PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Thursday 25 August 2022

REVISED EDITION

Contents

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The President, **Mr Farrell**, took the Chair at 11 a.m., acknowledged the Traditional People and read Prayers.

POLICE OFFENCES AMENDMENT (WORKPLACE PROTECTION) BILL 2022 (No. 15)

Consideration of Amendments made in the Committee of the Whole Council

Continued from Wednesday 24 August 2022 (page 77).

[11.05 a.m.]

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

> That the bill, as further amended in Committee, be now taken into consideration.

Motion agreed to.

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

> That the amendments be read for the first time.

Amendments read the first time.

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

> That the amendments be read for the second time.

Amendments read the second time.

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

> That the amendments be agreed to.

Amendments agreed to.

POLICE OFFENCES AMENDMENT (WORKPLACE PROTECTION) BILL 2022 (No. 15)

Third Reading

[11.10 a.m.]

Ms FORREST (Murchison) - Mr President, I rise on the third reading of this bill. It has been helpful for me to have many weeks to fully consider all aspects of the bill before us, as amended, before we recommitted clauses 4 and 5 and now, as we deal with the final process in this House.

I reiterate from the outset, I fully support the right to protest and the importance of protest to our democracy. I also support the right of workers to safely attend lawful work, to be safe at work and to safely return home from work. All laws we pass in this place need to, as best as we can, create a balance in all these matters. I know that is not always easy; indeed, it is hardly ever easy with contentious issues. In forming my final position on this bill, I wish to relate some of the matters that have informed my decision-making during the end of the Committee stage, between the end of the Committee stage, before the break and now on the third reading.

During the break, I attended the ACPAC conference in Wellington, New Zealand. It was very informative to listen to Professor Jonathan Boston from the Victorian University of Wellington and the Chair of the School of Business and Government. He spoke about the current governance challenges, stating that humanity faces multiple challenges, many creeping problems and unprecedented governance challenges - economic, demographic, technological, ecological, health-related, geopolitical et cetera. He added that the long-term economic and physical implications of these risks and challenges are massive, and a failure to effectively address the risks and challenges will have profound consequences - potentially undermining the capacity for stable democratic governance and imposing immense economic, fiscal and social costs. This was a specific reference to public accounts committees, but equally that applies to our role here. He stated that we have a vital role to play in assessing such risks, scrutinising whether policymakers and government agencies are responding prudently and effectively - not least in the interests of minimising long-term fiscal risks.

He went on to describe the critical need for sound, anticipatory governance, which is about wide stewardship. It depends on proper foresight, insight, hindsight and oversight. The implications for current and future governance, which is our role to oversee, are that we must focus on protecting intergenerational fairness and wellbeing. Public accounts committees and, of course, all the work of our members in parliament, have a critical role in this, including mitigating short-termism and prioritising long-term - that is, multi-decadal-perspectives; identifying significant societal risks and opportunities and assessing their economic and fiscal implications; focusing on creeping or slow burner policy problems that are often out of sight and thus out of mind; scrutinising the government's long-term performance, especially fiscal performance; and encouraging sound anticipatory governance, including greater societal resilience and sustainability in part of the long-term fiscal responsibility.

As Dennis Thompson from Harvard has stated:

> Democracies are systematically biased in favour of the present. In giving greater weight to the present we can neglect the future.

These comments directly relate to the question before us, and that is that the bill be read a third time. Following my extensive consultation on the bill, as amended before the break, I remained deeply concerned that whilst the intent is right - to enable lawful work to be conducted where workers can be physically and psychologically safe; safe to enter their workplace; safe at their workplace; and able to return home safely - the bill, as it was, would have broader and unintended consequences to peaceful protest, which I highly value and will defend.

As I have said, protests and the right to protest are fundamental pillars of our democracy and must be defended. That is why I could not support clause 4, as I related to when I spoke on clause 4 as amended stand part of the bill. I absolutely reiterate that the actions taken against workers by protest in some of our remote workplaces, whilst claiming to be peaceful - at least in the physical sense - do not need to be physically violent or abusive to be harmful. The mental health and welfare of all our workforce is equally important as the mental health and welfare of those that have a purpose dear to their hearts and the protection of our environment.

I have had a number of emails related to this bill, following the previous completion of the Committee stage. Most of them have been urging me, and continue to urge me, to reject the bill outright. Very few of these, as I have previously said, have been from my electorate - if any, in terms of those who do not always identify their location. I have read all these emails and responded to most of them, except for the last few days where we have been strangely busy. The democratic right to protest and the need to ensure all workers are supported to access their workplace, work there, and return unharmed physically and mentally, is a very important matter

I know this is not the lived reality for many. Sadly, some are seriously harmed in their workplace and I am not talking about harm through protest action - I am talking about a range of mechanisms where workers are harmed. We need to do all we can to ensure this is not the case. Regardless of the outcome of this bill, and despite the fact that we have quite robust occupational work, health, and safety laws, we know these do not prevent all injuries. We need to work on all aspects of potential and actual harm to workers and do all we can to promote and ensure the safety of all workers. We need to preserve the fundamental right to protest, not just on matters of worker safety, but on other matters of concern to the community and our citizens.

We currently have offences related to the obstruction of roads. It seemed to me, from the comments made during the debate, that some of these have not been applied as best they could have been to address the matters that clause 4 in the bill sought to address. I urge a rethink of how we apply those laws to deal with the challenges that they did seek to address.

I am happy to revisit this in the future if it is needed; but I am not convinced, at this point in the debate, that the inclusion of that new public annoyance offence was warranted in the way that it could have had such a broad reach.

Mr President, with every right comes responsibility. This right should not be a licence to harm others. There must be a balance. We need to find a balance to ensure the safety of workers and the right to protest so that neither are undermined. The challenge for me has been, and continues to be: where is that balance? This is why I sought to amend clause 4 and I thank members for their support in that and for recommitting those clauses. I have been consistent

throughout in my contributions on this and similar bills about my desire to strengthen the current trespass laws if that is needed, but only as much as is warranted.

We have an obligation in this place to take an intergenerational wellbeing approach to all we do. There will always be the competing set of views, with each taking a stance that best reflects their views and values. Many of these contests relate to long-term concerns, as I have mentioned, and they need to be at the forefront of our consideration. This is particularly the case when it comes to our environment. I, like probably all Tasmanians, highly value our beautiful wilderness and the need for direct and urgent action on climate change. I also strongly support the right to peaceful protest - regardless of my view on any particular matter.

However, this protest action should not threaten the safety of others. I wish to preserve the right and will join protest action in circumstances where I personally feel strongly. In terms of the challenges that sit behind this legislation, we know there are competing interests in a number of sectors where intergenerational wellbeing and the environment must be front and centre of our decision-making.

Two such sectors include our forestry industry and the mining sector, which have pretty much been the focus of aspects of this legislation. It is important to note that forestry and timber products are a renewable resource, if it is managed sustainably. We know that this has not always been the case, and in the last Commonwealth State of the Environment Report it is made very clear that we need to take this matter very seriously. Mining is a non-renewable activity; however, without mining we would not have the minerals we need for everyday living. They are needed for the delivery and production of food; the sanitisation of water; the manufacturing of renewable energy and items that generate renewable energy, including wind turbines, solar panels, batteries, battery storage of energy, transmission lines, wave energy; and the list goes on.

Australia and Tasmania have a significant amount of these critical minerals. It seems to me that some of those protesting against our mining sector would like all mining to stop. There needs to be a balance. We cannot have both - we cannot have renewable energy if we do not have the minerals to create it or even get to work in the first place. Some people seem to perhaps overlook this point.

The balance needs to take an intergenerational wellbeing approach that enables mining to continue in a way that does not compromise the future wellbeing of our citizens as the minerals are mined to enable future generations to continue to have the opportunities and lifestyles they need and deserve.

With regard to the call to strengthen the trespass laws, we already have a strong discouragement to invading workplaces and worksites in Tasmania and I have been completely consistent in my approach to that matter. Where people are put at risk in their workplaces, that is where we should strengthen the laws and avoid a much broader reach as much as possible. This is the reason I have rejected previous inappropriate attempts by the Government to introduce standalone laws that have sought to limit the right to an opportunity to protest that must always remain lawful and protected.

The concern on the question of the third reading of this bill for me is, does this bill do just that or does it go further? The introduction of the initial public nuisance offence did go further.

Locking onto machinery or equipment, invading a workplace - that is covered as an aggravated trespass and these have been clarified to relate to workplaces and workers in their workplaces through the amendments that have been agreed to.

As I have said, I support the principle of the bill and the amendments made initially during the Committee stage did not address the very real concerns of a number of organisations. I know to some degree the amendments may still not do that.

I found myself in a difficult position. I spent a lot of time reading all the emails we received and meeting with people and talking to concerned Tasmanians about this bill and informed my decision on the third reading.

I wish to support workers whose access to their workplaces is wilfully obstructed or invaded. I also strongly support the right of workers to take action in their own workplace to take protest action that may obstruct that business where there are legitimate safety or other industrial concerns. If such an action risks the safety of workers or others then, of course, they should be subject to the higher penalties if they have committed a trespass and put others at risk, as any workplace invaded would.

I have actively sought to ensure any legislation we pass related to this matter will not negatively impact on others in the community, including those of us who wish to protest on matters not just related to access to workplaces but also the environment; access to health services; public safety; workplace conditions; and the intergenerational wellbeing impacts of government policy.

We need to establish a clear balance in this, which is really difficult, but I believe in the fundamental right to attend work and return home safely in good health, both physical and psychological, and the need to ensure all activities in the state, all policy positions, all legislation we pass, budgets and spending we approve, adequately consider the intergenerational wellbeing aspects.

This balance extends to ensuring we can mine the minerals needed to build renewable energy - batteries, electric vehicles, mobile phones, et cetera. We mine much of this in my electorate and it is vital the workers who undertake this work do so safely in every way from getting to work, at work and on the way home from work. They need to be able to earn their living as well.

Critically, all areas of development impact on our state and the environment, and we need environmental assessment processes that are robust, thorough, focused on intergenerational wellbeing and clear to all.

As I mentioned, the latest federal State of the Environment report, which was effectively hidden from public view by the previous federal government, makes it clear we need to do more. I understand, particularly from the comments of the now federal minister for the Environment, the federal Environment Protection and Biodiversity Conservation Act is no longer fit for purpose and does need review and amendment to ensure we have a much more robust environmental framework. The same applies to our environmental legislation.

Back to the question whether this bill should be read a third time. On balance, with all amendments supported and clause 4 removed, I believe this will provide a level of balance.

I am not saying a complete balance, I am saying a level of balance in this matter. However, there remains a risk the whole bill could blow up in our faces and work against the intent. I say this after a conversation with one of my mining executives who operates on the west coast, when he related a case to me a few days ago. I was talking to him about this legislation, seeking to address a similar problem of protesters in Finland when he was working there. As you may know, Finland does not have trespass laws. You can go anywhere in Finland. Trespass is not an offence. They were having problems with workplace disruption and protest action. I was informed in the absence of trespass laws, the Finnish police found very old legislation related to vagrancy and this was if a person was likely to reoffend in a public place, a high penalty for that action could be applied. This was used against these people and resulted in the prosecution of some protesters who effectively became martyrs for the cause thus raising awareness of the issue. This was followed by a significant raising of money to support further action, et cetera and we see this similarly occur here already.

Why I raise that Mr President - this is a mining executive telling me this so there are mixed views, even in the sector, about whether this will ever work. It might have the opposite effect, a matter I took into consideration in getting into how and whether I can support this bill.

My final comment, I will maintain the right to protest is sacrosanct to our democracy and must not be undermined. Protest is disruptive by nature, but should not negatively impact the health and safety of others. As Catherine Booth stated, 'If we are to better the future we must disturb the present.'

As all my amendments were supported, as were the majority of the member for Mersey's, we thus narrow the bill's application to the intention of obstruction of workplaces and not other forms of peaceful protest action. Achieving the level of balance is workable. I am in a position to support the bill on the third reading.

Mr PRESIDENT - The honourable Deputy Chair of Committees has certified that the bill, as printed and amended in writing, is in accordance with the bill as reported.

The question is that the bill be now read the third time.

The Council divided -

AYES 6	**NOES 5**
Ms Forrest	Ms Armitage
Mr Harriss	Mr Gaffney
Mrs Hiscutt	Ms Lovell (Teller)
Ms Howlett	Mr Valentine
Ms Palmer	Ms Webb
Ms Rattray (Teller)	

PAIRS: Mr Duigan, Mr Willie

Motion agreed to.

Bill read the third time.

