complainant by the code of conduct board and the Local Government Association. The conversation about that in the media flipped and the councillor who had the finding made against them made statements to the effect that they felt themselves to be a victim because of the fact somebody had taken a complaint against them. I see it happening on a regular basis that, by virtue of the fact that people make a complaint, women make complaints about being sexually harassed, and perpetrators or people against who the complaint is being made sometimes feel that just the act of saying, 'Hey you're bullying me,' is somehow a bullying tactic in itself.

We need to have some much more considered public conversation about how you respond but, to make it clear, making a complaint about being bullied ought not in itself by definition be considered a form of bullying. This is where the Director of Public Prosecutions needs to provide some very clear guidelines to make it quite clear what bullying constitutes and what sort of behaviour is meant by bullying under this amendment bill as it is not clear on the face of it what that would mean.

In relation to the amendments to the Justices Act 1959, I wanted to flag with the minister, and I believe the member for Clark raised this as well, that there is a restraint order bill that has been tabled. I would like the minister to explain whether an amendment will be made when that bill comes on for debate that is able to manage the issue about the amendment to the restraining order - I think it is section 72 of the Justices Act - that would allow any person who is subject to serious bullying to apply for a restraining order. Currently a victim is only able to apply for an order that is designed to stop bullying behaviour if it involves their spouse or partner. As I imagine is the case, the Government would be proposing once this bill has been passed that those sorts of consequential amendments that flow from this bill would be as amendments into the restraint order bill. If the minister could - do you understand the point?

Ms Archer - Yes, I understand what you're saying.

Dr WOODRUFF - Thanks. That would satisfy the concerns we have and that have also been raised by the community legal centres in their submission. If bullying occurs from a person who is not your spouse or partner you ought to be able to make an application for a restraining order if that is appropriate.

One of the concerns raised by Ms Leanne McLean, the Commissioner for Children and Young People, in her submission related to concerns that amendments would apply to children and young people under 18 at a greater level than it would to other people in the community. She raises concerns about the appropriateness and efficacy in the context of bullying between children, except in the most serious of cases, going through the criminal justice system as a manner of responding to that bullying behaviour.

Many people who provided submissions to this bill made that point including the Youth Network of Tasmania, the community legal centres as well as the Commissioner for Children and Young People. The point is that the criminal justice system is an excessively blunt instrument and

it should only be used for the most intransigent and persistent offenders and in order to truly change behaviour there has to be an alternative dispute resolution process that is offered in most instances, particularly for young people. Bullying is often the result of underlying issues that can be effectively addressed in much more proactive and restorative ways than through the criminal justice system. The Youth Network of Tasmania strongly advocates for a social and public health approach to managing bullying and note that we have a responsibility to address the needs of all young people and that includes those who are engaging in bullying behaviour and the bullying victims themselves.

The research shows that young people who engage in bullying behaviour and those who are bullying victims at school are at a significant risk for a range of antisocial, criminal and poor health outcomes later in life. They say that a failure to address those issues means that this bill would do little to change bullying behaviour. They advocate that they do not believe law reform will effectively deter young people from engaging in bullying behaviour and argue strongly for the Government to place the emphasis on the social drivers of bullying behaviour, in particular the family, community and system-wide responses to bullying that we need to have.

These are really important points and we agree that we have to look at the social drivers that create people who have been damaged in behavioural, emotional and psychological contexts, including young people who themselves are victims of family violence, abuse or neglect who have themselves been bullied by other young people who suffer low self-esteem. These are often the people who become bullies themselves. That is not to excuse their behaviour but to understand it, and if we seek to change behaviour we have to address those system-wide issues.

We totally agree with the Youth Network of Tasmania's concerns but we do not agree that there is no place for a legislative change. This sends a strong signal about what ought to happen to people who are persistent, aggressive, intransigent bullies of other people who have had opportunities to change and who inflict great harm on other people.

Although young people are least able to understand what a bill like this means and no-one under the age of 18 would be aware that this bill passes the House, it sends a signal to us in the community, it is not clearly only for young people, it is for all people who bully and to us as a community that there are consequences for people who treat people in such a harmful way. I hope that triggers further community-wide conversations about bullying so that it does have an impact on families, conversations at schools and online, so we are all more aware of the things we say and of treating people with respect regardless of what they throw at us, of not responding with an eye for an eye and understanding that that leads to a downward spiral. We all have to do what we can to stand up against bullies and to address the underlying issues behind that. The Greens believe there is a place for this strong statement of consequences but that we must address the system-wide issues.

In relation to comments made by the Director of Public Prosecutions and the former commissioner for children and young people, Mr Mark Morrissey, in their original responses to the TLRIs Final Report No 22 - Bullying, they made the comment that categorising children as either perpetrators or victims in the context of bullying is not in the best interests of the child. The then commissioner explained that legal and criminal justice responses to bullying raise a number of concerns, specifically: the introduction of children to the criminal justice system and the resulting stigma attaching to young offenders; the difficulty of the legal system in accommodating or defining the complexities of bullying between children; the highly individualised nature of occasions of bullying within interpersonal relationships; the need for support for victims and participants in bullying behaviour to rebuild relationships and prevent occurrences; the potential

over-simplification of bullying and its causes; and the need for broader educational and social responses rather than punitive responses. In the TLRIs bullying report -

... the Director of Public Prosecutions noted that, other than in extreme cases, prosecuting anyone under the age of 18 would not be appropriate at first instance, and that it would be more appropriate for the behaviour to be dealt with by the school or by way of a caution.²³ Tasmania Police were also concerned that if the criminal law is used to deal with bullying, children may be the subjects of the majority of complaints.²⁴

That is an important point because of children's behaviour. On the face of it, children are potentially most vulnerable to prosecution under this act. Both the DPP, the Tasmanian Police and the Commissioner for Children and Young People are all clear that, except in the most serious of cases, children and young people who engage in bullying will be much more appropriately dealt with and responded to in restorative justice and non-punitive ways.

It is important that the DPP provide guidelines for the definition of bullying. I note that the Commissioner for Children and Young People provides in-principle support for the bill. It is very important that the DPP publicly release guidelines outlining the consideration that would be taken into account when they determine whether to prosecute a person for bullying behaviour. Can the minister please outline whether it is her expectation that those guidelines would be provided at the earliest instance, or offer the time line for that? That is going to go some way toward satisfying some of the concerns of stakeholders about the lack of a definition of bullying, the need for clarity as to bullying and cyberbullying and the circumstances in which prosecution may be sought for a person's bullying behaviour.

That goes to the last major point I want to make about this, which is about the importance for restorative justice and working on the rest of the recommendations from the Tasmanian Law Reform Institute's report on bullying. The other 14 recommendations relate to a whole range of issues that must accompany this bill in order to truly create a cultural change in behaviour around what is acceptable in terms of bullying. I welcome the minister's comments about the time frame for government action on those other 14 recommendations in our schools, their recommendations to establish anti-bullying policies and procedures in schools and in undertaking education that will reduce the escalation of bullying behaviour in the school environment.

We have a number of questions to ask in the Committee stage but I indicate that the Greens will be supporting this bill and we do not have any amendments that we wish to make to it.

[12.38 p.m.]

Mr HODGMAN (Franklin - Premier) - Madam Deputy Speaker, I support the bill, note the supportive comments of opposition parties, and the work of the Attorney-General, her department and office in bringing forward this very important legislation. It is another important reform to address pervasive and disturbing behaviours in our community, sadly and often with tragic outcomes, that appear more often than ever before to be ever-present in any and perhaps every part of our community. It requires strong government action and a whole-of-community response. This is only one piece of a very substantive effort by Government, the broader community and key stakeholders, who assist us in our endeavours and inform Government as to how best to proceed with measures to improve our legislative responses.

We work in partnership with them to provide a range of measures to prevent bullying occurring in our community. It requires a collaborative effort supported by the broader community. That was well reflected when the Deputy Premier, Minister for Mental Health and Wellbeing, held a meeting with community and business leaders recently. It was a very important step toward developing a whole-of-community response to prevent bullying. Thirty-one organisations were involved in that. A number of perspectives were put and a strong commitment was given by all who attended to that whole-of-community response and how to collectively take action against bullying. A combined response also sends a very strong message of our awareness of this issue and the depth with which it affects the community more broadly but also the harrowing impacts it can have on individuals. It was a strong show of support by all those who attended and we thank them for that.

Following that event, I was able to meet with Leslie Podesta, the CEO of the Alannah & Madeline Foundation; she was key to those discussions. The Alannah and Madeline Foundation is one of those very important partners with whom we work to combat bullying, to support particularly children who may be exposed to bullying, to support our schools and those who work with our children to better empower them to deal with bullying, and put in place practical initiatives that change behaviours, raise awareness and prevent bullying occurring at a very young age. The Alannah & Madeline Foundation also now has responsibility for supporting the Dolly's Dream initiative which was a national story of tragedy, sadly not the only one. It was a very public and courageous story told by Dolly's parents, Kate and Tig Everett, and her sister Meg.

It is all about shining the spotlight on the terrible incidents of harmful behaviours and bullying in our community and the tragic impact that can sadly come from that. The loss of 14-year-old Amy Everett, or Dolly as she was better known, prompted a response by the whole of community and indeed all levels of government. At our last COAG meeting it was a subject of some discussion: what governments can do to support the vision of Dolly's Dream, which is to prevent these incidents of bullying with its devastating effects continuing to occur in our community and affecting other children and other people's children. It had a large impact on our national way of thinking. All levels of government, certainly ours, will continue to work with the Alannah & Madeline Foundation in honour of Dolly and others who have similarly been victims. It is a great example of the work underway.

Our cyber safety in schools program, which we launched some years ago with the Alannah & Madeline Foundation, is another important example of that. There is a lot of work already underway but this is an important next step. Our cyber safety in schools program was launched in 2016 to support our schools and school communities to combat bullying, particularly cyberbullying, and also to ensure safe and supportive school communities that can wrap around families, individuals, carers or other support networks that are aware of bullying occurring. Back in 2016 we allocated \$3 million in the budget to combat bullying and cyberbullying in our schools, and to further strengthen the Respectful Schools and Workplaces Framework and, as part of that, in partnership with the Alannah & Madeline Foundation, to implement an anti-cyberbullying program in our schools over the four years. It helps kids navigate the online world at a young age and to be aware of risks to equip them with the skills they need to benefit not only from the rich information that is available to them but to avoid any risks and to be aware of the risks of being a part of the digital world online. It is a wonderful partnership that we continue to support, as indeed we do other initiatives from the Alannah & Madeline Foundation.

Our legislative framework includes work with the Commissioner for Children and Young People and the Anti-Discrimination Commissioner as well as WorkSafe Tasmania and other key stakeholders. I note that the legislation before us was extensively consulted and made available to

targeted stakeholders and the public via the Department of Justice website from 10 December last year through to 1 February. Responses were received from a number of key stakeholders, important voices assisting Government and providing their views. We recognise that there was not completely universal support for this measure, but broadly it was well received. It is the next step which will send a very clear message and provide an appropriate response but would be only part of what we need to do.

I also acknowledge the considerable stakeholder engagement. The agency level engagement has also been quite profound and wide-reaching, but there was also the Sexual Assault Support Service, YNOT, the Commissioner for Children and Young People, the Law Society, Engender Equality, Alannah & Madeline Foundation, community legal centres and victim support services, amongst others, who provided great input and support for the proposed amendments in the draft bill. We note that there were not only other perspectives but also an indication of where we might further act into the future and that will be noted and no doubt followed up and appropriately responded to.

As the Attorney-General said, we are amending the existing stalking provisions in the Criminal Code to cover a range of serious bullying behaviours, whether they are pursued in person or online. It is an important safeguard that we would hope, ultimately, would not need to be used because we have been able to change attitudes and stop behaviours that occur and prevent bullying, but we need to do all we can to ensure that that occurs, because without doubt this is a significant area of concern to our broader community and requires a very strong legislative response.

In our view and certainly that of our educators and the department all our students have the right to be free from bullying, harassment and discrimination. We are committed to supporting our school communities to combat bullying, particularly cyberbullying, to make sure that they are all safe, inclusive and supportive, but beyond our classrooms as well to best inform parents and carers as well.

I have mentioned our partnering with the Alannah & Madeline Foundation on the eSmart anti-cyberbullying program, which is delivered to support kids from kinder through to year 10. At the beginning of this year I was advised 121 schools had signed up to the eSmart program, and there is also the development of the Department of Education's Bullying Stops Here website. I know the minister will speak more about these initiatives but that is a comprehensive suite of resources for teachers, principals, school leaders and systems leaders. In addition, there is the introduction of the Child and Student Wellbeing Strategy and overarching this work is our Mental Wellbeing Action Plan. The Minister for Mental Health and Wellbeing similarly will no doubt be keen to expand on this.

It highlights the very focused, targeted and responsive effort we have taken as a government. We are not just about the legislative response which we are debating today, but also the important role our school communities and other organisations can play within the broader community to ensure we are combatting bullying and developing a whole school approach to support student behaviour and build those respectful relationships, environments and attitudes where people feel safe and supported. We know that often if that can occur at an early stage then more serious bullying will not follow.

A number of resources and professional learning programs have been developed and they will be available or are available through our school communities. We do so also under the national framework as well through the Australian Safe and Supportive School Communities and programs

that are being utilised in other places. This legislation before us has been modelled on or guided by approaches taken in other jurisdictions and so, too, does our effort in our schools and the work we are doing there to ensure our efforts are responsive, relevant and effective and assessable against what is happening elsewhere and part of a national campaign to reduce bullying.

This is an important commitment we made during the last state election. It has taken appropriate time to reach this point because it is a serious matter that requires time in consultation. It was a significant election commitment that does reflect the change in attitudes, behaviours and awareness. The behaviours to which I refer is in how governments might respond. We have committed to Tasmanians to do all we can to properly reflect that serious cyberbullying is a criminal offence and appropriately described as such. They are the actions of a coward or somebody with personal concerns or issues to them that certainly would not be properly reflected in the kind of conduct they undertake.

It will send a very clear message, and by that I mean in which people are unaware of the impacts of their behaviour, that our laws should appropriately educate and inform people about the standards we set and the response that our laws will take. When serious behaviours require legislative response and one that invokes our criminal provisions, that should occur with respect to serious bullying. It can have terribly devastating impacts on people, their families and the wider community. This sends that very clear message and that should not be understated. They do form part of the whole-of-government/whole-of-community approach we are taking as well as law reform and the education community awareness initiatives I have spoken about. They are all a critical part of the role government is taking with our partners in addressing the problem of bullying.

On the submissions received, I have mentioned the number of organisations that participated and we thank them for it. They were carefully considered, the Attorney-General and Government deliberated and they have contributed to the proposed amendments to the Criminal Code. The legislation expands on the existing crime of stalking to address bullying behaviours. It will improve legal responses to serious cases of bullying to better protect victims, to hold perpetrators to account, to be as serious and as resolute as we should be about addressing the issue, for which the authorities need to have the range of tools available to respond to all levels of bullying.

The reforms the Government proposes complement a host of other measures we are already undertaking. It is designed to address the ongoing repeated or sustained nature of bullying actions including cyberbullying. As to concerns that people may have about innocence of those whose behaviour is not as serious as the more extreme example to which we often refer, this does not in any way allow for them to be inappropriately or unduly responded to through the legislative reform. It is simply ensuring that those who conduct their behaviour in a way that is dangerous, harmful and at the serious end of the scale has the appropriate mechanisms available. It does also complement, as the Attorney-General said and questions have been asked on this, a range of existing legal mechanisms including under Commonwealth law and, in addition to law reform, the education community awareness initiatives we have spoken about play an important role.

There has been some discussion about the role and engagement of the TLRI in relation to this. In May 2014, bullying, including online bullying, was referred to the Tasmanian Law Reform Institute. The terms of reference for the project were to: identify our current law in this state, our legal frameworks that maybe used to address bullying behaviour, including cyberbullying; whether the law captures different forms of bullying; whether it may be enhanced in research; to research legislative approaches aimed at addressing the problem of bullying including cyberbullying in other jurisdictions in Australia and overseas; how and whether the law should be used to addressed

bullying behaviours, particularly among children and young persons; to provide recommendations for any necessary law reform; and any other matters the institute considered relevant to that.

In January 2016, the TLRI released its final report, one of the primary recommendations being that serious forms of bullying may justify criminal response and that this could be achieved by amending the criminal code to cover common bullying behaviours. The TLRI report examined possible legal frameworks, civil and criminal laws and requirements in policy of educational institutions that may be used to tackle bullying and approaches in other jurisdictions and internationally were also considered.

I make that point to acknowledge and thank the institute for the body of work undertaken. That has supported and informed our policy response in those areas to which I refer. It did also capture the significance of the issue we are considering. We are investigating our responses to bullying and online bullying that, as is its nature, changes frequently. It has become extraordinarily pervasive in many forms. It appears that those who wish to deliberately harm others or engage in this sort of behaviour will seek to find other ways in which they can do so.

Our legislation needs to be incredibly robust and needs to invoke the strongest possible response through the reforms on which this House will soon deliberate, along with other measures. A criminal justice response is the appropriate mechanism in the case of serious bullying. A charge for the offence of stalking and bullying will only be considered where there is serious criminal conduct. The proposed expansion of the crime to address bullying behaviour also points to the seriousness with which the offence of bullying and stalking is to be regarded.

The Director of Public Prosecutions is best placed to determine the serious nature of the conduct in determining whether to lay a charge. Consideration will need to be given by prosecution services as to the weight of the evidence establishing the seriousness of the alleged conduct. The approach taken in this bill to make serious cyberbullying a criminal offence does draw on those recommendations of the Tasmanian Law Reform Institute's report on bullying and the reforms undertaken by the Victorian Government. Reforms undertaken by the New South Wales Government were also considered but these reforms more accurately reflect what has happened in Victoria. A similar set of reforms have been undertaken in other jurisdictions and Tasmania needs to keep abreast with those. Those laws in Victoria of extending the offence of stalking in the Crimes Act will encompass conduct that amounts to serious bullying. Only serious instances of bullying behaviour warrant that criminal sanction and that is what the bill before us seeks to do.

I acknowledge the considerable amount of work undertaken by departments. I was aware of progress being made throughout this process. I acknowledge the Attorney-General for concluding this next phase of reforms. This will appropriately send that very strong message about this form of conduct. It will reflect the seriousness that it deserves and the acknowledgement within our community that it requires a strong criminal and legislative response where there is serious, harmful behaviour occurring in our community. We are determined to say that we have no tolerance for this thing occurring and we will respond accordingly.

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

CRIMINAL CODE AMENDMENT (BULLYING) BILL 2019 (No. 5)

Second Reading

Resumed from above.

[2.30 p.m.]

Ms O'BYRNE (Bass) - Madam Speaker, as members have already heard in the excellent presentation from the shadow attorney-general, Ms Haddad, the member for Clark, we support the bill. There are some questions that have come to light and I am a little disappointed the Premier left. I was hoping to speak before he left the Chamber because I wanted to talk about a couple of things he said.

Ms Archer - I have carriage of the bill, not the Premier.

Ms O'BYRNE - Yes, I appreciate that the Attorney-General has carriage of the bill. I was listening carefully to the Premier's contribution as I missed your second reading speech. The reason I have such significant interest is that Labor has been in this place before.

In 2016, the former member for what was then Denison, Ms Ogilvie, produced a bill, the Civil Digital Communications Bill. That bill looked at a new legal benchmark for offences of online harassment, stalking, misuse of private images, and malicious behaviour. It looked at empowering the victims of digital crime to expect immediate action. She identified that some of those behaviours may already be captured in the Tasmanian Criminal Code or federal legislation, but nowhere is the victim empowered to obtain immediate injunctions and take-down orders. This legislation does not go to that immediate action because it does require the ability to establish that there has been a pattern of behaviour leading to this. We probably still need to have some regard to the ability to have things immediately removed if they are causing distress or are inappropriate. That is pretty much what victims want. They want immediate action. They want images removed. They want harassers to be stopped and they want malicious behaviour to cease, which is what the bill we drafted in 2016, or Madeleine Ogilvie did, would have delivered. At that stage there was a lot of conversation around revenge porn, which led to quite a lot of conversations.

