

Wednesday 18 March 2020

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

QUESTIONS

COVID-19 - Request for Daily Briefings

Ms WHITE to PREMIER, Mr GUTWEIN

[10.02 a.m.]

In uncertain times like this, people are looking for all sides of parliament to come together. They want us to be working together to do everything we possibly can to overcome this crisis. Last week I wrote to you with a number of suggestions your Government could implement to help slow the spread of COVID-19, and I thank you for acting on a number of them, but it is clear that more needs to be done.

In that letter, I also requested that the Labor Party be included in daily briefings to assist with the dissemination of timely and accurate information. This would also help us to better understand what your strategies are and why decisions have been made. Will you include the Opposition and anyone else who wants to be involved from parliament in daily briefings and demonstrate to Tasmanians that we are working together to overcome this virus?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for her question. First of all, you have unrestricted access to me, you know that, regarding the conversations we have had - and we have a number of them - on the phone. In my office I have even designated a staff member you can contact with queries. As to the information flow between the Government and the Opposition, that already exists.

Ms White - It is not proactive. Why don't you share with us what you are getting as advice?

Mr GUTWEIN - Communication channels either exist or they do not and, quite clearly, they do exist. The Leader of the Opposition is attempting to curry some political position out of this, to create some sort of political position.

I will be absolutely clear to you again, as I have been to you both publicly and personally. If there are matters that you want to speak to me about, I am more than happy to take the call. I have done that on a number of occasions, and I have called you on a number of occasions. I have taken on board your suggestion and have provided a designated person in my office you can send queries through to.

Importantly, every morning at 9.15 a.m. we are providing a briefing to not just the Labor Party, which I would imagine you have probably been watching the last couple of days, but to every person in Tasmania to provide them with an update on what is going on. Dr Mark Veitch - or in past days the deputy director, Scott McKeown - has been there to ensure that if there are questions that need

to be answered in respect of the activities of the Director of Public Health or the public health response, they can be asked at that time.

We are providing the communication. You have access to me and my office. I cannot help but think this question has a little bit of politics involved in it.

COVID-19 - Mandatory Quarantining

Ms WHITE to PREMIER, Mr GUTWEIN

[10.06 a.m.]

I will point out that you have taken my question the wrong way. It is about making sure we all have access to the right information so we can keep our communities informed. These are unprecedented times, but what is coming is not unknown. We have seen it in China, in Italy, in the United States and, right now, across Europe. The reason people are so concerned is because they can see the consequences of governments that failed to take action when they had the chance, and they see the same patterns happening here.

Today's papers carry full-page ads from clinicians and business people desperately calling for an escalation in efforts to combat COVID-19. You say you are following national advice, but first and foremost you serve the people of Tasmania. As an island we have an opportunity to do what no other state can do. We have a rapidly closing window of opportunity to dramatically slow the spread of this virus by mandating everyone coming into Tasmania to quarantine for 14 days. The spread of COVID-19 has entered an exponential growth phase in mainland states. The number of cases in New South Wales has doubled in the last two days. There is just as much risk of the virus spreading across state borders as there is from overseas. How bad will the situation have to get on the mainland before you require mandatory quarantining for two weeks for everyone entering Tasmania?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for that question and her undoubted interest in this matter. I am certain you were watching the briefing I provided this morning where I said I would be taking further advice again this afternoon on that particular matter.

Ms White - Why wait?

Mr GUTWEIN - I made it perfectly clear yesterday and I want to do so again. As a government we have already gone further than other governments have in this country. We have introduced the Tasmanian Arrivals Card. There are penalties involved for people travelling from overseas or Tasmanians returning home who do not fill out that card at our ports.

Ms O'Connor - They're not all filling it out.

Mr GUTWEIN - There are penalties involved. I make it perfectly clear that there are penalties and we will apply them. There has been a direction issued.

More than 100 people have already filled out that card in the last couple of days, which indicates a significant number, I suspect, of Tasmanians coming back from overseas as opposed to

international travellers. We are monitoring those people within our community and ensuring we can provide support to them. We are ensuring that they know what their obligations and responsibilities are. We have taken that step and no other state or territory has. We have gone a step further.

I understand and accept that there is community angst in terms of our borders and those people coming into the state from other jurisdictions where there is a higher prevalence of the disease than we have here. I want to be clear: we will not be shutting our borders. I want to make that perfectly clear. There is a distinction here. Under the Constitution we cannot.

Ms O'Connor - Yes, we can.

Mr GUTWEIN - The free trade between the states does not enable us to do that under the Constitution.

Ms O'Connor - There are workarounds. You have to get advice on that.

Mr GUTWEIN - As I said this morning, further restrictions in terms of self-isolation for people entering the state are being considered. I am taking advice on those matters and I will be receiving advice again later today on those matters. There needs to be a distinction, though, between essential and non-essential travel, if we are to take that step. What also needs to be understood as well, is that if we do take that step it will have a significant impact on our tourism and visitor industry. They are already feeling it, I understand that, but this will ensure that anybody considering coming to the state for non-essential purposes would make a decision not to come, because they would be going into two weeks of self-isolation.

I am prepared to act. We have been taking advice and looking at the options available to us. I will take further advice today. I understand that there is a growing concern in the community about the entry of people from those states that have a higher level of prevalence than us. I am taking that advice, looking at options, and I will have more to say in coming days.

COVID-19 - Assistance for Vulnerable People

Ms O'CONNOR to PREMIER, Mr GUTWEIN

[10.11 a.m.]

If they are not filling out those arrivals cards it is very hard to monitor them in the population.

Now to my question. Yesterday you announced a \$420 million stimulus package but only \$6 million of that will go to supporting Tasmanians experiencing hardship. We agree the economy will need help as a result of this pandemic but, like many Tasmanians, we are worried about what happens to the most vulnerable in our community in the event of a wider outbreak and shutdown.

Have you put as much energy into planning for the elderly living alone in the community, who are dependent on outside supports? What about people with disability, wholly dependent on carers who may fall sick? St Francis Flexible Learning Centre, for example, has put out a call for essential grocery items for the low-income families they support. This pandemic is already biting the poor and disadvantaged, and the economic impacts will spread to every part-time and casual worker, every low-income family in Tasmania.

The Western Australian government has frozen all household fees and charges, including water, electricity, public transport fares and vehicle registration. Do you acknowledge that your Government will have to do the same to ensure Tasmanians are not driven to the wall, go hungry, or are made homeless in the months ahead?

ANSWER

Madam Speaker, I thank Ms O'Connor, the Leader of the Greens, for that question and her interest in this matter. She is absolutely right, we did announce a stimulus package yesterday of a total \$420 million. It was a stimulus and support package. A considerable part of that was to ensure that our public service has all of the necessary resources over coming years and it can be completely focused on what it is doing, so I removed the efficiency dividend which provides around \$260 million-worth of additional spending directly into our community to support agencies to go about their work.

Regarding the support package we have announced for those individuals who require additional support in the community, the member would be aware that yesterday I made \$1 million available.

Ms O'Connor - That's \$1 million out of \$420 million.

Mr GUTWEIN - I make the point that I have always said our response would be proportionate and scalable, and I think most Tasmanians understand this. At the moment, we have seven positive cases and we are providing a proportionate and scalable response.

We have made available an initial \$1 million to organisations such as the Salvation Army, the Red Cross, and Rural Business Tas -

Ms O'CONNOR - Point of order, Madam Speaker. I am really resisting taking points of order at the moment because we want to hear the Premier's answer, but the issue is we do not need a restatement of the ministerial statement from yesterday. The question is how will the Government cope with, deal with, respond to, vulnerable people in the community, including people living alone with disability and who are elderly, and is the Government considering measures like the Western Australian Government has taken to ease the financial pressure on low-income Tasmanians?

Madam SPEAKER - As you appreciate, that is not a point of order and I do think the Premier is trying to get to it.

Mr GUTWEIN - Thank you, Madam Speaker. Your question was: what are you doing for vulnerable people? I am outlining what I announced yesterday which will go to supporting the very people and groups you were talking about, which you ignored in respect of that response a moment ago. It is reasonable to explain that we are taking steps that are proportionate and scalable. There is \$1 million available to organisations to support vulnerable people with food, medical supplies, counselling, and a further \$1 million to ensure we can support people in emergency accommodation, or those who have been forced to stay away from their normal residence as a result of somebody being in self-quarantine or for other purposes. We are providing one-off emergency payments of \$250 for individuals and up to \$1000 for families who are required to self-isolate.

Members interjecting.

Madam SPEAKER - Order.

Mr GUTWEIN - We will work with those people who are affected in our community and, as I indicated yesterday regarding the emergency payments, it is uncapped. We will spend and invest what we need to in those areas.

There will be more that the Government will need to do. This situation is not going to get better for a while. I have seen some comments in the press and on Facebook about four weeks, or do this for two weeks. We need to be sensible and we need to be calm because this will be with us for some time, longer than six months. In terms of the social distancing measures that we have been talking about and things that individuals can do, it is important that they heed the message and do what they can. They must ensure they wash their hands often, take on board the information about social distancing, and ensure that they are mindful when they are in public settings.

All Tasmanians will need work with us and work together as we work our way through this. I said yesterday that the package we announced yesterday was the first step. We have a budget coming up in a couple of months and we will make decisions as we move towards that as to what level of response is required at the time, but it will be proportionate, it will be scalable and, importantly, it will support those people who need support.

COVID-19 - National Cabinet Meeting Response

Mr TUCKER to PREMIER, Mr GUTWEIN

[10.19 a.m.]

Can you please update the House on last night's National Cabinet meeting and the Government's response to COVID-19?

ANSWER

Madam Speaker, I thank Mr Tucker, the member for Lyons, for that question and his interest in this matter. I assure Tasmanians that we are doing everything in our power to keep Tasmanians healthy, look after their wellbeing and look after their safety.

Last night's National Cabinet meeting was another example of governments of all colours around this country coming together to discuss matters that are going to keep people safe and healthy and, importantly, keeping our economy going as well. A range of matters was discussed last night. The Prime Minister has already been to his feet today but there are matters that will have impact on Tasmania and we need to work through those matters to ensure that our businesses and the individuals involved understand how they are going to be impacted.

The first matter was that the National Cabinet accepted, and the Prime Minister announced today, the advice that non-essential indoor gatherings greater than 100 people will no longer be permitted from today. Non-essential public gatherings that are held indoors with more than 100 people will not be able to be conducted from today. We will provide further detail, and a direction from the Director of Public Health will be issued later today. We will then work with those who are affected. The recommendation is that in these settings where gatherings of fewer than 100 people are held, you will need to ensure you maintain a 1.5 metre space between patrons - approximately a 4 metre area around each individual. For 100 people indoors, you will need 400 square metres of floor space; for 50 people indoors, 200 square metres of floor space. This will

have an impact, but the Australian Health Protection Principal Committee has recommended that this will slow the spread.

We are going to work with those businesses, function centres and community organisations that will hold functions for events like this, and we are going to have to help them through this. That may mean, for example, that people do things differently. It may mean that restaurants may need to think about their business model, depending on the size of their floor space and their offering. We will all need to work together.

There is a lot of politics that can be played on this, so I ask you not to play those politics, and to work with businesses as we work with them, to ensure that we can work through what will be challenging circumstances for them.

Outdoor events with fewer than 500 attendees can still proceed, but there are general measures that all events should follow. If it is in a given occupied space, there should be no more than one person per 4 square metres. So, in gatherings where fewer than 500 people come together, we need to be mindful how they are managed in the space available.

Today, the Director of Public Health will be speaking with Salamanca Market about this new step they need to think about in how they structure themselves for coming markets. We need to work with them because these measures are designed to keep people safe and limit the transmission of the disease.

With Anzac Day, the decision has already been made, and consideration is being given as to whether there will be a national or a local televised event. We will need to work with the RSL to discuss what the options might be for a televised dawn service, with only a few people attending, and likewise at 11 a.m. as well. We must do what we can to remember them on that day, and we need to find a way to do that.

I strongly endorse the advice from the Australian Health Protection Principal Committee against the bulk purchase of foods, medicines and other goods. There is no need for the panic buying that we are seeing. I noticed in the paper today that supermarkets have outlined items that people will be rationed on. I say to Tasmanians that we need to work together on this. We need to be calm, and we need to look after each other. We are unique in this country. We are Tasmanians, and we need to ensure that together we all get through this.

Restrictions will also be brought in on aged care homes and facilities. These will be introduced through the regulations that apply to aged care facilities, and restrictions will be placed on who can enter those facilities. In some aged care facilities on the mainland, they have said they will lock down for four weeks. This will not be a four-week event. What we need to do is to put in the appropriate mechanisms that ensure people can visit the people they love in an appropriate way, but in a safe way. A range of restrictions will be brought in for people who have returned from overseas, or been in close contact with a confirmed case of COVID-19 in the past 14 days, or have a fever or symptoms of a cough, and those who have not been vaccinated against influenza. Strict restrictions will be brought in so we can manage people in and out of aged care facilities in a safe way.

It will be difficult, and it will mean that for people who have relatives, family or parents in these facilities, things will change. There has been a view and a call around the country that what we should do is close off aged care facilities completely and restrict any form of access.