FAMILY VIOLENCE REFORMS BILL 2022 (No. 10)

Second Reading

[11.31 a.m.]

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

That the bill now be read a second time.

This bill continues our Government's clear commitment to implement legislative reform to strengthen legal responses to family and sexual violence. The bill delivers on an important election commitment to create a new declaration for repeat family violence offenders, and the commitment to be able to mandate participation in behaviour change programs as part of a family violence order.

This is in addition to delivering on our commitments under the Safe Homes, Families, Communities: Action Plan for Family and Sexual Violence 2019-22. I will now provide detail on the key amendments introduced in this important reform.

I will start with the serial family violence perpetrator declaration. The bill will insert a new part 4A in the Family Violence Act 2004 to provide a serial family violence perpetrator declaration framework. It will deliver the second phase of a key Government election commitment, which began with the creation of a new persistent family violence indictable offence, at section 170A of the Criminal Code Act 1924. It will also see Tasmania become the second Australian jurisdiction to implement such a framework, following Western Australia, which commenced in 2020.

The serial family violence perpetrator declaration is intended to identify perpetrators who continue to disregard the law and commit family violence offences against a current or past spouse or partner. It will enhance accountability by ensuring stricter interventions and oversight from the Justice department. The framework will be applicable to a perpetrator aged 18 years or older who has committed at least two indictable family violence offences occurring on separate days; three indictable or summary family violence offences occurring on separate days; or been convicted of persistent family violence under section 170A of the Criminal Code.

The third threshold is included separately because, although the crime of persistent family violence is an indictable offence, a conviction requires a finding that a perpetrator committed at least three separate occasions of family violence which, if convicted individually, would otherwise satisfy the first two thresholds.

The offending thresholds respond to contemporary data and expert analysis. Research by the Australian Institute of Criminology indicates that a significant proportion of family violence offenders reoffend and the likelihood and rate of reoffending increases significantly with each repeat offence.

Our Government acknowledges that Tasmania is not immune. Last year, 28 per cent of family violence perpetrators committed at least one more offence within a year of their first offence. Looking over a 10-year period, the position increases markedly, to 58 per cent of

perpetrators having committed at least two offences. Of even greater concern is that just 2.5 per cent of perpetrators accounted for about 15 per cent of all incidents in last 10 years.

This means a small percentage of serial family violence perpetrators are responsible for a great number of reported family violence incidents. Over time, patterns of serial summary offending can also lead to an escalation in the severity of offending. This pattern is strongly linked to an increased likelihood that a perpetrator will commit strangulation, choking or suffocation offences. As the Sentencing Advisory Council observed in its recent report on the matter, strangulation, choking or suffocation is a significant risk factor for future homicide. This is why the minister recently introduced a bill to criminalise strangulation as a standalone offence, to recognise the significance of this conduct as part of this important suite of family and sexual violence-related reforms.

In addition to escalation in family violence offending, many serial offenders go on to commit non-family violence offences. They become generalist offenders. This is particularly so among individuals who become serial offenders before they turn 30 years of age.

I acknowledge the gravity of the long-lasting and significant impacts caused by serial offending on victims/survivors. It is clear that an intervention response focusing on serial offenders is required to reduce reoffending, to benefit victims and to significantly reduce the likelihood of violence in our community. By enabling the serial family violence perpetrator framework to apply to perpetrators who have committed multiple summary offences or multiple indictable offences, the courts and justice system will have increased capacity to respond to serial offending. This will assist with accountability and deterrence for serial offenders.

The framework also provides appropriate safeguards. Firstly, under 29A the courts can only consider making a declaration at a time when a person has been convicted of a family violence offence. That can only occur if the perpetrator satisfies the offending thresholds as mentioned earlier. These thresholds must also occur within the past 10 years, unless exceptional circumstances apply.

If a perpetrator meets these requirements, the framework provides that a court is to be of the opinion that the declaration is warranted, having regard to:

(a) the nature and circumstances of the family violence offences relied upon in the declaration application;

(b) the risk that the offender may commit further family violence offences;

(c) the offender's antecedents and character; and

(d) any other matter that the court or judge considers relevant.

In consideration of these factors and as part of its risk assessment, the bill provides that a court may order that a report be prepared by Corrective Services or another person. When a court is of the opinion that a declaration is warranted, it will have discretion to determine the duration of the declaration for a period of up to five years. The declaration will be recorded on the perpetrator's criminal record.

The framework further provides at section 29D a mechanism for review of a declaration for it to be discharged early in exceptional circumstances or for the declaration's duration to be extended.

A declaration has consequences for a perpetrator over and above any sentence imposed for the conviction that caused the application to address the serial nature of their family violence offending. Part 9 of the bill will amend the Firearms Act to prevent a person from holding a firearms licence for the duration of their declaration. Firearms ownership is a privilege. It is established that perpetrators with access to firearms are likely to commit more severe family violence than those who do not. The Government considers that serial perpetrators have forfeited their right to possess a firearm for the duration of the court's declaration. If a perpetrator is sentenced to a period of imprisonment for their family violence offending, the amendment to section 72 of the Corrections Act provides that it will be a factor considered by the Parole Board in a parole eligibility assessment.

The bill amends section 13 of the Family Violence Act. If the perpetrator commits another family violence offence while the declaration is active, that is to be regarded by the court as an aggravating factor at sentencing for that family violence offence. A similar, technical amendment will be made to existing section 13A of the Family Violence Act to reflect this language, directing that the court is to consider the aggravating factor, rather than the current discretion that the court may consider it. Together with the amendments in section 13 of the Family Violence Act, the bill amends the Dangerous Criminals and High Risk Offenders Act, to provide that being a declared serial family violence perpetrator is a matter to be considered by the Supreme Court in determining whether to make a high risk offender order.

In addition to these immediate outcomes, the new part 4A in the Family Violence Act provides that a court will be directed to assess the making of a family violence order. This may include, as a condition, that the perpetrator is to be electronically monitored and/or that the declared perpetrator attend and participate in a rehabilitation program.

As mentioned earlier, Tasmania will be the second jurisdiction in Australia, after Western Australia, to implement a serial family violence perpetrator declaration framework. Accordingly, and in response to consultation feedback, the bill includes a statutory review provision, which is to commence five years after the framework's commencement. A five-year period was assessed as being of sufficient length to provide a reasonable number of persons whose declaration has run its entire duration, thereby enabling for a longitudinal evaluation.

As is usual for statutory review provisions, the review report will be required to be tabled in both Houses of Parliament within 10 sitting days of it being received by the Minister for Justice.

I will now move on to the behaviour change program participation. This leads me to the second key reform in this bill. Under Action 25 of the Safe Homes, Families, Communities Action Plan, the Government committed to introducing amendments allowing for mandated behaviour change program participation as part of the family violence order. The amendment to section 16 of the Family Violence Act will deliver on this commitment. Importantly, it will empower the court to engage a perpetrator in a rehabilitation program earlier, enabling a targeted intervention that addresses the perpetrator's behaviour. It will overcome an existing

barrier where a court cannot order rehabilitation program participation until a conviction is recorded.

For the court to engage a person in a rehabilitation program as a family violence order condition, the bill provides that the court must first find that a program assessment be undertaken to determine eligibility. Following the result of the assessment, the court must be satisfied that the person is both eligible to participate and that the program is available to participate in, at a suitable place and time.

To safeguard against a person not complying with an order, or potential increased risk of offending, the bill provides that a court may require that the person report to Corrective Services. With respect to programs available through Community Corrections, I note that there is a dedicated high-risk program, the Family Violence Offender Intervention Program; as well as a community-based low to medium risk program, EQUIPS which stands for Explore, Question, Understand, Investigate, Practice, Succeed, as well as the dedicated Men Engaging New Strategies Program. Importantly, under the Safe Homes, Families, Communities Action Plan the Government has committed to funding these important programs.

Mr President, I now turn to the miscellaneous amendments included in the bill. In further amendments to the Family Violence Act under part 2, section 4 of that act is amended to expand the definition of harassing to include 'making unwelcome contact, directly or indirectly, with the person'. It is common for a police family violence order, or court issued family violence order to contain an order that prevents one person from harassing another. This amendment is intended to ensure that the definition accurately reflects conduct generally understood to be harassment to better capture it as a form of family violence.

Following this amendment, the bill amends the definition of family violence in section 7 of the act by extending it to include reference to the crimes of 'aggravated assault,' in section 183 of the Criminal Code; 'rape,' which is in section 185 of the Criminal Code; 'committing an unlawful act intended to cause bodily harm,' in section 170 of the Criminal Code; and 'wounding or causing grievous bodily harm,' which is in section 172 of the Criminal Code.

This amendment is intended to provide greater clarity to the existing definition, to avoid a judge considering they are limited in the conduct that they can consider as constituting family violence when imposing a sentence. Importantly, it will improve legal clarity when sentencing for convictions, under the crime of 'persistent family violence' at section 170A of the Criminal Code.

An associated consequential amendment is also made by the bill to update the alternative convictions provisions in section 337A of the Criminal Code and reflect these changes. Moreover, for avoidance of doubt and to reflect that conduct listed under the definition of 'family violence' is intended to be non-exhaustive, the bill will also insert a new catch-all of 'any other conduct that causes personal injury'.

Section 14 of the Family Violence Act is amended to expand the types of conditions that may be made on a police family violence order (PFVO). At present, section 14(3) of the act provides a list of conduct that police can order a person to refrain from doing. However, the list does not incorporate all conduct captured under the definition of 'family violence'. This amendment provides that a person who has a PFVO issued against them can be ordered to

refrain from committing any of the acts under the definition of family violence. It will futureproof the police family violence framework by automatically capturing any future changes to the definition of 'family violence'.

Mr President, parts 3, 7, 8, and 11 of the bill will make important technical amendments to reflect, in particular, the introduction of the crime of persistent family violence under section 170A of the Criminal Code.

Mr President, part 5 of the bill will amend the Criminal Code. Importantly, the bill omits section 54 from the Criminal Code. This is an antiquated provision concerning liability of husband and wife for offences committed by either with respect to the other's property. It is well known that perpetrators of family violence often injure or destroy their spouse's property. This conduct is family violence. It is explicitly recognised at section 7(c) of the Family Violence Act. Section 54 of the Criminal Code is outdated and does not accord with the current expectation with what amounts to 'unlawful conduct'.

Lastly, part 10 of the bill will amend section 61 of the Justices Act. This amendment will revise existing subsection 2(a)(vi) to improve clarity in its operation. This amendment will clarify section 61(2)(a)(vi) to refer generally to the commission of an offence that involves or relates to family violence.

Mr President, broad public and targeted consultation processes were undertaken on a draft version of this bill and I, and the minister and the Government, sincerely thank all those who provided feedback and input to help inform the development of this important family violence reform. Our Government is committed to ensuring that our laws protect victims/survivors of family violence and ensure perpetrators appropriately face the consequences of their actions. The provisions in this bill will improve our justice system response and provide more opportunities for the court to intervene and engage rehabilitation for perpetrators.

Mr President, I commend the bill to the House.

[11.51 a.m.]

Ms RATTRAY (McIntyre)- Mr President, I am pleased to be able to speak to this very important legislation. It is somewhat sad that we need to have this type of legislation in our community, but it is something that we hear and sometimes know about and do whatever we can. When we dealt with similar legislation - the non-fatal strangulation amendment to the Criminal Code - I said legislation like this helps to set the tone of our society from the top down. I still believe that we all understand that law is not designed simply to punish offenders, but to set clear standards for unacceptable and abhorrent behaviour. It continues to be my view that if we send this unequivocal message that this type of behaviour will not be tolerated in our community, then that is what we can do in this place.

It is clear that Tasmania has some of the most progressive family violence legislation in the country. I have also said at a previous time that we led the way in 2004 with our Family Violence Act, with entrenched offences for emotional and economic abuse. However, we know that our law is only as good as our ability to uphold it, enforce it, police it and support those impacted by it. This is another suite in that area that we need to focus on. After listening very intently to the second reading speech, I still subscribe to those messages that this amendment sends to the community about family violence.

Those figures are quite alarming. The Leader read out that last year 28 per cent of family violence perpetrators committed at least one more offence within a year of their first offence. Looking over a 10-year period, the position increases markedly to 58 per cent of perpetrators having committed at least two offences. Of even greater concern is that just 2.5 per cent of perpetrators accounted for around 15 per cent of all incidents in the last 10 years. Clearly, as has been stated, this means the small percentage of serial family violence perpetrators are responsible for a great number of the reported family violence incidents.