The reason I raise this legislation is that I listened with great attention to the Premier's contribution and at no stage was there any self-reflection of the attitudes and behaviours that took place earlier, which were exposed during the state election but had clearly been playing for some time prior to that. In the submission by TasCOSS, and I believe Engender Equality also raised it, they talk a lot about third-party bullying. Third-party bullying is the creation of an environment in which that bullying can occur, or you incite bullying to occur. We cannot debate this legislation before the House without reflection on the actions that took place in the Premier's own office during the campaign.

Had we been able to initiate the digital communications legislation in 2016, the behaviour that came out of the Premier's office would not have been permitted. We would not have seen the broad trolling, perhaps, and we would not have seen the deliberate attack on Angela Williamson. Angela Williamson was deliberately targeted. Angela Williamson was targeted by a troll who was later found to be a staff member of the Premier's, who would make commentary and be commented on by other staff members of the Premier's office, which indicates much greater collusion and knowledge of the events, to the extent that her employer was contacted and her employment was put at risk.

This bill talks about the impact that can be had when you troll. There was a significant impact for Ms Williamson. Ms Williamson was humiliated. Ms Williamson had her employment threatened. Ms Williamson has had to go through significant stress. I was disappointed that the Premier did not refer to the fact that perhaps he had learned, and perhaps his office had learned, from those mistakes and was embracing this legislation because they realised that they too have a role to play in ensuring people are not trolled, and that the behaviour of people under the names of Alice Wood-Jones, Brent Smith and Gary Boke[TBC] were appalling. I note another trawling identity under the name of Robyn Banks, not Robyn Banks, former anti-discrimination commissioner but a different Robyn Banks who was, given some significant pressure, withdrawn during the federal election, who made an appearance again and seems to have disappeared again in time for the introduction of this legislation. I have no evidence, and I make that very clear, that this comes out of the Premier's office but I did think it was interesting timing that this person appeared and went away again when we began talking about this kind of trawling legislation before the House.

We do support it. We do think that people need to be protected but it is damning upon this Government that there is no self-reflection and that sometimes people need to be protected from them, from the Premier, from the Premier's staff and the Premier's media office.

We cannot go through this debate without the Government, and I understand that the Deputy Premier will be seeking the next call; the Premier made it clear that he will be speaking. It would be good to hear some reflection of the bullying behaviour of your own Government. It is all well and good to say you care about the language, you do not believe in cyberbullying, it is a terrible thing and you are going to stop other people doing it when you are responsible for it yourself. We all have moments of self-reflection on our behaviours and that is something we should all do more regularly. There has not been a self-reflection from the Government. The Government first denied it - you then said it was the action of only one staff member - who received a significant payout for someone who supposedly resigned over poor behaviour. However, it was not only linked to that staff member because other staff members publicly commented on the posts made from the fictitious addresses. You cannot believe it was anything other than orchestrated behaviour.

Whilst the Premier supports his legislation today, I wonder if the reason they did not support our initial bill is that they had already thought about this as a strategy: accepting that they were to do trawling in the future or were, perhaps, already doing it and that is the reason they did not support the bill, brought on by the former member for Denison, now Clark, which had a focus on cyberbullying. The Civil Digital Communications Bill dealt with: prohibition of harassment; the offences of harassment and of stalking; the injunction to protect a person from harassment; putting people in fear of violence; obtaining private material for use; take-down orders; malicious communications; and disclosing private photographs and films with the intent to cause distress. It would have picked up the behaviour that was then led by the Premier's office, so I wonder if that is the reason it was not dealt with then.

The Government says it was delivering on an election commitment. It was during the last state election that they were probably behaving in some of the most appalling ways. Ms Williamson showed incredible courage through that process. It would have been very easy for her not to stand by her values or to not continue to make the public case. She had to talk to her parents about decisions she had made because the Premier's office had made them public and that is an appalling thing to do to someone. I imagine she would be picked up with by this legislation, so I am sure the minister will be responding to the reasons it is not retrospective. There is a host of legal reasons

why it might not be, but it might be because it would pick up some very damning behaviours from the parliament itself or at least from the Premier's office.

I want to talk a little bit more about the submissions. The Premier talked about the great support from the Alannah & Madeline Foundation, but they support it with a level of reservation - and I am sure the minister will be addressing that. They said they were fundamentally supportive of efforts to reduce bullying but they were generally concerned about the risk of criminalisation of children. They believe there was an apparent omission of a definition of bullying, which they thought was a significant issue because identifying bullying is the ongoing misuse of power in relationships through repeated verbal, physical and/or social behaviour that causes either physical and/or psychological harm involving an individual or a group misusing their power over one or more persons. Bullying can happen in person or online and it can be obvious or hidden. They are concerned that the criminal act of bullying would need to meet these multiple criteria, which is complex. Without a definition, they were very concerned that there are risks of unintended consequences.

They also believe there maybe unintended consequences associated with the amendments to the prevalence to bullying in the school age group of 14 to 18, and that the management of bullying in this age group must be education-based and not managed through the Criminal Code. They really wanted the Government to commit to more of a whole-of-government approach to wellbeing of children through health and education initiatives.

I have teenage children. I am very aware of cyberbullying and the inability to disengage yourself from the cyber playground, as it is now called. There is very little shutdown, so bullying that might have occurred in playgrounds before but ended when you went home and were safe at home and were safe outside of school hours, is not the case anymore. Some of it is horrendous. Sometimes kids find themselves falling into the practice without realising what they are doing - they are part of a group. We have seen that kind of group mentality before. It probably existed in the Premier's office during the trolling incident; you can find yourself caught up in those things, and given the opportunity to understand the implications you might be genuinely sorry. We need to make sure that we understand that children are testing boundaries all the time.

Having said that, there are also situations that are so unconscionable and so cruel that it is hard to imagine that children have not been aware of the implications of that. I need to caution the House that we are dealing with children, and in some ways our children are far more worldly and far more experienced and far more knowledgeable than they have ever been before. I would argue that in other ways they are far more vulnerable, far more insecure, and far more dependent than they have ever been before. It is simply not a truism to say that they will always know the consequences of their actions. We need to be able to work with them to understand that. We need to be able to support them through that process.

YNOT also identified that they were concerned about the lack of adequate consultation with young people, and as I said, TasCOSS made significant reference to the issue of that third-party bullying and how that worked, and how that responsibility needs to be understood and engaged with.

I was disappointed, and I hope the Deputy Premier addresses some level of apology for the behaviour that they undertook in their office. I believe if you are genuinely committed to stamping out bullying, to stamping out cyberbullying, that we need to look at all of our behaviours at all times. We may all make mistakes; however, the action that occurred in the Premier's office against

a number of people - there was significant trolling going on - but in particular against Angela Williamson, was beyond trying to score a political point. It was cruel, it was calculated, it was targeted, and it hurt her desperately, and therefore would have, I imagine, be picked up by this. This is an opportunity for the Government to apologise to Ms Williamson for that. I know that they stand behind the investigation. They said they could not prove that Mr Ferguson had contacted them, and could not prove conversations had been between the Premier, but there is no doubt that Ms Williamson's employment was significantly impacted by the behaviour of the Premier's staff. It was cyberbullying, and probably some of the worst that we have seen.

To be fair, in politics we all get a little bit of cyber feedback ourselves, and people like to say that politicians have very thick skins. I believe that is not true. Most of us have the same skins and the same emotional reactions as anyone else. I have, over the years, had some pretty awful things said, so it is rare to step up and say it is not okay. What was done to Ms Williamson was not okay. If this legislation had been in place, there would have been criminal outcomes for the Premier's staff. If the legislation that Labor had put in 2016 had been in place, I imagine there would have been similar kinds of outcomes. It is a shame the Government chose not to support that, and I can only draw the conclusion it was because the intention to cyber-troll and bully people was always within the Premier's office. That is why they did not back the legislation before. That is why we are here today, because the Government feels that it has put enough distance between itself and its appalling behaviour to have some credibility. Frankly it is going to take some time before this Government has any credibility on bullying, and cyberbullying in particular.

[2.44 p.m.]

Mr ROCKLIFF (Braddon - Minister for Education and Training) - Madam Speaker, I welcome the opportunity to say a few words on this bill. In doing so, I congratulate and thank the Attorney-General for her work and the department's in bringing this legislation forward. It is legislation that has been very well consulted, as has been outlined by previous speakers, and that will play its part in a whole-of-community approach to stopping and preventing bullying, which of course we would all sign up to.

As members have expressed before, bullying can happen to anyone, anywhere, at any age, and can cause harm to physical and/or mental wellbeing, and in extreme cases can lead to tragic consequences.

We are committed to supporting our schools to combat bullying, particularly cyberbullying, and ensuring that all schools are safe, all schools are inclusive, and all schools are supportive of their students, and their staff as well.

All students have a right to be free from bullying, to be free from harassment and discrimination. A range of initiatives has been introduced to combat bullying and cyberbullying in our government schools around Tasmania, and in the independent non-government sector and the Catholic sector as well, in terms of areas they will also be addressing.

As the Premier has mentioned, we are partnering with the Alannah and Madeline Foundation to implement eSmart, an anti-cyberbullying program, from kinder to year 10. At the beginning of this year, 121 of our schools had signed up to the eSmart schools program, which is a terrific uptake. That has been a very good partnership with the Alannah & Madeline Foundation. It was a great pleasure to launch that program alongside Lesley Podester, in 2016. It is an investment that is very worthwhile and it was great to see Lesley representing the Alannah & Madeline Foundation at our stopping and preventing bullying forum just a week or so ago.

The development of the Department of Education 'Bullying stops here!' website includes a comprehensive suite of resources for teachers, principals and system leaders, and there has been the introduction of the child and student wellbeing strategy and the mental wellbeing action plan. I spoke about that last week. A student survey is being undertaken in August and September this year, from grade 4 to grade 12, where students can express their feelings and what is concerning them, and that can also lead to better ways that schools and teachers and support staff and principals can support students to learn.

As a government we are committed to ensuring that all Tasmanian students are able to reach their full potential. We understand that student wellbeing is one of the key enablers for students to be successful learners. Evidence clearly demonstrates that students who have greater health and wellbeing are more likely to have better educational outcomes, more likely to have positive wellbeing throughout their lives, and be more productive. One of the key areas of investment we are making, and will roll out next year, is from having identified key barriers for student learning. We are investing in those areas, such as a new disability funding model for our students with disability, based on need, to reduce any barrier possible to student learning.

We are also investing in trauma, and ensuring that our staff within our schools have the knowledge and professional development in terms of trauma-informed practice. Trauma is an example of where a person of any age at school, of any background, of any location at school and where they live can be impacted by trauma, and that is essentially a barrier to learning. Anything we can do in that sense will be welcomed by many.

We have listened to principals, staff, and students, who have told us that poor mental wellbeing is the primary barrier for learning for children and students. We know that bullying inside and outside the schoolgrounds can have long-term harmful impacts on students, school engagement, academic achievement, wellbeing, and physical and mental health as well.

In response to this feedback and the growing body of evidence on how the experience of trauma and emotional and behavioural challenges can affect students and their capacity to learn, we have committed \$1.6 million over the four years to establish a child and student wellbeing unit within the Department of Education. This will be responsible for implementing the Child and Student Wellbeing Strategy in our government schools. This was a strategy released last year to promote and extend efforts in schools and across the entire state government school system to support the wellbeing of children and students.

This year we are also putting the spotlight on mental wellbeing to increase support for schools and addressing this important issue, we were pleased to release the Mental Wellbeing Action Plan earlier this year. This is a plan that demonstrates a collective effort, including broad consultation with students, the Department of Education, staff, parents and representatives from YNOT, the Youth Network Of Tasmania, the Commissioner for Child and Young People, Mission Australia, the Tasmanian Association of State Schools, headspace and Life without Barriers.

We are concentrating our efforts on key areas of concern as highlighted by students and staff, including cybersafety, resilience, depression and anxiety and respectful relationships. The plan identifies 16 actions that promote the Government's ongoing commitment to wellbeing and focus on mental wellbeing. Each action has been designed to ensure a universal approach to wellbeing for all learners and ensure that is achieved. Some of the key actions include developing a wellbeing web page which will host a number of useful resources and will provide principals with a platform

to share information and experiences in using wellbeing resources. Professional learning opportunity for teachers will also be a feature of the action plan.

Key to this is the student voice and that is why, through action 1, the department will be surveying all students from years 4 to 12 on their wellbeing in 2019. The student wellbeing survey will provide schools and the department with vital data on the wellbeing of students and will be used to plan and implement programs and professional learning to support the wellbeing of students. That will be an annual survey conducted around August to September every single year. It will be interesting to track any changes in terms of our student health and wellbeing over a more longitudinal study. This is a very important initiative and much work has gone into it by those in the Department of Education. I thank them very much for that and bringing the plan to fruition. The plan has been designed to be responsive to improving the wellbeing and lives of Tasmanian students and will go a long way in supporting our students' wellbeing today and into the future.

Our Government has also invested an unprecedented amount of resources, some \$80 million commitment, to support mental health and wellbeing in our schools over the course of the last five-and-a-half years including across the forward Estimates. We are well aware that students who have greater health and wellbeing are more likely to have better educational outcomes and positive wellbeing not only at school but throughout their lives as well. In fact, wellbeing in our schools has been a very key priority of this Government since 2014.

The approach to combating bullying is supported through the Respectful Schools and Workplaces Framework with the expectation that all schools develop a whole-school approach to support student behaviour and build respectful environments where everyone feels safe and supported. A range of resources and professional learning has been developed alongside that. These will be available to schools and are aligned to approaches endorsed by the Australian Safe and Supportive School Communities, ensuring that Tasmanian government schools are using nationally recognised approaches and programs to address bullying issues and creating a positive culture in the school environment.

The combating bullying community organisation partnership funded with a total of \$120 000 per annum over four years provides schools with access to incredible programs and services that demonstrate relevant expertise understanding the school context, including a track record of working in partnership with schools as well. To promote a nationally consistent approach many of our schools are working together to address bullying and violence by developing support strategies accessed through the Australian Government's Bullying. No Way! website.

We know that if we want to prevent bullying, it requires a collaborative effort importantly supported by the broader community. Recently we held a meeting with key community and business leaders which is an important step in working towards developing a whole-of-community response to preventing bullying. About 31 organisations participated in that event. It was an important discussion and everyone explored how to collectively take action against bullying. A range of issues was discussed at the forum including the understanding of what we mean by bullying and where and how it occurs, the benefit and value of stopping and preventing bullying and exploring options and approaches that will make a difference. At the end of the forum the participants agreed to some key actions to be explored further and that includes the creation of a bully-free state - a state of kindness, if you like - reaching a shared community understanding of what bullying is and is not, building an evidence base to measure prevalence, what is working and what is not and measuring that and reporting on it.

As a government, we are determined to work with communities right across Tasmania to stop and prevent bullying and I thank all those organisations. I mentioned 31 organisations but there would have been around 60 or so people who were in the room that day, which was very positive indeed. I thank them for their valuable contributions.

A significant amount of work is already underway to stop and prevent bullying and the work includes increasing awareness through the legislative framework which includes a number of acts through which bullying can be addressed. This framework includes statutory officers such as the Commissioner for Children and Young People and the Anti-Discrimination Commissioner as well as WorkSafe Tasmania. The work also includes restricting this framework with the legislation currently before parliament to amend the existing stalking provisions in the Criminal Code to cover a range of serious bullying behaviours whether they be pursued online or in person. This is an important additional safeguard but one I hope, ultimately, we will not need to use because we will have been able to change attitudes and behaviour to stop and prevent bullying in the first place.

Of course, we know there is not one single solution to preventing bullying, which is why we have taken a multifaceted approach - a holistic approach - with respect to our school environment. We have significantly increased professional support staff in our schools over the last number of years. There are an additional 65 full-time equivalent staff including psychologists, speech pathologists, social workers and our school nurses, who are highly valued within our school community as well, and it is great to have those extending to our colleges, which is very positive.

Our budget continues to focus on the wellbeing of students with an additional \$7.25 million over four years to support students impacted by trauma and those with emotional and behavioural challenges. The initiative will include trauma-informed practice, training and professional learning for school staff and student engagement approaches. I note the Tasmanian Principals' Association welcomes this initiative, with their president, Sally Milbourne, saying that the funding will enable the sector to take a more long-term and strategic approach to help our students.

We are also continuing to fund dedicated support teams that work with schools and other agencies to support students impacted by family violence, bullying, abuse and neglect. I have mentioned our Tasmanian Principals' Association. It was my pleasure to address them last Friday morning at Bellerive. There was a very positive vibe for their conference and the meeting and their focus was on health and wellbeing for their conference over two to three days. We are supporting up to almost \$5 million for the Principal Wellbeing Action Plan that has been welcomed by the Tasmanian Principals' Association. This funding will provide for actions that deliver strength and support to principals, increased opportunities to build their personal wellbeing and clarify the role of school leadership teams to better enable principals to focus on teaching and learning. Many of the plan's actions have commenced and address areas of importance for principal wellbeing, which were identified from consultation last year. Some that were identified include work load, staffing in schools, principal preparation and development, support systems and managing challenging behaviours. I am pleased to advise that much of this work is also well and truly underway.

Our Government will continue to work with the community and business to develop a whole-of-government approach to stopping and preventing bullying. We have come some way over the last number of years. This is important legislation to support that whole-of-government approach. I thank the Attorney-General and her department for the work they have achieved to date with respect to this, including the consultation. No single solution will stop and prevent bullying but legislation such as this is important in the context of a whole-of-government approach in schools and more broadly. We had a forum a few weeks ago about all these steps, programs and investments

and whole-of-community approach, given that it is government, business and everyone's responsibility to stop and prevent bullying.

All these measures combined will lead us a long way to the objective of the forum and that is to have a bully-free state. That is what I believe we would all like to sign up to. This legislation is an important part of that, as well as the other measures outlined by the Premier and myself.

[3.02 p.m.]

Mrs PETRUSMA (Franklin) - Madam Speaker, I am delighted to support this bill and offer my thanks and congratulations to the minister, the department and to all the members who have indicated their support for this bill, helping to make this bill a reality.

Today, I am supporting this bill as a member of the Hodgman Liberal team, a mum of four and grandmother of four. Each and every day, it seems that our children are experiencing the devastating outcomes of cyberbullying. When we see our own children or friend's children suffering, there is nothing that can really hit home, especially with cyberbullying, than the deep impact cyberbullying can have on the health and wellbeing of young people today.

It is becoming more of a major concern. When I went to primary school and high school, the biggest thing that you ever had to fear was a physical threat of bullying in the schoolyard. There was the schoolyard platitude, 'sticks and stones may break my bones, but names will never hurt me'. What we have seen and what we know is that bruises can heal but the names can hurt, especially verbal and emotional bullying that can have lifetime impacts and lifetime consequences.

I note that the Attorney-General said that technology is increasingly allowing those who seek to bully others can now access their victims 24 hours a day, seven days a week, 52 weeks of the year. Regardless of the context in which it occurs, whether it is between young people or in the workplace, bullying of any form is not acceptable. We know that bullying is not something that you can necessarily shake off, forget or quickly move on from, especially in this age of technology. Unfortunately, with technology, there are few places victims can go to escape perpetrators of bullying. The consequence, as we know, can be tragic and lifelong, especially the long-term mental health impacts, self-harm, psychological harm and suicide.

A lot of research is now focused on bullying and has shown what the impact of bullying can be. Recent research has shown that approximately 20 per cent of people who have been bullied experience some kind of mental health problems later in life. I note the research done by Relationships Australia, which found that the annual economic impact of bullying in Australia is estimated to be around \$2.3 billion. This is for bullying incurred by children in school and can continue for up to 20 years after they complete their education. Tragically, around 25 per cent of school students in Australia, or an estimated 910 000 children, experience bullying at some stage during their time in school. It has also been estimated that there are around 45 million bullying incidents across all schools each year, instigated by around 543 000 perpetrators. Most sadly and tragically of all, there are estimated to have been around 218 000 victims and that is in our schools alone. Those figures are staggering. We know that it is soul-destroying for the victim, especially as it can happen in almost any social environment. Given rapidly changing technology and the widespread use of social media, unfortunately, it can happen in our own homes as well. We have the high profile cases of young people taking their own lives which is, unfortunately, becoming increasingly more common and further illustrates the deeply profound impact bullying can have on its victims.