I do not have a parent in an aged care home, but I lost my father a number of years ago. If this is going to go on for six months or 12 months and someone told to me that I could not go and visit him, I would find that unacceptable. What we are looking to do is to find an acceptable and sensible but safe way that people can still visit their relatives, but importantly, keep both their relatives safe and the facility as well. Those matters will be introduced.

There has been much discussion concerning schools. The advice from the Australian Health Protection Principal Committee was that school closures should not be undertaken -

Ms O'Connor - At all, or not yet?

Mr GUTWEIN - should not be undertaken at this time. There is no advice before us regarding it being beneficial to children's health, or a way of restricting the transmission of COVID-19 in our community. There is no advice. That is difficult for parents to understand, and in many cases parents are taking their children out of schools.

Ms O'Connor - Private schools are shutting down; Catholic schools in New South Wales.

Mr GUTWEIN - Against what is the best advice that we can receive in the country. I urge parents to work with the schools. They will be one of the safest environments that children can enter, if well managed - if hygiene measures are taken into account, and if social distancing measures are taken into account. The advice from the Australian Health Protection Principal Committee is that there is no reason to close schools at this time.

Community sport is going to be very difficult. We will need to engage with those who are involved. In the main, a lot of sport is already cancelled around our community. In many cases they provided a month, six weeks - or two months as it is with football that my family is involved in. The expectation that this will be able to be played in a couple of months time is very slim. This will be here certainly for the next six months.

For those sporting clubs that are continuing to train, I encourage people to be sensible and make certain that sensible things are occurring. When we were playing football at the end of the day, we could have stood between here and there and we could have kicked 100 balls, improved our skills and not put each other at risk, and we would use hand sanitiser at the end of it.

Additional measures were announced today. The Prime Minister has announced that he is going to deal with the spread of COVID-19 as quickly and flexibly as possible. He has declared in concert with the Governor-General a human biosecurity emergency under the Biosecurity Act to ensure that they have the necessary powers available to them to appropriately manage the spread of the disease. It allows the Health Minister to issue targeted, legally enforceable directions and requirements to combat the virus.

Regarding the state's preparedness, we have recently declared a public health emergency. We still have another step to go to the declaration of a state emergency. I am taking advice on that today on the basis that the Commonwealth has elevated its response. Whilst there is no imminent threat here in Tasmania, I believe it would make sense to receive that advice in terms of the time and when we should take that next step. I will be receiving that advice later today. I will have more to say on that soon.

COVID-19 - Waiving of Government Fees and Charges

Ms OGILVIE to PREMIER, Mr GUTWEIN

[10.31 a.m.]

I have given a lot of thought about what question to ask today. I want to say a couple of things about how good it is to see this group of people pulling together across the Chamber. We are in very difficult times.

Premier, you have been very kind in making time available for me when I have had particular questions and I thank you for that. This is one that we have not had a chance to discuss and it goes to the question of looking after families who are already doing it tough. Overnight I have been inundated with contacts from self-employed small business people, people who are under the cap for paying payroll tax, people who need immediate financial assistance as of today.

I have too many examples to mention but I will say their names because they are watching: Lucy, Joff, Claire, Suzie, Shayna, Alan, Chris and Philip. We are dealing with professionals here, particularly sole traders, people who are ABN people, tradies, mum and dad operations and subcontractors, artists, barristers, taxi drivers, hospitality artists, music teachers, teacher's aide, medical specialist, and anybody who is running a business that is really sole trade, just themselves. Many have young children with now a parent at home taking care of the kids. Meanwhile work is already drying up for the parents still at work.

We all understand how essential it is that we keep our island state going. Everyone is ready to step up. Tasmanians are tough and resilient and we are all going to keep working but people need help to make it happen. Costs including mortgage payments, government bills and fees, electricity, and water rates all go on. Can we please suspend all government fees, bills and charges? Could you please speak with the councils and have all fees, rates and charges also suspended?

ANSWER

Madam Speaker, I thank the member for Clark for her question and her interest in this. Am I right, was it, Lucy, Josh, Shane, Allen -

Ms Ogilvie - Lucy, Joff, Claire, Suzie, Shayna, Alan, Chris and Philip want some help please.

Mr GUTWEIN - Thank you and good morning to all of you.

First of all, our thinking with yesterday's package was that the most important thing that we could do was to keep our economy going. One of the reasons we announced \$50 million-worth of stimulus into maintenance and small jobs, things that I would describe as being not shovel-ready but screwdriver or paintbrush ready, on the basis that for many small businesses that is the sort of work they could pick up quickly without having to go through the processes that are involved with larger jobs.

Yesterday I spoke about the tourism industry and the impacts on both regional but also larger population centres regarding the role that local government plays with the provision of tourism services: toilets, rest areas, rest rooms, visitor information centres. We have made \$50 million available interest free to those councils to go out and employ what I would hope would be small businesses to do that work.

We provided interest free loans yesterday, \$20 million-worth that small business can apply for to help them if they have business loans, overdrafts they are trying to manage, and they want to refinance or restructure.

Ms Ogilvie - Home mortgages - is that contemplated?

Mr GUTWEIN - It would depend on whether that is part of their business structure in providing their home as security. We will work with people. The other point I make regarding the package we announced yesterday, and for many of those small businesses I understand that they will not be able to benefit from payroll tax, there were a couple of measures that were announced last week by the federal government. If a small business employs people -

A member - Sole traders don't.

Mr GUTWEIN - I understand a sole trader is a sole trader. In terms of sole traders, and my wife is one; she employs six people who work for her in her business. She is not a partnership, she is not a company; she runs and owns her own business. There was assistance provided for those sorts of businesses in terms of the withholding tax payment that will come from the Commonwealth regarding their employees' wages. That was \$2000 up to \$25 000 depending on their payroll. There was a further \$1 billion that was provided that can be utilised as direct grant funding, as I understand it, to businesses that have been affected by the early turn down in the tourism industry or the fishing industry or those industries associated with them in regional and rural areas.

I hear the point of the question. If I started where you finished, which was could I speak with councils, nothing would give me greater pleasure than to ask councils to consider some fee relief. With fees and charges at a government level, we are looking closely at that. Yesterday we did take some steps for some small businesses, those that work in the tourism sector; around 300 businesses will benefit from fee relief in terms of their businesses. With the seafood sector, there is fee relief that we looked at there. We are prepared to look at this and noting it is a proportionate and scalable response, we will look to do what we can.

The point, and a couple of members have made it this morning in terms of small business, and Michelle, you spoke to me yesterday on this particular matter and raised an issue, it is going to be really tough. An example that was raised, in terms of a small business, a sole trader that is a sports photographer who takes photographs at sporting events. That business has stopped dead. I am cognisant of those things. Our initial response was to ensure that we could keep our economy going and to provide more opportunity into the economy through those investments that we made yesterday, but with other matters that we can consider, further fee relief is one. I certainly have an open mind to that and as we work our way through this in the lead-up to the budget we will have more to say.

COVID-19 - Tasmanian Arrivals Card

Dr WOODRUFF to PREMIER, Mr GUTWEIN

[10.39 a.m.]

Your method of protecting Tasmanians from the risk of overseas travellers infected with COVID-19 who enter the state is to require these people to self-isolate for 14 days. People are asked to fill out a Tasmanian Arrivals Card when they land but this is only a voluntary self-declaration process. We heard a story from a person arriving last night from overseas, handed a

card and left to fill it out without direction, squeezed next to four other people at a tiny desk. She reported seeing a passenger with bags of duty-free pushing past, ignoring the direction from staff. Another traveller landed yesterday from a non-English speaking country but was given no support to fill out the form in English.

We are deeply concerned. The lack of resourcing and stringent processes makes this a manifestly ineffectual protection measure. You said this morning 104 people have completed the card but you cannot be sure how many people did not comply if you are not enforcing or tracking people properly. Will you make this an effective safety measure by increasing resourcing immediately and effectively tracking people to check that they are self-isolating properly?

ANSWER

Madam Speaker, I thank Dr Woodruff, the member for Franklin, for that question and her interest in this. As I have informed the House already today, more than 100 people have filled out the card but I accept the issues you have raised and will certainly look into it, especially regarding language. My understanding was that the cards would be provided in a range of languages, as would the signage there, to ensure that people from other parts of the world were able to understand what was required. We will have a look at that and ensure that matter is dealt with. We are asking people to self-identify and if we need to we will take further steps and look at what can be done.

The model proposed was similar to the way biosecurity works at all of our airports, where, as you walk through, you declare any fruit or anything like that. It was felt that this was a way of taking that additional step, asking those questions, having people take the opportunity to fill those cards out and, importantly, providing appropriate signage, both in the entrance hall and around the airport itself, to ensure that people understand what their obligations are. I make the point that now we have declared a public health emergency, the offence provisions are up to \$16 800 for not complying with the requirement to fill that card out.

Dr Woodruff - But there's no enforcement of that, is there? That's the problem.

Mr GUTWEIN - The member has raised some concerns and I am happy to look into those concerns. I undertake to do that after we finish question time today.

COVID-19 - Mandatory Quarantining

Ms WHITE to PREMIER, Mr GUTWEIN

[10.43 a.m.]

Europe and Canada have now closed their borders to everyone but their own citizens. San Francisco, a city of seven million people, has been locked down. Other cities and countries across the world are doing the same. Tasmania will not be immune to the type of impacts we have witnessed overseas. That is why business and health professionals are calling on you to mandate quarantine for 14 days for all people arriving into Tasmania. What makes you think that Tasmania will be any different to almost every other place on the planet that has been hit by this virus? The biggest threat to our economy is failing to contain the spread of the virus. The biggest threat to our health system is failing to act now. The biggest threat to the health of those we love is failing to act now. We are an island. We know what is coming and we can take action now, so why wait?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for her question but I thought I answered it earlier today. I want to be absolutely clear about this. We have taken steps already that put us in front of every other jurisdiction in this country with the Tasmanian Arrivals Card. As to whether we should move to self-isolation for 14 days for all passengers coming in on non-essential travel, I am looking at that and what the requirements might be. I am taking advice later today on that matter and we will have more to say in coming days in respect of that.

We take the health, wellbeing and safety of Tasmanians very seriously. As I indicated to this House yesterday, there was no advice we received that we should take this measure but notwithstanding that, I indicated to the House that it was a matter I had engaged on and was seeking a range of advice about. I will again meet this afternoon and look at whether or not we can introduce more requirements in terms of people arriving in Tasmania for non-essential purposes.

I make the point that when we implement that, it will have an impact on those small businesses we have just been talking about, it will have an impact on the tourism and visitor economy and it will have an impact on the supply chains. You need to understand the ramifications of what will occur should we take that step. I want to be clear that the health, wellbeing and safety of Tasmanians in our number-one priority and on that basis I will take further advice and make an informed decision about what we can do in terms of further requirements.

COVID-19 - Tasmanian Arrivals Card

Ms WHITE to PREMIER, Mr GUTWEIN

[10.46 a.m.]

Just a day after the introduction of the Tasmanian Arrivals Card it is already apparent that there are serious holes in the system. The ABC interviewed someone travelling from Spain via Sydney who was not given an arrival card and said there was no one at the airport enforcing it. While they are now in self-imposed isolation, we cannot rely on everyone being expected to do the right thing. The official statistics for the number of cards that have been completed appear to be improbably low. You have confirmed that not every traveller arriving in Tasmania is required to fill out the arrival card. It is only those who originate from overseas and that they need to self-identify. Will you expand this to cover all people arriving in Tasmania, and what resources can you provide to ensure that the arrival card is enforced and effective?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for that question and the obvious opportunity it provides me to say to the media in terms of the circumstances we are in that in regard to the way they have been reporting this and their engagement, which I indicated to the press conference yesterday morning, I thank them for the way they have engaged. They generally have been quite responsible in what is a difficult set of circumstances. Regarding reporting that particular incident, I hope the ABC has provided those details to my office as to which airport and whether they had any details of the individual they could provide -

Ms O'Byrne - Wouldn't your office have called them already?

Mr GUTWEIN - I was not aware of that matter until it was raised with me just then.

Ms O'Byrne - You have a media team. Surely they were reading the news last night?

Madam SPEAKER - Order, please.

Mr GUTWEIN - In situations like this, we are all Tasmanians, whether we work in this place or whether we work in the media, and I would hope that as we work our way through this, rather than looking for gotcha moments we would work together.

Your question was about whether we would extend the Tasmanian Arrivals Card to every person coming in. This afternoon I am taking further advice on what other requirements we could introduce in ensuring that those people entering the state for non-essential travel can be managed in a way that ensures people have the comfort that we are not putting anybody's health at risk. This afternoon I will take that advice, we will look at further requirements and I will have more to say on that matter.

COVID-19 - Support for Businesses

Mr STREET to MINISTER for STATE GROWTH, Mr FERGUSON

[10.50 a.m.]

Can you please give some more detail on how the Tasmanian Government is supporting businesses in Tasmania during this difficult period?