Just imagine, if you are a police officer having to continually go back to the same family and see a repeat of family violence in a home or in a situation. It must be horrific for those who work within this area and then obviously, you have the children who witness that family violence. I have no comprehension of that - none whatsoever. I was brought up in the country and it was a pretty tough life, but we were loved, there was no doubt about that and we did not have to see that. We had to milk the cows occasionally, but there was certainly no family violence.

I have no comprehension of how that might be for families and if there is anything I can do in this place as a community representative in this area, then I feel it is important I do so and speak up in support of it.

Congratulations to the Attorney-General and her team for the work done in this area. The Government continues to be inspiring and again, we have led the way since 2004. It is sad, but necessary in the community and society we live in.

A couple of areas I will make a point about. I noticed there is an amendment to the Firearms Act and I asked about firearms ownership. I was of the opinion as soon as a family violence order was issued and the perpetrator was alleged, they would have their firearms removed. I believe that is not the case and it is discretional. I look forward to a heightened elevation on firearms ownership. Even if a firearm is not used, the fact it is there in the home must be an enormous concern and threat to someone in that situation. Having firearms automatically removed would be of great benefit for people to know they have gone. That was a surprise to me yesterday and I thought it was an automatic occurrence that if you had a family violence order put upon you and you were a firearms owner, they were automatically confiscated until the matter was resolved or you applied again. That in itself is a process to have those firearms put back into the hands of the person who may well have just snapped for whatever reason and did not reoffend. It is an interesting time.

A lot of the areas that I represent are well known in this place and I am very proud of the electorate I represent which is very rural based. Often those firearms are held for vermin control and game sport as well. There are a lot of firearms in some of those more rural and remote areas and I am very interested in that area and obviously I will ask some more questions on that as we go through the Committee stage.

The miscellaneous amendments are welcomed again. There are quite a few acts that this legislation will amend to implement what has been put forward by the Government. Certainly, the harassing is a useful one - making unwelcome contact directly or indirectly with a person. As we know, with technology these days, I have heard people receive hundreds of messages from disgruntled former partners or partners or whatever. That must be horrific. If you do need to leave your phone on overnight and they are 'pinging' all night, I doubt you would get very much relief, let alone comfort of a night, even if you were not in the relationship any

longer. Just having those constant messages that can happen. I was pleased to see that addition and it will be something that people may well see a real benefit from.

I wrote a couple of lines as I was listening to the Leader deliver the second reading speech. I absolutely agree this will add to significant reforms that have been previously delivered and also strengthen the laws to protect victims/survivors. Whether it eliminates family violence, that would be the greatest wish. I am not entirely sure any legislation will do that. You can put as much legislation as you like in place but it is about how people act in our society. That would be the greatest wish we could have.

This continues on the suite of changes and legislation that have been put in place over time, particularly since 2004, when the Family Violence Act was put in place. Again, I commend the Attorney-General, her team and all those involved in this. It must be a pretty alarming and quite confronting area to work in when you hear and have to deal with feedback around family violence. To those people who live with family violence, whether it be verbal, economical or whatever that violence is in a relationship, my heart goes out to those people because if you have no understanding, you can but only imagine but never really understand.

What I can do here today is support the legislation. I will be doing that, Mr President. I will do my best through the Committee stage to raise any matters there that I feel need further explanation. I support the bill.

[12.03 p.m.]

Mr WILLIE (Elwick) - Mr President, I can indicate we will be supporting the bill. It is a good improvement on the current framework.

In this job, and many members here would probably have a similar experience, you come across victims and survivors of family violence from time to time. There is a family violence shelter in my electorate I have a little bit to do with, I will not say where it is. A common theme when you are speaking to people who have these experiences is the fear. The fear, for their own personal safety but also their family, often children that may have been a product of the relationship, and their property. The other theme common is a mistrust in authority being able to respond, or the capacity of authorities to respond in a timely manner. If courts can mandate conditions, and this particular bill amends the Family Violence Act 2004 to establish a serial family violence perpetrator declaration framework, it is only a good thing.

This is a scourge on our society. As a male, I urge any other males who find themselves in a situation where they are perpetrators to get help. We know that men predominantly are the perpetrators of family violence. It does happen the other way. However, if you do find yourself in this situation, reach out. There are services available. If you have a friend, call it out if you suspect they are in a situation where they are perpetrating family violence in a relationship.

It is incumbent upon all of us to do those sorts of things to improve the culture in our community. This bill is not just for first offenders. These are people who have a history of this type of behaviour. The real fear for survivors and victims I have talked to is the escalation of the behaviour. A relationship might break down, there might be a period of time where there is silence. However, often contact can be made again and it escalates from there.

It is a good thing that perpetrators need to be at least 18 years old at the time of application, that they have been convicted of at least two indictable family violence offences committed on separate days, or three family violence offences committed on separate days if they are summary offences, or a combination of summary and indictable, or they have been convicted of a crime of persistent family violence at section 170A of the Criminal Code.

The duration is at the discretion of the court, with a maximum of five years. We know that every situation is difference. It is proper courts are given this discretion to weigh up the facts, that is why in previous debates I am against things like mandatory sentencing. They are the experts in these situations. They are seeing it every day in appearances before the court. They are best placed to make these decisions.

Obviously, the removal of the firearms, possession of firearm licence is a good thing too. That already occurs in a lot of incidents. I have heard of that occurring.

Ms Rattray - I thought it was automatic.

Mr WILLIE - Yes. I can imagine, as the member for McIntyre said, if someone is in possession of a firearm, that would add to the anxiety and the fear and the trauma that things could escalate and end in very tragic circumstances. We know the high-profile cases around the country. It is still an abominable statistic, one woman in Australia is murdered every week in Australia through family violence.

Ms Forrest - One woman a week.

Ms Rattray - It is actually hard to comprehend, when you hear that number, that quantum.

Mr WILLIE - Yes. Obviously more changes are incredibly important. The member for McIntyre said Tasmania is quite progressive. Governments of both colours have been leading the way since 2004. The law change is one aspect, but cultural change is another aspect. Sometimes this can be cyclical and people who grow up in family circumstances where they are witnessing as a child, go on to become perpetrators themselves. It is about breaking that cycle too, making sure we have the right support services available to people who are seeking help or in this instance, where the court will mandate behaviour change courses.

The other positive in this bill is the declaration will be considered as an aggravating factor in sentencing for subsequent family violence offences committed while the declaration is in force. That is acting as a deterrent, you would hope, that people who have a declaration against them take heed of that. It is also to be considered in a parole application and considered if a high-risk offender order is applied for. The consequences are severe, as they should be.

Going back to the mandated behavioural change program, I do have some questions there. Obviously, the Government mentioned in the second reading speech there is a Family Violence Offender Intervention Program. Another program is Men Engaging New Strategies. What is the funding for that? Is the Government expecting through this law change an uptick in demand? If so, what sort of budgeting allocation will be provided? I imagine if the person is well placed to participate in these programs, the courts will start to mandate it quite quickly. To participate in a program like that you have to be prepared to change your behaviour too. You have to be in a position to do that and the courts are well placed to assess that.

It has already been mentioned, the unwelcome contact in the miscellaneous section of the reforms. I can only imagine if you try to go about your life, not just to have a communication device and other unwanted contact, it would be the trauma and the triggering each time, and a reminder there is somebody who has ill will towards you. Adding that expansion to the definition of harassing is also a positive reform.

Mr President, I commend the Government on this law reform. It obviously follows a history from Tasmanian governments and I encourage them to continue down this path. If you go back to two premiers ago - the honourable Will Hodgman - this was something he was quite passionate about and funded significantly. It was good to see that leadership at the time, but it is good to see it being carried on.

As I said in this place many times before, I will commend the Government when they produce good law reforms and make good decisions and I am not afraid to do that. I commend the Government on this law change.

[12.12 p.m.]

Ms FORREST (Murchison) - Mr President, like other members who have spoken, I welcome this bill and commend the Government for continuing to strengthen our laws around the very serious matter of family violence, particularly sexual violence and all forms of abuse.

This bill will create a new declaration for repeat family violence offenders, as per the Government's commitment in their strategy. It is one I fully support, along with the other aspect, where participation in a behaviour change program can be mandated earlier in the process rather than having to wait for a conviction.

No legislation on its own or in combination with others will ever address this problem because the problem is much deeper than the law. It goes back to the way that particularly, women are viewed and treated in our society and the lack of respect women have experienced over many years.

Measures like this send a strong message we do not accept that. It is not okay. It has never been okay but it has been, sadly, part of our communities and societies for a very long time. That is an alarming statistic still of one woman being killed in Australia by a former or current intimate partner and is something that has to stop. Often, it is not just the woman, it is her children also. We all know, as the member for McIntyre referred to, the very high-profile cases like Hannah Clarke, which continues to haunt many of us. As I understand it from the commentary and the publication of information around that case, that really was the first act of physical violence in that relationship. It was all around coercive control.

I note in the federal arena at the moment the matter of coercive control is at the forefront of the nation's Attorneys-General looking at progressing a consistent approach to coercive control. I absolutely and fundamentally support that approach as coercive control has not been well understood until relatively recently. I absolutely commend the work that Jess Hill has done in this space. She is a journalist and also an author. She wrote a book *See What You Made Me Do*, she has podcasts called *The Trap* and other media interviews, books, and podcasts that cover this area. I urge members if they have not perhaps read some of that or listened to some of her work there, to actually do that, in order to get a better understanding of what this actually looks like and to understand how hard it is for victims to leave.

I got sick of hearing a few years ago, 'Why doesn't she just leave?' That is the most unhelpful comment that anyone can make. I note the member for Elwick's comments about being a good bystander, standing up, calling out behaviour that you see, identifying it in yourself - you may be a perpetrator yourself - and doing something about that. To say to someone, 'Why don't you just leave?' is the most unhelpful and potentially risky and dangerous comment you can make.

The reason for that is that a victim is most at risk of homicide about the time she decides to leave, when she makes that decision and obviously, the mechanisms that need to happen to facilitate that, and when she leaves. That is the most likely time a woman will be murdered. Saying 'Why don't you just leave?' is probably one of the worst things you can do. If you are not sure what to do - and it is not easy - then there are many programs available that can help you understand that.

Recently, Engender Equality ran a program about being an effective bystander around the state. I participated in one of those on the west coast, when they were doing it. Even if you think you know a bit about it, it is good to do these sorts of things to remind yourself about what an effective bystander can do. What is helpful, what is not helpful.

I am pleased that this national approach is being taken. It will actually raise awareness of the insidious, hidden nature of coercive control, the very real risk it poses to victims of family violence and the need to take it seriously and how difficult it is to prove at times. A lot of the perpetrators are very good at covering their tracks.

I am sure most of you would be aware, if not all of you, that a lot of this involves surveillance of the victim, including apps on mobile phones, easy to put on. In fact, a lot of people, including myself, give my location to my husband and to my daughter. I also have my mum's location on my phone. I know where she is at any given time because I worry that now she is living on her own if I could not contact her I would at least be able to see where she is and I could get help to her or go to her myself.

There are very valid reasons for having those sorts of facilities on your phone but when you have an app or some sort of device hidden on your phone that tracks you and monitors you, that is a terrible thing to do to someone. If you went to someone's place and saw that they had security cameras - well, I have security cameras at our house. They point out away from the doors to see who might be coming in or if an alarm is set off, who might be there. When you have surveillance cameras facing into the house, think about what that is about.

They are the sort of things that as a good bystander, you might notice those things and then start a conversation with a potential perpetrator about that. Effective bystander behaviour and support is really important but the most important thing is to support victims whilst they remain in the relationship as well as after they leave, if they do. That is what they actually need and do not judge. Just provide support and believe them. That is a really important thing too.

Most of you will probably know the effect of gaslighting. Gaslighting ends up making you think you have actually lost your mind and that you do not know anything anyway and that you are the problem, you are wrong. You are constantly walking on eggshells because you cannot do the right thing, you cannot be the right person and you cannot do all those things. Gaslighting, when it is done very effectively, which it often is, makes the victim completely

incapable of making decisions for their own benefit. So, be aware of some of those really insidious forms of family violence.

The other issue that is impossible to address through legislation is the misidentification of the primary perpetrator, which happens relatively often. Many of these, particularly coercive controlling perpetrators, are very cool, very calm, when the police turn up. They are the rational person. They are the one who will have the rational, calm conversation with the police, and the victim might be a shattered person in the corner who may have responded, lashed out, something like that. Often, they are not the most coherent person in the room and it does make it hard for police.