We need to address bullying in the wider community for our current and future generations. It is important that it is dealt with in a way that is appropriate. This legislation criminalises acts only of serious bullying, including cyberbullying, so as to protect victims of serious online bullying, particularly children and young people. The bill expands the existing crime of stalking to address serious bullying behaviour, which includes targeting those who use the internet with the intention to cause serious physical or mental harm. This legislation also strikes the right balance to ensure that our laws protect Tasmanians from serious cases of bullying, also being careful that we do not necessarily bring people, especially young people, before the courts. That is why there will be a safeguard in that the decision to prosecute will be a matter for the Director of Public Prosecutions.

This bill is also only one part of the solution. It represents the criminal justice response. We know that we need to provide more than simply a criminal justice response, which is why the Tasmanian Government is passionately committed to a range of measures to combat bullying. We are seeking a whole-of-government and whole-of-community approach to try to prevent bullying in our young people before it starts. Therefore, law reform, education, community awareness and restorative justice initiatives will all have an important role to play in addressing the problem of bullying.

We acknowledge the work of the Deputy Premier because he is to be commended for the role he has taken in his portfolio of Education as well as in the recent creation of the Mental Health and Wellbeing portfolio because it underscores the Government's recognition of the importance of mental health and wellbeing for Tasmanians. I also congratulate the minister for Education because a record 198 schools across Tasmania registered for this year's National Day of Action Against Bullying and Violence. Many wonderful events were held to showcase how our schools are working to address bullying. I note that school communities across Tasmania are keeping the 'Bullying. No Way!' message going all year round.

I note the work that has been undertaken across other government departments, development of a whole-of-government approach to combating bullying, partnering with the Alannah & Madeline Foundation to sign up schools to the eSmart Schools program, holding a forum for key stakeholders to share ideas and ensure a whole-of-community approach, as well the development of the Department of Education's Bullying stops here! website which includes a comprehensive suite of resources for teachers, principals and system leaders, as well as the Department of Education's Child and Student Wellbeing Strategy and the Mental Wellbeing Action Plan.

To truly combat bullying we all need to work together. I welcome that there is an increasing number of non-government organisations. I put on the record that the number of non-government organisations we have in this state and their passion and commitment to addressing bullying is to be commended because when we have community sector organisations, the Government and the business sector working together we can truly have a whole-of-community response. It is the only way we are all going to be able to tackle bullying. We need to ensure people know that, in this day and age, bullying is simply unacceptable because, as has been outlined today, bullying can lead to increased suicide, risk of depression, poor school performance, physical and mental health issues as well as low self-esteem.

I again congratulate the minister, thank the department for their work, and thank the members of this House for their support of this bill.

[3.11 p.m.]

Mrs RYLAH (Braddon) - Madam Speaker, I am pleased to support this bill. Bullying can occur in almost any social environment and can be perpetrated or experienced by a wide range of

people. It has devastating impacts and there is no doubt it is a significant issue which is of ever-increasing concern in the Tasmanian community. The Hodgman Liberal Government is determined to do all it can to stop bullying. This bill will improve legal responses to serious cases of bullying, including cyberbullying, to better protect victims and to hold perpetrators to account.

All types of bullying are serious. It cannot be ignored and it must be addressed. According to research, up to 35 per cent of people are estimated to have experienced bullying at some point and it is on the increase. Bullying can affect physical and emotional health both in the short term and later in life. It can lead to physical injury, social and emotional problems and death. Bullying can cause problems adjusting to school, being part of a community, being part of a family, ageing in a healthy way and can have very long term effects on self-esteem.

My first career was in teaching. Where I worked with at-risk children in Victoria, one of the most challenging aspects of that early years environment with at-risk children was preventing bullying by deeply disturbed children in the three year to six year age cohort. These children had seen bullying, been bullied and had learned. They were amazingly efficient, if that is the word, at bullying other children, even though the number of children in that cohort was very small and the ratio to students and teachers was high. It was sad, challenging and some of the most difficult behaviour to change.

Approximately 20 per cent of people who have experienced bullying develop some kind of mental health problem later in life. These include severe anxiety, depression, post-traumatic injury and some personality disorders. In an age where social media plays such a major role in our lives it is particularly concerning, because technology has increasingly allowed those who seek to bully others access to their victims every day, on all days, forever. Regardless of the context in which bullying occurs, whether it is between young people or the elderly or in the workplace, bullying is not acceptable.

An immense amount of research has been done on bullying and the impacts are increasingly better understood today. Alarmingly, recent research has shown that when it comes to mental health, bullying is as harmful as child abuse, if not worse. Recent research has shown that children and adolescents who are bullies are at risk of substance abuse and being violent towards others later in life. That is what I saw in those kindergartens.

Research has also shown that unlike traditional forms of bullying, young people who are bullied online or via their mobile phones are at higher risk of depression than the person who bullies them. The same study found that cyber victims were at higher risk of depression than were cyberbullies or physical bully victims. I find that incredibly sad.

This matter goes directly to a key matter for this Government, and that is the prevention of family violence, which is led by the Premier. Research shows that bullies, victims of bullying and bully victims themselves are more likely to be exposed to violence at home. Young people who are involved in bullying are also more likely to have used drugs or alcohol and are at higher risk of depression and/or suicide.

High-profile cases of young people tragically taking their own lives are becoming sadly increasingly common and demonstrate the profound impact that bullying can have on its victims. We are reminded of 15-year old Chloe, a bright young teenager from Hobart who had dreams and goals like each of us and who, after three years of severe physical, verbal, mental and cyberbullying, tragically took her own life in 2013. Sadly, like many victims of bullying, Chloe was too afraid to

tell anyone what she was going through. Bullying needs to be recognised as the scourge it is and dealt with in a way that is measured and proportionate. We must address this problem to change behaviour by raising awareness that bullying is so harmful.

This bill represents a criminal justice response, but the Tasmanian Government is committed to a range of measures to combat bullying, seeking a whole-of-government and a whole-of-community approach to try to prevent bullying in our young people and others before it starts. As has been mentioned, the Deputy Premier is to be commended on the role he has taken in his portfolio of Education and the recent creation of the Mental Health and Wellbeing portfolio, also under him, underscores this Hodgman Liberal Government's recognition of the importance of mental health and wellbeing for Tasmanians.

The cyber safety in schools program is notable, as is our commitment to returning school nurses and adding additional support and counselling staff to our schools. We want to build respectful environments in places where students are safe so they can learn.

To effectively prevent bullying, we need a holistic approach and all of us to work together as a community. There are many non-government organisations that are focusing on combating the issue of bullying and they are to be commended. The increased focus on the issue has also brought to light the widespread impact of bullying.

As I said earlier, bullying is about pursuing a course of conduct to cause mental harm to another person. Consequences of sustained bullying can be so severe that it causes the victim to engage in suicidal ideation. In short, bullying steals lives. It is just plain wrong. We must do all we can to stop it. I support the bill.

[3.20 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Madam Speaker, I thank members, largely, for treating this bill with the seriousness it deserves, and it might have attempted to politicise what I believe is one of the most important legislative reforms I have had the opportunity to pursue and bring into this House.

Every single law reform that I do, particularly in the criminal justice space, is important and a high priority, so it is very hard to prioritise some of these things. We have such a large legislative agenda, but can I say that this one, for me, is one that has been a top priority. It has not been easy getting to this point, because as we know criminal law is a very complex area of law. We need to undertake quite a bit of research from not only other jurisdictions, but other jurisdictions or states that have similar laws, or are under a code system like we are. We have in-depth consultation with the chiefs of our courts, and particularly on these matters, the Director of Public Prosecutions. I do not want to reveal those discussions, but I place on the record my deep appreciation for their valuable input to get us to this point because there can be varying views on how best we can enact these laws.

We all, in this House, support this bill. However well-intentioned we are, we need to ensure that the law is going to be appropriate, that it is going to function the way we want it to function, that there is not going to be any injustice, that we have safeguards in place - in this instance that we are not pursuing children unreasonably - and that we do have the restorative justice mechanisms in place. I will address all of these questions in the further part of my contribution.

All of these things are critical and they have been taken into consideration. How it fits and works with our civil system as well, and more importantly how it fits with the Youth Justice Act in some instances as well; these matters have been taken into consideration. There was direct and very extensive consultation on this draft bill from not only legal stakeholders, but community stakeholders and peak bodies, particularly the Youth Network of Tasmania, because of the large impact these sorts of laws have on children and young people - particularly as victims, but also as potential perpetrators as well. That is why we have needed to ensure that we have an appropriate education and prevention program in place as well, because that is the root cause.

Those of us who have experienced bullying at school or in adult life know that a bully often does not know they are a bully, and can profess to support all sorts of mechanisms that prevent bullying. I doubt we are truly going to stamp out bullying until there is a realisation from those who bully. Unfortunately, it starts in school, it starts in our education system. In fact, the member for Braddon, Mrs Rylah -

Ms O'Connor - It starts at home.

Ms ARCHER - Thank you Ms O'Connor, I agree. In some instances it starts at home; it can be learned behaviour. I am not an expert but I think it is largely learned behaviour, and some will derive from personality or even mental health conditions; we always need to be mindful of the cause of it as well.

The member for Braddon, Mrs Rylah, was giving us some examples of three- to six-year-olds, in particular. In that stage, they are impressionable, and it is a real worry when you see the trends in the behaviour starting at such a young age. If that is never addressed it can go on to worse behaviours.

With those few comments, before I get to questions from various members throughout the afternoon, I take the opportunity to thank the department for the enormous amount of work they do, but particularly in this area, because it has been ongoing for some time.

In light of the community debate in relation to bullying, now has been the right time to introduce these laws. We need to have a number of different approaches in relation to bullying, and as members have acknowledged, this is to deal with the worst of the worst types of cases - the awful cases where there has been serious physical and mental harm and self-harm, and worse. Mums and dads and family members who have been through the tragedy of losing someone in their family to bullying or cyberbullying will be pleased that there is something that will hold perpetrators to account: those serious perpetrators, those persistent perpetrators, who hide behind the veil of a keyboard in a lot of instances and attack - and they do so with the intention of causing that harm.

In relation to questions, Ms Haddad and Dr Woodruff touched on a number of questions that were the same or very similar, so I will not mention these twice, and will deal with them once. There was a concern that this may criminalise children, and whether that is a concern of the member in question, or you were referring to the Alannah & Madeline Foundation. I will address the question generally as put. The Government recognises that it is important that we do not unnecessarily bring people, especially young people, before the courts. I acknowledged that in the second reading speech. This bill does include, as members are aware, a safeguard in that a prosecution must not be commenced without the consent of the Director of Public Prosecutions. This will ensure that only the most serious examples of bullying and cyberbullying will be

prosecuted, and it will also ensure a consistent approach as well. They will only occur when it is in the public interest to do so.

In response to the guidelines, I certainly do not direct the DPP to do anything. He is an independent statutory office holder. What I do anticipate is that the prosecution guidelines in relation to the charging of the offence of stalking will be updated by the DPP to reflect the proposed crime of stalking and bullying. I can provide you with a practical example of the DPP developing guidelines. When our Government moved dangerous driving into the Criminal Code, the DPP drafted guidelines as to when matters should be dealt with under this new crime, and when they should be dealt with as reckless driving under the Traffic Act.

The guidelines reflect on the factual scenario that would fit the more serious charge, and the new guidelines would be drafted to be ready when the new laws commenced. The DPP anticipated the commencement of the laws and had the guidelines ready. I anticipate that it will be a similar situation with this as he is fully aware of this law and we have consulted with him on it. Rest assured that although I cannot give you a date and a time line, nor would I propose that I ever direct the DPP in such a manner, I expect that his interest is high on this and that those guidelines will certainly be issued.

Dr Woodruff - Just to facilitate and perhaps not having to go into Committee, would you expect that such guidelines will include a definition of bullying and cyberbullying?

Ms ARCHER - I can deal with that because I am going to deal with how we have approached this. That was a separate question, so I will definitely speak to that particular issue. It is also notable that at present, regarding youth offenders generally, the current guidelines issued by the DPP state on page 9 of his guidelines, under youthful offenders -

Special considerations apply to the prosecution of persons under the age of 18 years. Prosecution action against youthful offenders should be used sparingly and in making a decision whether to prosecute particular consideration should be given to available alternatives to prosecution, such as a caution or reprimand, as well as to the sentencing alternatives available to the relevant Youth Justice Court if the matter were to be prosecuted.

The DPP is on the record as stating that under such reform, other than in extreme cases, prosecuting anyone under the age of 18 would not be appropriate at first instance as per that guideline - that is the existing guideline - and that it would be more appropriate for the behaviour to be dealt with by the school or by way of a caution, which I note was referenced on page 4 in the TLRI Final Report 22 - Bullying. That is an important point to highlight because a number of stakeholders had a concern, particularly YNOT and the children's commissioner, about criminalising children. This law is reserved for the worst cases and cases in which a restorative justice approach will not assist or has already been tried. There is also the mechanism providing that children under the age of 10 cannot be prosecuted, and I refer to my earlier quote that children under 14 must know or ought to have known.

In relation to restorative justice issue, which Ms Haddad asked about and a number of members have stressed, I totally accept that it is desirable. I said that publicly, on the record, that is the most desirable outcome for any young person before the criminal justice system, a restorative approach, and this offence will not be a prescribed offence for the purposes of the Youth Justice Act. This means, subject to the views of the court, the options for restorative justice under the Youth Justice

Act will be available. I also note the Youth Justice Act allows for cautions and community conferences as a means of resolving a matter without going to court. For children, that restorative justice approach is entrenched in the Youth Justice Act that is available for this. That protection is there as well.

Dr Woodruff - Would it be the Alternative Dispute Resolution Act for people over the age of 18?

Ms ARCHER - I will speak to why we have not gone for that two-tier civil approach that is referenced in the TLRI report. I will probably reference that shortly but, as an overview, our focus has been education, prevention and to deal with these serious cases.

For adults, I can see where a formalised alternative dispute resolution process of putting two people in a room and telling them to play nice may be adding a layer that will not resolve something. Sometimes with adults you need to have something as a deterrent in our criminal justice system to communicate that this behaviour is unacceptable. I will get to that but that has not been our priority. It has been our priority to deal with this matter, first and foremost.

Ms Haddad also referred to the education responses and other measures addressing bullying, particularly restorative justice. I thank members, the Premier and others, but particularly the Deputy Premier for going through the programs we have within our education system. The Education Act 2016 introduced by our Government already takes a restorative justice approach to instances of unacceptable behaviour, including bullying prior to punitive disciplinary measures coming into effect. We have it in our school system, as well as in our court system by way of the Youth Justices Act.

We have taken action with the eSmart schools cybersafety program, which was referred to by the Deputy Premier and Minister for Education and Training. That is available in all government schools in partnership with the Alannah & Madeline Foundation, major stakeholders in consultation on this bill. To date, the figure we have quoted is 121 schools signed up to this program.

The Government has developed and funded the Bullying stops here! website aimed at creating positive school cultures. We have also released various strategies focused on health and safety, which will soon include the trauma-focused Mental Wellbeing Action Plan. We have hosted a forum, as referred to by the Premier and Deputy Premier, to be attended by key stakeholders who will be asked to share with Government their ideas as to how to understand and stop bullying. It takes a community to fix this problem. It is not only the government. We can all acknowledge that it is a community issue and community problem. We can take action like we are today but we also need community action.

Professional learning is also available together with a suite of online resources that will increase the effectiveness of Tasmanian Government schools to combat bullying, including cyberbullying. Cyberbullying and bullying are also a national law reform issue and Tasmania is contributing to COAG's reform agenda on this issue, and through the Council of Attorneys-General and the Education Council. This is being addressed by first ministers, premiers, the Prime Minister, Attorneys-General and our Education ministers. That is a fairly strong indication of the seriousness all states, territories and the federal government have placed on this issue.

Our reform will also complement work occurring at a Commonwealth level, such as the recently-passed Enhancing Online Safety (Non-consensual Sharing of Intimate Images) Act 2018.

Ms O'Byrne referenced the private member's bill brought in by former member, Ms Ogilvie. I will inform you as to why we could not support that, not least of all because it was inconsistent with the national approach.

Ms Haddad also noted the concern that the proposed crime of stalking and bullying will result in children or young people unnecessarily being brought into contact with the criminal justice system. To encapsulate what I have said, a criminal law response is one of the many approaches being taken to address the problem of bullying, and the offence of stalking and bullying would only be proceeded with for the most serious of cases. The threshold to enliven the proposed crime of stalking and bullying is not low. The authorisation of the Director of Public Prosecutions is required before a prosecution would commence. The authority of the DPP to charge a person with this offence provides an appropriate safeguard to protect a person's rights and also provides consistency of charging decisions by placing the decision to commence prosecution with a single authority. In determining whether to lay a charge, consideration would need to be given by Prosecution Services to the weight of the evidence and establishing the seriousness of the alleged conduct, and the DPP is best placed to determine evidentiary matters. I anticipate those guidelines to be done to reflect the proposed crime of stalking and bullying.

Moving on to bullying not being defined in the bill - that was an issue both Ms Haddad and Dr Woodruff raised. If we look at this holistically, it is not strictly correct to state that. I will explain what I mean by that. This bill amends the Criminal Code in a way that would allow for a prosecution to be undertaken. That is the first step. The proposed amendments in the bill take into account the different types of intent that may accompany bullying behaviour, the different acts that bullying may constitute, and the expansion of the range of harms that may be experienced by a victim of serious bullying behaviour.

Bullying can vary widely in form and severity, and the proposed amendments to section 192 of the Criminal Code make a wide range of behaviours criminal, including where bullying behaviour is done with the intention of causing another person physical or mental harm, including self-harm or extreme humiliation, or to be apprehensive or fearful. Furthermore, a person is deemed to have the above intention if they knew or ought to have known their conduct was likely to have caused the other person physical or mental harm, including self-harm or extreme humiliation or to be apprehensive or fearful.

Bullying is generally understood to involve intentional acts that are repeated, or at least sustained. The basis of this bill and the expansion of the existing stalking offence is to address the ongoing repeated or sustained nature of bullying actions, which is consistent with generally understood definitions of bullying. In addition to the contents of the bill, I anticipate that the DPP will update his publicly available guidelines which will outline the circumstances in which a prosecution will be undertaken. I expect those guidelines will provide organisations like YNOT who had this concern with some comfort. I also stress how important it is that if we had a prescriptive definition in the code itself it might be overly prescriptive and miss conduct that would or could otherwise be seen as bullying.

Ms O'Connor - The converse of that, by interjection, is true as well. Through not having a definition, you might capture people who do not fit within the broad definition you just provided in your second reading.

Ms ARCHER - There is that safeguard with the DPP. It is best not to be overly prescriptive, because you could then have a situation where the DPP, in the public interest, decides to pursue

whether or not someone had this intention with all of the behaviours that he or she at the time needs to take into consideration. Other jurisdictions have taken this approach for precisely that reason.

Ms O'Connor - So they not provided a definition of 'bullying' even though the crime has been created?

Ms ARCHER - As I just said, section 192 describes essentially what bullying is, what intention is required and quite clearly outlines what the consequences of the conduct must be. Although you do not have that one definition of 'bullying', that is why I said it is not strictly correct to say that we have not defined it, because the whole section describes the conduct that is required. The guidelines will also go into some detail as well.

Ms O'Connor - Sorry to trouble you, Attorney-General - and by interjection so we do not have to go into Committee - Dr Woodruff has just pointed out to me there is quite a clear and in fact lengthy definition of 'stalking' in the Criminal Code and yet we are creating a new offence of bullying without at least giving some real clarity in a definition about what the parliament intends.

Ms ARCHER - I will have to repeat what I said about section 192. When I read that section I am certainly in no doubt as to what conduct is required and what the impact of that conduct is required for the DPP to be able to pursue prosecution. My concern would be that if we are overly prescriptive we will narrowly keep out some conduct that should have otherwise been able to be taken into consideration by the DPP.

Ms O'Connor - It has a touch of the slippery slope about it.

Ms ARCHER - That is your view, Ms O'Connor, but from looking at all the jurisdictions I believe this is the best approach.

Ms O'Connor - Obviously we will support the bill. We will see how they deal with it upstairs.

Ms ARCHER - For the record, I hope that someone does not come up with a definition thinking they know better than legal experts who have advised thoroughly on this bill, as in previous instances, because for such a serious and well-intentioned law and thoroughly considered way of approaching this in line with what the courts and the DPP believe is the best approach, it would be very regretful if that was done in the other place.

Dr Woodruff - For clarification, then, is it effectively the case that stalking and bullying are synonymous in that an additional range of actions are not added in, so effectively it is saying both of those terms have the same underlying actions behind them?