ANSWER

Madam Speaker, I thank my colleague, the member for Franklin, for his question. From the outset, following the Premier's announcement yesterday, I express the Government's appreciation to the opposition parties - the Labor Party, the Greens, and Ms Ogilvie - for the support they have separately shown towards the Government's \$420 million economic stimulus package announced yesterday.

Today, Tasmania is the nation's economic powerhouse, with continued strong economic growth, job creation and strong business confidence. As we know, 21 000 new jobs have been created since we came to Government. With the present challenge we are facing, we intend to do everything we can to keep it that way. To do that, we need to support people's health, but also make sure we support the engine room of our economy, which is our business sector.

The Government will continue to take strong action to maintain the economic momentum, as demonstrated by our economic stimulus announcement.

Our plan includes a range of important measures to assist business in Tasmania. These include: \$20 million for the provision of interest-free loans to businesses in the hospitality, tourism, seafood and export sectors that have a turnover of less than \$5 million, and which are sensitive to the current challenge we face with COVID-19 and waiving of payroll tax for the last four months of the financial year for hospitality, tourism, and seafood industry businesses. Other small to medium businesses that may be affected by coronavirus can apply to have their payroll tax payments waived from March to June 2020, saving them up to \$9 million.

The Government also knows that cashflow for small to medium businesses is critical, which is why we are also, for all businesses in this category, reducing the normal terms of trade with government for payments from 30 days to 14 days. We want to put more cash back into local communities more quickly.

We have also offered \$50 million in interest-free loans to local government, our councils, which own many of the local tourist facilities around the state. With the challenge in the tourism and visitor sector right now, this is a good opportunity to improve those local facilities, such as rest areas, rest and change rooms, toilets and visitors' centres, so that when we do recover, we can recover quickly, strongly and positively.

We know the construction sector is a major employer, and should continue to be, which is why we are immediately bringing forward the \$50 million that the Premier has already spoken about this morning, for the maintenance of our public buildings, such as affordable housing, schools, police houses, parks assets, and of course, health centres.

As the Premier has said, 'screwdriver and paintbrush ready'. It is about supporting smaller trades to get more work, and faster, in the pipeline of work that Government can influence.

This measure will complement the recently announced two-year extension of the First Home Owner Grant, which provides \$20 000 for Tasmanians building their first home. We want to see that continued support and stimulus, and the strong confidence in the building and construction sector continued and supported, even throughout this challenging period, which we can do.

The Government will also provide \$2.1 million for one-off \$5000 grants for businesses that hire an apprentice or trainee. This complements very well the federal Government's apprenticeship wages package, which we really welcome.

To encourage business to employ young people, the Government will introduce a youth employment payroll tax rebate scheme for young people, from April.

Tasmania has over 300 businesses that rely on visitation to our national parks and wilderness areas. For the fourth quarter of this financial year, the Government will waive tourism operator lease, licence and entrance fees for our important parks industry. We want to support those 300 or so hardworking tourism businesses in that sector, right around the state, in all regions.

The Government will also provide a 50 per cent discount on liquor licensing fees, and waive application fees for the calendar year. This will cost around \$500 000. The initiative will reduce the costs of the hospitality sector at a time when they need the relief the most.

I have welcomed the Opposition's support for this measure, and I hope that will continue.

The \$1 million in additional funding that was announced in the state-of-the-state address for Tourism Tasmania will be directed towards the development of a local holiday campaign to encourage our own Tasmanian community to holiday locally here in our state this year. I will also provide \$100 000 to the Tourism Industry Council and the Tasmanian Hospitality Association for training and support of workers in those sectors, and \$80 000 to the Chamber of Commerce to assist businesses to navigate the industrial relations issues associated with this virus.

We are also working as a Government with the federal government to provide more support for the rock lobster and abalone sectors, and also assisting the giant crab and finfish sectors through a range of measures.

Importantly, the removal of the efficiency dividend to state government agencies over the Forward Estimates will ensure that the public service is adequately resourced to continue to support Tasmanians through this crisis, as well as providing a further \$268 million of Government expenditure, which is more stimulus for the Tasmanian economy.

This comprehensive support and economic stimulus package of \$420 million is our way, as a parliament, as a Government, to help us fight the economic impact of COVID-19, to support people's health, and also the health of the economy, the health of Tasmanian businesses and the health of Tasmanian families as we prepare the foundation to set up Tasmania for a rapid and positive recovery when the pandemic ceases.

COVID-19 - ICU Occupancy

Ms WHITE to PREMIER, Mr GUTWEIN

[10.56 a.m.]

As a member of the National Cabinet, you will have been briefed on up-to-date modelling on the impact of COVID-19 in Australia. We now know Tasmania has just 23 ICU beds at the Royal Hobart Hospital, 12 at the Launceston General Hospital, and eight at the North West Regional Hospital. I am interested to know what the occupancy is of these beds right now, and what is the modelling on how many people will be infected in Tasmania, how many will require hospitalisation and how many will require intensive care? Based on the modelling, are you confident that Tasmania has enough ICU beds and ventilators to cope with the number of people who are going to get sick if you do not take decisive action now?

ANSWER

Madam Speaker, regarding that last question, we are and we have taken action. I have made it perfectly clear today that I am prepared to take further action based on the advice that I receive this afternoon.

In terms of the number of ICU beds we have and their occupancy, I make the point that every action we are taking at the moment is about flattening the curve. It is about reducing demand as we work our way through this process. My advice is that this will be a six-month-plus process. The further we flatten the curve, the longer it will go - but, importantly, the further we flatten the curve, the less pressure on our health sector.

The actions we are taking, which was the key point of your question and whether we would take decisive action, absolutely. I said yesterday that based on advice I would act in a heartbeat. We have moved further than other jurisdictions. In the main, the Leader of the Opposition has been reasonably responsible as we have worked our way through this. We have engaged and spoken about a range of matters.

To be clear, I will take advice this afternoon, and if further action is required, I will take it.

COVID-19 - Assisting Tasmanians in Need

Mr TUCKER to MINISTER for HUMAN SERVICES, Mr JAENSCH

[10.59 a.m.]

Can you please inform the House about how the Government is assisting Tasmanians in need in response to COVID-19?

ANSWER

Madam Speaker, I thank the member for his question and the opportunity to update the House on this important matter. As the Premier outlined yesterday, the health and wellbeing and safety of Tasmanians is our highest priority. We will continue to manage the risk of the COVID-19 virus based on the best and latest evidence and medical advice. As a government we remain committed to doing everything we can to manage and mitigate the impacts of COVID-19 and we will all need to continue to support those around us and, in particular, our most vulnerable.

The measures the Premier outlined yesterday are an initial response to the pandemic through which the Government will provide further support and economic stimulus to help businesses and Tasmanians affected by the virus. A key focus of these measures is our vulnerable Tasmanians. In the event that those on low incomes and casual workers are required by Public Health to self-isolate as a result of coronavirus, we will provide one-off emergency relief payments of \$250 for individuals and up to \$1000 for families. I need to advise and confirm that this is an uncapped commitment and we will provide additional assistance to Tasmanians in need while they are in self-isolation.

Furthermore, I can confirm that the emergency payment is in addition to any relief payments eligible Tasmanians may receive under the Australian Government's stimulus and support packages announced last week and any further announcements of those. I am also advised and can share with the House that the provision of these relief payments is already underway. Payments have been made and will continue to be. This is a live program right now being directed to those who qualify and who need it.

To further help those who are self-isolating the Government will provide \$1 million delivered through Communities Tasmania to organisations such as the Salvation Army, the Red Cross and Rural Business Tasmania. They will support vulnerable Tasmanians during their self-isolation primarily through provision of food hampers, medical supplies and counselling at a time when they need it most.

I thank those NGOs for the work they are doing every week and are rolling out now to people who are affected by coronavirus and are in self-isolation. I confirm that this work is happening right now and the Department of Communities Tasmania is in active conversations with the sector on how that response will scale up as and when demand increases.

The Premier also advised that we will establish an emergency accommodation support fund of \$1 million to be administered through the Department of Communities Tasmania. This will be available for individuals and families who have been placed on home quarantine but who are unable to return to their regular place of residence due to self-isolation measures being in place. For example, they could be vulnerable Tasmanians who are in transitional accommodation of various

kinds or who may be living with elderly parents who may need temporary accommodation support to self-isolate or quarantine away from other vulnerable Tasmanians for that period.

This funding will support expanded brokerage, providing increased capacity and access to temporary accommodation for Tasmanians who need it most during the COVID-19 pandemic period. Again, this emergency accommodation brokerage is already happening and supporting Tasmanians in need and we will continue to provide support for those who need it. I thank our Department of Communities Tasmania and the accommodation operators out there who we are continuing to engage with across the state, particularly as we head into a period where they are experiencing cancellations and lower bookings to secure additional stock that can be used to support COVID-19-affected families.

Additionally, as my colleague alluded to and the Premier announced earlier in the week, many social housing tenants and small businesses across Tasmania will benefit through the immediate bring forward of the \$50 million for maintenance of public buildings, which include public housing, across the state over the next 12 months. The intention of this package is to address known needs for upgrades and maintenance of these properties, but also to bring forward investment in work that is able to provide work for lower skilled workers on a casual basis or otherwise, working for the smaller subcontractors in the small towns all over Tasmania right now.

As the Premier stressed, when making his announcements in the first case, we do not have the lead time to wait for a stimulus based on projects that require planning and approvals necessarily, or even qualified tradespeople to be available. For those small businesses involved in the maintenance of public buildings, if we can fast-track and bring forward their work through our existing contracting processes, we can be assisting households across Tasmania for whom their normal work might have ceased and who are in need. That is another way of supporting those families across Tasmania.

These services are available to people who need them and who have been identified through the Public Health Hotline process in particular as being in need and being required or directed to undertake self-isolation. We have arrangements in place to ensure linkages between the Department of Communities Tasmania process and that of the Public Health Hotline so we do not duplicate any assessment processes and are able to deliver support to vulnerable Tasmanians as efficiently as possible.

COVID-19 - Schools and Education Facilities

Ms WHITE to PREMIER, Mr GUTWEIN

[11.07 a.m.]

At the same time you were holding Cabinet meetings via teleconference, the public has been banned from the public gallery and we are sitting a seat apart from one another. School students and staff have no such luxury. Many school staff took to social media last night saying that some schools do not have soap, they have run out of hand sanitiser, and school cleaners are having trouble sourcing basic cleaning supplies. One of many said:

We do not have hand sanitiser and soap runs out and we all touch the same part of the soap dispenser to pump the soap out. The children are trying to remember to maintain some distance but it is so very difficult and they regularly forget, not to mention how difficult it is trying to maintain hygiene practices in a small

classroom where it is impossible to separate the desks while also keeping the children calm and reassuring them that things will be okay.

Are you confident that schools are able to implement the effective social distancing in order to limit the spread of COVID-19 in the community, or are you failing in your duty of care to protect the workforce and our children? If you cannot guarantee that schools have what they need and can follow the advice of the Public Health office, will you close them?

ANSWER

Madam Speaker, first, let me make the point that the AHPPC has advised the National Cabinet that schools should remain open.

Members interjecting.

Madam SPEAKER - Order.

Mr GUTWEIN - My understanding is that the Government, the Minister for Education and Training, has written to all principals on this matter about supporting good hygiene practices to limit the spread of coronavirus and ensuring strict handwashing protocols are in place. They have also been advised on how to deal with hard surfaces, door handles, keyboards, desks, et cetera. If a school has had a run on these sorts of supplies, I have not been advised that there is a shortage at this stage.

Members interjecting.

Madam SPEAKER - Order.

Mr GUTWEIN - Concerning the supplies, we will work with our schools -

Members interjecting.

Madam SPEAKER - Order. Could you please not talk amongst yourselves? The Premier is speaking. It is an important subject and I would like to listen to it.

Ms O'BYRNE - Point of order, Madam Speaker. As a point of clarification, the Premier is saying he is not aware of anything and the minister behind him is saying that it was raised by the him in a meeting. So we need to be honest about the information.

Madam SPEAKER - With due respect, the Premier has probably been very busy. Please proceed.

Mr GUTWEIN - The Department of Education has contracts established for the supply of washroom products, including soap. Support is being provided to schools to ensure that orders and adequate supplies are in place. We will work with our schools to support them and to ensure they have what they need.

Regarding social distancing, which is another part of the question, schools are encouraged where practical to follow health guidelines around maintaining a distance from others. Social distancing measures have already been implemented, including the cancellation of all assemblies,

presentation nights, travel, fetes, fares, concerts with audiences, all sports carnivals, school camps and excursions, et cetera, as the member is aware. We will work with our schools. We have contracts in place in terms of the supply of washroom products, including soap, and support will be provided to schools.

Tasmanian Civil and Administrative Tribunal

Mr STREET to ATTORNEY-GENERAL, Ms ARCHER

[11.11 a.m.]

Can you advise the House on the action the Tasmanian Government is taking to continue its reforms to improve access to justice for Tasmanians?

ANSWER

Madam Speaker, I thank the member for Franklin for his question. While we are in uncharted territory in these uncertain times as we work towards staying ahead of the curve, and of course minimising the risk of COVID-19, it is also critical that we continue governing and getting on with delivering for Tasmanians, and that is why I am still making this announcement today. We are well placed to respond and we will get through this together, but we also need to plan for the future when we are on the other side of this event.