That is not a criticism of the police, it is saying that it is difficult for police. What is needed is not law to fix that, it is training, education, awareness raising. Misrepresentation or misidentification of the primary perpetrator is much more common in Aboriginal families where Aboriginal women are far more often identified as a primary perpetrator when they are not. That is a whole different body of work that cannot possibly be addressed through legislation.

I have often stated in this place that we need to do much more in the prevention space with regard to prevention of family and sexual violence. Whilst the inclusion of our legislation here will also be dealing, in some way, with that issue, I do not believe that they will actually lead to significant reductions in repeat offenders on their own.

A lot of these programs actually need to be actively and effectively participated in for a long period of time to change behaviours that are very deeply ingrained and intergenerational. We cannot expect these things to be entirely the answer, but they are an important tool in the toolkit in dealing with this.

This is an important provision and will hopefully lead to less sexual and physical violence in the future and alterations in perpetrator behaviour that may avoid further offences being committed. The key must be focusing on primary prevention as opposed to what I call the secondary prevention. We need to adequately resource the primary prevention.

I do not diminish in any way the very real importance and need to address perpetrator behaviour which, if addressed through evidence-based proven programs, as well as working to prevent all family and sexual violence, is crucial. I do acknowledge the enormity of this task.

With regard to the rehabilitation programs that the court may be able to mandate attendance at as part of a family violence order, I note from the Leader's comments that the relevant provisions in the bill will empower a court to engage a perpetrator in a rehabilitation program earlier, enabling a targeted intervention that addresses the perpetrator's behaviour hopefully earlier and avoids or prevents future family or sexual violence.

As the Leader said, it will overcome the existing barrier where a court cannot order a rehabilitation program participation until a conviction is recorded. I understand from the bill and from the Leader's comments that electronic monitoring can also form part of this where it is deemed appropriate and the requirements and the provisions in legislation regarding the use of electronic surveillance and monitoring of the perpetrator are met.

In the bill, it notes that the court must first, in order that the program assessment can be mandated or that program attempts can be mandated, that assessment has to be done to determine eligibility. I am not sure what the actual eligibility is, if the Leader is able to describe the eligibility for that. Also, when certain perpetrators may not be eligible, what sort of things have they done or not done that would make them ineligible? I assume in that case, they are potentially going to get locked up, which is not all that helpful. All perpetrators of family violence should have access to targeted, appropriate programs and behaviour change programs. I am interested in that, and what do we do with those people who are not eligible for this.

As I have said, it is very important to note that these programs may take a very long time of regular attendance to have a positive impact on perpetrator behaviour. We need to be sure these programs are evidence-based, accessible and there is demonstrated behavioural change in their outcome. It is no good just sending perpetrators to a program if nothing changes.

I know the Leader identified a dedicated high-risk program - the Family Violence Offender Intervention Program - as well as a community-based low to medium risk program, EQUIPS, as well as a dedicated Men Engaging New Strategies Program. In her reply, I ask the Leader if she is able to provide more detail as to the rigour around these programs. How are they approved? How will the effectiveness of these programs be assessed and monitored?

I am aware of programs that do not seem to have provided any behaviour change that have been utilised in other jurisdictions. I want to be sure that what we are doing here is actually providing a program that does give effect to behaviour change. I know that not every perpetrator will respond to a particular program, but we do need to ensure we are getting outcomes. If the program is not providing outcomes, we need to revisit that. I note the Government's commitment to funding these important programs. They cannot exist without that; that must be ongoing and also based on the evidence of the outcomes of the programs. They should be reviewed to make sure they are effective.

With regard to the serial family violence perpetrator declaration, that will be an additional offence to cover areas that may not be covered under the persistent family violence indictable offence. That was included by the Government some time ago. The evidence is clear in this area. It shows that without perpetrator behaviour change, even if a relationship breaks down and the parties separate, family violence continues in subsequent relationships. This is the thing. You do see these relationships end. The victim manages to leave the relationship. New relationships are formed and the perpetrator continues perpetrating.

The evidence for that is clear. As the Leader noted in her second reading speech, the Australian Institute of Criminology said that a significant proportion of family violence offenders reoffend. The likelihood and rate of reoffending increases significantly after each repeat offence. Early primary prevention is the only hope in my mind that we have to actually prevent this continuing. That is in terms of when you already have a perpetrator. Ideally, we would get back to before the perpetrator starts perpetrating with community education, teaching young children about respect, role modelling of healthy relationships. This is why some of our relationships programs in schools are so important.

As the Leader said in her second reading speech, the serial family violence perpetrator declaration is intended to identify perpetrators who continue to disregard the law and commit family violence offences against a current or past spouse or partner. Even after parties separate, the abuse can continue, and does continue. The Leader was talking about this in defining

harassment, which is often the stalking that occurs after the parties separate, the surveillance, the monitoring and turning up at the same place the victim is and things like that, even after the relationship has ended.

We also know that over time patterns of serial summary offending can also lead to an escalation of the severity of offending. We must remember that it is not only the physical violence which is part of an abusive family relationship. I have talked about coercive control. Sometimes the first and only act of physical violence is a murder in those relationships. If you read Jess Hill's books, you will clearly see how that works.

This is an extremely serious matter. As many here know, evidence like controlling behaviour, gaslighting, emotional abuse, sexual abuse, economic abuse, surveillance and other forms over time make it very difficult for the victim to actually leave the relationship, even for their own safety or the safety of their children. Sometimes they do leave, then they end up going back. We must not judge those victims who go back. We must look at what a good bystander does and try to support that person and find another way for them to leave.

These patterns of behaviour, as in persistent and serial family violence, are strongly linked to the increased likelihood that a perpetrator will commit strangulation, choking or suffocation offences. Thus the risk of murder of the victim increases as well.

Along with many others, I advocated to see non-fatal strangulation and choking included in our laws as a standalone criminal offence and I commend the Attorney-General and the Government for progressing that bit prior to these amendments.

In this serious matter, along with the Government, I wish to acknowledge the gravity of the long-lasting and significant impacts caused by serial offending on victims/survivors. We must act to reduce this risk at the prime prevention level as well as by measures such as those included in this bill.

I note that the Government has committed to funding of the perpetrator behaviour programs and it is vital that there are long-term funding agreements for services that provide this service. I acknowledge and declare my interest on the Engender Equality Board. As with other organisations in that space, they have now had five-year funding agreements agreed which makes an enormous difference to the capacity of those services to deliver services and not have this constant, 'Can we afford to keep our staff?', particularly in the very real face of rising numbers.

There are a couple of things I will ask some questions about that hopefully the Leader can address now or later in the Committee stage. The framework as outlined in clause 10 of the bill under the provisions in 29A, this includes a provision that a court, after other factors have been determined, is to then be of the opinion that a declaration is warranted. In coming to this opinion, the court or judge must have regard to the nature and circumstances of family violence offences relied upon in the declaration application, the risk that the offender may commit further family violence offences, the offender's antecedents and character and other matters the court or judge considers relevant.

When a court is of the opinion that a declaration is warranted, it will have a discretion to determine the duration of the declaration for a period of up to five years.

Can the Leader give me a little bit of guidance or information in her reply about how the court and the judges will be assessing in (3)(a) the nature and circumstances of the family violence offences relied upon in the declaration application?

One would assume that all members of the court and all judges would be well versed in the quite often hidden aspects of family violence that are not physical and the harm of other forms of abuse, particularly gaslighting and other non-physical forms of abuse. Sexual abuse within relationships and marriages can be at least as, or more, harmful than physical abuse.

I note there is a change to the Criminal Code that brings in rape and other aspects to be considered in the Family Violence Act. I welcome that, particularly in light some months ago when a statement was made that a rape in a relationship is not as serious as a rape in a dark place in a public park or whatever. I know that was not all that was said in that judgment but that was a horrifying thing for someone to hear that a rape in a marriage or a relationship is not as bad as being raped out in a public space.

I want to understand, will all these factors be looked at?

Mrs Hiscutt - So, the question is, under what grounds will the judge make his judgment?

Ms FORREST - Yes. It talks about the nature and circumstances of the family violence offences so one would assume that they will look at all those aspects and consider sexual abuse, including rape, in a relationship. Sexual abuse is also insidious in a relationship. It is about coming back to what is consent. Enthusiastic participation and agreement.

Mr Valentine - Especially in a coercive control environment.

Ms FORREST - That is exactly right, and gaslighting and things that have gone on as part of that. The harm and other forms of abuse, particularly gaslighting, and non-physical forms of abuse, including sexual abuse within relationships and marriages can be at least as harmful, if not more so, than physical abuse.

I also note the provision to amend the Firearms Act to prevent a person holding a firearms licence for the duration of the declaration. I agree with the Leader that firearms ownership should be a privilege. You have to go through a process to get a firearm, and rightly so, to make sure that people use them safely and correctly.

In the rural community, firearms are very much part of the landscape. They are used for vermin control and for hunting, for example. Women - particularly women who are victims of family violence and especially coercive control in all its forms - are often very fearful of the firearm being in the house, even when it is stored correctly, which means stored in a locked safe where the key is not still in the lock and the ammunition is stored separately and securely. Even though it is stored safely and the perpetrator may need to get the key and get the ammunition to actually use the firearm, those living in these circumstances often are very fearful. I know that often firearms are used as a threat. There are circumstances that I have been told about by people, particularly in rural communities and experiencing this sort of abuse, that the perpetrator will say 'You know where that gun is.' That is all they have to do. They do not have to use the gun; they just have to threaten to use it. If the victim knows the gun is not there, that is an enormous comfort.

There are some other amendments in the bill, and I have covered most of those. There may be some other questions in the Committee stage about that. I also believe that Tasmania is a leader in some of this legislation. I commend the Attorney-General and the Government for doing that. Therefore, the inclusion of the statutory review provision, within five years of when it first commences, is an appropriate measure. It is an opportunity to look at how these are working; do we need to change them; do we need to add other provisions. National consideration of a unique, consistent approach to coercive control may inform future legislation as well.

Overall, I support these provisions and commend the Government for their ongoing commitment to addressing these completely unacceptable aspects of family violence, including those that this bill addresses. Such violence and abuse have often been well hidden; for many victims it was hidden in plain sight. Many bystanders lack the knowledge or capacity to know how to assist or respond.

I encourage all members of our community to inform themselves about all aspects of family violence and abuse, to assist themselves if they may be a victim, and also to know how best to support others who are victims. We must continue to invest in crime prevention and ensure underlying factors of gender inequality, lack of respect for women and perpetrator behaviour change remain an ongoing focus to prevent such offences, rather than to just pick up the pieces of shattered lives.

Mr President, I support the bill.

[12.38 p.m.]

Mr VALENTINE (Hobart) - Mr President, I support the bill. We have done a lot in parliament to address this issue. It did have tri-partisan support at one stage and still has, I am sure of that, to make sure that people can go about their daily lives in a safe environment. There are insidious forms of family violence. When the member for Murchison was talking about coercive control, it can just be a look, or a small gesture, that can strike fear into the heart of somebody who has suffered violence at the hands of their partner. Words matter. Just a word, can sometimes be spoken that does strike home that fear, and coercive control. This bill is trying to strengthen the opportunity to try to prevent further violence happening, and to help those who perpetrate the violence to come to an understanding that what they are doing is simply not right; that the way that they behave and the way that they act has consequences.

Unfortunately, I am sure that punitive measures can sometimes cause perpetrators to strengthen their resolve and say, 'well, you are not going to control me'. When I look at the capacity here that is being provided for what are essentially mandatory behaviour change programs, it is good to have these programs, and it is good that we look at the restorative justice side of this. That is important. However, I hope there is somebody there to protect those who are delivering these programs, because they are dealing with violent people. One would hope that they are very skilled in dealing with violent people, people who have a tendency to just go off the handle, to not be able to control their emotions, and to lash out. I imagine that the departments that are going to be delivering these programs would have mechanisms in place to be able to make sure that those who are delivering the behaviour change programs are safe themselves.

At the end of the day, everyone deserves the right to live in a non-threatening home environment. Life is hard enough in our present stressful economic times. People are

concerned about losing the roof over their heads, about how they are going to feed their families on a daily basis, concerns about bill stress and so on. The last thing people need is when they get to what they believe is their safe place, to all of a sudden find even that is not safe for them because their partner abuses them in one way or another. People need that right, they need to be able to live in a safe environment.

I will support the bill. I support the provision of restorative justice measures that are envisaged here. I hope they can be delivered in a safe way. The figure that stood out for me was that 2.5 per cent of perpetrators committed 15 per cent of all incidents over the last 10 years. I hope we can see a reduction in the number of perpetrators who are perpetually breaking the law and causing family violence.