Ms ARCHER - I am advised that the definition you are looking at in relation to stalking is the actual section itself, which is exactly what we have done with bullying. I am not going to repeat myself but I have just been through all of the amendments where the different types of intent may accompany bullying behaviour, the different acts that bullying may constitute and the range of harms that may be experienced by victims of serious bullying behaviour, and in doing so bullying behaviour in that context is effectively defined as far as we feel is necessary. In the stalking part of the provision stalking has been described as well, so it is a consistent approach to both crimes.

Ms Haddad asked why the bill does not include the following elements as recommended by the Tasmanian Law Reform Institute. Can I just ask, Madam Speaker, what time I commenced my summing up?

Madam SPEAKER - You have 11 minutes and 21 seconds to go.

Ms ARCHER - Okay, I will go as quickly as I can.

She asked why the bill does not include the following elements as recommended by the TLRI - using abusive or offensive words to or in the presence of the other person and performing abusive or offensive acts in the presence of the other person. A criminal justice response to bullying is only appropriate in very serious cases. Abusive or offensive words are not included in the bill as the bill is to deal with serious bullying conduct, not hurt feelings or where someone has said something hurtful, although I acknowledge that is not good either but we are dealing with serious offences, which you acknowledged anyway.

Ms Haddad - That is right. I thought it was worth having a comment on the record, thank you.

Ms ARCHER - Performing abusive or offensive acts in the presence of the other person is arguably captured by subsection 1(j). Paragraph (j) also provides for the capture of developing or unique serious bullying behaviours not explicitly stated in the list of prohibited actions.

There is also the question about the Justices Act 1959, the definition of stalking not amended for restraint orders. The TRLI also recommended that consideration be given to changes to the definition of stalking in the Justices Act to be consistent with the proposed amendments to section 192 and to develop a civil framework that institutes a mediated and restorative justice response to bullying.

The definition of stalking has not been altered by this bill to align with section 192 of the Criminal Code. The bill has been developed to deliver on the Government's election commitment to make serious cyberbullying a criminal offence. A person can already apply for a restraining order in circumstances where -

- the person to be restrained has injured you or any other person to be protected or damaged property, and unless the stranger is likely to cause the same or similar injury or damage again;
- the person to be restrained has threatened to injure you or any other person to be protected or has threatened to damage property and unless restrained is likely to carry out that threat;
- the person to be restrained has behaved in a provocative or offensive manner and that behaviour has likely led to a breach of the peace and that person, unless restrained, is likely to behave in the same or similar manner again; or
- the person to be restrained has stalked you or a third person, the stalking of whom has caused the person for whose benefit the application is made to feel apprehension of fear.

Further applicants for a restraint order can already have their application referred to mediation. Given these measures, the Government's priority has been this bill and the range of reforms of initiatives being pursued in educational environments. The current restraint order bill replicates for

the most part the existing Justices Act, it allows restraint orders to be taken out against any party, not only partners, as I think Dr Woodruff may have said.

Ms Haddad noted the concern raised by the Law Society; conduct directed towards the third person, new paragraphs (ea) and (eb), and the bill was amended after consultation. The bill addresses the Law Society's concern regarding conduct directed toward a third person. The offence of stalking currently provides for a range of actions that could constitute the course of conduct that amounts to stalking. These actions include conduct where a person may stalk another person, a third person. The bill proposes to include conduct in which a person may bully another person, a third person, by making threats to or directing abusive or offensive acts toward a third person, for example, the other person's family, friends or partner. This proposed amendment is consistent with a list of other actions that may make up a course of conduct for the charge of stalking and bullying. This enhances the scope of the proposed expansions to the offence of stalking to cover serious bullying behaviours.

It was mentioned that YNOT is concerned that young people were not adequately consulted. I can advise that the bill was made publicly available and key stakeholders who represent the interests of young people were consulted, including the Commissioner for Children and Young People. I have about a page-and-a-half list of stakeholders that were directly consulted. A submission was received directly from the Youth Network of Tasmania. YNOT is the peak body for young people aged between 12 to 25 years, and the Commissioner for Children and Young People also consults with young people. The consultation period was 10 December 2018 and concluded on 1 February 2019.

Dr Woodruff asked what protections are available when a vexatious bullying complaint is made. The requirement in the bill that the consent of the DPP be obtained to commence a prosecution for the proposed offence of stalking and bullying is considered an appropriate safeguard for the crime, to avoid indiscriminate charging the persons for the offence and that charges are not erroneously laid, which I said in my second reading speech. In determining whether a charge under the expanded crime and bullying is appropriate, consideration will need to be given as to the seriousness of the alleged offending. It is envisaged that this charge will only be used for extremely serious offending.

Quite often, the courts do have regard to the second reading speeches and the intent of the government in introducing this law. I have said very strongly that this is for serious cases and I am sure the DPP's guidelines will be issued to reflect that. Great care is taken by the DPP when deciding to prosecute with the interests of the victim, the suspected offender and the community at large all taken into account to ensure the right decision is made on whether to prosecute. A wrong decision to prosecute or, conversely, a wrong decision not to prosecute tends to undermine the confidence of the community in the criminal justice system and the DPP would be well aware of that. A significant consideration is also whether the prosecution is in the public interest, which I referred to earlier in my contribution. The DPP is best placed to determine evidentiary matters and, in determining whether to lay a charge, consideration would need to be given by prosecution services to the weight of the evidence establishing the seriousness of the alleged conduct, which is always as consideration in whether to pursue.

The TLRI recommendations were referred to specifically by the members and I will attempt to address all those recommendations. In relation to TLRI's recommendation 1, the current bill addresses the recommendation to broaden stalking in the criminal code to stalking and bullying. With respect to recommendation 2, the bill does not make a separate summary offence but includes

a change to make section 192 not electable. With respect to recommendation 3, the Government's bill does not create a tort of bullying. That is a civil proceeding and the TLRI recommendation is not to do so. Recommendation 4: the bill does not amend the definition of stalking in the Justices Act at this time as this relates to restraint orders and the Government considers that restraint orders can currently be used for what is bullying behaviour. Recommendation 5: I have already answered questions about the civil framework.

As to recommendations 6, 7 and 8, the primary duty of care under our work health and safety laws already provides an obligation on persons conducting a business or undertaking wherein they must ensure, so far as is reasonably practicable, the health and safety of workers and others within the workplace. Moreover, the duty of officers, workers and others within the workplace are well described in the Work Health and Safety Act, sections 27 to 29, insofar as taking reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons. I note that the 2018 review of the model WHS laws recommended improvement to the workplace incident notification provisions to include psychosocial hazards. If this recommendation is implemented, it will provide greater specification to workplace bullying incidents and associated notifications to the workplace health safety regulator. Ministers responsible for workplace health and safety will be considering the review of the model WHS laws later this year.

I can say more specifically for recommendation 6, Fair Work will deal with all Tasmanian employees except state servants. Employees can access Fair Work jurisdiction on bullying. State servants are subject to additional duties under the State Service Act, the code of conduct and all agencies have HR policies in relation to workplace behaviour in providing for internal complaints or grievances to be raised by employees. In addition, any worker including a state servant can complain to WorkSafe in relation to bullying if they have exhausted all internal efforts to stop the behaviour or have it dealt with. WorkSafe inspectors have the power to issue improvement or prohibition notices requiring action to be taken by PCBU's if they believe that obligations under the act have not been met. To assist businesses in meeting their obligations, WorkSafe has published the Tasmanian Workplace Bullying Prevention Strategy, a document called How to prevent and respond to workplace BULLYING, a psychosocial hazard, and also sample anti-bullying policies.

Recommendation 7: there is no need for a further duty. The primary duty is section 19 of the Workplace Health and Safety Act and that covers it. We have model WHS laws and should not be adding in additional sections without national consultation and waiting for the outcome of the 2018 review of national model laws. We do not have duties about not hitting people, et cetera. It is not about the action. It is about the overall provision of a safe and healthy working environment, without listing all the things employers should not do.

Recommendation 8: we agree antibullying policies should encourage bystanders to report. WorkSafe-published materials are to encourage all employers to be trained to recognise bullying, prevent its occurrence, minimise the impact if it is occurring, and how to deal with it.

I briefly made reference to the removal of cyberbullying material targeted at children from social media, referred to by Ms O'Byrne. There is no need for this bill to deal with the -

Madam SPEAKER - The minister's time has expired.

[4.00 p.m.]

Ms O'CONNOR - Madam Speaker, I move that the minister be now be heard, if I may, so we can capture the rest of it.

Motion agreed to.

Ms ARCHER - Thank you, Ms O'Connor. I can slow down and take a breath.

Ms O'Byrne referred to removing cyberbullying material. There was a private member's bill introduced by Ms Ogilvie, and it was determined there was not any need to deal with this, because under Commonwealth legislation there already exists a right to removal whereby the eSafety Commissioner has the ability to request social media services remove serious cyberbullying material targeting an Australian child. The Commonwealth's Enhancing Online Safety Act 2015 defines serious cyberbullying as material any ordinary reasonable person would conclude was intended to have an effect on a particular Australian child. It would be likely to have the effect of seriously threatening, intimidating, harassing or humiliating the child. I presume the 'Australian child' was put in there as they only have jurisdiction to deal with Australia, because we are dealing with online safety.

Part 3 of the Online Safety Act sets out a two-tiered complaints scheme for the rapid removal of cyberbullying material targeted at an Australian child on large social media sites. A complaint may be made to the eSafety Commissioner when a person has reason to believe that cyberbullying material targeted at an Australian child has been, or is being, provided on a social media service or relevant electronic service. A relevant electronic service is then defined under the act.

The person must demonstrate that they have in the first instance made a complaint to the social media service under its existing complaint system, and that the service has failed to remove the content within 48 hours. Aside from that, there is generally no need to go into that space as the private member's bill did, because it did state that the bill's purpose was to address the issues pertaining to persons who send or deliver electronic communications, letters or other articles for the purpose of causing distress or anxiety.

The bill also proposed new offences for malicious communication; disclosing private sexual photographs and films with intent to cause distress; harassment; electronic stalking; and obtaining private sexual material for use. Included in the bill was the ability to apply to the Magistrates Court for a takedown order or an injunction, so again I would just repeat what I said earlier.

The bill was unfortunately poorly structured, and did not adequately communicate in clear and simple language the purpose for which it was drafted. There were a number of inconsistencies, and it would not have sat well with our other laws, or indeed national law. That is why we could not support that bill. I just wanted to directly respond to that issue raised by Ms O'Byrne. I make the observation that it was rather ironic to use that example, given that Ms Ogilvie had claimed that her own party had bullied her. I want to stay away from the politics on this. It was most unfortunate that Ms O'Byrne felt the need to do that.

Mr O'BYRNE - Point of order, Madam Speaker, I draw your attention to the state of the House.

Ms ARCHER - Which is the new strategy they adopt so they can come back in and attack and politicise something.

Mr O'Byrne - It's up to the Government to keep the numbers in the House. If you cannot be bothered to turn up for your own agenda, do not blame us.

Mrs Petrusma - We were watching.

Mr O'Byrne - We were watching, were we? Not enough of you were watching. It is your job.

Madam SPEAKER - Mr O'Byrne, we are one person short.

Mr O'Byrne - You could throw me out.

Madam SPEAKER - That would make us two persons short.

Mr O'Byrne - Yes, exactly right.

Quorum formed.

Ms ARCHER - Madam Speaker, I am almost done. I believe I have addressed all the questions. I am looking over to Dr Woodruff to make sure. I have addressed Ms Haddad's -

Dr Woodruff - The only other thing I was going to ask in Committee, was just the clarity around sustained and continuous bullying, in terms of the risk to people with mental health illnesses. Clearly some people with mental health illnesses suffer psychotic episodic events.

Ms ARCHER - Do you mean from an alleged perpetrator?

Dr Woodruff - Correct.

Ms ARCHER - I acknowledge that, and that is something the DPP will certainly look at. As I stressed, the prosecution proceeds on the basis that it is in the public interest to do so. Also, the DPP has an obligation to take into consideration the impact on the victim, the circumstances of the perpetrator and the crime itself, and the community and public interest.

I do not want to anticipate what the DPP might say about the mental health aspect of a prosecution, just to say that holistically the public interest test would be something that takes that type of thing into consideration. The reason this has not been tackled before, as we are today, is because bullying is very difficult to define. It is complex, and there are many reasons why there could be bullying behaviour, but that should not mean that we do not prosecute, because who knows why someone might commit a murder or other heinous crimes. In itself, it is not reason enough not to not make something a crime - but in the decision about whether or not to prosecute, it may well be a consideration. Does that go far enough?

Dr Woodruff - Thanks. We would hope that the DPP would explicitly address those issues.

Ms ARCHER - I am sure he would be mindful of that in cases like bullying and stalking, by the very nature of the types of crimes they are, for which we are making them crimes of the worst cases; that would be something that is relevant. I am not saying they are a unique crime, but they are a different sort of crime to some others.

That being the case, and all answers hopefully addressed, I thank members for their support of this bill, and for its intent. and the very strong and clear message it sends that bullying is not only not okay but is now unlawful and the worst cases are a crime.

Bill read the second time.

Bill read the third time.

VEHICLE AND TRAFFIC AMENDMENT BILL 2019 (No. 19)

Second Reading

[4.11 p.m.]

Mr FERGUSON (Bass - Minister for Infrastructure and Transport - 2R) - Madam Speaker, I move -

That the bill be now read the second time.

I present to the House today the Vehicle and Traffic Amendment Bill 2019. The bill clarifies the words used to appoint a person to be the Registrar of Motor Vehicles. The authority to appoint the registrar is under the Vehicle and Traffic Act 1999. However, the way the provision is currently constructed requires always that an appointment be made under the State Service Act 2000 to a position or office titled the Registrar of Motor Vehicles. In essence, it is an appointment under both acts, which is inefficient and administratively restrictive.

This has created a situation where an office or position must always be established under the State Service Act titled Registrar of Motor Vehicles, with a person then being appointed to this office. This title does not fully reflect the broader State Service context in which it operates, which is an anomaly.

Quorum formed.

Mr FERGUSON - While it is intended to retain the current requirement that a person be employed or hold office under the State Service Act 2000, the change will mean that it is the minister responsible for the Vehicle and Traffic Act who makes the appointment to an eligible person, irrespective of the title of the office or position. That person will hold the statutory office of Registrar of Motor Vehicles as an adjunct to their other State Service position or office. This would make such an appointment consistent with other statutory office holders in the department, and provides a clearer and more streamlined appointment process.

The statutory office powers of the Registrar of Motor Vehicles are in no way diminished or impacted by the proposed amendments. Further, the proposed amendments will provide a more efficient and clearer method of making appointments when business arrangements change. The current provision for filling a temporary vacancy, whether planned or unplanned, will be repealed to enable a simpler process to be used and relied upon, under the Acts Interpretation Act.

As a final amendment, the bill seeks to preserve any current appointment to that office.

I commend this bill to the House.

[4.15 p.m.]

Mr O'BYRNE (Franklin) - Madam Deputy Speaker, this is the legacy piece, isn't it, for the minister in terms of his portfolio? There are many things we need to say regarding vehicle and

traffic management across the state, particularly given the context of the Dorothy Dixier this morning on the decisive action this Government is taking in terms of traffic congestion. You have been in government now pushing towards six years and the sum total effectively is a number of reports and eventually we might extend the hours in a month or so and put an extra couple of tow trucks on the road.

You tried to implement a bus system over the summer period that collapsed into chaos, leaving students not being able to get to school by 9 a.m. That was off the back of an election where one of your signature pieces was when the then infrastructure minister, who knew very well he was not going to be in the seat after the election because he thought he had stitched up a deal to be in the Speaker's chair, did a big glossy magazine and brochure and front page of the *Mercury* of the 'soon to be commenced' underground bus mall. Now we find, 18 months later, that effectively you have awarded a \$100 000 consultancy to a Queensland company to look at options on where a bus interchange in Hobart might be. It could be underground. It could be above ground. It could be in the existing bus mall in Elizabeth Street. It could be near Franklin Square. We do not know. There is talk about ferries up and down the Derwent but we have seen nothing.

Every 12 months, like a birthday anniversary gathering, there is a gaggle of state and federal Liberal politicians who stand at the airport roundabout to claim they are commencing work on this traffic snarl and it is imminent. You started in 2014. The Premier said that construction would start by the end of 2018, then it was 2019 and now we are heading towards 2020. I know the design and construct contract is out. It is not an easy job. There is much work to be done. That is just scratching the surface.

The biggest victory you think you have achieved is taking over the Macquarie and Davey streets couplet in Hobart but you are chronically underinvesting in public transport, with no vision and no direction, and the best you can do is to say we will have a fifth lane on the Southern Outlet which will be a tidal lane for public transport and it is unclear whether it will be for commuter traffic as well in terms of more than one person in a car, but with little or no significant understanding or commitment to a park-and-ride in the Kingborough district.

This is a technical aspect. We support it. It makes a lot of sense. We are not going to argue against it in terms of the application of it, but this Government is all at sea in terms of dealing with infrastructure. There is announcement after announcement. I saw you in Launceston announcing the Mowbray interconnector in your hard hat, which was remarkable given that it is not a construction site. It is still a road. Not one section of that intersection work had commenced. I do not know why you needed a hard hat to announce, standing next to a road, that you are going to upgrade it.

The announcement of the tow trucks was something that was raised back in 2016 with the then minister, Mr Hidding. It is shameful. Traffic congestion in Hobart has been an issue growing for many years and all you can do is come up with announcements for studies and claim that taking over the couplets and changing some timing of traffic lights and operation is a massive step forward. Well, it is not. If you were in your first year of government people would give you some credit. You are not. When you had a piece of legislation in here last week, I said welcome to the portfolio. We offer the spirit of bipartisanship but the people of Tasmania desperately need action from this Government dealing with a coherent plan, not just one-off announcements to plug a hole or to keep it quiet for the next 24-hour media cycle.

We support the bill but on behalf of Tasmanians - and the cartoonists in the newspaper do it very well, Kudelka and Downey, in terms of stacking ambulance on top of ambulance in terms of how to resolve the traffic issue in Hobart - please just do something. Just do something and get on with it.

[4.21 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Deputy Speaker, I struggled but I found it hard to disagree with very much of what Mr O'Byrne said in his contribution then. We do have a vision problem in relation to mobility and the future transport systems of Tasmania, particularly relieving congestion in the south. We have five years, manifestly, of neglecting the need to make some catalytic changes to the way people in Tasmania get around.

There is no real evidence that the government fleet, for example, is being electrified therefore seeding the car stock with new electric vehicles. There is no statement of vision that relates to increasing the uptake of public transport. We are still well behind the eight ball in terms of cycleways in and around Hobart and our other centres, and it is a most fantastic way to get around. We need to have more safe cycleways in Tasmania and encourage people to get on their bike or to invest in an electric bike or a scooter. They will get to work quicker and have a lower emissions footprint. We need to be driving what the RACT in its mobility vision described, and that is significant mode change where we are recognising the restrictions of our geography. We are an amazing city, the most beautiful city in the whole wide universe, but we are a city that is hemmed by kunanyi and the river and that is part of the reason that congestion is as intense and unproductive as it is. Even driving into work a couple of mornings ago, coming into Barrack and crossing over Collins Street to get up to Macquarie to head into town, it was very clear to me that the lights were not synced, because you had backlogs of cars down Collins Street and up the back of Barrack. There were lights green up the top and red down there. I may be mistaken but it did not seem to me that there was coordination that ensured the smooth flow of traffic in the morning.

We have this amazing opportunity as an island that is innovative and creative and connected, renewably powered in a very large part, to drive that mode shift that the RACT is talking about and help Tasmanians to get past that deep attachment that we all have to our vehicles because our vehicles give us a measure of freedom to get from A to B or to get away from A and B. We would like to see this minister in his new role, pardon the pun, drive that mode shift and make sure there is substantial investment going into pedestrian and public transport and cycleways and that we are making a really concerted effort together to reduce the reliance of people on their motor cars. Building another lane on the Outlet is not the solution and the minister knows that. It is a bit like telling a person who has a weight problem that we will just give them a bigger belt. If you build another lane, more cars come. It is not a long-term solution.