Today I am pleased to announce that for the first time in Tasmania, a single tribunal will be established to streamline services and provide access to justice. This important reform has been discussed by governments over many years, but we are getting on with making this happen.

Tasmania is currently the only state that does not yet have a single tribunal, and as the Attorney-General and Minister for Justice I have given this significant reform time to establish the Tasmanian Civil and Administrative Tribunal, or TASCAT, confident that it will deliver a more client-centric focus, particularly for our protective jurisdictions.

TASCAT will also assist to promote alternative dispute-resolution programs and provide greater consistency in decision-making, while enabling seamless service delivery to clients.

A significant amount of work will be undertaken this year to deliver a new single tribunal for Tasmania. The first step is the establishment of the new physical space for the co-location of the first tranche of tribunals to come under the new TASCAT umbrella. It is expected that nine tribunals will be the first to be co-located at the new Barrack Street facilities in Hobart. These tribunals are Tasmania's Resource Management and Planning Appeal Tribunal, the Guardianship and Administration Board, Workers Rehabilitation and Compensation Tribunal, the Asbestos Compensation Tribunal, the Motor Accidents Compensation Tribunal, the Anti-Discrimination Tribunal, Health Practitioners Tribunal, the Forest Practices Tribunal and of course the Mental Health Tribunal.

The new Barrack Street facilities are currently being especially fitted-out for the unique needs of the new single tribunal, and this is well advanced for its broad range of clients. We are working very closely with the tribunals and their stakeholders to ensure they are regularly consulted through this transition phase. The current heads of each tribunal and their staff are vital to the establishment of TASCAT, and we will ensure transition is as least disruptive to their work as possible. I would

like to add here my personal thanks for all of the current presidents' cooperation in this regard. Their work on the committee has been outstanding.

In coming months, legislation will be brought before state parliament to formalise a single tribunal arrangement. The new single tribunal is expected to be operational by the second half of this year.

This is certainly a time to take precautionary measures regarding the COVID-19 outbreak, but we must also look forward to securing Tasmania's long-term future.

COVID-19 - Personal Protective Equipment in Medical Practices

Ms WHITE to PREMIER, Mr GUTWEIN

[11.15 a.m.]

In *The Advocate* today, a Tasmanian GP claimed the public health hotline told a return traveller with a cough, fever and shortness of breath not to bother isolating themselves, and to come into their local GP to get their temperature checked. With so many people being told they do not need to be tested, GPs have become the frontline for concerned people who are simply trying to do the right thing and determine if they need to self-isolate. This GP clinic only has 25 sets of gowns and masks. How long do you think that will last, Premier? In the words of this doctor, 'The public health strategy for this epidemic is to avoid testing anyone to keep the numbers down and throw their health professionals under the bus.'

Can you guarantee adequate personal protective equipment for GPs and staff and medical practices? What do you have to say to GPs who feel like you are throwing them under the bus?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for that question. Regarding testing, we are following to the letter the national testing guidelines. That is the advice we have, and that is what we are doing.

I understand the pressure some GPs are under, which is why yesterday we announced \$2 million to support primary health settings, to assist them in their purchases of personal protective equipment, and also to assist them with minor capital works, because we understand that GPs are under pressure. We understand that pharmacies are also under pressure.

In terms of that particular GP, I am certain we can make contact via that article and have a conversation about what is available. We want to work with our primary healthcare providers. We want to work with our GPs, and we will do so. That is why we announced the package yesterday, to underpin and support them. Based on *The Advocate* article, we will make contact, we will have a discussion and we will see what we can do.

I come back to this point that this will be difficult and it will be challenging. Unfortunately, it is going to run for a long time, more than six months. As Tasmanians, let us come together and work together and get through this together. That is what is going to be important.

Members interjecting.

Madam SPEAKER - Order, could we please stop interrupting the Premier. This is a moment in time. We have to get the facts right.

Mr GUTWEIN - In terms of the testing, we are following the national guidelines. We will continue to follow those guidelines. We will continue to work with our primary healthcare sector. I say to all Tasmanians, let us work together. Let us get through this together. Let us ensure that when we get to the other side that Tasmania can become the best Tasmania it possibly can. It is going to be tough and we are, without doubt, all going to have lean on each other. We are all going to have to hold our hand out and help somebody up.

Importantly, do not forget that sense of community that is so embedded in Tasmania, that sense of self as a Tasmanian. We will get through it.

Regarding the member's question, we will follow that up, but it is exactly why yesterday we made the announcement of the \$2 million to support our primary healthcare sector.

Time expired.

RAIL SAFETY NATIONAL LAW (TASMANIA) AMENDMENT BILL 2020 (No. 7)

First Reading

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

EVIDENCE AMENDMENT BILL 2020 (No. 4)

Second Reading

Resumed from 17 March 2020 (page 91)

[11.21 a.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, I believe I was up to discussing the fact that there are currently no other crimes in Tasmania where adult victims are expected to gain a court order before they can speak about their experiences under their real identities in the public domain to the media. This law was obviously intended initially to protect victims, survivors, from media exploitation, but it has a number of unintended consequences which have been very painful for those people.

These are outlined by End Rape on Campus and Marque Lawyers. They have said that they include silencing individuals, survivors who want to speak out publicly and, through that, increasing their sense of isolation, powerlessness and voicelessness. It has maintained and potentially increased the social stigma around sexual violence by keeping taboos intact, and also treating the survivors as nameless, faceless others. It has disempowered sexual assault survivors in the community more generally and erased from view those people who might otherwise draw strength from their powerful role as public role models.

It has also restricted survivor-led advocacy and education by placing conditions on how survivors can participate and be heard in public debates, including the debates which directly affect

themselves. It has also disempowered individual survivors and potentially increased their existing trauma by denying them the opportunity to engage in certain activities they may find restorative, therapeutic, or healing. Those experiences we have heard detailed at a personal level by some of the people in the Let Her Speak campaign that has been leading up to this bill. That is exactly a summary of the sorts of things they have reported.

That is the underlying motivation for the bill and we entirely support that. The change itself makes sure that courts will retain control of what can be published during relevant criminal proceedings, but after those proceedings have been finally determined or otherwise completed, the victims themselves will have control because identifying particulars cannot be published without their free and informed consent. The bill will also enable it to be a summary offence to publish identifying information without an order or a victim's consent.

There were many submissions made to this bill and most of them were entirely supportive and had recommendations for some changes, many of which are represented in the final amendment bill before us. The Rape and Domestic Violence Services of Australia body said that they were very supportive of the draft legislation and commends the Government for taking this positive step and reforming the legislation so that people can share their own story publicly without the additional unnecessary barrier of having to obtain a court order.

By and large, the submissions were supportive. However, there was a range of recommendations for changes submitted by stakeholders and several of these appear not to have been adopted. We would like to ask a range of questions about the reasons for not doing so and to understand what the Government's thinking was on those matters.

A submission made by Engender Equality made the observation that the wording in the draft bill was very hard to read and interpret. They requested that mechanisms be put in place to make the meaning and the content of the law accessible. I believe the member for Clark, Ms Haddad, raised this point. It is obviously the case that rewriting bills in layperson's language every day is not possible because language has a very precise meaning in law. Nonetheless, it would be good to hear from the minister whether there are plans to simplify that language and make it entirely transparent and accessible to a range of stakeholders who would be wanting to relay that information to their clients or people who have accessed their services. I am thinking of rape and sexual assault services, women's shelters, many of the organisations where women have been receiving support, as well as community legal centres and other legal bodies. Is there a plan for doing that so that it is really clear for a whole range of literacy levels?

The second question I had was in relation to a submission from Dr Helen Cockburn, a lecturer in police studies, criminal law and evidence law at the University of Tasmania. She was the author of the Tasmanian Law Reform Institute's report called Protecting the Anonymity of Victims of Sexual Crimes. In her submission she recommended, first, that the word 'likely' should be defined as an appreciable risk more than a fanciful risk and, second, in making determinations about whether a publication is likely to lead to identification, she said:

... the court shall have regard to potential identification by a reader, viewer or listener equipped with knowledge in the public domain in all the circumstances of the case.

Could the minister advise why those particular recommendations were not taken up, or whether there is something I have misunderstood in the bill that we have before us?

The third question I have is in relation to the Law Society's submission. The Law Society recommended that the phrase 'in contravention of this section' in subsection (8) be amended to read 'in contravention of subsection -

Ms Archer - Sorry, who was that, Dr Woodruff?

Dr WOODRUFF - The Law Society. It is on the third page of the report.

Ms Archer - It's okay, I have it here.

Dr WOODRUFF - They recommended subsection (8), the phrase 'in contravention of this section' be amended to 'in contravention of subsection (5)'. It is quite a precise comment about the effective drafting of the bill. Can that be clarified, please. I do not understand how that occurred. My fourth question -

Ms Archer - Can you clarify which clause that was on?

Dr WOODRUFF - It was subsection (8), page 10 of the bill -

A person who publishes, or causes to be published, any identifying information in contravention of this section ...

Their point was, it should read 'in contravention of subsection (5)'.

Ms Archer - Okay, thank you.

Dr WOODRUFF - That was the Law Society's comments. I am asking questions which have not been incorporated or otherwise addressed in the writing of the bill.

The fourth question I have is in relation to a submission, one of which was made by the Community Legal Centres Tasmania, submitted by Benedict Bartl, Policy Officer. A number of submissions noted a lack of certainty over the application of subsection (3)(b)(v). It is not clear the extent of the application of this section regarding appeals. The draft bill read -

the information was published only after the proceedings in court, in respect of the relevant alleged crime or offence, were finally determined or otherwise completed.

The concern was around the word 'completed' has been replaced with 'disposed of' in the proposed bill which we have before us. The words 'disposed of', the CLC argues, has done nothing to provide clarity, which has also been emphasised by the observations made within the media about the application of this provision. Can you provide some clarity about the application of this section? Does this prevent a person from self-identifying until all appeal avenues are exhausted, or does it only apply while the proceeding at point is underway? In other words, can people self-identify after trial proceedings are completed in a period before an appeal may or not be lodged?

Ms Archer - You mean the trial proper?

Dr WOODRUFF - Is that the term, trial proper? Yes.

Question number five relates to the Sexual Assault Support Services' submission. Their comments were regarding subsection (4). They recommend the insertion of an additional provision (4)(e) to require the person to have the requisite mental legal capacity to make this decision. They said they understand this may be intended to be covered with subsection (4)(c) but propose that the requirement for a person to have the requisite mental capacity needs to be made more explicit.

That point was also supported with the submission the End Rape on Campus makes. Their submission on page 4, Annexure A, points to legislation from different jurisdictions around Australia. I note that in Queensland publications are prohibited from publishing the identity or material likely to identify a victim and complainant. The only exception is if the victim and complainant are over the age of 18 and has the capacity to consent and authorises that consent in writing. In Western Australia they also require that the person must be over 18 and not incapable by mental impairment and authorise consent in writing. Could you discuss why those matters were not directly managed in the way that the Sexual Assault Support Service has proposed?

I have another comment in relation to subsection (4) and that was made by TasCOSS. In TasCOSS's submission, their recommendations included recommendation 3 which was that the requirement that consent is given must also include that person has not been 'coerced, defrauded or otherwise manipulated'. I note in subsection (4)(d) the words are 'was not coerced into consenting'. Could you explain whether that would also, in your view, include 'defrauded or otherwise manipulated'? They had three specific terms so can you explain why we only have 'coerced', and on what basis you think that is sufficient?

The sixth question I have is in relation to subsection (5) about the court making an order. The Sexual Assault Support Service was concerned that this subsection is not sufficiently victim focused and that the court is only required to consult with the victim or witness in deciding whether to make an order or not and, second, that the publication must also be in the public interest. Their position is that where a victim wishes to be identified and the other conditions have been met, that is, the victim has the requisite capacity to make the decision and that other affected victims or witnesses have also consented, the priority of the court should be to respect their wishes, and that the publication of identifying details in cases of other non-sexual crimes is not required to be in accordance with public interests. They strongly feel that this should also be the case with crimes of sexual violence.

They recommended that subsection (5)(a)(i) should be revised to read 'has consented to the order, understanding that he or she may be identified if the order is made and information is published in accordance with the order'. They also feel that the amendment from 'consulted' to the word 'consented' is vital to carry out the intention of the reform. They say it is hard to see a situation in which the court would make an order to allow publication of identifying details despite the victim of the crime not consenting. The question is would 'consult' be interpreted in this context to mean that consent is a requisite part of consultation?

My last comments relate to some suggestions made by the Commissioner for Children and Young People and Rape and Domestic Violence Services Australia, who both ask questions about how a review of the operation of the new section 194K will be undertaken to ensure that is operating as it has been intended and that there are no adverse unintended consequences. The CCYP has asked whether a review should be undertaken no later than two years after the commencement of the new section. Rape and Domestic Violence Services Australia asked that there be a further mechanism for ongoing monitoring and evaluation of any changes to law and legal processes surrounding this change to section 194K, with an opportunity to examine the effectiveness of any

such changes, including seeking to address any unintended consequences, so they both relate to a formal review or and a mechanism for ongoing monitoring and evaluation.