Thank you to the Government for putting more effort into this. Thank you for the restorative justice component. I do think that that is far better, in a lot of ways, than the punitive approach. I know you need both; there is a balance. The member for Elwick called it a scourge in our community and I hope we can see it reduced.

[12.44 p.m.]

Ms PALMER (Rosevears - Minister for Women) - Mr President, I rise to speak in support of the Family Violence Reforms Bill 2022, which is another important part of this Government's clear commitment to implement legislative reform to strengthen legal responses to family and sexual violence.

This includes a new declaration for repeat family violence offenders, and the ability for courts to mandate participation in behaviour change programs as part of a family violence order. I know how passionate and committed the Attorney-General has been in developing and drafting this bill, and I acknowledge her commitment and dedication to ensuring that our family violence laws are further strengthened to hold perpetrators to account.

I also acknowledge and pay tribute to the courage of all victims/survivors of family and sexual violence, especially those who have escaped from serial family violence perpetrators. This bill is for them.

Mr President, I also want to thank all those in our Government and non-government sector who assist victims/survivors of family and sexual violence, who are there for them in their most vulnerable time of need and for their continued dedication and efforts towards our goal of a Tasmania that is free from all forms of violence.

Every Tasmanian has the right to live free from violence and abuse, and this is why eliminating family and sexual violence is a top priority for the Attorney-General, for me, our Government and indeed, this parliament.

Violence against anyone in any form is unacceptable, but the harm caused by family and sexual violence is particularly devastating. This Government takes our role very seriously and this is why since the launch of our first nation-leading action plan in 2015 and under our second action plan, launched in 2019 the Tasmanian Government has continued to build upon its commitment and investment in preventing and responding to family and sexual violence in Tasmania.

We do not apologise for sending the strongest message to offenders, that harmful and violent acts will not be tolerated and that the Tasmanian Government is committed to supporting victims/survivors of family and sexual violence.

This includes undertaking significant legislative reform to hold perpetrators of family and sexual violence to account under action 30 of the Safe Homes, Families, Communities Action Plan that commits to the implementation of legislative reform to strengthen legal responses to family and sexual violence. In this regard, the Government has already delivered a range of important reforms, including introducing a declaration scheme under the Dangerous Criminals and High Risk Offenders Act 2021 for high risk, serious sex or violent offenders enabling them to be monitored after their release from prison; amending the Evidence Act 2001 to allow victims of sexual offences the right to speak out publicly and identify themselves; introducing the new crime of persistent family violence under section 170A of the Criminal Code; and the introduction of court-imposed electronic monitoring on a person as a condition of a family violence order.

The Family Violence Reforms Bill builds on the work the Attorney-General has already accomplished under action 30 by introducing further legislative reform in respect to family violence. This bill will deliver a second phase to the persistent family violence indictable offence and, through the implementation of the serial family violence perpetrator declaration framework, Tasmania will become the second Australian jurisdiction to implement this initiative, following West Australia who commenced the framework in 2020.

This Government is implementing a persistent family violence perpetrator declaration framework because we know that many perpetrators of family violence are recidivist offenders, either against the same or successive partners. We know family violence can occur over a lengthy period of time and victims can spend months, even years, living in fear of a violent, abusive partner and can be victims of a range of offences from emotional and economic abuse to serious sexual assault. Such offending can go unreported and keep recurring for many years with victims too scared to speak out. The impact on victims can be devastating and long-lasting and victims/survivors can find it difficult to recall specific details of each individual offence over time. This in turn makes it very hard for prosecuting authorities to prove individual offences and can lead to charges or sentences being greatly reduced.

The harrowing accounts from the inquest into the murder of Hannah Clarke are a timely reminder of why reforms such as these are so important. It is tragically well known that Ms Clarke was subject to years of coercive control and in the year before her death she attempted to leave her relationship on a number of occasions, but found it very hard in the face of the perpetrator's manipulative behaviour.

We know coercive control is part of a pattern that is a predictor of intimate partner homicide. We also know that legal interventions to respond to persistent family violence have the potential to save lives. Unfortunately, there are offenders who continue to disregard the law. The likelihood and rate of offending continues to increase with continued repeat offending.

This important amendment will, therefore, strengthen our framework to identify and hold to account those offenders who persistently commit family violence offences against one or more partners.

I am pleased to note the framework aims to provide an escalating criminal justice response that reflects the severity of a perpetrator's offending and recognises in the case of family violence past behaviour is, unfortunately, often a predictor the future. The framework provides for a persistent family violence perpetrator declaration after either a conviction of at least two indictable family violence offences committed on separate days, three summary family violence offences committed on separate days, a combination of three summary and indictable offences or a conviction of the crime of persistent family violence. Additionally, if a perpetrator has been convicted individually on at least three separate occasions of family violence, this would also satisfy the serial family violence perpetrator framework.

By enabling the serial family violence perpetrator framework to apply to perpetrators who have committed multiple summary offences or multiple indictable offences, the courts and justice system have the best chance possible to deter serial offenders and enhance accountability.

Importantly, I also note the bill ensures there are further safeguards for victims, including reporting the declaration on the perpetrator's criminal record with a mechanism for review to be discharged early in exceptional circumstances or for the declaration to be extended. Where a person is declared a serial family violence offender, they will be prevented from holding a firearms licence for the duration of the declaration which may be up to five years. Tragically, in Tasmania we have experienced the horror of family violence murders that have involved firearms.

This framework, along with our strong family violence and firearms legislation, is aimed at removing firearms from our community where there is a risk of family violence. This is because we know offenders who have access to firearms are more likely to commit severe offences.

Firearms ownership is a great privilege and is conditional on the overriding need to ensure community safety. This is why Tasmania Police have implemented processes and procedures to ensure all information provided to police regarding family violence is recorded in the family violence management system. The system is available to Safe at Home providers to ensure information sharing, collaboration and consistent responses. Tasmania Police also ensures that risk assessments for family violence are completed in all instances and that interrogation of all known information is factored into this assessment, including firearms licences and ownership.

The introduction of the declaration framework will also complement the work undertaken by the Safe Families Coordination Unit, which brings together government agencies in a statewide unit to provide timely responses to family violence, particularly in relation to persistent family violence perpetrators.

Led by the Department of Police, Fire and Emergency Management, the Safe Families Coordination Unit comprises representatives from the departments of Police, Fire and Emergency Management, Justice, Health, Communities Tasmania and Education. The Safe Families Coordination Unit is a nation-leading systems innovation that is enabling access to the best available information from across government to ensure a collaborative approach that supports identified families at risk and holds perpetrators of family violence to account, especially repeat offenders. Since 2016, the operational model of the Safe Families Coordination Unit has evolved. The unit now provides significant statewide liaison and

real-time advice on family violence matters to government agencies. Particularly, the Strong Families, Safe Kids Advice and Referral Line and Child Safety Service officers.

To further assist victims/survivors of both sexual and family violence, we have announced the 2022-23 Budget will fund $15.1 million over two years to pilot new multidisciplinary centres in the north and in the south of the state. These new centres will recognise the intersection between sexual and family violence by expanding the capabilities and resourcing of the Safe Families Coordination Unit to include sexual violence more broadly, thereby creating a multi-agency response and intelligence hub, with more effective working relationships between agencies for both sexual and family violence. Through their involvement in multidisciplinary centres and with the intelligence gathered, police will be able to zero in on and more easily identify persistent perpetrators of family violence. Multidisciplinary centres will ensure we are providing a best practice sexual and family violence response in Tasmania that puts victims/survivors at the heart. It will be the most significant change to how we respond to family and sexual violence since coming to government in 2014. Planning work has already commenced and the centres are being developed alongside our Government's next Family and Sexual Violence Action Plan.

Another amendment implemented by this bill, that will greatly assist with Tasmania Police's response to family violence, is the amendment to section 14 of the Family Violence Act to expand the types of conditions that can be made on a police family violence order. The act currently provides a list of conduct that police can order a person to refrain from. However, this list does not cover all conduct under the definition of family violence. Police family violence orders are able to be issued immediately at any time of the day, and they afford a victim immediate protection. Ensuring that a police family violence order can include any of the acts under the definition of family violence will provide further protections for victims/survivors and the flexibility for police to appropriately respond to all incidents of family violence.

The introduction of a serial family violence perpetrator declaration framework and enhancing the use of police family violence orders builds on the work we have already done to prevent family and sexual violence. As a result of our significant investment, through the result of the Tasmanian Government's action plans over the past seven years, we have implemented a wide range of reforms and measures, aimed at primary prevention of family and sexual violence, response and recovery supports and initiatives to strengthen the service system. This includes delivering a range of programs designed to reduce reoffending by family violence perpetrators and having early interventions available for low-risk perpetrators and men who have self-identified the need to change their behaviours, such as, the Men's Referral Service. No to Violence has delivered the Men's Referral Service in Tasmania since December 2015. This service provides a point of contact for men taking responsibility for their violent behaviour, as well as support and referrals for women and men seeking information on behalf of their male partners.

Sitting suspended from 1.00 p.m. to 2.30 p.m.

QUESTIONS

Springvale Hostel

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

[2.30 p.m.]

Mr President,

(1) How many students currently use Springvale Hostel, broken down by grade?

(2) What supervision arrangements are in place for the students at the hostel?

(3) How many students currently using Springvale Hostel are private and catholic school students?

(4) Has the Department of Education committed to finding a solution for the Year 11 cohort who will be in Year 12 next year?

(5) What alternative arrangements will be made for future Year 11 and 12 students to study subjects of choice at their local school, rather than travelling to a city-based school?

ANSWER

Mr President, I thank the member for his questions.

(1) There are currently 32 residents at Springvale, 11 students in Year 12, 15 students in Year 11, three students in Year 9, two students attend the University of Tasmania and one student attends TAFE.

(2) The operator's longstanding supervision arrangements remain in place.

(3) Three students are from non-government schools. Additionally, one student is at TasTAFE and two students are at UTAS.

(4) Yes.

(5) Schools and colleges are working together on the focus areas of retention, transition and curriculum provision within Regional Partnerships. Regional Partnerships support schools and colleges to provide complementary curriculum offerings which broaden options for senior secondary learners and increase access to personalised learning options.

AFL Club Sponsorships

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

[2.32 p.m.]

With the contract with Hawthorn finishing following the final game on Sunday 21 August, can the Leader please advise:

(1) when does the contract with North Melbourne expire, noting their contract was exclusively with TT-Line, a Tasmanian government business enterprise;

(2) whether the contract with Hawthorn will be renewed;

(3) whether the contract with North Melbourne will be renewed;

(4) if the answer to questions (2) or (3) is yes, for what period the contract will be renewed, given that even if the AFL allows Tasmania to have a team of our own, that would not take effect for a number of years;

(5) have any discussions taken place with Hawthorn regarding future Tasmanian Government sponsorship;

(6) have any discussions taken place with North Melbourne, either via the Government or the government business enterprise TT-Line, regarding future sponsorship?

ANSWER

Mr President, I thank the member for her questions.

(1) TT-Line has advised that the current sponsorship agreement expires at the end of the 2022 season.

(2) Discussions about a future agreement with the Hawthorn Football Club are tied to the outcome of the ongoing negotiations with the AFL for a Tasmanian licence.

(3) TT-Line has advised that this is unknown at this time.

(4) As per the answers to questions (2) and (3), discussions are ongoing regarding any future agreements, therefore the outcomes of these discussions are not yet known.

(5) The Tasmanian Government and Hawthorn Football Club partnership has continued for over 20 years. There is regular communication between the two entities.

(6) As the current sponsorship agreement ends at the end of 2022 season, TT-Line is having discussions with North Melbourne Football Club. The outcome of these discussions is not yet known and will remain commercial-in-confidence.

Qantas Payroll Tax Rebate

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

[2.34 p.m.]

Noting the Government's $1 million payroll tax reimbursement to Qantas Airways under an agreement which is due to end in 2024-25, can the Government advise:

(1) whether there are plans to renegotiate or extend the agreement with Qantas beyond 2024-25;

(2) if no extension to the agreement is anticipated, what planning is the Government undertaking to mitigate against the risk that those Tasmanian-based Qantas jobs may become insecure at the end of the arrangement in 2024-25?

ANSWER

I thank the member for her question. The state entered into an agreement with Qantas Airways Limited over 10 years from 2014-15 that entitled Qantas to payroll tax relief on wages paid to employees employed at its Hobart contact centre. The agreement was conditional on Qantas consolidating all of its Australian contact centre operations used for the purpose of customer bookings and/or changing flights at its Hobart contact centre by no later than 31 December 2016.