We will be supporting this act, which hardly sets the parliament on fire today. I was curious to know what drove this amendment. Has the Registrar of Motor Vehicles routinely been a state servant? I point out that there is an increasing tendency for statutory roles to be filled by state servants. It is not always an ideal scenario and I can think of one senior very capable state servant in the Department of Justice who is the commissioner for numerous things. I know he is a safe pair of hands but I wonder if he gets a loading or something for that extra work and responsibility.

There was some talk this morning after a question the Greens asked about the role of the Residential Tenancy Commissioner, who is a person I would posit very few Tasmanians know exists. I had a look at decisions that had been made by the Residential Tenancy Commissioner in relation to unreasonable rents and found, for example, only this year that the commissioner found

that a 70 per cent increase in a low-income tenant's rent was reasonable. It certainly was not reasonable to that tenant. This makes the case for a stronger regulatory system to be in place so that we can protect low-income tenants from unreasonable rent increases.

I remind the House that some of us here will have had a period in our lives when we have been dependent in one form or another on a Commonwealth benefit. It is a really hard way to live. If you are a person on Newstart you cannot afford a rental so invariably you are living at home or in a share house. But if you are on a disability support payment and your rent has, for a period of time, been \$220 a week and the landlord says to you, 'We're going to jack up the rent again another \$20 a week', Commonwealth rental assistance has a cap on it. We are in an absolute frontier land here for people who are dependent on the Commonwealth for support in order to live where the rental market has seen some quite wild increases in rents. The Commonwealth system caps rent assistance, so every rent increase on top of that cap is coming out of the pockets of some of our most disadvantaged people. If a person is on a disability support payment there will be vulnerabilities in their lives. If we are going to have a statutory officer that is the Residential Tenancy Commissioner, the work of that commissioner needs to be seen through the lens of looking after the interests of tenants and we have not yet seen any evidence that the commissioner in this instance has been given the direction, if you like, to prioritise the wellbeing of tenants.

I encourage the House when we have the debate about housing rentals to remember those of our constituents who live on a Commonwealth payment and are having to make decisions about paying their rent, or feeding their children, or going to the op shop to get some clothing for their kids, because we are pushing people to the point where even going to the op shop becomes unaffordable because your rent is taking up so much more than 30 per cent of your income. Madam Deputy Speaker, I know you know this as a former minister for Housing - once you are getting past 30 per cent of your income going on rent, the wolves are at the door and they are barking loudly, snarling and gnashing and you spend your time worrying whether they will get in because they are always there.

I wanted to follow up the question we asked about statutory officers today. I support this legislation and sincerely wish you all strength and heart in overcoming the past five years of really very woeful inaction on these big questions about the future of transport and the movement of people in Tasmania. The most obvious example of that, which people in the south have been living with for five or six years now, is chronic congestion in and around Hobart, which is having a significant impact on people's lives, their productivity and on businesses in and around the CBD. I encourage the minister to seize the opportunity of having another three years in this important role in helping to develop a vision for vehicles, traffic, and the movement of people into the future.

[4.31 p.m.]

Mr FERGUSON (Bass - Minister for Infrastructure and Transport) - Madam Deputy Speaker, I will make a few summary comments in reply. The member for Clark asked me about that intersection that is referred to in the bill, and statutory officer and member of the State Service.

The Vehicle and Traffic Act 1999 creates a statutory office of registrar and it empowers the secretary of the department responsible for administering the act to appoint a suitable person to the office in the event of a vacancy. The act also provides that the registrar appointed is to hold office under the State Service Act 2000, which I referred to in my second reading speech. The authority to make the appointment of registrar is under the Vehicle and Traffic Act, but the machinery for the appointment is under the State Service Act, as this provides the ability to employ a person into the role. The appointment is, therefore, an appointment under both acts.

The bill seeks to address three issues. The first is the appointment of the registrar by the minister rather than the secretary. It is considered that the minister administering the act, namely the Minister for Infrastructure and Transport should be responsible for the appointment of the registrar and not the secretary of the department. The bill enables the minister administering the act to appoint the registrar.

The second issue is the appointment of the registrar to a person with an office or position in the State Service consistent with other statutory appointments in the department. It is considered that the appointment of registrar must be made to a person with an office or position within the State Service, and this bill will regularise the appointment and also allow for the office of registrar to continue to be held in conjunction with an office or position in the State Service. This will enable, for example, the holder of a senior executive service office created under the State Service Act called 'Director of Registration and Licensing' to then be appointed by the minister to the statutory office of registrar, and for both offices to be held simultaneously. The legislative amendments will deliver a more efficient and effective method of making appointments where business arrangements can change, such as the office title or the substantive holder is on unplanned or planned leave. The third issue is the preservation of any current appointment which I dealt with in the second reading speech.

In the process for filling a temporary vacancy, the effect of repealing section 5(2) of the act is that the process for making an appointment in the event of a temporary vacancy in the Office of Registrar of Motor Vehicles is determined by the Acts Interpretation Act 1931.

I now turn my thoughts to responding to some comments that are unrelated to the bill, which is responding to Mr O'Byrne's attempt to make a contribution.

Mr O'Byrne - It was a contribution, whether you agreed or not.

Mr FERGUSON - An attempt to make a good one. Sarcasm does not carry on *Hansard*, so when you declare a bill as a substantial piece of policy reform -

Ms O'Byrne - For your Government, I think it is.

Mr FERGUSON - Your comments sit there as testimony. I do not hold this out as any form of major reform. It is housekeeping to ensure the legislation is sensible. Given that it has provided opportunity for the member who is the shadow minister for infrastructure to make some gratuitous, negative comments about the Government's approach to dealing with congestion I would like to respond.

The Government has a plan. This is a point I make very clearly. Labor has not had a plan for dealing with congestion in Hobart. I am not aware of any current plan or policy from the Labor Party, other than to criticise whenever the Government achieves a milestone. For example, was it Labor's policy to take over the Macquarie-Davey couplet? We will never know. Is it or was it ever the Labor Party's policy to deal with the clearways and to enforce them? Before we owned them, we were not able to demand that they be enforced. We can now, because the state government is now responsible for those roads as state roads.

Mocking good people who have designed these measures, knowing on evidence that they will support better traffic flow through Hobart, which we know has significant congestion issues at times, is really quite unfair. It is unfair to the good people -

Mr O'BYRNE - Point of order, you are reflecting on my contribution. I am not having a go at departmental staff. I am having a go at the Government's lack of leadership.

Mr FERGUSON - Not your best point of order, Mr O'Byrne. It pours scorn on good people who are designing measures that will help. Incremental steps are being made and achieved and, if they are going to help traffic congestion through Hobart, members opposite should welcome them. You should say this is good. While you are at it, you can make other demands of other things that would be helpful as well.

Ms O'Connor - I did that.

Mr FERGUSON - And the member for Clark, Ms O'Connor, you may well do that but I am reflecting on Mr O'Byrne's comments. We are taking a stronger line on those clearways and taking greater measures so there are quick response tow trucks ready to go.

Mr O'BYRNE - Point of order. I bring your attention to the state of the House. There are only two Government members in the room.

Quorum formed.

Mr FERGUSON - I am making some points about the importance of incremental changes. We move through different stages of our policy, which is a comprehensive policy, and includes infrastructure for the Southern Outlet. That is a big piece of work, working toward park and ride which you would hope and expect is being planned in consultation with stakeholders and local government, our ferry project which is well documented and we are progressing, and of course the bus interchange for Hobart which the Labor Party continually derides but which is now going through its assessment and design in terms of making recommendations to Government about how to best progress that.

When the shadow minister makes a plea to Government to please just do something, we are and we will never stop working for Tasmanians. They elected us. They chose us to implement the policies that we took to the Tasmanian people. They rejected Labor's policies; they supported the Liberal team's policies -

Mr O'Byrne - You promised something you are not delivering on.

Madam DEPUTY SPEAKER - Order.

Mr FERGUSON - If the member had been keeping up he would know that the Hobart bus interchange project has been let to a consultant to give advice to Government, robust evidence-based guidance for Government, which is something the member should be demanding that Government actually do. When the Government is making positive steps -

Ms Butler - It was a beautiful picture of the mall.

Madam DEPUTY SPEAKER - Order, Ms Butler, let the minister speak.

Mr FERGUSON - I have no idea what your contribution to public policy consists of at the moment, Ms Butler, but I am going to continue making very good points. When we make progress

that is helping Tasmanians get to work, get to school and get to their recreational pursuits, we will continue to implement those.

It is also worth mentioning that the reason we are experiencing congestion in Hobart is because people are returning home to Tasmania. They had to flee the state under the previous Labor-Greens government and under the member opposite, who was then minister for economic development, they lost 10 000 jobs. People had to flee the state and sell their homes to look for work in other states.

Members interjecting.

Madam DEPUTY SPEAKER - Order. I ask that the minister be heard in silence.

Mr FERGUSON - It has to be 4000 families if it was 10 000 jobs; it could be 8000 or close to 10 000 families with breadwinners. We are seeing Tasmanians returning home and more people becoming Tasmanians and that is a good thing. We have grown jobs by nearly 13 000 in our time in office and are seeing significantly more economic activity. That is evidenced by the extra traffic on our roads and that is putting pressures on our road network. This is a good problem to have. It is far better to see more people working in Tasmania with jobs, earning for their families and making Tasmania a more vibrant place to live. This is a challenge for us to work with to ensure that we improve the quality of life for all the people who call Tasmania home, those people who have been able to find work and move to Tasmania to take up these opportunities.

I will also make the point as well that when we take the steps that are more in the short term, members opposite have attempted to make it look like just a short-term measure. Had we not made these steps and achieved these outcomes, they would say, 'Why can't you do these easy things? Why can't you at least get these immediate actions underway?' We have the immediate action. Tasmanians voted for our policy in 2018 and we are implementing it now and that is good. There are more coming.

Mr O'Byrne - A tow truck-led recovery - sensational.

Mr FERGUSON - The sarcasm from members opposite only shows one thing.

Ms Butler - I'm not being sarcastic. I'm having a crack at you.

Mr FERGUSON - You have no plan. We will continue to implement our solutions because we are committed to delivering for Tasmanians to give them the policy implemented that they chose and voted for. We are very proud to be doing that and our budget backs it, unlike members opposite who are unable, or perhaps not allowed, to publish costed policies and to put out an alternative budget which would actually show what they would do.

Ms O'Connor - You would have to have policies first.

Mr FERGUSON - As to the member who interjects, to her credit, I think I am right in saying every year that the Liberal Government has been in office, the Greens have published an alternative budget. Now we do not agree with it -

Ms O'Connor - That's 100 per cent true. Every year you were in opposition you did not produce an alternative budget.

Mr FERGUSON - All I can say is that every year I have been a member of this House in opposition the Liberals produced an alternative budget. This is why some people say that the Greens are the real opposition around here because they are doing the work you would expect the Opposition to do. They have five times more members than the Greens, there are 10 of them with the resources that go with that, but they are not able to do the work that is expected of the official Opposition.

Ms O'Connor - They think they can go on a four-year holiday.

Mr FERGUSON - I think that is fair. Ms O'Connor has called out Ms White and Mr O'Byrne over there that in order to have an alternative budget you would need to have some policies, so maybe there is a first step there. I commend Ms O'Connor's words to the Labor Party. We are all getting on famously. I will leave the debate there. I thank everybody for their contributions. I am sincere in saying thank you for the support for the legislation and the political points made in response.

Bill read the second time.

Bill read the third time.

LAND ACQUISITION AMENDMENT BILL 2018 (No. 59)

Second Reading

Resumed from 29 November 2018 (page 98)

[4.48 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Deputy Speaker, I indicate that the Greens will not be opposing the Land Acquisition Amendment Bill 2018, but I want to make a few comments about the amendments as part of my contribution. Obviously, one of the more significant shifts in the amendment bill has been to make sure that the principal act covers not only subject land but any part of the subject land that is compulsorily acquired by government or indeed examined for compulsory acquisition and if a case is put for compensation it could be in relation to part of the land that is being compulsorily acquired.

It has been an absolute revelation, as someone who loves the English language and good grammar, to see some of the amendments we are dealing with today. It is amazing that legislation as solid as the Land Acquisition Act, which has been in place in Tasmania for some decades, has clauses in it with nonsense words like 'claimfor' rather than 'claim for' and 'mustobtain' rather than 'must obtain'. I am stunned that those typographical errors were allowed to sit on the books for so long. How did the original bill make it through the process of checking to see whether there had been any errors in transcribing the text in the legislation or in the interpretation of the text as it was amended after it went through both Houses? The Land Acquisition Act is reasonably solid legislation but the fact that we could be here talking about some of these typos is interesting.

This bill clarifies the powers of entry and examination for people authorised to go onto a person's private land to ascertain whether that is land government would seek to compulsorily acquire. Perhaps the minister could provide some clarification as to whether the powers of entry and examination under this amendment bill also apply, for example, to private contractors such as

UPC, who have written to landowners in the north-west along the proposed transmission lines, flagging the prospect of acquisition of private land under the Land Acquisition Act?

Can the minister confirm that the powers of entry and examination that are clarified today also apply to private operators, for example? Can an employee of UPC, as an example, be an authorised officer for the purposes of the Land Acquisition Act? Can an employee of the Mount Wellington Cableway Company be an authorised person for the purposes of this act in order to make assessments about the pinnacle land that, under this Government, will go to the Mount Wellington Cableway Company if the Hobart City Council approves the Mt Wellington cableway? It is absolutely necessary for the House to be reminded that, in an act of legislative bastardry, the Mt Wellington cable car -

Mr Jaensch - Is that parliamentary?

Ms O'CONNOR - I think it is parliamentary. I thought about it for about a third of a second before I said it and I thought it might be parliamentary.

Mr Jaensch - Bastardry?

Ms O'CONNOR - Yes. Why do you not compound the unparliamentary-ness of it, Mr Jaensch?

Mr Gutwein - Are we considering bastardry?

Ms O'CONNOR - You are jumping on the bastardry bandwagon, are you? I do not think it is unparliamentary. It is a quite often used term for a dastardly act. What was that, Mr Jaensch?

Mr Jaensch - No, that is dastardly. You're mixing up your b's and your d's.

Ms O'CONNOR - Dastardly?

Mr Gutwein - Yes, not bastardry.

Ms O'CONNOR - Not, but it was legislative bastardry and it was a dastardly act. Thank you, minister, for helping to clarify my thoughts.

For the purposes of the Land Acquisition Act, the Mt Wellington cableway facilitation bill of 2017, supported as it was by the Labor Party, described the footprint of the proposed development site on the pinnacle as public infrastructure for the purposes of the Land Acquisition Act. There is nothing public about a private company building a private cable car up to the top of a public protected area, as the Wellington Park is. There is no justification. There continues to be no justification for using the Land Acquisition Act to give the pinnacle to the Mount Wellington Cableway Company, should their project be approved by the Hobart City Council.

There is nothing public about a cable car built by a private company. The public benefit of the cable car cannot be argued. We do not know if there will be a public benefit. The proponents tell us there will but there will be a public negative for those many thousands of people who love the mountain exactly the way it is. They love kunanyi and, as we saw from the almost 7000 people who gathered in the foothills of kunanyi on 6 May last year, people feel passionately about the mountain and they regard it as their shared common wealth, which it is. It is the common wealth

of all Tasmanians. It is a place of extraordinary cultural significance to the first people and, despite the pleas of the Aboriginal community to the proponent, to Mr Groom when he was minister, to Mr Gutwein, to the Premier, not to desecrate the mountain, we still had legislation go through this place in November 2017 that used and abused the Land Acquisition Act in order to facilitate a private development and allow for the compulsory acquisition of public land at the pinnacle of kunanyi Mt Wellington.

Dr BROAD - Point of order, Madam Deputy Speaker, I draw your attention to the state of the House.

Ms O'CONNOR - Let the *Hansard* record show that Dr Broad is on his own in here.

Mr Jaensch - And half of the Greens are here.

Quorum formed.

Ms O'CONNOR - Before Dr Broad called the quorum to which no Labor member appeared, I was speaking on the Land Acquisition Amendment Bill of 2018. I was asking the minister if section 18 of this act, which amends clause 54 of the principal act, defines the powers of entry of an authorised person onto land that may be subject of a land acquisition order. My question to the minister is: does this authority and clarification of the power of entry and examination also apply to employees of private companies like UPC Renewables or the Mount Wellington Cableway Company? It is an important question. Through these changes, knowing that private operators can use the Land Acquisition Act in order to compulsorily acquire land, as UPC has indicated to locals on the north-west coast it can, and as we know as a result of the Mount Wellington Cableway Facilitation Bill, there will be employees of MWCC who may be captured within this provision. I want some answers to those questions.

Also, minister, there has been a change to the amount of time that is allowed under the act to seek compensation for land that has been compulsorily acquired. I note it has gone from two months to six months. In broad terms that is something we would be supporting. It allows extra time for affected landowners to seek redress through government but perhaps the minister could talk to that briefly.

I note these amendments make it very clear that if you have land the government is going to compulsorily acquire for any particular purpose - and I gather now it is not just government - you cannot as part of your compensation pitch point to a Hydro pole or some TasNetworks infrastructure and add that to your assessment of the value of the land that was acquired. That is a reasonable provision as well but perhaps the minister could answer those particular questions relating to MWCC and UPC and what powers they or their employees may have under the act to enter private property.

Are you the stocking-filler today, Mr Tucker? Where is your script? Did they not give it to you?

[5.02 p.m.]

Mr TUCKER (Lyons) - Madam Deputy Speaker, the Land Acquisition Act 1993 sets out the process for acquisition of land in Tasmania. The act is an important component in the provision of infrastructure to improve the way of life for Tasmanians. It has primarily been used by the Tasmanian Government to acquire land required for the upgrading of state highways. However,

the act is also used by both Crown and non-crown acquiring authorities for the provision of a wide range of infrastructure projects such as irrigation dams, power line easements, health and education facilities.

The act has been in operation for 25 years. During this period a comprehensive review of the act has not taken place. In 2016 the Valuer-General initiated a review of the act to update administrative processes and provide a more streamlined operation of the act. Extensive consultation occurred as part of the review. These included consultation with the Office of the Valuer-General's staff responsible for implementing the legislation who were able to identify sections of the act of concern for staff and clients; seeking submissions from primary users of the act, including relevant government departments, crown and non-crown acquiring authorities, the Local Government Association of Tasmania, the Australian Property Institute of Tasmania, the Tasmanian Law Society and the Real Estate Institute of Tasmania in early 2016.

In a further period of community consultation in mid-2018, the review identified amendments required to enhance the effectiveness of the legislation whilst ensuring that the regulatory framework contained in the act was appropriate for contemporary administration. The basis for the assessment of compensation was included in the review to ensure alignment with other jurisdictions. Minor amendments relating to grammatical and spelling errors in the correction of superseded legislation references were also identified.

The bill amends the act by amending eight principle sections and includes consequential amendments to address drafting errors, legal doubts and administration efficiencies. These include widening the assessment of compensation for disturbances arising from the scheme of works in line with other Australian jurisdictions; allowing compensation to be granted for disturbances to the operation of a property arising from the impact of work performed as a consequence of the acquisition of land; and extending the time for a property owner to lodge a claim for compensation from 60 days to six months. Experience has found that it is not logistically possible for most landowners to gather the information required and prepare a claim within 60 days. This amendment provides a fairer timeframe for claimants and will help cut red tape associated with time extensions required under existing arrangements.

The bill also ensures that acquiring authorities act in the best interests of property owners and remediate any damage caused to the land as a result of acquiring authorities entering the land to investigate its suitability for a proposed scheme of works. Damage may result from works often conducted to determine the suitability of land for acquisition, such as the sinking of pits, soil examination and collection of samples.

Alongside many changes that will benefit property owners, the bill also streamlines processes and cuts red tape. Cutting red tape was a fundamental election commitment of the Hodgman Liberal Government's first term of government and we reaffirm that commitment in our second term. Our Government has a clear approach to regulation and we will reduce red tape for individuals, businesses and the wider community.

Regulation can have merit, but poor regulation is hardest felt by small businesses which are disproportionately impacted, hindering their growth and preventing them getting on with their business and employing Tasmanians. That is why we have recently extended the role of the Red Tape Reduction Coordinator to become Tasmania's first small business advocate. The small business advocate will work to create a more level playing field, be a central point of contact for

small businesses and an adviser for the sector, and will continue to reduce red tape and work within the Office of the Coordinator-General.