I think I have raised all the questions that have not been addressed in the bill. I note that many of the submissions and comments people made were addressed and that is very good. We strongly support this bill being passed and look forward to releasing the veil of silence which women survivors have experienced for too long in Tasmania.

[11.43 a.m.]

Ms ARCHER (Clark - Minister for Justice) - Madam Speaker, I will do my best to clear up a few things if you could all just bear with me. I thank members for their approach to this bill and their thoughtful contributions. I know this is a bit of a difficult time to be dealing with this important topic to us all, but this has been some time coming, as I said in my second reading speech to which members and stakeholders can refer. It was important that we undertook a thorough consultation in relation to this reform, not least of all because we are dealing with the Evidence Act, which along with the Criminal Code Act, are the two most important pieces of legislation in our state's criminal law for our justice system.

In many of our protective jurisdictions the Evidence Act does not apply, and for very good reason, but in the way we conduct our trials and in the way our judicial system works, it is essential that we maintain certain parts of our evidence law. Having said that, it does not stop us from reforming it as we have today, after very considered and thorough consultation with the judiciary, the legal profession, other legal stakeholders and, in this case, community organisations and educators, because there has been significant interest there and I thank them for their contributions.

The media has also been significant stakeholders in relation to this particular section because it has to do with the publication of victims' stories. I hesitate to say 'story' because that can sometimes mean fiction and this is far from fiction. This is real; these are their real-life experiences at the hands of perpetrators who have committed heinous crimes.

I thank members for their observations and contributions in relation to ensuring fairness. As the Attorney-General, it is important for me to take this balanced approach because we must maintain the very cornerstone of our justice system and that is the right to a fair trial as well. There is no doubt this section responds to reform for victims. Our Government has introduced a lot of reform in our term and a half so far in government that is aimed at protecting victims and ensuring they have rights and, in this case, ensuring victims who wish to speak out can do so as long as they are able to provide consent.

It is an area of significant public interest but we must also balance that with the very features of our justice system which make our country what it is. The fundamental basis of our criminal law, and Ms Ogilvie touched on this, is that you are innocent until proven guilty. When the perpetrators of these heinous crimes are convicted they deserve the full force of the law, but there are possible injustices that can be done so we must ensure that in terms of reform we do not impinge totally on that. Having said that, this particular section was not victim-focused and that is what the reform aims to address.

I thank the support of many stakeholders. I am always loath to individualise people, but in this circumstance I must thank Steve Fisher from Beyond Abuse, who has been a tireless advocate and survivor himself in relation to this and many other reforms, as well as the royal commission's work into institutional child sexual abuse. I thank him for his continued input, support and bravery in

advocating for victim's and survivor's rights. Similarly, with recent cases of those being able to speak out and having to take the court proceeding, and that is Grace Tame and Tameka Ridgeway, two very brave women who have had the most extraordinary experiences, and so I thank them for having that bravery on behalf of many others.

I will take a bit of time in my summing up contribution because this reform is very important to me personally as well having spoken to many victims. I would like to read out a statement from a victim who I will not identify in the interests of keeping comments personal, but they were supplied to me from Beyond Abuse. I also thank other stakeholders for their input. I know Nina Funnell has a particular interest in this. I know she has a particular concern that I have aimed to address in terms of a very balanced approach to this. I hope she understands that the balanced approach I have needed to take in relation to the very foundation of our justice system as I alluded to is in no way meant to do anything other than ensure that there is fairness maintained whilst also allowing victims to speak out.

Thank you to members for their various observations and comments, and getting on the record the comments from stakeholders, in particular to Dr Woodruff - I will go through those issues that you raised in a moment. We have collated a table here of all the things in preparation for why some things were able to be amended in this final bill and others where we felt that it was not necessary and I can explain those issues.

Members, bear with me so I can find my way. I wanted to point out a few supportive comments of this bill because I believe it encapsulates the very sensible approach from a number of organisations. As I said before, thank you to Beyond Abuse, which provides advocacy support and justice and obviously advice to victims and survivors, and to the CEO Steve Fisher thank you. I know that members of parliament have a letter from Steve Fisher and I want to read it into the *Hansard*.

Dear Members of Parliament,

As you are no doubt aware, a raft of amendments to bill S194K -

of course that is the Evidence Act we are dealing with -

is due for debate in parliament this week.

Beyond Abuse have been working with survivors of Child Sexual Abuse and Sexual assault in Tasmania for the past seventeen years and would like to congratulate the Tasmanian Government on once again listening to survivors and making changes to law S194K so Tasmanian survivors will have a chance to be identified publicly if they wish.

As a survivor myself I can fully understand how for some survivors being able to be identified under their own name is a crucial part of their healing process.

Beyond Abuse, their staff, members and supporters believe the bill before parliament strikes the right balance between protecting the rights of survivors not to be identified, giving those who do, the tools to allow them to do it and upholding the rights of someone accused to ensure a fair trial. All of these are crucial components. As well as Beyond Abuse believing this bill is fair in a moral sense, legal opinion obtained has also supported this bill as being the best possible result for Tasmania.

This bill contains everything that survivors asked for and must have been a massive undertaking on the part of government. We believe they should be congratulated and look forward to this bill receiving bipartisan support.

I am sure he means tripartisan support, Dr Woodruff.

Beyond Abuse staff and survivors look forward to being present in parliament to watch this historic bill take the next step to becoming law and celebrating yet another win for survivors of Sexual Assault in Tasmania.

Kind Regards

Steve Fisher
CEO Beyond Abuse.

I will note that we have the public gallery closed at the moment due to the circumstances in which we find ourselves and the ever-changing circumstances. I know that a number of people will be watching this telecast. I know that Steve Fisher and many others will be so, again, I thank Steve for his ongoing support and clarity around that.

Encapsulating particularly the very reason that many survivors want to be able to speak out and that is that it is part of their own healing process. I know that others are driven to help and support others, and to ensure other victims and survivors do not experience what they have experienced in making this a very public issue. But there are others, and I know that victims and survivors acknowledge this, who may not wish to do so, or they recognise that they cannot do so because they are under the age of 18, or they have a mental impairment. I thank other victims and survivors for respecting that there are a number of different views in this regard and a number of different wishes as well.

I said that there was a survivor who wrote to me. I will delete the part of the email where she says her name and read on -

I have been campaigning for law reform 194K. I was sexually abused as a child and then gang raped at 16. My story was written in last April in the *Mercury*. I want to thank you and the current Government for the hard work, time and effort and well thought through reform. It has been impressive to watch it all unfold. I am grateful to you all as are many other men and women survivors in Tasmania. It is paramount that all survivors feel safe to tell their stories and I accept and have always known not every survivor feels safe enough or wants to go public with their traumatic experiences.

For 26 years I have waited for open discussions on rape and sexual abuse. It is a complex and traumatic subject for many, once too taboo to talk about it at all. We can't move forward or make changes without these heartbreaking conversations being openly discussed in society. We can't move forward or make changes without educating the public on sexual abuse, rape and the ramifications.

I sincerely thank you, Elise, for all you've done. This is not about the Let Her Speak campaign. This is about law reform for every Tasmanian man and woman who have

been through the horrific trauma of sexual abuse for our freedom to tell our stories, to educate others to save some of those that will come after us.

Yours sincerely.

PS. I do look forward to seeing the action next week in Parliament. I will be making a trip down from the North-West Coast.

I am very sorry that she cannot be here in person and have the opportunity to meet us all as well because I note that all members have indicated their support for this important reform.

Turning to some of the more technical things in the bill, I wanted to get all of those important issues raised up front and my deep appreciation for everybody's assistance and support. I wanted to deal with the changes that were made to the original draft bill before we then go into some of the other reasonings for the bill. Then I might sum up with some of the things that were not addressed as identified by Dr Woodruff and the reasons why. Some of them may or may not be dealt with as I progress through some of these other things.

I want to deal with changes to the bill. Subsection (5) was amended to clarify the court order process to provide that an order may be applied for where a victim is deceased. The change to subsection (5) provides for the court to consider circumstances where an application has been made for either a living person or for a deceased person who is a victim of a crime or offence detailed in section 194K. There may be strong reasons for why anonymity should persist beyond the death of the complainant. For example, there may be cogent reasons why a family member would wish to preserve the victim's anonymity, or there may be a condition included in a person's will that they are never to be identified as a victim of a sexual crime. The court exercises its discretion in determining whether to make an order in such circumstances, including consideration of the views of the next of kin or legal representative and also the public interest.

Turning to the amendment to subsections (3)(b)(i) and (iv), they were amended to provide -

Dr Woodruff - Which ones?

Ms ARCHER - Subsections (3)(b)(i) and (iv). These are not the ones you drew my attention to; these are the ones that were amended from the draft bill. I will deal with these first. I want to get this on the record in the second reading speech debate in case there are any interpretation issues later or questioning why we have done something in a certain way.

Dr Woodruff - I am just making sure I am keeping up with where you are, thank you.

Ms ARCHER - It is useful to get some of these things on the record. Subsections (3)(b)(i) and (iv) were amended to provide that only a victim can use the consent exemption to identify themselves and that a victim can only identify another victim of the crime when using the consent exemption where that other victim has also consented in accordance with the requirements in subsection (4). The wording in new subsection (3)(b)(i) was also modified to make clear that it is only the victim that the identifying information that is published related to. Similarly, subsection (3)(b)(iv) was changed to clarify that the provision only applies to other victims. Importantly, new section 194K does not provide for a witness or defendant to consent to be identified by the mechanism available to a victim to consent to publish information that will or is likely to identify them.

Moving to subsection (3)(b)(v), that was amended to clarify when criminal proceedings are exhausted for the purpose of a victim making use of the consent exemption to publish identifying information about themselves. A reference to criminal proceedings was inserted into paragraph (v) to provide that a victim can use the consent exemption after criminal proceedings have been exhausted in court for the relevant alleged crime or offence. This change addresses concerns raised during consultation as to unintended consequences or pending civil proceedings for this provision and clarifies the process.

As a result of the changes to subsection (3)(b)(v), subsection (2) was altered to align with the change to provide that a victim may use the consent exemption to publish identifying information about themselves following the exhaustion of criminal proceedings. It is still an offence to publish identifying information unless an exemption is relied on or a court order has been issued.

I want to clarify one more thing if the House could bear with me. It has just occurred to me, Dr Woodruff, that it is appropriate to answer your query in relation to whether a victim has to wait until the conclusion of all criminal appeal proceedings as well. I am advised that they do.

Dr Woodruff - This is the trial proper?

Ms ARCHER - Yes, so if the initial trial has been dealt with and a victim then wanted to speak, they would need to wait until the appeal period has exhausted and there being no appeal lodged to be able to then speak out publicly or publish. However, if there is an appeal lodged in that time then they would not be able to until the appeal had been dealt with. The appeal process needs to be exhausted. The reason is that it is a cornerstone of our justice system in relation to our process in criminal proceedings.

Dr Woodruff - To clarify, on the day the judgment is made at the conclusion of the initial trial, or the trial proper, if a victim chooses to make a public statement about their experiences before an appeal has been lodged, that would be legal?

Ms ARCHER - This reform deals with the exemption process. It does not stop a victim from being able to still apply to the court to be able to do so, but do not forget this is dealing with identifications themselves. They can still make a statement, but the safeguard would be that unless they had a court order allowing them to identify themselves they would not be able to do that until the appeal process was over, but it does not stop them from making a statement.

This is around self-identifying, and the exemption of needing to go through that process, but the process still exists as well. For those who want to qualify under the exemption provisions, then this is about making that whole process easier. The same principles still apply that have always applied in relation to the law around this. To use the example you just used in relation to being able to make a statement, they can still do so, but not self-identify unless they have a court order to do so in that situation.

Ms Haddad - Could they do that at the conclusion of that first trial, or would they have to wait until the exhaustion of all appeal opportunities?

Ms ARCHER - That is what I have just clarified. They cannot qualify by automatic exemption until the conclusion of the appeal process but it would not stop them from being able to go through the usual processes to be able to self-identify during that process.

Ms Haddad - Thank you for that clarification.

Ms ARCHER - Another subsection that was altered was subsection (4)(a). That was to make clear that a victim, to use the consent exemption, must have attained the age of 18 years at the time they gave consent and at the time the identifying information is published. This avoids any confusion that a person 16 years of age could consent and then publish when they reached 18 years of age. I know that the Children's Commissioner raised this issue and we wanted to make it abundantly clear, so again, to utilise the exemption provision you need to be 18. Nobody is prevented still from being able to apply under the usual circumstances, but as members will know from my second reading speech, if they need to apply, then of course we have also ensured there is no fee involved in that process now either.

Subsection (9) was amended to include an additional paragraph (d) in the definition of 'publish', to make it clear that any communication, whether in print or electronic, of identifying information that is intended for one or more persons, is considered publishing the identifying information.

The wording in subsection (7) was amended to make clear that the provision provides that a victim does not have to pay an application fee at the time an application is filed for a court order.