The agreement allowed for the upgrade of the contact centre and secured local jobs, with 298 full-time equivalent employees working at the Hobart contact centre as at 31 December 2016. For the nine months to 31 March 2022 the number of employees working at the Qantas Hobart contact centre averaged 108 full-time equivalents. No extension to the agreement has been negotiated at this time, with the final reimbursement scheduled to be made in 2024-25.

Regional Connectivity Program - Delmont Exchange

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

[2.36 p.m.]

Leader, in regard to the Australian Government's Regional Connectivity Program and the Tasmanian Government co-contribution for round 2, the Northern Midlands Business Association telecommunications committee project for the priority Delmont exchange has been excluded from the Tasmanian-funded projects.

Will the Government reconsider supporting this project as a priority to ensure important upgrades to telecommunications for this area?

ANSWER

I thank the member for her question. The Regional Connectivity Program is a co-investment program providing up to $112 million, GST inclusive, of funding towards place-based telecommunications infrastructure projects. To date, two rounds have been undertaken, with the most recent round closing on 9 February 2022. Although round 2 closed in February, neither the former Australian government nor current Australian Government has officially announced the funding outcomes for the latest round; nor has the current Australian Government made an announcement on whether it intends to undertake further Regional Connectivity Program rounds. In the absence of this information, the Tasmanian Government does not yet know the scale of round 2 financial commitments or whether there will be an opportunity to support other initiatives, such as the upgrade to the Delmont exchange.

The Tasmanian Government is committed to the ongoing development of the state's telecommunications infrastructure, as is reflected by its commitment under the Premier's Economic and Social Recovery Advisory Council to actively pursue greater collaboration and co-investment arrangements with the Australian Government, telecommunications industry carriers and other providers and allocate funding for digital infrastructure projects to strengthen connectivity, particularly in our regions.

Should the Australian Government commit to undertake an additional round of the program, the Government will consider all funding candidates on their relative merits, noting that any funding decision will reflect the Government's broader budgetary considerations.

Social Housing - Construction in North-West Tasmania

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

[2.39 p.m.]

With regard to the Government's policies on access to affordable and accessible housing, can the Government advise:

(1) how many houses are being constructed in each north-west local government area in the last five years for social housing reported by:

  (a) the town where the home has been built; and

  (b) the number of properties in each that are suitable for residents with a disability, including the availability of hoists?

(2) the number of houses to be constructed in each north-west local government area in the last financial year for social housing reported by:

  (a) the town where the home is being built; and

  (b) the number of properties in each that are suitable for residents with disability, including the availability of hoists?

(3) the number of houses to be constructed in each north-west local government area in the next five years for social housing reported by:

(a) the town where the home is being built; and

(b) the number of properties in each that are suitable for residents with disability, including the availability of hoists?

If there is a table of numbers, I am happy to have it tabled.

ANSWER

I thank the member for her question. I will start with general overview comments and then I will seek leave to table the documents.

All new social housing dwellings are required to be constructed in accordance with the Department of Communities Tasmania's Design Policy for Social Housing. The only exceptions to this are where there are site-specific limitations or for target client group reasons where this is not practicable or appropriate.

Where practicable, all new social houses built under the Government have adhered to the design policy which is comparable to silver level on the Livable Housing Design Guidelines (LHDG). The policy states that all new homes will be constructed to meet the changing needs of the residents across their lifetime, including easy and cost-effective adaptation for the specific needs of people living with disabilities. The provision of hoists is accounted for within this context, noting that the development of any higher level disability accommodation is supported through a project-specific briefing with specialist consultants and allied health professionals.

The rest is three pages of tables and I request permission to table the document and have it incorporated into *Hansard*.

Leave granted.

See Appendix 1 for incorporated document (page 51).

Department of Education - Recall of Work Experience Students

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

[2.44 p.m.]

During the week beginning 15 August 2022 a number of students participating in work experience around the state were recalled to their schools by the Department of Education:

(1) What was the reason for the recall in the middle of the program?

(2) How many schools were impacted?

(3) How many students were impacted?

(4) What is being done to prevent disruptions to work experience programs in the future?

ANSWER

I thank the member for his question.

(1) The Department of Education (DoE) routinely conducts risk identification and mitigation efforts to continuously improve the quality, safety and appropriateness of offsite activities unsupervised by a DoE teacher. Through this process it was found that as more schools engage in offering a broad range of offsite learning experiences, schools need to be provided with further guidance and support in relation to offsite activities.

Given Department of Education's priority is the safety and wellbeing of all children and young people, the department requested that all schools verify that all appropriate measures are in place prior to offsite activities continuing.

(2) & (3)

The majority of secondary schools (64) across the state support students to engage in offsite work placements or work experience. The pause on activities is applicable to all Department of Education's schools. Once the department is satisfied the appropriate risk mitigations are in place, students' offsite activities will be permitted to resume. As of the 23 August, 28 schools have already resumed activities.

Additionally, the department is actively working with schools and registered training organisations (the RTOs) to gauge the impact on their Vocational Education and Training (VET) students and provide support where needed. Of the approximately 2200 VET students currently studying through the department's RTOs, approximately 165 Vocational Education and Training students have had their plan placements impacted. Approximately 190 students are undertaking VET through 20 external non-departmental RTOs.

(4) The department is committed to ensuring a safe and supportive environment for our learners. A dedicated team is working with schools to ensure activities meet the requirements and to put in place the necessary supports to ensure that our children and young people continue to be safe. Activities will recommence once schools have the appropriate measures in place. Schools have been requested to assess each of their planned offsite activities against a checklist and verify that all appropriate measures are in place through completion of an online form. Further refinements will be in place by Term 4 2022.

Disused Nursing Home in Launceston

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

[2.44 p.m.]

(1) What is the status of the former and apparently disused nurses home between Howick and French streets in Launceston? Is it sitting empty or being currently used for a specific purpose?

(2) Does the Government still own this property?

(3) What are the future plans for this property?

ANSWER

(1) The Launceston General Hospital (LGH) nurses home has not been in use since May 2015, due to significant risks identified in relation to ageing wiring and noncompliance with the Building Code of Australia.

(2) The LGH nurses home building is owned by the Department of Health.

(3) The building condition assessment of the LGH nurses home was undertaken by an architect in 2020 to inform the development of the LGH precinct masterplan. The assessment identified that the nurses home was in very poor condition and unsuitable for the delivery of health services and it advised that a complete refurbishment would be required to bring the nurses home building up to a standard suitable for occupancy and to comply with the Building Code of Australia.

On the basis that a complete refurbishment would be costly and would take an extended period to complete, the architect recommended that the Department of Health dispose of the building.

Housing Tasmania has previously inspected the nurses home building and is considering whether it is suitable to be utilised for community housing. Should Housing Tasmania identify that the nurses home building is unsuitable, the Department of Health will then progress the sale of this property and will seek the necessary approvals to retain the sale proceeds to support implementation of the LGH precinct masterplan.

Basslink Compensation Payment

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

[2.46 p.m.]

Can the Government please advise what is the status of the Basslink compensation following the court ruling?

ANSWER

The Government is continuing to pursue its legal rights and entitlements in relation to Basslink.

The Minister for Energy and Renewables appeared before the Public Accounts Committee in relation to this matter on 17 June 2022. The evidence provided to the committee, which is publicly available on the committee's webpage, provides a detailed account of the circumstances. In short, the Basslink receivers have initiated action before the Federal Court, challenging the state and Hydro Tasmania's termination of the Basslink Intercreditor Agreement (ICA).

There have been several court hearings, and the minister presumes that the court ruling referred to in the member's question relates to the most recent of these proceedings.

To date, the substantive matter of the ICA termination has not been heard or determined by the Federal Court. Substantial progress has been made in the preparation and delivery of the pleadings and supporting material for the materials to be progressed.

The latest hearing was held on 1 August 2022. The orders made by the court at that hearing set out timings for the lodgement of future documents between the parties, the provision of evidence, and sets 7 November 2022 as the date for the next case management hearing. The hearing on 7 November 2022 will be for the timing of filing of expert evidence, written opening submissions, the hearing, written closing submissions, and oral closing submissions.

To be clear, the quantum of the state's debts in relation to the 2020 arbitrations are not in doubt. They have been determined and set out through the Arbitration Award and they are covered by the state's security in relation to Basslink. The question for the court is the priority that these debts have in relation to other secured debts owed by Basslink Proprietary Limited.

Ultimately, the degree to which the debts are recovered, now that Basslink Proprietary Limited is under insolvency, will be determined by the combination of the relative priority they have against other secured debts, and the value of any sale achieved for Basslink, which is currently underway under the stewardship of the Basslink receivers. The state's legal position in the court process is that the state secured debt is first ranking.

Special Species Timber Harvesting

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

[2.49 p.m.]

In regard to special species timber harvesting, can the Government provide:

(1) an annual breakdown of the number of applications to harvest special species timber on Parks-managed Crown land from 2015-22?

(2) the volume of special species timber harvested on Parks-managed Crown land each year, from 2015-22?

(3) whether there are any post-harvesting rehabilitation requirements for approved applications to harvest special species timber on Parks-managed Crown land?

ANSWER

(1) With the exception of previously agreed transitional coupes, there have been no applications to harvest special species timber on Parks-managed Crown land.

(2) With the exception of previously agreed transitional coupes, no special species timber has been harvested on Parks-managed Crown land.

(3) In accordance with the requirements of the Forestry (Rebuilding the Forestry Industry) Act 2014, any special species harvesting on Parks-managed Crown land must be approved by the Minister for Parks. Harvesting applications must be accompanied by a forest practices plan, certified by the Forest Practices Authority under section 19 of the Forest Practices Act 1985. Forest practices plans that includes special species timber harvesting must be prepared in accordance with the Forest Practices Code and will contain a range of prescriptions, including reforestation provisions.

Truck Wash Down Facilities - Effluent Dumps

Ms RATTRAY QUESTION to MINISTER FOR PRIMARY INDUSTRIES AND WATER, Ms PALMER

[2.51 p.m.]

This is a question I asked earlier in the week about what work had the department done on securing locations and a possible operator for the building of effluent dumps and truck wash facilities in the south and the north-east of the state. I believe the minister has a response.

ANSWER

I thank the member for the question. Tasmania's network of agricultural hygiene infrastructure for livestock truck and machinery is being upgraded.

Ms Rattray - That is a new word, hygiene infrastructure cleaning.

Ms PALMER - The state Government has committed $2 million to the rollout of these new facilities. The Australian Government is also investing at least $4 million to construct a series of truck washes and effluent dumping facilities. A new truck wash is being developed at Smithton in the north-west, which is the second new facility to advance and follows the successful construction of the first facility at Powranna in the Northern Midlands.

A study into truck washes and dump stations for central and southern Tasmania has been completed. This has analysed the livestock sector in the southern half of Tasmania to recommend a possible facility or facilities as appropriate for that region.

The report has been provided to Natural Resources and Environment Tasmania (NRE Tas) and the findings and recommendations are being considered. In the north-east NRE Tas has worked to identify a prospective operator for a truck wash down facility in this region, but so far efforts have been unsuccessful and no proponents have been identified.

A statewide project reference group has been established to consult with key stakeholders, and meets regularly to inform the delivery of the project. The reference group comprises: the Livestock Transporters Association of Tasmania; the Tasmanian Farmers and Graziers Association; the Tasmanian Agricultural Productivity Group; the Cradle Coast Authority; the Tasmanian Transporters Association, and senior officers of NRE Tas.

Ms RATTRAY - I appreciate the response. Not much joy there yet, is there? The Smithton facility has been up and going for years, that is just a replacement.

State Growth Community Infrastructure Fund

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

[2.54 p.m.]

Leader, can the Government please advise when the State Growth Community Infrastructure Fund will open again? There has been no money in it, no chance to get anything for our communities.

ANSWER

I thank the member for her question. The Community Infrastructure Fund was designed to support community infrastructure initiatives throughout Tasmania, to enhance the liveability and cohesion of communities around the state. Two streams of grants were available. The program opened for applications on 18 November 2016. The minor stream closed on 3 February 2017 and the major stream closed on 31 March 2017.

A large number of projects were funded, including the upgrade and renovation of the Bream Creek Showground, installation of accessible toilet facilities at the North Esk Rowing Club, solar panel installation for the Scottsdale RSL Club, the Henry Hellyer Reserve playground in Circular Head and a waste transfer station master plan feasibility study for the West Coast Council, just to name a few.

While the Community Infrastructure Fund is no longer operative, there are a range of government grants programs accessible to community groups. Previous programs have included the Improving the Playing Field program, the Community Car and Coach Fund and the Tasmanian Men's Shed Grants Program. The Government is currently finalising the funding programs to be made available for application during the 2022-23 season. The member for McIntyre, keep your eye out for that.