I would now like to talk about a few red tape issues that have affected me within my own farming business and also on local government when I was on the Break O'Day Council. The first one is about dam construction. The dam works approval process has in the past been complex, costly and time-consuming, potentially creating a barrier for farmers for dam construction. Specifically to the process, progress has now been made. The concern raised by farmers largely stem from very complex legislation and underlying administration processes which together make up the dam works approval process.

In 2015 legislation was developed to simplify the dam approvals process to enable more streamlined administration processes to be implemented. On 1 January 2016 legislative changes to the Water Management Act 1999 and related legislation took effect with the commencement of the Water Management Amendment (Dam Works) Act 2015 and the Water Management Amendment (Consequential and Transitional Provisions) Act 2015. The changes introduced a simplified dam works approval process under Part 8 of the act and replaced the assessment committee of the dam construction with the Minister for Primary Industries and Water as the decision-maker in relation to assuming dam permits.

Another red tape burden that was involved with the farming industry was the biosecurity legislation. The biosecurity regulations are split across multiple acts and subordinate legislation, creating an overly complex framework. Contemporary approaches to biosecurity management such as co-regulation and accreditation are currently not maximised, and the laws do not always achieve desired outcomes efficiently or effectively. This makes compliance with various legal requirements complex for stakeholders.

Some of the acts involved with this were the Plant Quarantine Act 1997, the Animal Health Act 1995, Seeds Act 1985, Weed Management Act 1999, the Vermin Control Act 2000, the Animal (Brands and Movement) Act 1984, and the Animal Farming (Registration) Act 1994.

Given increased travel, trade and biosecurity threats, Government is modernising the current legislation in order to maintain our agricultural, tourism and environmental advantages. The design of existing biosecurity legislation is prescriptive and out of step with modern approaches that enable sharing of responsibilities, a reduction in costs and time frames for biosecurity services to government and stakeholders. The seven acts reviewed were largely developed through the Tasmanian Biosecurity Strategy, which identifies the principles and concepts for a contemporary approach to biosecurity.

Biosecurity Tasmania concluded a major review of the state's suite of biosecurity legislation. The future direction for a new contemporary biosecurity legislation framework represents the Government position on what biosecurity legislation should look like.

There is an amendment also to the Local Government Act. The new code of framework replaces the 29 separate councils' Code of Conduct Panels and the Local Government Association of Tasmania's Standards Panel with a single and independent statewide Code of Conduct Panel. The statewide Code of Conduct Panel -

Dr BROAD - Point of order, Madam Deputy Speaker. Standing order 142, I understand there is some leeway given to content of speeches, but I am really struggling to see how the Local Government Association changes has anything to do brand acquisition.

Mr TUCKER - This is about red tape that we have improved, and that is what we are talking about.

Madam DEPUTY SPEAKER - I am advised that it does have a connection to this bill, and you are allowed to have a broad debate on the second reading speech.

Mr TUCKER - A statewide code of conduct framework applying to all elected councillors first commenced on 13 April 2016. This framework was established through changes to the Local Government Act 1993, and replaced a patchwork of previous code-of-conduct arrangements that were in place at the individual government council level. This framework was developed for extensive consultation with the local government sector and the Integrity Commission, and provides for a greater uniformity and enforceability in the pre-2016 arrangements, which were widely seen as lacking in consistency and credibility.

One other red tape burden that was improved in farming was the 'browsing animals' reform, the crop protection permits.

Ms O'Connor - The one that has killed 8000 black swans, wombats.

Madam DEPUTY SPEAKER - Order.

Mr TUCKER - I would like to comment on the animal welfare. The Tasmanian Farmers and Graziers Association and the wider farming community have been resolute that for far too long, the red tape associated with crop protection permits has got in the way of managing the impacts of browsing animals on their crops and pastures. In consultation with the Tasmanian Farmers and Graziers Association, it has been recognised that one of the many challenges facing farmers is the significant pasture and crop losses and damage caused by abundant wild life, in particular possums and wallabies.

Recent good seasons, coupled with modern farm improvements, have caused populations to explode to the point where they are impacting significantly on farm productivity and profitability. Crop protection permits were previously only issued for 12 months. Crop protection permits for common species such as wallabies and possums can now be issued for five years, and separate permits to shoot wallabies or brushtail possums have now been combined into a single permit. The Wildlife (General) Regulations 2010 have been amended to allow land owners with crop protection permits to shoot wallabies and brushtail possums under the authority of the permit.

The process of obtaining approval to use 1080 for browsing animal management has also been simplified, while safety and environmental controls remain unchanged. Farmers are no longer required to engage a private contractor to access a property to use 1080 and to provide an assessment report. All applications to use 1080 are assessed by a department officer within two working days, and to provide an assessment report except where a property inspection is required. In addition, the previous restriction on using 1080 at the same site within a three-year period has been removed.

I should also note that the recent addition of the red tape audit report identified a total of 118 red tape issues, with more than 76 per cent already resolved. As a Government, we have not only

tackled and reduced existing red tape, perhaps even more importantly, we have consistently resisted pressure to introduce new regulations that stifle productivity and innovation.

Ms O'Connor - And what would they be, Mr Tucker? Tell us what someone wrote for you.

Madam SPEAKER - Order, Ms O'Connor. Manners.

Mr TUCKER - There are always more regulatory reforms to be achieved, and the Tasmanian Government is committed to making the regulatory landscape in Tasmania one of the best places in the country to do business.

[5.17 p.m.]

Mr BARNETT (Lyons - Minister for Primary Industries and Water) - Madam Speaker, I am very pleased to provide a summing up of the Land Acquisition Amendment Bill 2018. I commend my colleague and friend from the Lyons electorate, John Tucker, for his insightful remarks with respect to the legislation and how consistent this is with our red tape reduction efforts across government since coming to Government more than five years ago. We have come a long way. We have tried to streamline the process, cut the red tape, making it easier for business to actually employ people. We have over -

Ms O'Connor - That is what they did before everyone got kicked out of their apartments in Sydney.

Madam SPEAKER - Order, Ms O'Connor.

Mr BARNETT - Madam Speaker, as a member for Clark I know you are interested in small business. We have over 36 000 small businesses in Tasmania, employing over 100 000 Tasmanians. That is a remarkable contribution to our economy. They are the big job creators and makers in Tasmania. As Government we are there to support them, whether it is in rural and regional Tasmania where John Tucker and I represent in the Lyons electorate, across the community, or in our towns and cities. Small business is a top priority for our Government and we are about creating jobs. We are providing an opportunity for families to have a go. That is why cutting that red tape, streamlining the process is so important. In fact, we have now created over 12 500 jobs, unlike under the Labor-Greens government where we lost 10 000 jobs.

I will respond to a few of the remarks made by my colleagues on the other side. I make the observation that my counterpart, Dr Broad, contributed less than five minutes -

Dr Broad - Fourteen.

Mr BARNETT - I thought it was less than five minutes.

Dr Broad - I get 40 minutes.

Mr BARNETT - How many minutes did you contribute?

Madam SPEAKER - Through the Chair if you do not mind.

Dr Broad - Fourteen.

Mr BARNETT - Your advice was fourteen. That is interesting. It is interesting because -

Madam SPEAKER - Please, order.

Dr Broad - Do you want us to support it, or not?

Ms O'Connor - It's actually a tedious bill, to be fair.

Madam SPEAKER - Order.

Mr BARNETT - I find it interesting in terms of the scrutiny that is meant to be provided by the Opposition. I commend Cassy O'Connor for her scrutiny and feedback on this important legislation. It is landmark legislation based on the Land Acquisition Act 1993. It is 26 years old. That is why we started the review. It was our Government, not the Labor-Greens government. It is 26 years old and we wanted to act. We thought it needed updating. We have had the review that was started by the Valuer-General in 2016 and I thank the Valuer-General for his initiative and efforts to review the act, to update the administrative processes, and provide a more streamlined operation. That is what we are on about as the Hodgman majority Liberal Government and we are delivering. This is part of our package that we are delivering and it is clearly the way to go.

The review that was undertaken identified amendments required to enhance the effectiveness of the legislation whilst ensuring that the regulatory framework contained in the act was appropriate for contemporary administration. Some of those examples have been referred to, including by the member for Lyons, Mr Tucker, and other examples used in my second reading speech. The basis for the assessment of compensation was included in the review to ensure alignment with other jurisdictions. We want to remain relevant. We want to ensure it is fair and reasonable not just for farmers but for all landowners in Tasmania. We have done that. We have streamlined the process, made it fairer, and I will talk about those initiatives shortly.

In addition to the review ensuring alignment with other jurisdictions, ensuring fairness, a streamlined process and cutting red tape, we have made minor amendments relating to grammatical and spelling errors, and the correction of superseded legislative references that were also identified, because the bill goes back a long way, not just 26 years but in the order of 100 years or more. The member for Clark, incisively I thought, referred to some of those grammatical and spelling errors and I commend her for noting that. It was spot on and excellent scrutiny by the Greens member for Clark and for that I am grateful because that is what scrutiny is all about. You can see inside the depth of this bill and the importance of it in terms of what has been delivered.

When we were previously debating this bill late last year, the Greens proposed a possible amendment and I think we clarified that. We have come up trumps in terms of getting feedback to the member for Clark. I am glad we have been able to allay those concerns and to say that the legislation as drafted is in order, it is proper and appropriate and it is spot on.

In terms of the 100-odd years or more, the Land Acquisition Act was enacted in 1993. It was preceded by the Lands Resumption Act 1957 and that in turn was preceded by the Lands Clauses Act 1857, so you can see that it goes back 162 years.

We have done that review and undertaken the work that had to be done. It has now been put in place and we have delivered. I am pleased with the effort undertaken. In terms of the consultation process, it is and has been important. I thank those who were consulted. We received submissions

from a number of bodies, including the Australian Property Institute and the TFGA. I have mentioned farmers and graziers across Tasmania. The TFGA is the peak body for that entity. They were consulted and we received a submission from them. We have taken it on board and received that feedback. Farmers are important. They are the lifeblood of our rural and regional communities and it is an absolute honour to be representing them as an advocate and Minister for Primary Industries and Water.

Likewise, we consulted with TasWater and also the Law Society of Tasmania and local councils all around the state; in fact we received a number of submissions from those various 29 local councils. We have streamlined that process, cut the red tape and we achieved those key objectives and aligned aspects of the legislation with acquisition legislation with other jurisdictions across the country. Regarding consultation, a comprehensive review was conducted and it would be remiss of me not to say that there were two separate periods of consultation, including the most recent in mid-2018. We started in 2016, had another review in 2018, got the job done with legislation in last November and here we are at the final hurdle. We are getting the job done. We are delivering and getting results. This will deliver a fairer and better outcome for property owners and in particular farmers.

One of those relates to improvements to the bill that make changes that will benefit property owners, not just farmers. These will include extending the time frame in which a property owner can lodge a claim for compensation for land acquired under the act from 60 days to six months. That is fair and reasonable. It makes sense extending those grounds under which compensation is payable to include disturbance caused to the operation of a business such as a grazing, farming and manufacturing property arising temporarily from works associated with the acquiring of the land. There may be some work with the acquiring of the land. That might be testing, it might be putting holes in the ground, you might have surveyors out there doing the job, there may be some roadworks of some sort, you might have consulting engineers, mechanical, civil engineers or maybe electrical engineers doing their work, and there may be some minor impact on the land. That should all be taken into account. We want to be fair and reasonable. We are acting in the public interest and that is exactly what we are doing.

In terms of the 60 days, that has been extended to six months. Most landowners lodge their claim within four to six months. The time to lodge a claim for compensation varies widely in other Australian jurisdictions, ranging from three months to three years. We think we have the balance about right at six months. The amendment will extend that time for a property owner to lodge a claim for compensation from 60 days to six months. We think that is fair and reasonable. Section 54 of the act allows an acquiring authority, prior to commencing the process of acquisition, to enter land to investigate whether that land is suitable for the purpose of acquisition. That makes sense. Let us think of the Bass Highway for a minute. Why would the Department of State Growth or Infrastructure responsible for our roads not want to do their checks and reviews, go onto the land and make some surveys and assessments, talk to the Surveyor-General, get their measurements, make an assessment as to which way they want to go, which part of the property should be acquired and which part should not? They have to do those checks so they need to get on that land to examine whether there might be some soil samples that might need to be taken. They might do some sink pits or some construction work or any civil engineering work.

The act as it is currently drafted does not provide a general legal obligation on the acquiring authority to remedy any damage caused to the land during that investigation. Frankly, the way it is currently drafted is not fair and this will fix it. This will prove that this Government and parliament is about fairness and getting the balance right. We want all property owners not to be prejudiced in

any way, shape or form as a result of governments in the future - whether it is us or some future Government, and I hope it will be a future Liberal government - whatever colour or persuasion, will be acting in the best interest of the public and the property owner. I want to make it clear that the current act does not provide a general legal obligation on the acquiring authority to remedy any damage caused to the land during that investigation. The amendment will ensure that acquiring authorities will act in the best interests of property owners and remediate any damage - at its cost - caused to the land as a result of the acquiring authorities entering land to investigate its suitability for a proposed scheme of works. That is what it is all about; fairness and reasonableness.

Ms O'Connor - Minister, are you going to answer my questions?

Mr BARNETT - Yes, I have two questions from the member for Clark that I will be answering shortly. The amendment will obligate an acquiring authority to take reasonable care to comply with biosecurity best practice. That is exactly what John Tucker, the member for Lyons, was talking about. This Government is proud to have delivered biosecurity legislation through this parliament and thank members of this Chamber for their support. It is in the upper House. I do not want to pre-empt the deliberations they will be having on that bill tomorrow but I am hopeful as the relevant minister that this landmark legislation will be supported. John Tucker and others are very keen to see that legislation through.

Section 78 of the act details that any time frame under the act may be extended upon the request of the property owner or a claimant. It is not categorically bang, slam down, six months, bingo! It is providing options for an extension as and when required.

I will respond to the member for Clark, who has asked a number of questions. I have a couple of responses for the member for Clark, Leader of the Greens' query regarding access to kunanyi/Mt Wellington by employees of the Mount Wellington Cableway Company -

Ms O'Connor - Are they authorised persons?

Mr BARNETT - Yes, bear with me. I am advised that authority to access land as appropriate is provided under a separate act, the Cable Car (kunanyi/Mount Wellington) Facilitation Act 2017. The Mount Wellington Cableway Company is not an acquiring authority for the purposes of the Land Acquisition Act.

Ms O'Connor - What about UPC?

Mr BARNETT - It is not under this act. It is under separate legislation, which is the Cable Car (kunanyi/Mount Wellington) Facilitation Act 2017.

Ms O'Connor - It was already handed over under this act, which used the Land Acquisition Act in order to compulsorily acquire the Pinnacle, should the DA be successful. What about UPC?

Mr BARNETT - There is a little way to go. There are different views in this Chamber and this Government supports the Mt Wellington cable car proceeding and we welcome a key milestone for this important project.

Ms O'Connor - Of course you do - all money, all the time, all business, all the time.

Madam SPEAKER - Order, Ms O'Connor.

Mr BARNETT - I realise - I respect the different views - that the Greens have a view that is different from my own and those of the Government. We welcome the key milestone for the project being achieved with the development application being lodged with the Hobart City Council and, as evidenced by the opinion poll conducted late last year, a majority of Tasmanians support a cable car on the mountain.

The Government has always said the project must obtain all the necessary approvals, including those that protect Tasmania's natural environment. We are not trying to avoid it; we support that. It is part of a rigorous environment and planning approval process. It is critical. We do not hide from that in any way, shape or form. We support it. It must go through that process but we support the opportunity to provide this tourism-creating and supporting venture, job -creating venture, and a cable car up kunanyi/Mount Wellington. We look forward to that development application being assessed under the usual and normal planning process, which provides opportunities for public comment and feedback, for example, from the Leader for the Greens and others in Hobart. That is the democracy we live in. You are entitled to express a view and put your thoughts forward.

Ms O'Connor - By interjection, minister, so I do not find myself in trouble with Madam Speaker again, there was no public consultation on the compulsory acquisition of the Pinnacle for a single private developer. None.

Mr BARNETT - I am talking about the development approval process, environmental approval process, the planning approval process and public comment is welcome. A review is important and that will be informed by the specifics of the development application. The development application will be assessed. I am happy to speak more about that but I did want to respond to the criticisms of the new UPC Renewables project on the north-west coast.

Ms O'Connor - I haven't criticised the UPC Renewables in my contribution. I was very careful not to do that.

Mr BARNETT - But you have publicly done so -

Ms O'Connor - No, I haven't.

Madam SPEAKER - Through the Chair, please.

Ms O'Connor - Go back and check my statements, through you, Madam Speaker. I have been very careful to say there are community concerns and they need to be heeded.

Mr BARNETT - I would encourage, through you, Madam Speaker, the member for Clark, Leader of the Greens, to consider her words very carefully when she does speak publicly about major renewable energy projects such as UPC Renewables. They could be conflated with those of Dr Bob Brown's, who made his view clear as did Christine Milne, your former leader for the Greens.

Ms O'Connor - You are doing your best to muddy the waters.

Madam SPEAKER - Order, Ms O'Connor.

Ms O'Connor - Through you, Madam Speaker, the minister is engaging in a conversation here. I want to be clear for the minister that we not going to give the Robbins Island wind farm a blank cheque or a tick of approval. It needs to go through a thorough assessment process.

Mr BARNETT - Madam Speaker, I want to make it very clear the UPC Robbins Island wind farm proposal must go through a vigorous planning and environmental approval process. It is required.

Ms O'Connor - It's an assessment, not an approval.

Madam SPEAKER - Ms O'Connor, in order for me to be fair to everyone else, I do have to ask you to refrain from constant interjections.

Mr BARNETT - Thank you, Madam Speaker, I do appreciate that. You have a federal EPBC legislation process it must go through, you have the state environment and planning approval process that must proceed and you have to wait for the development approval process. Plans have been publicly released for a \$1.5 billion development in the our north-west, which is one of the best renewable energy zones in Australia.

Tasmania has a world-class wind resource and the north-west coast had been identified, not by me, not by other people in this Chamber but by the independent authorities at the national level. Tasmania has what it takes to create renewable energy. The north-west coast, the north-east coast and central highlands through to the midlands are the three renewable energy zones. We have them in play, we are making the most of it and we are grasping this opportunity with both hands. Why not support and encourage a major renewable energy project? When Dr Bob Brown said what he did, I said it is hypercritical to be criticising so strongly this major renewable energy project. Up hill and down dale, year in and year out, decade in decade out, you are calling for renewables, trying to send a message as to how bad coal is and promote the climate emergency. These are the views that have been expressed by the Greens and Dr Bob Brown. This is very -

Ms O'Connor - Did you not just confirm that we are in climate emergency?

Mr BARNETT - I said I was quoting Dr Bob Brown and the views he has been sharing up hill and down dale, nonstop, and suddenly you have a major renewable energy project and, bingo, the Greens guru is all against it. This is a \$1.5 billion investment proposal and it creates 400 jobs during construction; its 65 local jobs, ongoing. What does it mean for Tasmania?

Ms O'CONNOR - Point of order, Madam Speaker. I am looking at the clock and I will not be moving, should the minister run out of time and that he be heard, like I did for the Attorney-General. As to relevance, could you, minister, instead of going on your ideological rant, answer the question about whether UPC staff would be authorised persons for the purposes of this act?

Madam SPEAKER - That is not a point of order and I ask that the minister be heard in silence.

Mr BARNETT - Thank you, Madam Speaker. I will refresh the members and the Leader for the Greens' memory that she was talking about UPC Renewables and the transmission lines. I am trying to address those concerns she has. We do have completely different views with respect to the benefits of a major renewable energy project in the north-west coast. This will be advanced big time with the Marinus Link, the second interconnector. There will be so many opportunities for Tasmanians. Do not only take my word for it. It is out there - Ernst & Young; \$5 billion investment in Tasmania and 2000 jobs -

Ms O'CONNOR - Point of order, Madam Speaker, under standing order 151, the one that is often needed in this place, tedious repetition. The minister has just repeated himself for the third

time and I am worried we are not going to get an answer to the specific question. I take on board what you say, Madam Speaker, about not interjecting, which is why I am using my rights in the House to restate the question so he answers it.

Mr Barnett - You have just argued against your own point of order.

Madam SPEAKER - I believe that is my call, if I am understanding this correctly, as the Speaker I may order a member to discontinue the speech. I ask that the minister be left to answer the question. He only has 17 minutes left.

Ms O'Connor - We want an answer. People on the north-west coast want an answer.