To come back to the fundamentals of this reform, so we do not get too far into the weeds, as we like to say: it is a weedy bill, unfortunately, and as members have identified, the Evidence Act tends to be like that, because for anyone studying it at university, it is by no means the easiest subject. In fact, my first boss employed people purely on their Evidence Act mark. If you got a distinction, you had a good chance of being employed.

The prohibition on publication in the new section 194K is to protect those who make complaints about sexual offences, both during and after criminal proceedings for the offences. The proposed reforms focus on improving the legislative framework for victims of sexual crimes, to allow them the ability to publish their identity more easily.

Coming back to the basics for the reason for this reform. The new provision is to avoid situations where a victim may feel pressured to give consent to identify themselves when they are at their most vulnerable, such as at the time of the trial. This is the flip side. We also need to protect those, and this is why we have pretty harsh penalties in relation to publication. We have consulted closely with the media on that, and they feel quite comfortable with it because it means that they have duties and obligations as well in this process.

It is vital that nothing discourages the reporting of sexual crimes or offences, which are often unfortunately already widely unreported. The presumption in favour of an open and transparent court is paramount. Sometimes, however, the interests of justice require certain information not to be published or disclosed, so the protection of sexual assault complainants from identification is necessarily an exception to the general principle of open justice, and is justified by the need to encourage victims to report sexual offences committed against them, and to protect them from harm that identification may cause.

The provision in the bill provides protective mechanisms for victims, and also witnesses involved with proceedings for sexual offences.

The prohibition on publications to protect the anonymity of complainants of sexual offences both during and post-criminal proceedings: the provisions in the bill are drafted in a way that seek

to provide appropriate protections to those who want to self-identify, and also at the same time protecting other victims who do not wish to be identified.

Ensuring justice is delivered for all complainants of sexual offence proceedings is paramount. The approach in this legislation upholds the interests of justice being served and supports the right to appeal.

Briefly to other jurisdictions, before I move to Dr Woodruff's issues. While other jurisdictions do not necessarily specify in their legislation when a victim may reveal their identity publicly, either by themselves or with the assistance of a media organisation, there is not an absolute ability for a victim to publish their identity when they choose to. Contempt of court is one such matter, but I also note that there are suppression order regimes and other legislative frameworks that may be relevant.

In Western Australia, the complainant is able to consent at any time, noting that the provision only applies after the time of charge. To prevent any prejudice and ensure a fair trial process, the ordinary rules of contempt of court apply.

In New South Wales, the Court Suppression and Non-publication Orders Act 2010 applies to civil and criminal proceedings, and enables a suppression and non-publication order to restrict the publication or other disclosure of information that would identify a party or witness in proceedings before the court, or information that comprises evidence or information about evidence given in proceedings before the court.

I also note that in Victoria, the victim consent provisions can only be relied on where there are no proceedings in respect of the alleged sexual offence pending in a court.

I wanted to clarify some of those issues, because it has been a little bit muddled in recent times in relation to other jurisdictions.

I will move quickly to Dr Woodruff's issues that she raised on behalf of some of the stakeholders, and maybe why some things were not addressed in this bill. Turning to my trusty table and dealing with the first issued raised, gender equality. I am just looking to Ms O'Connor - if I look like I am dangerously close to the finish, you may wish to extend time for me so I can answer Dr Woodruff's questions, which the House has allowed me to do, because it is important that we get these things on the record if that is possible.

With gender equality - and I note that Ms Haddad also made this observation - the wording in the bill is very hard to read and interpret and this is an opportunity to educate and guide people. I requested that mechanisms be put in place to make the meaning of the section accessible to people who have experienced sexual assault, as well as the organisation who work with and are able to publish identifying information about survivors. The parliamentary package might assist in explaining the bill, but I also note that we are looking at developing a fact sheet for victims to utilise as an easy reference point as to the process.

At the moment what is happening is that they are seeking and getting advice from the Office of the Director of Public Prosecutions, and I would like to register my thanks for their assistance because they are obviously a port of call in that regard. We aim to make this a little bit easier, so victims support services and the like will have that available. Typically, the Legal Aid Commission deals with these sorts of things and facts sheets, and so we are looking at perhaps getting their

assistance in that regard. It is not a difficult task to provide a fact sheet, and we are very willing to look at that.

Ms Haddad - Thank you for that.

Ms ARCHER - I think it is going to be critical to clarify this exemption and how it applies, and how support services need to go about it, to make it as easy as possible for people as we can.

Dealing with an issue Dr Woodruff raised on behalf of the submission from Helen Cockburn. The issue raised was that the bill does not address an issue examined in the Tasmanian law reform.

Ms O'Connor - It related to the word 'likely' - a recommendation that it be redefined as appreciable risk.

Ms ARCHER - Recommended that where used in the provision, the word 'likely' should be defined as 'an appreciable risk, more than a fanciful risk'.

Initially, earlier drafts of the bill included a definition of 'likely to lead to identification', to clarify the class of person who may be likely to identify the complainant from the published material. However, during further consultation with the Director of Public Prosecutions on the proposed provision to address who may be likely to identify the complainant from the published information, it was raised by the DPP that the provision was considered too narrow and suggested that the subsection be removed. The DPP was concerned with how to prove this aspect in the new section 194K.

Ms O'Connor - Sorry, I am not clear on that.

Ms ARCHER - I am not clear either so I will read a summarised version; I was reading from a table with abbreviated comments that were made. I got to where the office of the Director of Public Prosecutions was to look at an article to see if it does or does not identify a person or alludes to a person that is considered a publication in and of itself. When I say article, I mean publication. This is a feature of the current section 194K that will continue in the proposed new section. Generally, a breach occurs if a general reader, an ordinary person, with a general knowledge of the facts available to the public is able to identify the complainant from material published, as opposed to someone with prior knowledge of the complainant. Those are the reasons as to why the bill does not include a definition of 'likely to lead to identification'. It has a very legal basis for it, I know, but again, in the law of evidence we have to consider these things that are raised by those important stakeholders.

Ms O'Connor - There was a second part to Dr Woodruff's question, which was in making determinations about whether a publication is likely to lead to identification. The TLRI recommended the court shall have regard to the potential identification by a reader, viewer or listener equipped with knowledge in the public domain in all the circumstances of the case. That is another question from Dr Woodruff about why that recommendation was not taken up.

Ms ARCHER - I am advised that the TLRI raised the same point, so the comments I just made apply to the same question you raised. We are a little confused as to that second point because it essentially says the same thing.

Ms O'Connor - Reflects the first?

Ms ARCHER - Yes.

Ms O'CONNOR - Madam Speaker, I move -

That the minister be heard for 10 more minutes.

Motion agreed to.

Ms ARCHER - Dealing with the Law Society issue, or the one Dr Woodruff asked about, is the suggestion that subsection (8) would make more sense if it was to read 'in contravention of subsection (5)'. In short, this is not a drafting issue. Subsection (8) deals with the charge of contempt, not the court order process. That is why those words do not need to be added.

Ms O'Connor - I am sorry, minister, I was distracted by my standing orders book. Are you responding to the question about the Law Society phrase 'in contravention of this section'?

Ms ARCHER - Yes, it was their suggestion that it would make more sense to subsection (8) if it read 'in contravention of subsection (5)'. My advice is it is not a drafting issue, that subsection (8) deals with the charge of contempt, not the court order process.

As to the Community Legal Service's completed and disposed of issue and does it prevent self-identification until an appeal is exhausted, I have dealt with that already through the debate.

Sexual Assault Support Services queried whether in the bill there was provision relating to the restriction regarding an individual with a mental impairment, as it did not appear in the proposed new subsection (4) where such a provision would appear to belong. It was considered no amendment was necessary because mental impairment as a requirement for the consent exemption to be validly used in subsection (4) is covered by the provision, although the changes to section 194K do not specifically refer to mental impairment. This is for the following reasons.

If a person does not have legal capacity to consent, they cannot consent. Therefore, if there is a victim who does not have, for any legal reason, legal capacity to make their own decisions, then they cannot give consent to the identifying information being published. The Office of Parliamentary Counsel have advised that as a general rule, they do not specifically state in legislation that a person without legal capacity cannot consent and therefore it is not needed to be specifically stated in section 194K(4).

This would also technically be true in relation to a minor, as generally they do not have legal capacity to make decisions; however, there are many cases where courts have looked at the age of the child and their ability to understand the consequences of their actions and have determined that a child under the age of 18 does have the capacity to consent, which is why the legislation sometimes explicitly states an age requirement, as has been done in section 194K(4)(a).

The second reason that section 194K does not specifically state that a person without legal capacity cannot consent to the release of information is that there are a number of other consent provisions in the Evidence Act, for example sections 83 and 85A. None of those consent provisions refer to the capacity of a person to consent. If OPC were to include in section 194K that consent cannot be given by a person who does not have the capacity to consent, it implies that wherever else in the Evidence Act that consent can be given or refused, a person without legal capacity may give consent, as persons without legal capacity will have been specifically excluded from being

able to give consent under section 194K but not elsewhere. Therefore, they must be able to consent in all other circumstances.

However, section 194K(4)(c) does narrow down who may give consent by requiring a person to be able to understand the implications of giving consent. This may be important in circumstances where a person has been held to have legal capacity to make some decisions, for example decisions about education and housing, but may not have legal capacity to make decisions in other circumstances. Even if there has been a legal ruling that a person has legal capacity to make decisions, if that person cannot understand the consequences of giving consent under section 194K, they cannot give consent.

This is similar to section 36 of the Guardianship and Administration Act 1995 which deals with the ability of a person with a disability to consent to medical treatment. In that case, a person may be able to consent to a vaccination, but does not have capacity to consent to surgical sterilisation, depending on the person's level of understanding so I am just trying to explain the reason with a little bit more detail as to why we do not need to specifically state 'mental impairment'.

Ms O'Connor - Thank you, Attorney-General. Can I just ask a question that we have not been really clear about in our own discussions on the bill, and that is clarity about the application of this section. Does it prevent a person from self-identifying until all appeal avenues are exhausted?

Ms ARCHER - Yes, that was the question that I just said to you; I think you may have been preoccupied. That has been dealt with prior to you coming into the House, and Dr Woodruff heard.

Ms O'Connor - Dr Woodruff heard the answer? Thank you very much.

Ms ARCHER - That is okay. There was another issue that was raised by Dr Woodruff for sexual assault support services, who considered that subsection (5) was not sufficiently victim-focused, as the court is only required to consult with the victim in deciding whether to make an order or not, in addition to considering whether the publication is in the public interest.

No amendment was considered necessary, as subsection (5) has been drafted this way to be deliberately broader to enable situations to be taken into account where consent is not given, or able to be given. For example, the situation may arise where the court makes an order to publish the identity of a victim, knowing that someone else has not consented. Circumstances may arise where a victim agrees to the court making an order, yet they are unable to formally consent due to religious beliefs, or that they made a promise to someone, or for the love that they bear for another person, for example. The court order process is another mechanism to publish identifying information, and the bar the provision sets is that a victim has been consulted, they understand what may occur if the information is published, and they have the mental capacity to consent. Relying on the court to make an order and take into account multiple factors when determining the success or otherwise an application section under 194K is obviously crucial.

There was an issue raised by TasCOSS, which I am not sure I have, about defrauding or otherwise manipulated as well as coerced. The use of 'manipulated' was not considered necessary, given that the use of coerced, in subsection 4(d) relates to where a person may be persuaded to do something by force or threat.

Finally to the other issue, which I know Ms Haddad raised as well, about the ongoing review, and whether it can be reviewed in three years.

Ms Haddad - That was a recommendation from the ALA, but others also talked about ongoing monitoring to ensure that the changes have their desired effect. Sorry, just getting it onto *Hansard*.

Ms ARCHER - During consultation on the draft bill, it was suggested that consideration be given to a review of the operation of the section 194K, which is what we just said. My department regularly undertakes ongoing evaluations -

Mr TUCKER - Madam Deputy Speaker, I would like to move that the minister be given another 10 minutes.

Motion agreed to.

Ms ARCHER - My department regularly undertakes ongoing evaluation as to the effectiveness of legislation, but I am responsible for overseeing the function of subsequent reforms, so there does not necessarily need to be a trigger, for example within a bill, for us to do that. We do regularly do that.

As with the introduction of the new provisions, the new section 194K will be monitored to ensure that it delivers desired outcomes for victims of sexual crimes and the Tasmanian community, as well as upholding the broader interest of open justice. I wanted to get that on the *Hansard*. I am quite willing to state that we will monitor that it is operating as was intended. We will welcome the feedback on that, whether it be through victim support groups, legal stakeholders or the media in relation to how that might be operating for them as well. There are a number of stakeholders as identified at the opening of my summing up, which has taken a little longer than it normally would. Thank you to the House for your patience. It is important that we do get these matters on record.

In addition to the thank you that I have expressed - if I leave anyone out it by no means diminishes the contribution of many people in relation to this bill, no matter how small, no matter how large. I know the public interest in this issue has been significant. I know there have been many survivors lobbying for this and doing so openly. I would also like to acknowledge those survivors who have contacted me privately and expressed that although they do not want to speak out themselves, they understand some may, and they felt it was critical that their right to remain silent as well be upheld and maintained. I thank the House for their sensible approach to agreeing with this balance that we believe we have struck.