FAMILY VIOLENCE REFORMS BILL 2022 (No. 10)

Second Reading

Resumed from page 25.

[2.56 p.m.]

Ms PALMER (Rosevears - Minister for Women) - Mr President, if you will indulge me, I will start from the beginning of the sentence I stopped.

No to Violence has delivered the Men's Referral Service in Tasmania since December 2015 and this service provides a point of contact for men taking responsibility for their violent behaviour, as well as support and referrals for women and men seeking information on behalf of their male partners, friends or family members and support services seeking assistance for their clients.

In addition to self-referrals, the Men's Referral Service delivers the early intervention response, where perpetrators are called within 48 hours of a family violence incident attended by police and offered counselling and referral to appropriate services.

I am advised there has been an increase in calls since 2019-20, both self-referrals and return calls to the early intervention response, which indicates a really positive uptake in men seeking help for behaviour change and increased awareness of the service.

Access to rehabilitative services and programs for family violence perpetrators, like the Men's Referral Service, is essential if we are to achieve long-term change in offending rates. Therefore, it is pleasing to see the early intervention response is having a clear impact on engaging men to take steps to end violent behaviours.

The Tasmanian Government is committed to strengthening the service system to hold perpetrators to account and help them to change their violent behaviours. In addition to our early intervention programs I have just mentioned, we are also taking action in relation to high-risk perpetrators. The prime example of this is electronic monitoring under action 28 of Perpetrators of Family Violence. The outcomes of the initial trial showed a 76 per cent decrease in high-risk incidents; a 75 per cent reduction of assaults; 81 per cent reduction of threats; 74 per cent decrease in property damage; 100 per cent decrease in reports of stalking; and that 80 per cent of offenders did not reoffend in six months following the removal of the electronic monitoring device.

Electronic monitoring is delivered by the Department of Justice in collaboration with Tasmania Police and I congratulate them for their outstanding achievements under this nation-leading action. I was also pleased to note commitments by the former and current Australian governments to the first five-year action plan under the next national plan.

An historic $2.5 billion over the next five years of funding will, at a minimum, be provided for women's safety initiatives, to prevent, intervene and respond to family and sexual violence and to support victims/survivors to recover and build a life free from violence. This includes funding technology-focused actions to keep women and children safe and to prevent devices being used to perpetrate or facilitate family, domestic and sexual violence, including establishing a $20 million fund for states and territories to trial electronic monitoring of

high-risk and persistent family and domestic violence offenders based on Tasmania's national award-winning electronic monitoring.

It is pleasing to see that the Family Violence Reforms Bill 2022 will also amend the Family Violence Act to empower the court to engage a perpetrator in a mandated behaviour change rehabilitation program as part of a family violence order to effectively address the perpetrator's behaviour without the need to wait for a conviction to be recorded. This amendment also delivers on action 25 of Safe Homes, Families, Communities, which is to introduce the ability to require mandated behaviour change program participation as part of a family violence order, which may assist in addressing recidivism. It also means the courts will now have a broad suite of options for dealing with family violence depending on the seriousness and rate of offending.

Under this reform, the court must first order that a rehabilitation program assessment be undertaken to be satisfied that the person is eligible to participate in the rehabilitation program and must also be satisfied that the rehabilitation program is available for the person to participate in at a suitable place and time.

The bill also provides a safeguard for a person not complying with the order or, if there is a potential for increased risk of offending, the court may require the person to report to Corrective Services.

By providing the option to mandate participation in behavioural change programs, we are further strengthening the work we have been undertaking. Under Safe Homes, Families, Communities action number 24, which is to deliver perpetrator programs for low, medium and high-risk perpetrators, the Tasmanian Government is delivering a range of programs designed to reduce offending by family violence perpetrators including the following behaviour change programs for men and women being delivered in the community and in correction settings.

These include: Men Engaging New Strategy (MENS), delivered by Relationships Australia Tasmania for low to medium-risk perpetrators; Explore, Question, Understand, Investigate, Practice, Succeed (EQUIPS), delivered by Community Corrections for male and female medium-risk perpetrators who have a current community-based order with Community Corrections; and the Family Violence Offender Intervention Program (FVOIP), delivered by the Tasmania Prison Service and Community Corrections for high-risk offenders.

Under the National Partnership on COVID-19 Domestic and Family Violence Responses, the Government allocated funding to Relationships Australia to develop an app and online resources that support help-seeking behaviour, to support current and ongoing work with low- to medium-risk perpetrators engaging in the men's program.

The Government also allocated funding to deliver a resilience program for high and medium-risk family violence perpetrators in Tasmanian prison services. The program has been received positively by both staff and inmates as evidenced by the high completion rate.

Under action 24, the Department of Justice has also introduced an enhanced statewide training package to assist Community Corrections staff in developing and maintaining competence to assess offenders for suitability for program participation and referral.

In addition to perpetrator intervention programs, it is important that we also continue to invest in primary prevention measures that address the underlying gender drivers that lead to family violence by challenging the behaviours and attitudes that lead people to becoming repeat offenders. Under action 4 of Safe Homes, Families, Communities we are continuing to support the Australian Government's award-winning national campaign, Stop it at the Start.

I am pleased that the Australian Government is committed to the $46 million rollout of two further phases of the campaign, which is challenging disrespectful behaviours and attitudes. Sadly, and often without realising, adults can play down boys' disrespectful behaviour, blame girls by questioning their role and empathise with males. These words and actions can unintentionally shape young people's views about family relationships, power imbalances and gender roles and can reinforce from a young age the attitudes that lead to family violence.

The national Stop it at the Start campaign is helping to break this cycle of violence by supporting adults to have conversations with young people about respect, encouraging adults to reflect on their own attitudes and behaviours and providing bystander strategies for both adults and young people to intervene where they see disrespectful behaviours. This campaign complements the Family Violence Reforms bill by enhancing community awareness of inappropriate behaviour and ensuring we send a clear and strong statement about the seriousness of persistent family violence and the gravity of the long-lasting and significant impacts caused by serial offending on victim/survivors.

Attitudinal change is a key reason why our Government is also a proud member of the national primary organisation, Our Watch, since 2015, and why in 2020 we commenced our nation-leading partnership which established the role of Our Watch Senior Advisor, Tasmania to support and drive change in Tasmanian communities and settings.

The Australian Government has committed $226.6 million for prevention measures, including $104.4 million to increase the capacity of Our Watch to strengthen prevention and early intervention efforts in family and sexual violence. This will help to expand Our Watch's role as a trusted source of training and advice as a national centre of excellence on prevention, including helping to drive change in the corporate sector, providing campaigns and resources that raise awareness about gendered violence and developing safety programs to be used in key settings such as TAFEs, universities, the media, workplaces and sporting organisations. This work is critically important because we will never eliminate the scourge of repeat family violence offending unless we change the attitudes that enable gendered violence.

Our efforts in primary prevention are also why Tasmania is a foundation member of Australia's National Research Organisation for Women's Safety because it is important that we support ongoing research into the drivers of persistent family violence and identify measures to prevent it.

I note that the bill before us also includes further amendments to the Family Violence Act, including expanding the definition of 'harassing' to include 'making unwelcome contact directly or indirectly with the person'. This is an important refinement that will make sure that the definition of 'harassment' reflects behaviour that is understood to be harassment to better capture it as a form of family violence.

I note the bill also removes section 54 of the Criminal Code in relation to liability of husband and wife for offences committed by either with respect to the other's property. It is well understood that damage or destruction of a spouse's property is a common behaviour among family violence perpetrators. This conduct is already recognised as family violence within the definition of the Family Violence Act. By removing section 54, we are contemporising the legislative framework in relation to family violence and ensuring consistency.

Property also includes concern for the welfare of pets when leaving relationships and extends to a variety of animals, not just cats and dogs but also to animals such as rabbits, horses, sheep, snakes and many others. Family violence in Tasmania includes threats and intimidation in addition to damage caused directly or indirectly to any property. Therefore, harm or threats to harm pets in a family violence incident is still family violence.

In 2022-23, we will provide continued funding of $330 000 to support our valued flexible support package program that provides flexible and responsive practical support for people affected by family violence. Under the new national partnership on Family, Domestic and Sexual Violence Responses 2021-23, we will fund the RSPCA $100 000 to pilot the Safe Beds program. This program establishes a coordinated network of safe bed providers and funds safe beds places for pets of Tasmanians in at-risk situations, including family violence.

I also note that the bill makes various consequential amendments that reflect the introduction of the crime of persistent family violence, including to the Community Protection (Offender Reporting) Act, the Evidence Act, the Evidence (Children and Special Witnesses) Act and the Sentencing Act and I commend the Attorney-General on her commitment to continually refining and improving the law as it relates to family violence.

In recent years there has been a significant increase in the reporting of family and sexual violence, which comes amid unprecedented public disclosure, media attention and awareness around these issues. The Government also recognises this increase in demand, along with the unique challenges during COVID-19, has required an increased investment in family and sexual violence support services.

Our community-based family violence services do an inspirational job of delivering confidential, specialised family violence responses for individuals and groups. This includes therapeutic counselling, referral and information support to establish safety, restore confidence and support personal recovery goals. Specialist community-based services also play a very important role in primary prevention and early intervention through the provision of information, education and training to members of the community and other service providers, including in regard to the impacts of family violence.

I am delighted this year's Budget provides $12.5 million in 2022-23 for the first year of our third Family and Sexual Violence Action Plan. This first year of funding is a 40 per cent increase on the annual investment under our current action plan. One of the key priority actions in our new action plan is the commitment of increased recurrent core funding for Tasmania's nine specialist family and sexual violence services within five-year contracts, so as to provide greater certainty and increased operational capacity to respond to demand over the longer term.

We are delighted to provide this additional recurrent core funding to assist our specialist services in providing their outstanding and commendable support and very valued services to assist and help victim/survivors in their most vulnerable time of need.

Services including Engender Equality, Huon Domestic Violence Service, Anglicare's Relationship Abuse of an Intimate Nature program, CatholicCare's Safe Choices program, ~~yemaya~~ Yemaya Women's Support Service, the Sexual Assault Support Service, Laurel House, the Australian Childhood Foundation and the Family Violence Counselling and Support Service.

These will receive this additional core funding, with a total of nearly $75 million to be available to these services over the next five years. This increased recurrent core funding is a 37 per cent increase from their previous funding.

While strong progress has been made under both the Tasmanian and Australian government's action plans, we know, unfortunately, there is far more work to be done. Recent national conversations have highlighted the importance of hearing from people with lived experience, which is why the Tasmanian Liberal Government is putting the voices of victims/survivors at the centre of our approach of our third Family and Sexual Violence Action Plan.

Our next action plan will build on what we know works and will include new actions to refine our efforts towards preventing and responding to family and sexual violence. Our community consultation is well underway, as we want to hear the experiences and the perspectives of the Tasmanian community and in particular, the voices of victims/survivors, as we develop and implement our new plan. The Hearing Lived Experience Survey 2022 is an online public survey of adult victims/survivors with lived experience of family and sexual violence and is an opportunity for victims/survivors to share their experiences anonymously. The survey can be accessed through the QR code on promotional posters or via the Tasmanian Government's Safe from Violence website, our central hub of information on family and sexual violence in Tasmania.

I am pleased to say as at 12 August we have received 677 responses, which is a fantastic level of take-up and has already surpassed the number of surveys we received for our last action plan. Relaying a person's experience can be traumatic and this is why the survey will be open for 12 months, giving people a chance to have their say at a time that is safe for them.

I am also pleased to say the social media interest in the survey has been fantastic, with a social media advertising campaign generating 1 225 180 impressions across Facebook, TikTok and Snapchat, reaching 199 559 unique users.

Another important part of the consultation process was inviting public written submissions. This process opened on 1 April 2022 and will close on 10 February 2023, inviting individuals, organisations, policy–makers and community groups to provide feedback on potential initiatives to prevent family and sexual violence, to support victims/survivors and hold perpetrators to account.

Targeted workshops with stakeholders have also been held, especially those with diverse lived experience, including people with disabilities, people from CALD communities, people

from rural and regional communities, LGBTIQA+ Tasmanians, older Tasmanians, as well as those who provide services and advocacy for children and young people.

In conclusion, this bill builds on the work this Government and previous governments have already done. It will underpin our efforts to hold perpetrators to account and will help deliver on our shared aim of eliminating family and sexual violence, so that all Tasmanians can live free from violence and abuse.

[3.16 p.m.]