Mr BARNETT - Well, you have to be patient. It does beg the question whether the relevant member, Cassy O'Connor, has actually accepted UPC's offer to be briefed on the project.

Ms O'Connor - We have been briefed. I was away at the time and Dr Woodruff received the briefing.

Madam SPEAKER - Order. Ms O'Connor, the debate has ended and this is a summing-up, so that gives the minister the freedom to be as repetitious as he likes.

Ms O'Connor - He asked me a question.

Mr BARNETT - It is a rhetorical question. To make it clear, my understanding is that UPC has offered a briefing to all members of parliament and specifically the Greens and Cassy O'Connor. I understand -

Ms O'Connor - We took the briefing.

Madam SPEAKER - Ms O'Connor, I do not want to have to ask you to leave.

Mr BARNETT - the Leader of the Greens has not been briefed, but I hear by interjection that Dr Rosalie Woodruff has been briefed. I am making clear from the feedback I have had from UPC that they are offering the briefing to Cassy O'Connor. You are asking me lots of questions about the project -

Ms O'Connor - Dr Woodruff and I are the same.

Madam SPEAKER - Ms O'Connor, warnings one and two, so no more, please.

Mr BARNETT - The member is asking me lots of questions about the UPC project -

Ms O'CONNOR - Point of order, Madam Speaker. With respect, the minister is wilfully inciting, misleading and being offensive. If you do not want members to interject could you please ask him to control himself and not slur the Greens and make false statements?

Madam SPEAKER - I understand your passion but I suggest you do not bite and it will be fine.

Ms O'CONNOR - Just on the point of order, if members in this place allow a lie to stand on the *Hansard* unchallenged, we are not doing our job.

Madam SPEAKER - Is it a lie? I need a ruling on that.

Mr Ferguson - Madam Speaker, she has just run out of points of order and is making them up now.

Madam SPEAKER - All right. No more points of order on this issue.

Ms O'Connor - I'm not.

Mr Ferguson - You are.

Ms O'Connor - In this House we are equal.

Mr Ferguson - I agree with that. I have often said that.

Madam SPEAKER - Order, it is nearly 6 o'clock.

Mr BARNETT - Madam Speaker, I am trying to be patient, thorough and very comprehensive. The feedback I have had is that UPC has made an offer to Ms O'Connor to be briefed and I understand Dr Woodruff has been briefed but Ms O'Connor has not. My understanding is the offer is available. I am just putting that on the table.

Let me see if I can assist the member regarding compulsory acquisitions. Parliament has provided legislative provisions where compulsory acquisition may be available to defined public authorities and this includes licensed entities for electricity or gas infrastructure. In this particular case compulsory acquisitions are a last resort after all avenues of reaching an agreed, negotiated outcome have been explored and exhausted. A proponent must have exercised all reasonable endeavours to acquire its easement requirements through voluntary agreement with landowners. This is not an unusual approach and has been followed by my predecessors under successive governments when important infrastructure is considered that has a broad public benefit.

Notices of acquisition are only to be used when all other avenues for an agreed negotiated outcome have been exhausted. In addition, let me make it very clear that this Government acts in accordance with due process and is consistent with previous governments. What did previous governments do? We are doing the same thing under the Hodgman Liberal Government.

I have a Q and A here and I will try to assist the member and the members of parliament in terms of what an acquiring authority is. In most situations the acquiring authority is a Crown body such as a government department or statutory authority such as the Department of State Growth, the Parks and Wildlife Service, Crown Land Services and there are 29 local governments that are also defined as an acquiring authority. Less frequently the acquiring authority is a non-crown body such as TasWater, TasNetworks, TasIrrigation or Aurora Energy. They are government business enterprises. Obviously TasWater is a separate entity that the Treasurer knows a lot about, more so than me.

There are two methods for acquiring land. The land can be purchased on the open market or acquired compulsorily. If the acquiring authority considers it essential that a particular property or

parcel of land is required for the public purpose, there are five steps. Step one is consultation. Meetings are held to explain the purchase process and time frames. Step two is notice to treat, a really important process. Formal notification is issued to the landowner. Step three is notice of acquisition. Ownership of the property is transferred to the acquiring authority. Step four is offer of compensation. An amount of compensation is offered by the acquiring authority. Step five is negotiation and settlement. Discussions are held to arrive at an agreed compensation amount. That is a very fair process that is indeed similar to other jurisdictions across the country. It is very clear that that is where things are at. I did say that notice to treat is a top priority. It is very important.

Ms O'Connor - You are just not answering my question and I want to know why.

Madam SPEAKER - Ms O'Connor, we have 10 minutes and 55 seconds left.

Mr BARNETT - In terms of the notice of acquisition in the Tasmanian Government *Gazette*, it entitles the acquiring authority to possession of the land described in the notice and the owner of the land rights and entitlements are then converted to a claim for compensation.

We have to try to get the balance right. We have to be fair in the way we provide the compensation. There needs to be a market assessment. It might be from a respected independent land valuer. There are many around Tasmania in Hobart, Launceston, Burnie, Devonport and other parts of the state. I am sure members in the Chamber know who they are. They do a good job, they try to get the job done and they do that for and on behalf of their clients or they might do it for and on behalf of the government authority or department. We have to try to get a fair and reasonable outcome so they make that assessment.

Going through the process, let me make it very clear that the notice to treat is a very important legal process where the owner is identified and told of the following. First, exactly what part of the owner's land is to be acquired; second, what is required of each party; third, it invites the owner to negotiate the amount of compensation; and fourth, advises the owner not to carry out works that would impact the value of the land and sets a date at which compensation is to be assessed.

That all has to be advised and communicated to the relevant landowner, whether it is farmer or grazier or whoever owns the land. Differences between the final area of land required and the area of land originally identified under the notice to treat can occur as a result of a number of factors, including design changes to the infrastructure plan and administrative timelines. It is fair and reasonable. You might have a set view -

Ms O'CONNOR - Point of order, Madam Speaker, under standing order 45, relevance. None of this information the minister is providing now in order to fill time before 6 p.m. relates to questions that were asked by shadow spokespersons, and the one question I am waiting for an answer to he has not gone near. We do not want to take this into Committee but we will if we have to.

Madam SPEAKER - This is not the time for debate. The minister is summing up. It is not a point of order. I ask the minister to resume and he will speak uninterrupted and hopefully address your question.

Mr BARNETT - Madam Speaker, I am attempting diligently to answer the member's question but I will attempt even further to drill down into the detail to assist the member. Regarding the question specifically, she was asking, more generally speaking of a number of conditions that must

be met before an entity is considered an acquiring authority for the purposes of the Land Acquisition Act. Let us look at the conditions so that you are aware. These conditions are laid out in various acts, such as the Local Government Act 1993, Water and Sewage Industry Act 1993, Roads and Jetties Act 1935, and others. Where an entity satisfies these conditions, is considered an acquiring authority, access to acquired land can be authorised as laid out in section 55 of the act. It is of note that this amendment bill ensures that acquiring authorities will act in the best interests of property owners and remediate any damage at cost caused to the land as a result of the acquiring authority entering the land to investigate its suitability for a proposed scheme.

Ms O'Connor - By interjection, with respect, Madam Speaker, for clarification, because the clock is about to go, are you confirming that an employee of UPC Renewables, for the purposes of these amendments, is an authorised person potentially under this act who may enter another person's private property with a view to compulsorily acquiring?

Madam SPEAKER - Allow the minister to check that.

Mr BARNETT - I think the answer to the member's question is that if UPC is an acquiring authority then the answer would be yes.

Ms O'Connor - Thank you.

Mr BARNETT - Madam Speaker, as I was saying in my summing up and I only have a few moments to go, I was saying notice to treat is a very important part of the process and also to make it clear in terms of the Notice of Acquisition, we have to get the balance right. We have to be fair and reasonable. We get property valuations, market assessments and that is done. There is a claim for compensation. If there is a failure to respond within the relevant time frame then other processes are put in place. Those time frames have been extended from 60 days through to six months and we think we have the balance right with other jurisdictions and there is an appeal process available as appropriate in that regard.

The legislation must be followed in every respect so compulsory acquisition is definitely very important for government departments, agencies, statutory authorities and acquiring authorities as I have indicated earlier, and as we have had some considerable discussion about the role of acquiring authorities and who they might be, whether it is TasIrrigation, Aurora Energy, TasNetworks, TasWater. I have named them, identified them, and other entities have answered the question about the Mt Wellington Cable Car and I have answered the question about UPC. I have no doubt there would be many other entities that would be acquiring authorities as well. As long as they meet the terms and conditions that are set down in the relevant legislation, why would that not be the case?

I will sum up to say that the proposed amendments are not complex. They have cut the red tape. They have streamlined the process. We are pleased about that, as the member for Lyons, John Tucker, has indicated. We have added no entirely new process to the act but rather have reduced the red tape. We have aligned the assessment of the compensation and made it consistent with other jurisdictions. There will not be any negative impact arising from the proposed amendments to the act. We have consulted broadly. We have done two reviews since 2016, and again in 2018. We had good support in here in November last year and I am hoping we will get through to the end of today with a successful outcome for this legislation.

I would like to be more specific. I am advised in terms of entry on land to conduct surveys or assess its suitability for electricity infrastructure and electricity entity made by agreement with the occupier of land or on the regulator's authorisation enter and remain on the land -

- (1) (a) to conduct surveys (including hydrometric or water power surveys); or
(b) to assess the suitability of the land for the construction or installation of electricity infrastructure.
- (2) The Regulator may authorise an electricity entity to enter and remain on land under this section on conditions the Regulator considers appropriate.
- (3) If an electricity entity enters land under the Regulator's authorisation, the electricity entity -
 - (a) must give reasonable notice of the proposed entry of land under this section to the occupier, and
 - (b) must minimise the impact of work carried out by the electricity entity on activities of others on the land; and
 - (c) must comply with the conditions of the Regulator's authorisation.

That is section 50 of the Electricity Supply Industry Act so I am drawing that to the attention specifically to the Leader of Greens. I draw that to your attention to assist you further in responding to that query you had, so that is relevant. Based on the advice I have received I think it is relevant. I have read it on the *Hansard*. I am happy to assist by speaking further about that which I have done.

Madam Speaker, I thank those present for their contributions to the debate. I also thank officers of Land Tasmania and the Valuer-General. They are here in the Chamber today so I put on record my thanks to both. I also put on record my thanks to the previous ministers, Mr Rockliff and Ms Courtney, for their support and leadership during that time from 2016 and for their commitment in managing the reform process. I thank those in my office who are also in the Chamber today for their support over that period of time.

We have a plan to improve the lives of Tasmanians and this is just part of our long-term plan to deliver for Tasmanians. It is a fair and reasonable outcome, consistent with Government policy to reduce the red tape and streamline the process and make life easier and fairer for people and this bill does exactly that. I commend this bill to the House and I thank those in the Chamber for their contributions.

Bill read the second time.

Bill read the third time.

ADJOURNMENT

[5.58 p.m.]

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

That the House do now adjourn.

Mr Sam Mollard - Retirement as Magistrate The Dr Vanessa Goodwin Law Reform Scholarship

Ms ARCHER (Clark - Minister for Justice) - Madam Speaker, as members may be aware, as of Friday 2 August of this year, magistrate Sam Mollard retired from the position of magistrate. His retirement marks the end of an era for Tasmania's justice system, coming as it does after 30 years of service by Mr Mollard as a magistrate. It was something of an unorthodox career path that led Mr Mollard to the law and then the magistracy. Between graduation at Monash University and commencing work in Tasmania in 1975, Mr Mollard was engaged for several years as a commercial fisherman in New South Wales and South Australia, mainly in the tuna industry. Mr Mollard was then employed at Piggott Wood & Baker for seven years before accepting employment and then a partnership at McLean Phillips & Bartlett in Burnie.

Mr Mollard was appointed as a magistrate in 1989, first sitting in the Devonport magistrates court. He later sat in the Burnie court for several years before transferring to Hobart in 1994. It would be an understatement to say that during his tenure on the bench Mr Mollard was known as a strong figure in Tasmania's justice system. To quote Chief Magistrate Geason -

Mr Mollard has been 'a significant contributor to the people of Tasmania having access justice'. Mr Mollard maintained a clear respect for the proper administration of justice and coupled dapper three-piece suits with a considered and disciplined approach to the matters before him. As a practitioner I found that appearing before Mr Mollard was always an instructive appearance, and this applied not only to matters of law and procedure but also to the classics. In addition to a detailed knowledge and understanding of Tasmania's laws, Mr Mollard was known to speak his comments from the bench with extracts from Shakespeare, Dickens and the like.

Unfortunately I was not able to be at Mr Mollard's farewell function in person, as I was interstate at a Council of Attorneys-General meeting. However, I am advised that it was a measure of his standing in the profession that courtroom four of the Hobart Magistrates Court was packed wall to wall with colleagues and well-wishers keen to raise a glass and wish Mr Mollard all the best for his future retirement. I have little doubt that Mr Mollard will put his new-found spare time to good use. For over 20 years he has been a rowing coach at a local club and for most of that time he has also competed in that sport locally, nationally and at the World Masters Games. Free from the requirements of a busy magistrate's sitting schedule I expect Mr Mollard will turn his prodigious work ethic to his pursuits.

Whilst I am on my feet I would also like to announce with great pleasure a special scholarship in honour of my dear friend and colleague, and certainly our dear friend and colleague, the late Dr Vanessa Goodwin, which has recently opened for applications. Our Government has been proud to support the scholarship with a \$60 000 contribution which will help nurture the next generation of legal minds in Tasmania. The Dr Vanessa Goodwin Law Reform Scholarship has also been

generously funded from Dr Goodwin's estate to align with her specific wishes and also the Tasmanian Law Reform Institute and a number of personal donations, which I was also proud to make myself and it is certainly not too late for anyone wishing to do the same.

In line with Vanessa's strong interests which we all remember fondly, the scholarship criteria will include an interest in law reform and social justice. It will be awarded annually for a University of Tasmania student entering year four or five of a Bachelor of Laws or combined law degree or final year of a criminology major. Importantly, the scholarship will include a research internship with the Tasmanian Law Reform Institute. The executive dean of the College of Arts, Law and Education at the University of Tasmania, Professor Kate Darian-Smith, has said scholarships provided invaluable support in helping students raise their dreams through education.

Vanessa was an exceptional student, completing a doctorate in criminology, and was highly respected by the legal profession and broader community for her dedication to law reform, particularly prisoner rehabilitation. Vanessa's passion for law reform and social justice underpins the focus of the scholarship, which is a fitting tribute to her legacy and will be a lasting one. Before being elected to parliament in 2009 Vanessa worked as an associate to the then Chief Justice of the Supreme Court of Tasmania and also as a research assistant for our current Tasmanian Governor.

There have been a number of fitting tributes to Vanessa's legacy and not least of all it was also a privilege to have previously named, announced and opened the Dr Vanessa Goodwin Cottages at the Tasmania Prison Service in the Mary Hutchinson prison in Vanessa's honour, which contains the mother and baby unit. Joining me for this announcement were some of Vanessa's closest family members, Libby and Maggie Saunders, Claire Goodfellow and Rebecca Terry and also many close friends and in particular Bridget Rheinberger. I was very grateful that they gave up their time, it was Mother's Day no less, to be part of that announcement at Risdon, but it did seem fitting to open the mother and baby units on that day.

I am sure that Vanessa's estate and family members would be equally pleased at the announcement of this scholarship; in fact they endorsed it. We know Vanessa was passionate about families and supporting the most vulnerable and disadvantaged people in our community. This included providing rehabilitation opportunities for those who find themselves within Tasmania's criminal justice system. The Dr Vanessa Goodwin Law Reform Scholarship has opened and undergraduates at the University of Tasmania are encouraged to apply. I look forward to being able to announce with UTAS the successful candidate.

Harper Ling and Clean Up Local

[6.05 p.m.]

Ms O'BYRNE (Bass) - Madam Speaker, I start by saying Dr Goodwin was highly respected by people on this side of the House and I know in the other place and it is a fitting tribute. We commend the Attorney-General for that work.

Today I wanted to talk a little about another amazing young person from my electorate, Harper Ling, and her incredible commitment in setting up an initiative called Clean Up Local, made all the more incredible because Harper is only 6 years old. Harper was always concerned with litter and rubbish that she saw dumped on the side of the road and in parks and playgrounds, and she wanted to do something about it. Harper's family came up with the idea for Clean Up Local, which borrows from the idea of Clean Up Australia Day. The mission at Clean Up Local is simple. They want to keep the state of our community beautiful for the next generation and many more to come.

The family decided that the old proverb 'many hands make light work' was a perfect thought to launch this initiative. With that, they were hoping to attract other like-minded individuals, families, groups and teams of people to help keep their communities clean and tidy. With Clean Up Australia Day being once a year, they thought there was a little bit more needed, so one hour on one Sunday every month is the goal in areas that are designated as needing it most. Clean Up Local are looking particularly to give roadsides, parks, reserves and playgrounds the attention they deserve and hope to inspire others to do the same.

They created a Facebook page, which I encourage all members to find and follow. After their first clean-up hour the Facebook community grew from 77 to 118, and after the second event it went to nearly 300 followers. The Facebook post regarding the second clean-up was seen by over 7700 people. Harper did an interview with ABC radio a few weeks ago and ABC northern radio as well. Word is spreading quite quickly. Harper attends Invermay Primary and is in prep. She has been lobbying and talking with her teachers and classmates - some of them have already been to help at least one event - about the initiative to get the word out and grow the community.

Harper is supported by the wonderful principal at Invermay Primary, Tony Brazendale, who also made sure it was in the local newsletter. The first official clean-up hour was on Sunday 9 June at Heritage Forest in Mowbray, where 12 adults and six children attended and collected eight bags of rubbish in one hour of work. The second clean-up was an hour spent on the East Tamar Highway between the Mowbray connector and the Main Street overpass and was an even bigger success, with almost double the amount of rubbish collected. I was approached by Harper for some assistance for her endeavour and donated a small amount of funding to help purchase the trash-grabbers they need to hand out to people who turn out.

Last Sunday's result was a massive effort from the volunteers at Clean Up Local. They had around 30 bags of rubbish collected and a good chunk of hard waste too from the paddock at Rocherlea along Lilydale Road. They had enough volunteers to have a team of four along the section of the East Tamar Highway who collected another six bags of rubbish in their one hour.

Harper and her family are delighted by the response and wanted to send some thanks as they really do feel so wonderful that people in our community are willing to give up their time to help make Harper's idea a reality. In particular they wanted to thank Plastic-Free Launceston and Invermay Primary School, all the other action groups that have been sharing about Clean Up Local and helping promote it, and *The Examiner* for coming along and promoting their story.

Harper is an amazing young person supported by a wonderful family and a wonderful school community. I am sure all members wish her well. I am sure she would love to see any members who have an hour to spend every month to share their time for a little bit of help at the next Clean Up Local.

St Helens Hospital - Repurposing of Site

Dying to Know - Mary Eleanor Natural Funeral Care

[6.09 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Madam Speaker, I wanted to rise tonight to say it is disappointing that I have still not received any contact from the minister, Roger Jaensch, regarding the repurposing of the old St Helens Hospital site. I made a note of this on the adjournment last week and put on the record that it is now 10 weeks that I have been waiting for a response from the minister about what the Government intends to do with the former St Helens

Hospital site and when they will hold community consultations. I will keep raising it until the community gets some answers on this issue.

I also want to speak about an expo I attended over the weekend at the Sorell Memorial Hall. This was an expo hosted by Sandra Bamford, the director of Mary Eleanor Natural Funeral Care and it was called Dying to Know. It was also organised with the help of Lyn Hunt, who has opened her own florist shop in Midway Point and is doing extremely well.

The Dying to Know Expo was held at the Sorell Memorial Hall between the hours of 10 a.m. and 4 p.m. on Saturday 3 August and it was held on Dying to Know Day, which is recognised on 8 August as a nationally and internationally recognised day to acknowledge the public health campaign to engage and educate people so that individuals feel empowered and know what to do when someone is dying, if they are caring for somebody who is dying or if they are grieving for somebody who has died. It is an initiative of the Groundswell Project, which is a not-for-profit organisation.