In closing, it goes without saying my deep appreciation to my department, to those who have worked on this bill. Their contributions have been significant. It is not an easy bill to get your head around. The Evidence Act and the Criminal Code Act are two of the most difficult pieces of legislation they might have to deal with, but also the most critical and important ones I oversee, so I thank them for that, and the Office of Parliamentary Counsel for their outstanding work, as usual. Thank you to the House and thank you for your support for this bill.

Bill read the second time.

Bill read the third time.

PLACE NAMES BILL 2019 (No. 38)
DISPOSAL OF UNCOLLECTED GOODS BILL 2019 (No. 16)

Bills returned from the Legislative Council without amendment.

MESSAGE FROM LEGISLATIVE COUNCIL

Attendance of Legislative Council Minister at Question Time - Resolution Agreed to

Madam SPEAKER - Honourable members, I have received the following message from the Legislative Council -

The Legislative Council has agreed to the following Resolution -

That leave be granted to Members of the Legislative Council who are Ministers of the Crown to attend the House of Assembly if they think fit so as to respond specifically to Questions without Notice seeking information of the kind covered by the Standing Orders of the House of Assembly in accordance with the resolution passed by the House of Assembly on 3 March 2020.

C M FARRELL
President

18 March 2020

CRIMINAL CODE AMENDMENT (SEXUAL ABUSE TERMINOLOGY) BILL 2020
(No. 5)

Second Reading

[12.40 p.m.]

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

That the bill be read the second time.

Before I begin the second reading speech, I want to say that this is another very important reform. I thank members in advance for their contributions. It is important that we carry on with the business of the day and this is just as important as the previous bill we passed through this House.

Madam Deputy Speaker, for too many years the evils of child sexual abuse have been one of our community's darkest secrets. It is a secret that has been kept by our children, a secret that has been kept by their loved ones, and a secret that has often caused indescribable damage to Tasmanian families.

I acknowledge the bravery and resilience of victims and survivors of this abuse. Increasingly, these brave individuals are no longer faceless in our society. They are our peers and friends, they are our family members and colleagues, they are - and can be - anyone among us. I take this

opportunity to commend them for their incredible courage in reporting the abuse that they have suffered.

We have many brave victims and survivors in Tasmania who are dedicated advocates for all people affected by child sexual abuse. Their contribution to the child-safe policy, civil and criminal justice reforms are critical to ensure that we do not repeat the mistakes of the past. I would also like to acknowledge those victims who are no longer with us.

The crime of 'maintaining a sexual relationship with a young person under the age of 17 years' is one of the most serious and heinous crimes of abuse against children. It is a crime whereby a child is repeatedly subjected to sexual acts. There has been significant concern in the community about the terminology used in this crime. This is understandable. Repeatedly subjecting a child or young person to unlawful sexual acts is not what is considered to be a 'relationship'. The use of such terminology is an additional cruelty for a complainant.

However, any changes to the criminal law in Tasmania must be carefully considered, analysed and tested with legal stakeholders to ensure that they do not have unintended consequences or negative impacts on criminal proceedings. Accordingly, the Government has conducted a thorough review of Tasmania's sexual crimes and undertaken extensive analysis and consultation, as I committed to doing. Changes to the Criminal Code must never be done on an ad hoc basis by the parliament. The work in consideration of the concerns raised by victims and survivors has resulted in this bill, which amends a number of crimes to use language that more accurately describes the behaviours involved.

This bill is another step towards exposing the realities of child sexual abuse and reflects the growing understanding that the sexual abuse of a child or a young person does real, lasting and significant harm.

The Criminal Code Amendment (Sexual Abuse Terminology) Bill 2020 is part of this Government's commitment to listening and responding to the concerns and needs of our community.

Tasmania has some of the most advanced and nuanced criminal laws in Australia, especially in respect of charging child sexual abusers. For example, Tasmania's crime of 'communicating with intent to procure a person under the age of 17 years to engage in an unlawful sexual act', which is section 125D(1), and 'making a communication with the intention of exposing a person under the age of 17 years to indecent material', which is section 125D(3), covers not just communications to children but communications to any person or potential person.

Whilst these crimes may be technically advanced, their terminology is not. It is for this reason that these crimes will be amended to reflect the predatory and exploitative nature of the offending.

Firstly, I would like to address the way that victims of sexual crimes are described in the Criminal Code. At this time, the Code switches between describing victims as children, young people, or even people under 17 years old. This bill will ensure that victims of child sexual abuse are described appropriately by giving the charging authorities discretion in describing victims as either a 'child' or a 'young person'. This discretion will ensure there is flexibility in naming so as to provide victims with the dignity of an appropriate title.

The bill also amends the terminology of the crime of 'maintaining a sexual relationship with a young person under the age of 17 years' to terminology that more accurately describes the true nature of the conduct - 'persistent sexual abuse of a child [or young person]'.

Chapter XIV of the Criminal Code contains the majority of Tasmania's sex-related crimes. Currently, chapter XIV is titled 'Crimes against Morality'. These crimes are not matters of subjective moral standards. They are objectively terrible acts and should be described with language that reflects this. Therefore, this bill therefore renames chapter XIV 'Sexual Crimes'.

There are a number of crimes within chapter XIV that refer to 'sexual intercourse'- for example 'sexual intercourse with a young person under the age of 17 years'. These matters are criminal acts for many reasons, including the significant age disparity between the victim and offender. This bill will remove the words 'sexual intercourse' from these criminal charges and replace it with the term 'penetrative sexual abuse', a reform which describes these criminal acts with the seriousness and factual language they deserve. To that effect, this bill renames 'sexual intercourse with a young person under the age of 17 years' at section 124 to 'penetrative sexual abuse of a child [or young person]'.

The crime of 'procuring unlawful sexual intercourse with young person' at section 125C(2) will be amended to 'procuring penetrative sexual abuse of a child [or young person]'. The crime of 'permitting unlawful sexual intercourse with a young person on premises at section 125 will become 'permitting penetrative sexual abuse of a child [or young person] on premises', and the crime of 'sexual intercourse with a person with mental impairment' at section 126 will become 'penetrative sexual abuse of a person with mental impairment'.

This bill updates the crime of 'indecent act with or directed at a young person under the age of 17 years' at section 125B to 'indecent act with or directed at a child [or young person]'. The crime of 'procuring indecent act by, or with, a young person' at section 125C(3) will be 'procuring indecent act by, or with, a child [or young person]'.

The crime of 'communicating with intent to procure a person under the age of 17 years to engage in an unlawful sexual act' at section 125D(1) will be amended to 'grooming by communicating with intent to procure a child [or young person] for penetrative sexual abuse' and the crime of 'making a communication with the intention of exposing a person under the age of 17 years to indecent material' at section 125D(3) will be named 'grooming by communicating with intent to expose a child [or young person] to indecent material'.

This bill is not intended to affect the elements of the crimes or the substantial jurisprudence that has developed around them. It therefore includes a transitional provision to remove any doubt about the impact of these changes.

It is not appropriate that these important reforms are left to filter through the criminal justice system on a case-by-case basis. It is not appropriate that a person may be tried for 'maintaining a sexual relationship with a young person under 17 years' whilst in the very next court another is tried for the 'persistent sexual abuse of a child', differentiated only by whether a charge was laid before or after the commencement of this bill. It is for this reason that this bill will automatically amend all outstanding proceedings to the contemporary terminology on the next court appearance after commencement.

In addition to ensuring that our important body of criminal law does not change with the removal of outdated terminology, this bill will also provide permanently in the Criminal Code that any previous references to old terminology in other acts is taken to include this contemporary language.

The reforms in this bill were previously the subject of a detailed position paper released in December 2018. There was significant feedback on that paper from a range of stakeholders, and I would like to take this opportunity to thank those who took the time to provide a submission.

Words matter. Words have power. Our words shape our community and our culture and this Government is committed to ensuring that our criminal law describes the sexual abuse of children with the clarity, severity and condemnation that it deserves.

Madam Speaker, I commend the bill to the House.

[12.51 p.m.]

Ms HADDAD (Clark) - Madam Speaker, I want to commence my contribution by echoing those final words from the Attorney-General's second reading speech, that words matter, that they do have power and that words shape our community and our culture. They are words that I completely agree with. Words that we use in legislation matter. Words that we use in public discourse matter. Words that we use in debates in this place, or in the media, or in our day-to-day lives matter and they shape our culture and our community on a daily basis. They say that culture is slow to change. One thing that always impacts on changing of cultural and societal attitudes to something as devastating as sexual abuse against a child is the words and the language we use.

It is worthy of pausing and noting that while there is often a lot of conflict in this place, this bill and the one that came before it are two examples where there is unanimous support across the parties represented in this parliament, and many of those who contributed to the formation of those bills, where there is complete agreement, where we come together as human beings in this beautiful state of Tasmania to put on the record our unified condemnation of crimes as heinous as sexual crimes against children.

Labor will be absolutely supporting the changes in this bill. There is a growing public understanding of the reality of sexual offending against children and young people. There have been many things that have contributed to that growing societal understanding of the gravity of that kind of offending. The Royal Commission into Institutional Responses to Child Sexual Abuse is one of those things that has led to growing public understanding, as has the #Me Too movement, a global movement advocating for people to come forward and share their stories and make it known broadly across the world that sexual abuse of all types is not okay. These have led to a growing global change and shift in attitudes to this type of offending. The Let Her Speak campaign was exclusively focused on the bill we just concluded, the changes to the Evidence Act, and is yet another example of a public debate in our community that has significantly impacted upon our shifting culture and societal attitudes to sexual offending against young people and sexual offending generally in our community.

Wouldn't it be wonderful to imagine a time in the future when we could see a complete eradication of this kind of offending? That might seem unrealistic because, sadly, as we see in our courts, it is a type of offending that occurs with far too much frequency in families, in institutions and in people's lives. It devastates lives, not just the lives of those affected directly by that abuse,

but there is always an intense ripple effect across families and communities when crimes like this are committed against people in any circumstances.

I want to commence my contribution by putting on the record our broad support for the bill and the changes contained in the bill and the acknowledgement that what we are doing here is contributing to that change in societal attitudes to sexual offending and the drafting changes that will sit now in the Criminal Code as a result of this legislation. We are using our words to change societal attitudes to sexual offending and we are making it abundantly clear to the community that any kind of sexual activity with a young person is an abominable crime and should never be clouded in words that make it sound the kind of offending that could possibly be misconstrued, which the current wording arguably does, to imply that there is a consensual relationship happening when there is sexual abuse of a child or a young person by an adult.

Commenting on the minister's second reading speech, I want to recognise what she said in the first few moments of her speech, which is that she recognises that the terminology used in the crime of maintaining a sexual relationship with a young person under the age of 17 years has created significant community concern for a long time. That is the current wording of section 125A of the Code. As the minister pointed out, the wording of that crime is entirely inappropriate. It is not maintaining a sexual relationship with a young person. It is, as the minister said, repeatedly subjecting a child or a young person to unlawful sexual acts. That is not a relationship and cannot be consensual.

As the minister knows, and we have discussed outside this place last year - it may even have been the previous year to that now when we were discussing family violence legislation - I made a suggestion about the naming of that offence under 125A and that was when we were discussing the creation of the new offence of persistent family violence.

Ms Archer - I think on the Floor of the House I undertook to -

Ms HADDAD - That is right. At that time I raised that issue with the minister and was very pleased that the Attorney-General recognised, as this legislation coming into this place today shows, that the naming of that crime was not appropriate. Indeed, in creating that new offence of persistent family violence, the wording reflected in this bill we are debating today is now more in line with that new offence and updating terminology to sit alongside that offence of persistent child sexual abuse.

I acknowledge what the minister said after that, which is that law reform like this cannot easily happen on the fly in this place and a full review of the Criminal Code was required to make sure that any associated changes that needed to take place could also happen. I acknowledge and thank the minister for the briefing I received from the department, from Amber, Tim and Oliver and for the thorough work they did in doing exactly what the minister committed to last year. We are changing more than just the wording in section 125A. We are changing the wording in a number of offences to modernise the language that we are using in the Code in a range of sexual offences against young people.

I want to read into the *Hansard* some of the words from Laurel House. Members would be aware of the work done by Laurel House both in supporting our survivors of sexual assault and in advocating for legislative change. They started their contribution to this bill with the words that:

The language of the legal system has an impact beyond only the parties involved in a case, because it is used to create the narrative for society.

They quote a prominent American training publication called *Raped or 'Seduced'? How Language Helps Shape Our Response to Sexual Violence*. They said that publication identified that language often implies consent and romance, rather than criminal acts. In addition, it observed that:

... sexual violence, particularly towards women and children, is often described in passive terms, allowing the perpetrators of this violence to remain invisible and unaccountable. Outdated, inappropriate language also objectifies or blames sexual assault victims and hides the nature and extent of rape.

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

ADJOURNMENT

Romaine Park Learning Centre

[2.30 p.m.]