I congratulate Sandra and her team because they did an extraordinary job. There were stallholders there from across the community, the non-profit sector and industry who support individuals making difficult decisions and provide information to them. It is simply an opportunity for them to gain some knowledge and understanding at what can be an incredibly difficult and emotional time. They had a number of guest speakers who lent themselves to the occasion free of charge. Professor Michael Ashby, a leader in palliative care in Tasmania, spoke and there were other opportunities for people to hear from leaders in the industry about what to expect and how they can best prepare.

They also fundraised on the day in partnership with Angel Gowns Australia, which is a not-for-profit organisation that raises awareness and funds to provide services to bereaved families who have suffered the unimaginable stillbirth or death of their baby, families who have gone through the neonatal intensive care unit or are impacted by a child's life-limiting illness or special needs. They provide specially-designed burial gowns made from wedding dresses and the volunteers who are a part of Angel Gowns do an enormous amount of work and put a lot of love and dedication into those garments. It was terrific to see them partner with the Dying to Know Expo and raise some awareness about the important work that they do, too.

It was also Donate Life week last week, and important for people to realise that they do need to register online in order to sign up as an organ donor. It is not simply a matter of having a notification on your driver's licence any longer and you need to have a conversation with your family if that is your wish, so that there is clear understanding about what you would like and if you would like to be an organ donor. For what is sometimes a very difficult topic to talk about, which is death and dying, Sandra and her team did an enormous and brilliant job of pulling together and expo that was sensitive, thought provoking and incredibly supportive and I congratulate them for their effort and initiative.

Huntingfield Housing Subdivision - Proposal

[6.13 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, I raise the issue that I, as a member for Franklin and I assume other members for Franklin and the minister for Housing as well would have recently received a substantial number of emails and other correspondence from people in the Kingborough municipality about the proposed housing supply order that would enable a subdivision

at Huntingfield. I have been really overwhelmed by the strength of community concern and the range of issues raised by people, and the breadth of the community in the area surrounding Huntingfield and much further afield making representations on this. People have raised so many concerns about the flow-on impacts of this development.

It is clear from our record that the Greens are very strong advocates for increasing the supply of affordable, highly-liveable and energy-efficient homes in Tasmania. That has been our track record in government and it is in parliament too. When Cassy O'Connor, the Leader of the Tasmanian Greens, was the minister for Human Services between 2010 and 2014, she oversaw the master planning of Huntingfield. We appreciate the importance of that site to increasing the provision and density of housing supply near urban centres.

We, as members of the Greens, share the widely held concerns that the current approach being taken by the minister, including the order, has been rushed and inadequately thought through. The Huntingfield Master Plan that Cassy O'Connor oversaw as then minister had the total number of homes and lots planned for the next stage of the Huntingfield development at 230. We, along with the community, were surprised at the proposal for 500 or more. We have also heard 550 being planned along with the move to rezone the site as an inner residential zone. The submission made by the Tarremah School makes the point that the inner residential zone density is significantly higher than that of the general residential zone, which is intended to provide for increased densities in inner residential areas where sites will be in close proximity to public transport and a range of existing services through proximity to commercial precincts.

The draft order, as has been proposed, provides for this greater increase in density beyond the inner residential zone to a new proposed zone precinct A, which would have an even greater permitted density of housing than other inner residential zoned land in other parts of Hobart. There is no basis that we can see for the intensive zoning that is being proposed.

In order for the Housing Land Supply Act, which was passed last year, to be an effective and publicly-trusted mechanism for increasing the supply of affordable housing which was its stated intention, it has to be implemented without any resort to planning trickery. The move to rezone Huntingfield to this even more dense inner residential precinct A zone, when it is clearly not appropriate in that environment, does not instil confidence in people about how this act is being applied. We understand and endorse the need to increase the density of future housing developments, particularly in greater Hobart, but that cannot be done without plans for infrastructure, including access to schools, public transport, and services. These are the vast suite of comments that people are making; the real concern about the impact on the two local schools, Tarremah and St Aloysius, on the safety for students and on the traffic flow for those two schools.

On the impact of the proposal for business zones, for a business district to be located right near St Aloysius and Tarremah that would be imposing a commercial activity directly next to those schools when there is no sense at all in putting them right on the edge of the development adjacent to existing housing when they would be better located inside this massive subdivision that is being proposed.

The other concerns that members of the community have raised relate to the stormwater impacts. Tarremah had terrible flood events in May last year that caused substantial damage to the school and it took a lot of parents' effort and a lot of money to recover from. They speak to the inundation issues already occurring in their area and raise the question as to how stormwater can possibly be managed, given the scale of density that is being proposed. The Peter Murrell reserve

is right next to the development and the Friends of Peter Murrell also raise important points about the impact of on Coffee Creek and how stormwater could be managed from such a massive development. These are all clearly huge concerns. The last one that I wanted to raise in this regard is the flow of traffic into Hobart. So many people have written specifically of their concerns about the Southern Outlet, the failure of this Government to manage the flow of traffic into the Southern Outlet. I really plead with the minister to seriously take note of the community concerns, and to present back to the community a real clear indication that he will engage with them on these issues.

Time expired.

Art Farm - Birchs Bay

[6.20 p.m.]

Ms STANDEN (Franklin) - Madam Speaker. I rise with pleasure this evening to speak briefly about an experience I had on the weekend with my family down the Channel Highway at Art Farm at Birchs Bay, just south of Woodbridge. I had a delightful couple of hours with my family and my dog - on a lead of course - wandering through this amazing area that I had not visited before.

The Art Farm is a not-for-profit organisation established to foster engagement between community, artists, art and the landscape. On the site there is not only a sculpture trail, but also a café called Five Bob Café. It is actually on the site of Five Bob Farm. It is an innovative working farm in the south Channel and home to Diemen Pepper.

A visit to the Art Farm includes meandering through the fields of Tasmanian native pepper, orchards, and an extensive kitchen garden which supplies the Five Bob Café. The Art Farm hosts exhibitions, artist residencies, workshops and the renowned Sculpture Trail - an annual sculpture exhibition featuring Tasmanian and interstate artists, which is supported by private sponsorship and through local government. The opening hours for the Sculpture Trail are daily between 9 a.m. and 5 p.m. and Five Bob Café is usually open Thursday to Sunday 11 a.m. to 4 p.m. Sadly on my visit the café was closed for the quieter month of August, so we just missed out on that: another reason to visit next time.

The 2019 sculpture prize exhibition offers \$10 000 as prize money for cash prizes and acquisition of works. The Sculpture Trail featuring these particular exhibitions runs from Easter through to the end of July. We technically just missed on that window, although all of the exhibitions bar one, which had been damaged by wind, were still installed, and I think the plan is that they be progressively removed from the site. I certainly encourage people in the community to get there as soon as possible to take advantage of the special exhibitions.

Each year, the farm acquires a sculpture from the exhibition that becomes part of the permanent collection. I believe that a visit to the Art Farm at any time of the year would be worthwhile with the permanent exhibitions. The sculpture trail itself is a 1.5 kilometre track, and although it gets your heart rate up, particularly at the start, it is suitable for most ages and abilities, though not for people in wheelchairs. I think it would be a bit hard-going pushing a pram.

The trail itself passes through pear orchards, up a winding bush trail, across open fields with views of Bruny Island and the beautiful D'Entrecasteaux Channel, and down into the picturesque orchards and a very large vegie garden, which my partner certainly eyed off with envy. The trail is

undulating, it is moderately steep as I have said for the first part, but there are artistic benches provided for visitors to take a breather.

The trail is unfortunately not suitable for wheelchairs as I have said, challenging for prams, but the other thing of note is that dogs on leads are welcome, but you need to make sure you take your doggie bags and take away any waste because there are no public bins.

It is splendid place to take a picnic if you can carry it in. The entry fee is just \$2 per person or \$5 per family, and there are discounts for school and charity groups.

I congratulate the proprietor, Chris Reid, and the team, and local artist Wendy Edwards for taking the initiative to start the sculpture trail in 2006. We normally would have had the opportunity to put in a bid for the People's Choice Award, which was \$500, won this year by Matt Sloane, for his piece called *The Hunter*, which was a wonderful, wonderful sculpture of a majestic wedge-tailed eagle swooping on its prey. The life-sized representation is made from recycled steel, reclaimed tools and machinery, and highlights the sheer size and power of one of Tasmania's most iconic endangered species. Using 100 per cent reclaimed objects destined for landfill also highlights the value of things we would otherwise discard. My 11-year-old son was delighted to look at all the bits and pieces comprising this marvellous sculpture.

The Art Farm is another good reason to plan a family day out or a weekend down the Channel or the Huon Valley, which is still recovering from the bushfire season. Take advantage over this non-peak tourism period of getting down there. A low-cost family outing, particularly if you take your picnic, is a very good, sensible suggestion. Outside that quiet period in August you can go to the onsite café, or visit nearby attractions like Grandview or Peppermint Bay - another great reason to visit the lovely Channel.

The Five Senses of the Arthur-Pieman Conservation Area Coast

Haywood Steel - Tribute

[6.26 p.m.]

Mrs RYLAH (Braddon) - Madam Speaker, last week I had the honour of tabling a very large petition here in the House. I tabled it on behalf of the Wise Women of the West. As a result of that, the Fairfax newspapers ran an article. To me and to other people it was a disappointing article, because it had a sense of division, making it an either/or situation as it discussed the issue.

As a result of that, one of the women who is behind the petition, one of the three Wise Women of the West, Eunice Atkins, wrote some wonderful words about our west coast, a piece of prose that I would like to share with the House. She calls it 'The Five Senses of the Arthur-Pieman Conservation Area Coast':

You don't have to be of Aboriginal descent to love the coast between Marrawah and the Pieman River. I am connected to this country, I love the sea, from the shore or on a boat. I can sit for hours just watching waves roll in, from smooth as silk where the waves just softly run on the beach and peter out, to the fierce angry sea on a king tide smashing into anything in its path, grabbing at the dunes and pulling them into itself wave after wave. To watch huge waves smash onto rocks along the coast and the spray cascade tens of metres into the sky. I never tire of that view.

On beautiful summer days just walking aimlessly along a beach with my dogs playing in the shallows chasing each other, running ahead then turning and racing back to me, exploring rocks, being amazed by their textures and colours.

Then winter, wow! The stormy grey-black skies. The seas pick up on the mood and matches the tones, only to be broken by the thunderous waves that create the seafoam. It is absolutely spectacular when a shaft of sunlight peaks through the clouds that form a rainbow on an incoming squall.

To watch a thunderstorm at sea is unbelievable. The lightning seems brighter against the dark sky and sea. To close my eyes and just listen to the sounds: the cry of the birds, the sand whispers as it runs along a beach on a gentle breeze, a wave slapping on the beach or the sea roaring constantly.

The taste of the saltiness that forms on lips. The food that tastes the best freshly cooked: caught, cooked and eaten. Crays, abalones, scale fish and the acquired taste of periwinkles.

The feel of the grit on the skin, the roughness of rocks, the smoothness of pebbles, sand under your feet. The coolness of the sea, the different textures of different seaweeds.

Then there are the scents or smells of the coast, the sea and the stench of rotting kelp, the fragrances of different coastal plants at certain times of the year or after rain.

You can take this girl from the Arthur-Pieman, but you can't take the Arthur-Pieman out of this girl, it is a part of me. Don't tell me I have no connection to this country. This is only a very small part of my story. We, the ladies of Wise Women of the West, are not about dividing our community. Our aim is to unite. Inclusion not exclusion.

I congratulate Eunice for her wonderful writing, for Sue Popowski and Jocelyn Flint, the three wise women of the west, for their wonderful work.

On a separate and completely different subject I know that rumours are known to travel fast and often do more harm than good. However, recently in my electorate of Braddon a rumour in Hobart that certain skills were available on the north-west coast resulted in Wynyard manufacturers, Haywood Steel, securing a lucrative boatbuilding contract with Hobart ship builder, Incat. Described by Haywood's workshop manager, Tony Simpson, as 'a really big learning curve for all of us to build something this big in aluminium', it took Haywood's local workforce of 35, 10 000 hours to build the 20-metre long eight tonne hulls. As serendipity sometimes occurs, as I was driving down to parliament on Monday I saw one of these enormous hulls on Constitution Hill sitting on a semi-trailer about to come south.

Incat chief executive Tim Burnell said that like everyone, Incat was struggling to find skilled labour. Mr Burnell said Haywoods had done smaller projects for them in the past and after inspecting the facilities at Haywoods the contract to build the giant aluminium boat hulls came to the north-west coast. Haywood Steel employees 350 tradesman across Tasmania and approximately 35 locally on the north-west coast. I commend the management and staff at

Haywood Steel and I am sure that we will see more ship components being completed on the north-west coast. Rumour has it that Incat was very pleased with the work completed by Haywood Steel and this reinforces our Government's commitment to encourage and facilitate the skills in our region to be used statewide.

Mental Health and First Responders

Australian Cricket Team - Tribute

[6.32 p.m.]

Mr SHELTON (Lyons - Minister for Police, Fire and Emergency Management) - Madam Speaker, I rise this evening to mention a couple of issues and the first one is the more serious. I want to acknowledge the Police Association of Tasmania's work in raising the profile and the conversation we must have around mental health for our first responders and in particular the police.

Last night, 5 August, I was invited to join with members of the police association and other first responders, emergency service workers, senior members of Tasmania Police, advocate representatives and politicians from across the political spectrum - and I note, Madam Speaker, that you were there also - to the screening of a 45-minute drama film *Dark Blue* that reflects the experience of Australian police officers. The project to make the film was made possible through the proceeds of a crime fund through each police federation in Australia as part of a national health campaign.

I have to say that the film portrayed some of the horrible situations that police are often confronted with, including the gruesome aftermath of road and rail accidents, family and sexual violence, suicide and the accumulative effects of incidents on a person's mental health and their colleagues, friends and family. The film also tackled issues around the cultural support of police who are experiencing PTSD, depression and anxiety, and how the nature and method of support might hinder rather than help with an individual's pathway to recovery. These are all vital signs and vital subjects that we need to discuss in an open forum and from a public leadership point of view. We all need to be aware of them and the community must acknowledge the issues that our first responders confront every day.

I wish to thank Colin Riley, the president of the Police Association of Tasmania, for hosting the event and his advocating for members of Tasmania Police, and for all the current and former and future police officers.

On the second item, I congratulate the Australian Cricket Team for winning the Test in England. It was fantastic last night to hear that they won. I did not stay up to watch it all but I love my cricket and we have played a game of cricket together as well. It is incumbent of me as the captain of the Parliament Cricket Association to raise this issue in parliament. Not only that, from an Australian cricketer's point of view, what we have is an extraordinary situation and Tasmania has always punched well above its weight in many instances. In this Test side that won the first Test in England, which is a marvellous thing to do, the Tasmanian cricketers, Tim Paine and Matthew Wade, played significant roles in the game.

Tim Paine is the Test Captain. Many would have thought a few years ago when he was on the cusp of making the Test side, when he broke his finger and was out of cricket for two or three years, that he may have missed his chance. Here we see the dedication and commitment from Tim Paine who is now Australia's Captain. Along with Tim, I mentioned Matthew Wade. He made a century

in the second innings after being out of Test cricket for five years, coming back and making a century. A fantastic effort. You cannot talk about the Test without mentioning the magnificent efforts and the two hundreds that Steve Smith scored and/or the bowling efforts of Nathan Lyon on what was a turning wicket.

I love my cricket and I love the long form of the game. I love the ebb and flow of the game, the fact that it is a real test and it is a test of team spirit. It is a real test of stamina, patience, skill, but above all, after playing a lot of cricket all my life, it is a test of the mental toughness of those people playing it to manage the five days, to get on top of their opponents mentally. I am a great believer in team sport and test cricket is a fantastic way of showing the nation what Australia can do.

Trout Season - Opening World Fly Fishing Championships

[6.37 p.m.]

Mr BARNETT (Lyons - Minister for Primary Industries) - Madam Speaker, it is a great pleasure for me to stand tonight as minister responsible for trout fishing and to say it is terrific news that the trout season is now open. It was a great honour to officially open the season last Saturday and know that there were thousands of Tasmanians, boys and girls, men and women across the state out there in droves trying to catch those rainbow trout and enjoying themselves. To make it clear, the water levels are good at the moment in terms of our lakes and waterways. From all reports it is going to be a good fishing season. It is expected to be one of the best ever.

Mr Shelton - And you never got it in the boat.

Mr BARNETT - I never got it in the boat, says Mark Shelton, colleague and friend. Well, I did try at Forth Springs. I gave it my best shot. I was out there for a couple of hours after the official opening and I was in my 14-foot aluminium tinny with a colleague and a friend and got one on, a nice brown trout, and I had a beaded woolly bugger with an orange beaded head. I fought it for a little while, got him to the boat and then bingo, off he got. So, the big one got away! That is my story for opening day and it is probably like those of many other Tasmanians.

I can report quite clearly that at Forth Springs I caught up with both Tyler and Ryland who are from Ulverstone or just outside of Ulverstone. They got up early with their mum and dad and they were having a great time and they had a couple of beautiful brown trout. They were very pleased and had big smiles. I congratulated Tyler and Ryland to say well done, like many other young Tasmanians out there having a go. We have over 20 000 recreational licensed anglers Tasmania and each year more than 5000 interstate and overseas anglers. We are hoping to even improve on Tasmania's world class brown trout fishery and to say that I want even more Tasmanians out there to enjoy themselves. That is what I would like to see.

The opening of the new trout season does give you the opportunity to get out there and have a go. The good lake heights, the strong river flows so definitely the season is looking good. It is actually a tourism drawcard for Tasmania.

It was a cold day, but a beautiful day as well last Saturday up in the lake country. The feedback I had from some of my angling mates was that it was wild and woolly. There were a few trout I know caught at Penstock. It was pretty rough weather on the Great Lake and I have not heard much

about Arthur's Lake, Little Pine Lagoon, Woods Lake, but nevertheless the opportunities are there and early in the season Four Springs is a great place to be.

In terms of a tourism drawcard this is putting Tasmania on the map. That is the World Fly Fishing Championships coming up at the end of November, early December this year. It is going to be very exciting. Up to 30 countries are expected to be represented and an estimated 800 anglers and their supporters, families and others that will be coming to Tasmania, because Tasmania will be the centre of the universe, the centre of the world for our world fly fishing championships. That is because we have a world-class fishery.

The opportunity is there. The Government has provided \$100 000 through the Budget to support the event and terrific support is coming through the Inland Fishery Service. I want to thank them. Their head office is in New Norfolk, a wonderful part of the Derwent Valley and I have been there just a few weeks ago. Thank you to John Diggle and the team at the Inland Fishery Service for what they do to protect, support and promote our fishery.

Congratulations to Anglers Alliance Tasmania again for their leadership role for promoting and supporting our trout fishery as well. We do provide funding support for them, as well as the \$200 000 for the Anglers Access Program to help anglers get out there and have a go.

To the Trout Guides and Accommodation Association as well, thank you for your leadership; Roger Butler and the team. I know you have an annual meeting coming up very soon.

The World Fly Fishing Championships does give us the opportunity to promote Tasmania. I want to put on the record my sincere thanks to Malcolm Cross for his dedication and service to the trout fishery. I am catching up with Malcolm tomorrow. Thank you to Glen Eggleton and all of the team that are behind the world championships: so many volunteers; it is a huge amount of effort across the board for many of the angling organisations. I have recently been to the New Norfolk Licensed Anglers Association annual meeting, likewise the Southern Tasmanian Licensed Anglers Association meeting, the Westbury Licensed Angling Association meeting and others. It is great.

Well done to Craig Carey, the captain of our Australian team and we have some fine Tasmanians on that team and there will be more to say about that soon. Looking forward to catching up with Peter and Karen Brooks from Deloraine tomorrow and thank them for their promotion of our trout fishery.

It is really quite exciting. We are on the world map here and it is shaping up to be one of the best seasons ever. I just want to say thank you to those volunteers in all of those licensed angling associations all around Tasmania. I know they are out and about promoting and supporting the trout fishery, trying to get young people involved, boys and girls, in this wonderful recreational activity. It is part of the Tasmanian way of life and that is why we love it. I was brought up on it. I fished the Meander River. It took me three years before I got a trout on my fly rod, but I loved fishing with bait, with lures; I love any sort of fishing like so many other Tasmanians. That includes not just trout fishing, but also sea fishing. Tasmania is an island state and we are proud of it and we are making the most of it.

In conclusion, a great tribute to all of those trout anglers out there. Tight lines for the rest of the season, I hope it is a good one.

The House adjourned at 6.44 p.m.