Dr BROAD (Braddon) - Madam Speaker, I rise in adjournment today. It is a bit odd to do adjournment given the circumstances we are in, but I did promise some parents I met last week that I would raise their issue, and that is why I am doing it.

This is directed specifically to the Minister for Education and Training, Mr Rockliff. It was in 2018 that a parent wrote to Mr Rockliff, congratulating him and the Department of Education on the success they have had at the Romaine Park Learning Centre.

The letter from this parent directly to the minister and the department spoke of how this constituent's daughter had shown massive improvements in seven weeks, moving from Penguin High School to the Romaine Park Learning Centre, saying -

I am so pleased to be able to tell you that in the seven weeks that my daughter has been participating in the Learning Centre, there is a considerable reduction in anxiety, her confidence is growing, and this is allowing her to enjoy and retain new learned skills, understand social norms and achieve set goals.

It is fantastic. This particular child has an IQ of between 55 and 70, and her parents' aim, being realistic, is for this child to learn life skills and to be able to cope with the outside world. Indeed, Mr Rockliff wrote a letter back in his own hand -

Best wishes to your daughter and family. I really appreciate your feedback.

It is fantastic feedback. However, the unfortunate situation is that I have met with a number of parents who have autistic children participating in the Learning Centre, and their feedback is that things are not as good as they were in 2018, and this is unfortunate.

They are saying that access to the sensory room has been restricted, and that procedures have changed - things like notifications to parents when a routine is going to be changed, such as 'There

is something happening tomorrow you should know about'. The notification happens very late and sometimes not at all. With autistic children, from what these parents are saying, that really upsets the child, and creates a series of behaviours that have massive knock-on effects.

They also talk about how increasingly they are being asked to pick up children early, because they are apparently sick, and then they get to school and find the child is not sick but may be exhibiting behaviours.

There are a number of issues these parents have raised. Given the previous feedback from these parents, talking about how wonderful the service was, it appears that something has changed. I urge the minister to have a look at this. Indeed, I believe these parents will be writing letters to the minister outlining their concerns. I urge him to take those letters seriously and see if the Learning Centre can get the same feedback it had a couple of years ago.

It is a wonderful service and it was, at least from their feedback, literally worth shifting their children from other schools to take advantage of the service that Romaine Park provides. I would hate to see that that service is not as good as it was a couple of years ago.

I urge the minister, when he receives those letters, to respond in an appropriate manner and try to fix what the problems are.

Men with Heart - Exhibition

[2.35 p.m.]

Mr TUCKER (Lyons) - Madam Speaker, I rise to speak about the opening of Men with Heart, which I attended at the Baha'i Centre of Learning for Tasmania on Thursday 12 March, with the Deputy Premier, Jeremy Rockliff and Meg Webb MLC. Men with Heart is a visual and spoken journey that teaches the story of TasMen through the photography of Paul Hoelen and the video stories of 13 men directed by videographer Troy Melville. Paul Hoelen's Men with Heart is a series that shows men learning other ways of being in the world. The images were captured over 17 years at the annual Tasmanian Men's Gathering, four-day retreats run by skilled facilitators in remote locations by a group called TasMen.

Paul is a praised photographer, frequently popping up on judging panels for national and international competitions. His numerous accolades include being awarded the Australian Institute of Professional Photography Tasmanian Professional Photographer of the Year three times, Tasmanian Landscape Photographer of the Year six times and Overseas Photographer of the Year twice. His participation in Tasmanian Men's Gatherings over the past 17 years was not with the intent of capturing a photo essay. He attends the gatherings for the same reasons everyone else does; to learn to be a better man.

TasMen provides events and structured learning opportunities for men of all ages, beliefs and orientation. Formed as a Tasmanian association in 1999, it is self-funded and run by volunteers. In Tasmania a group of men have been quietly getting together for one weekend annually for the past 21 years to talk - really talk, Madam Speaker. They talk about stuff that matters to them, about stuff that scares them, hurts them and shames them and stuff that brings them joy. For much of that time, photographer Paul has been amongst them, sharing his stuff and quietly documenting the Tasmanian Men's Gatherings and photographs.

Curiosity drew Paul to his men's gatherings. He lost his father at the age of 17 and having no brothers, uncles or men in his life at all, Paul was self-conscious about that. Paul believes men are not set up to be vulnerable or to share the stuff they might be struggling with. They are the sort of men who put their chin out and their elbow down and get on with it. Paul does not think that is necessarily the best way to deal with emotional things. The core belief is that as men they must take responsibility for their lives and personal growth.

TasMen believe that support and good friendships help them do this. They know that men can find sharing and learning in the presence of other men very powerful. This experimental learning can have profoundly positive impacts, becoming fuller humans, better partners, and developing a network of real friends and mates. At TasMen, they use the peer-to-peer model of experimental learning. The men meet as equals, follow clear guidelines, share from the heart, listen and learn. Every man who goes to a TasMen event is treated the same. They are respected and encouraged to both listen and be heard. They do not operate as counsellors or therapists, although some of the members are counsellors, but they do have deeply skilled, wise and brave men in our community who facilitate and lead the Tasmanian Men's Gathering.

The Tasmanian Men's Gathering has been a major event for 21 years. This is a major learning and connecting opportunity for men. The gathering provides men with a safe, fully confidential space where they can talk, explore and share in openness from their hearts and in the company of others. It is supported by a trained care team and led by experienced facilitators. Up to 80 men come to the annual March Tasmanian Men's Gathering from all around Australia to experience this unique and powerful weekend.

The exhibition returned to Hobart by popular demand due to highly successful showings in Hobart, Burnie and Launceston. Men with Heart was presented with the Tasmanian Men's Health Award 2019 and the Betta Milk Make it Better Health Achievement Community Award in 2019. Men with Heart was accepted into the Head of Sydney Exhibition in May 2020. The exhibition I had the privilege of attending focused on the road men can travel to develop the best in themselves, men expressing themselves through word and action, a healthy way to see men, their potential and the positive contributions they make to a safe, strong and resilient community and resetting the agenda on how society understands and discusses masculinity.

COVID-19 - Concerns in Educational Facilities

[2.40 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, I rise to contribute on the adjournment in relation to the pandemic and one aspect of the response, and to update the House that a short time ago I read in the *Sydney Morning Herald* that Sydney has reported 50 new positive cases in the past 24 hours. That brings, I think, the national total of confirmed positive cases to more than 550. However, as the ABC's Dr Norman Swan said on *The Drum* the other night, there is almost certainly 20 times more virus in the community than we are getting results from, which makes the concerns of parents and teachers about the closure of schools even more pointed.

I will read an email into *Hansard* which I am sure a number of members have received. It starts:

I am a senior secondary teacher at a government college, although I would prefer if my name was kept private.

And I shall.

I adore my job and students I teach. I am also the daughter of a mother who is at very high risk of complications from COVID-19. For various reasons I currently live with my parents. I am appalled by the blatant disregard for our health and safety shown by both the state and federal governments. The justification for keeping schools open seems to be based on the assertion that young people are at low risk for COVID-19. This may be true, however there are over 100 staff at my college. We have families and loved ones.

Our students have loved ones who are at risk for COVID-19. Young people may not show symptoms of COVID-19 but they can still infect other people who are susceptible. I have a student whose father is going through chemotherapy. She is torn between her academic future and her father's wellbeing. At least she has a choice. We will do our best to continue to support her learning.

I don't have a choice. I can continue to do my job and jeopardise my mother's life, or I can take the limited amount of leave available to me and then what? Return to a dangerous environment or resign? I am also deeply worried about my students and what this means for them.

Please understand, I do not want schools to close, however at this time I feel it is necessary. Social distancing is impossible. Our classrooms are small. We cannot keep the requisite distance between people. Some of our bathrooms do not have soap or paper towels. More and more parents are removing their students from our school. While I cannot fault them for this, the truth is that we are still expected to provide content for them, and we want to, but our workload has doubled. We are still teaching our face-to-face classes and now are expected to prepare and deliver online content as well.

My colleagues and I strongly believe that students should not be coming to colleges. Staff can either work on site or at home to create online content. It is not ideal but it is safer and more equitable than what is currently occurring. Those small percentage of students who do not have access to reliable internet can still attend. The small number will be far easier to practise social distancing with.

Teachers are problem solvers and we are used to doing a lot with a little. Please help us to manage this situation the best we can. The escalation of this crisis is inevitable. The shortage of test kits means that there are no doubt undiagnosed cases throughout the state and the country and yet all levels of government are refusing to take preventative action. This is being treated as an economic inconvenience rather than a health crisis. I have been watching what is occurring in Italy and the United States with horror. Please advocate for the teachers. We are being forgotten.

Yours faithfully
A teacher at a Tasmanian college.

Dr Woodruff, my esteemed epidemiologist colleague and friend, will make a contribution on the arrivals issue shortly, but what I will say is for people who are voracious consumers of news

information, as I am, I am getting increasingly concerned about many of the approaches or the lack of approach that is being taken, particularly at the federal level but I am concerned about some of the responses at the state level, and I am very concerned about schools and vulnerable people, small business people and sole traders. I know no-one has a monopoly on compassion in here, but for members who point to the lack of evidence that school closures is effective and then point to Singapore, which has not closed its schools, what I read is that in Singapore, children who come to class have their temperature checked two to three times a day, and as soon as a child is detected to have fever they are sent home. So, I do not think it is reasonable to compare us to Singapore.

In Europe, as we know, a number of countries moved very quickly to shut their schools to slow community transmission of this virus. I can see that day coming here, and I think there will be teachers and parents and students who will be relieved when it does.

COVID-19 - Tasmanian Arrivals Card

[2.45 p.m.]

Dr WOODRUFF (Franklin) - In Question Time this morning we asked the Premier about the travel arrival cards and the lack of resourcing and follow-up that is occurring at the airport. The Premier indicated he was concerned to get the answers to the questions we asked, and he was going to come back in today and report. Well here we are at the end of the day and we have not heard anything from the Premier on this matter.

We are very concerned that this is a first-line prevention measure which must be undertaken properly. It must be stringent, it must be resourced, and people must be tracked. We have always said it is not good enough to just focus on the people who are arriving into Tasmania from overseas. It must be every person who comes to Tasmania by sea or air, because we know now that mainland states are especially the ones that people most travel to from Tasmania.

New South Wales and Victoria are recording exponential growth in cases. There were 50 cases in New South Wales in the last 24 hours. When people arrive in Tasmania, if they have come in from those other states or if they are Tasmanians travelling back, there is no requirement for them to do anything. The truth is that they have been in communities, like people who are arriving from overseas, where there is exponential growth in COVID-19 cases. We have to protect Tasmanians from community transmission of this disease.

The Premier was to provide us with some information about biosecurity resourcing and the tracking that will happen to people who self-isolate. We know people are making voluntary identification of whether they have been overseas as they are disembarking. That is not good enough, absolutely not, because we have heard reports of people pushing past with duty free goods in their hands; clearly they have been overseas and they are ignoring that direction.

There can be all the heavy penalties in the world, but if there is no enforcement and no follow-up it means nothing. This is such a serious frontline issue that we expect the Premier to use every resource he can muster for the good of Tasmanians, to make sure every person who gets off the plane must fill in information and provide details to the public health authorities so that they can be tracked. That means doing the job properly, not just relying on people to do what they say they will do, but checking them with the sort of technology that is being used overseas that every Tasmanian has available - which is a phone and a GPS tracker.

Tasmanians might feel uncomfortable about this, but people will feel far more uncomfortable - far, far worse - if there are people who are severely ill and dying in our hospitals. That can be avoided, and we must do everything we can to avoid that. It is quite an easy matter to have an automated text message that a person who is self-isolating simply replies to. It will give a GPS record of where they are, and make it clear that they are where they are meant to be.

If there are serious penalties, and if the Premier is serious about using the penalties available, then he has to actually make them work. In order to do that, public health staff and biosecurity staff must be getting resourced so that there is the amount of staff and the machinery available for them to do this job.

I will add to what the Leader of the Greens has just said about schools. It is very uncomfortable for me, as an epidemiologist, to repeatedly hear what we are hearing at the federal government level - that the advice is not good enough to close schools at the moment.

That is not consistent with what is happening everywhere else in the world. The sort of advice being provided does not come with expertise and expert evidence behind it. It is an assertion that that is the best advice. In fact, every single country in the European Union has closed its schools. Not the United Kingdom, but they are not in the European Union anymore. Almost all of the Middle East have closed theirs; most of Asia has closed their schools. The reason they are doing this is because it is effective.

The Minister for Education and Training should be directing our schools to be closed this week. We have the advantage of time. We can change that decision in two months time if the Tasmanian data shows us that it is no longer needed.

It is not a commitment for six months; it is a commitment for a probable two-month period. Over Easter we already have that time and we need to take advantage of it. We have teachers today with an intolerable burden. We have parents with an intolerably difficult decision to make about the health and wellbeing of their child. These are decisions that should be made through leadership on a statewide level for the whole of society, so we can all pull together and make sure we avoid needless suffering for vulnerable people.

House adjourned at 2.52 p.m.