Ms ARMITAGE (Launceston)- As we are all aware, family violence, especially against women and children is a most insidious form of abuse. It affects a significant number of people. The Government's policy targeting these issues signals we, as lawmakers and community leaders, take these problems seriously and we are committed to doing something about it. Evidence tells us that family violence almost always escalates. As the Leader mentioned, things like strangulation, choking or suffocation are significant risk factors for future homicide. As the member for Murchison mentioned, there are non-violent aspects for abusive relationships, which are also indicators of future escalating abuse, like gaslighting, implicit threats and things like surveillance, control and destruction of property.

As a result, I see a definite need for legislation to address family violence before escalating events can occur. To this end, things like serial family violence perpetrator declarations can assist with intervention, prevention and signals that abuse in all forms are not okay. I believe the provisions constructing the serial family violence perpetrator declaration to be a good framework for assessing and quantifying unacceptable behaviour, and gives judges good discretion to take into account other matters, which when viewed altogether, can show there are serious problems and risk factors ~~in~~ and need of intervention.

Further to the policies developed under the Safe Homes, Families, Communities Action Plan, the behaviour change program also emphasises ~~that~~ intervention and support and ways to mitigate and prevent family violence. What is at the core of this bill is the focus on families, women and children who are at risk of violence and injury. We owe it to them and to the victims/survivors whose experience helped form these policy responses, to make meaningful strides towards putting an end to family violence. The Government takes it seriously, as we all do in this place. I hope these measures will go far to mitigating and preventing violence and abuse.

[3.19 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - I have a couple of quite in-depth answers here to questions asked on the Floor. I thank all members for their contributions. We start with the member for Elwick. He observed there will likely be an uptake in mandated behavioural change programs and asked what funding the Government has committed. Under the current Safe Homes, Families, Communities Action Plan, our Government has committed $157 000 for the 2022-23 financial year. The Government is currently reviewing this action plan, which relates to reforms in this bill to introduce rehabilitation program participation as a family violence order condition. The new action plan is due to be delivered this year.

Alongside the new action plan and also due to be delivered this year is the Australian Government National Plan to Reduce Violence against Women and their Children. Further family violence funding commitment information will be provided following delivery of these programs. We will continue to monitor and respond to the funding as required.

The member for Murchison asked about the eligibility assessment for the rehabilitation programs and what happens for people not eligible. Assessment for eligibility to undertake an intervention program is completed by Community Corrections. They work in partnership with Safe at Home, Tasmania's integrated criminal justice response, to manage the ongoing risk and safety of victims/survivors.

The Spousal Assault Risk Assessment tool (SARA) is used to assess suitability for programs. SARA is a widely used and recognisable tool to determine risk of re-offending for perpetrators of domestic and family violence. Under SARA, factors assessed to determine risk of reoffending and suitability for a program include: a person's criminal history; psychological adjustment; spousal assault history; and circumstances of the most recent offending.

Offenders who are assessed as high-risk, as per the criteria on this tool, are referred to the Family Violence Offender Intervention Program (FVOIP), which is a 50-hour program. Offenders who are assessed as medium-risk are referred to the EQUIPS. We discussed what that stands for - Explore, Question, Understand, Investigate, Practice, and Succeed. The EQUIPS domestic abuse program is a 40-hour program.

Lower- risk offenders may undertake the Men ~~Employing~~ Engaging New Strategies (MENS) program, run by Relationships Australia. I note that where a person may not be eligible for a program - for example, due to English not being their first language - Community Corrections also has capacity to develop a specific program for that person.

The member for Murchison also asked for detail around the effectiveness of rehabilitation programs and how they are assessed. Tasmania is a party to the National ~~Operating~~ Outcome Standards for Perpetrator Interventions (NOSPI), which are publicly available. These standards and intervention programs are subject to ongoing academic review, notably by Australia's National Research Organisation for Women's Safety Limited (ANROWS), which Australian governments collectively established as an initiative for Australia's first National Plan to Reduce Violence Against Women and Their Children 2010 - 2022.

The FVOIP is run by Community Corrections, working in collaboration with experts at Hall McMaster and Associates to develop the program. It has been reviewed and found to meet NOSPI. The review, conducted independently by the Tasmanian Institute of Law Enforcement Studies (TILES), concluded that it was a valid and reliable program.

With respect to the FVOIP program, I am advised that individuals who complete the program in any format, record significantly lower levels of family violence offending post-program than other offenders who do not do so. I further note that Community Corrections works actively to improve the program, to amalgamate more evidence-based practices into program content, including use of the risk-need-responsivity principles, which are shown in research to have positive impacts.

The EQUIPS domestic abuse program was developed by New South Wales and they continue to maintain and update that program. It meets their established practice standards as well. I am advised that the EQUIPS has been reviewed and found to be effective, with about 74 per cent of participants having no follow up reconvictions. The MENS Program is run through Relationships Australia and similarly meets its applicable accreditation requirements.

I also note that information sharing on operations and service delivery occurs under the Safe at Home program on an ongoing basis, through regular integrated case coordination and interdepartmental committee meetings.

The member for Murchison asked how the court will assess the nature and circumstances of the offender's family violence offending. As required under clause 29 A (3) of the amendment bill that we have in front of us, it provides for the matters the judge is to have regard to including the circumstances of the offence; the risk of the offender; the criminal record; and so on.

Section 29 (5) also provides for consideration of exceptional circumstances.

Judges are informed by these matters both on submissions from prosecution and any inquiries they may have from the prosecution for information.

You also asked about how judges are informed by contemporary matters in relation to family violence. There is a range of resources in Australia on justice and sentencing issues for judicial officers, including the Australian Judicial Officer Association and the Australasian Institute of Judicial Administration.

A related initiative is the Australian Human Rights Commission's current development of training resources on sexual harassment for use by judicial officers. This work was part of the Attorney-General's decision to support resources in this area. Judges are also accountable on appeal, such as by the Court of Criminal Appeal which promotes awareness and appropriate sentencing. For example, an appeal in 2019 noted:

> Sentencing practices for offences involving domestic violence may depart from past sentencing practices because of changes of societal attitudes. These decisions continue to inform judges on trends of this important area.

The member for Murchison wanted to provide some commentary with respect to coercive control. This is a good opportunity to point out to Council that in Tasmania, coercive control is a recognised form of family violence. Tasmania has enacted specific offences that address coercive controlling behaviours under our Family Violence Act 2004.

With respect to our laws, section 8 of the Family Violence Act creates an offence of domestic economic abuse and section 9 creates the offence of emotional abuse and or intimidation. Both have penalties of up to two years imprisonment. These are nation-leading specific offences; however, they are not the only offences available. Under the Criminal Code, the crimes of persistent family violence at section 170A and stalking or bullying at section 192 can also apply.

Ms Forrest - Through you, Mr President. The point I was making was more about the national approach and how it might affect the provisions we have; but you might be getting to that.

Mrs HISCUTT - At the recent meeting of Attorneys-General in all Australian jurisdictions, First Law Officers agreed to the commencement of public consultation on draft national principles on coercive control in September. This is an important project to drive awareness and consistent understanding of coercive control across Australia. The

Attorney-General is committed to ensuring that our family violence laws are contemporary and best practice.

We will continue to listen and work closely with all stakeholders, including other Attorneys-General.

In summing up, I would like it noted that there has always been, and definitely still is, tri-partisan support for the prevention of family violence in the Prevention of Family Violence portfolios.

Ms Forrest - I would like you to call that nonpartisan support. There are more than three parties in this parliament.

Mrs HISCUTT - There is support across the parliament with everybody - nonpartisan.

Ms Forrest - Nonpartisan - it is a simple word.

Mrs HISCUTT - I thank all members for their contributions.

Motion agreed to.

FAMILY VIOLENCE REFORMS BILL 2022 (No. 10)

In Committee

[3.31 p.m.]

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3 agreed to.

Clause 4 agreed to.

Clause 5 agreed to.

Clause 6 agreed to.

Clause 7 agreed to.

Clause 8 agreed to.

Clause 9 agreed to.

Clause 10 -
Part 4A inserted

Ms RATTRAY - I will note that there are not a lot of questions left to ask in this Committee stage because the summing up, from the questions that you asked, Madam Chair, was extensive. I do my best.

In regard to 4A, 29A(4) page 15, there is not only a reference in the second reading speech and in the clause notes, but also directly in the bill, about:

> for the purposes of subsection (2), each of the family violence offences taken into account must have been committed within the 10-year period immediately preceding the declaration, unless the court or judge is satisfied that exceptional circumstances exist

It goes on to say:

> -that 'make it appropriate to make a declaration under this section.

Can I have some indication of what sort of exceptional circumstances would attract this type of - the judge making exceptional circumstances? There may well be a very clear explanation in something but I have not found it amongst my paperwork as yet.

Mrs HISCUTT - One of the examples could be perhaps a prisoner who has been in jail long term, up to eight years, so he or she would not be in the system and the other one would be in ~~part~~ (5), wt~~h~~ere it talks about in determining under subsection (4) whether exceptional circumstances exist the court or the judge may have regard to any of ~~- or~~ those (a), (b), (c) - those four things there. Does that help you?

Ms RATTRAY - Yes, it sort of outlines it. I thought you might say that. Let us look at (5). ~~i~~It outlines the level of risk, ~~-~~ and the judge ~~- and~~ may have regard to any or all of the following: 'the level of risk that the offender may commit another family violence offence'.

Again, I do not know how you would - if that person said, 'No, I'm not going to do it again', is that the type of level of risk that the judge or the court would regard as an exceptional circumstance? I did not feel that those four items listed in (5) were clear about what is an 'exceptional circumstance'. That was all. I am looking for an actual example of what an 'exceptional circumstance' is. Another one says:

> ~~T~~the nature of the family violence offences for which the offender has been convicted.

That is hardly an exceptional circumstance. I am not quite clear about what the exceptional circumstance might be but I am sure there is going to be some advice coming through.

Mrs HISCUTT - Hopefully this might help a little bit. For example, an offender with many offences, say from 2000 to 2010, before a long period of imprisonment. That person has been in prison and they happen to have done their duty to society and been assessed before they get out. Further to that, subclause (6)~~,~~ allows for an expert report on the risks to assist the test

of exceptional circumstances. So the judge or the court may ask for a report on that person and that report would have been done by qualified persons within the system, just to deem how big a risk that person is and the judge would take note of that.

Ms RATTRAY - That gives a little more clarity but I find the example used interesting, because if you have been incarcerated for eight years, you probably do not have any real idea of whether you would go back to offending just from a report because you have not been in that situation. If I was an offender and had been eight years out of that environment then you really do not know what you are going to do if you get back in, particularly if a partner has moved on and they often do. They have moved on to have new relationships. Eight years is a long time to wait around for somebody. I absolutely hope the process works well, but I found that interesting and that is probably more of a comment than a question and I apologise for that.

Mrs HISCUTT - I have more information which may help you, bearing in mind when a person leaves jail they have done their time to the community and are deemed to be starting again. They are assessed before they leave jail. If a person has serious family violence prior convictions, those prior convictions should be considered, for example a person may be convicted of an extremely serious rape and 11 years later be convicted of persistent family violence. For the period which spanned a number of years there is no reason to ignore the 11-year-old prior conviction in such an instance. If the offending is too old the court or judge need not make a declaration as the power to make the declaration is discretionary - so it is up to the judge.

Mr VALENTINE - On page 14, at (3)(c), could I have an explanation as to what an offender's antecedentsee are and what that entails?

Mrs HISCUTT - Interesting. To clarify that, antecedentsee and character is a legal phrase used in various Tasmanian laws so, this is legal talk. Antecedentsee means the relevant history and criminal record of the offender. This is just one of the considerations for the court that are specified in addition to any relevant matter. In addition to the current offence circumstances and the offender's risk, this is a very relevant and important consideration. It was recommended by the Director of Public Prosecutions and is consistent with judicial discretion regarding convictions under the Sentencing Act which uses the same term. The same term is also part of the test of dangerousness under the Dangerous Criminals and High Risk Offenders Act 2021 and other references in Tasmanian law. It is a legal phrase and that is what it means.

Mr VALENTINE - While the Leader is on her feet -

Ms Forrest - You have two more calls.

Mr VALENTINE - I realise that but I do not have another question.

Ms Forrest - You have three calls, that is the way we operate. If you had two questions, you could have asked them so please use your call.

Mr VALENTINE - Thank you. I cannot ask the question. The reason for my question is that I wanted to make sure it was not the family of the person because that would be discriminatory in my mind. I want that on the record.

Mrs Hiscutt - No, it is illegal to.
Ms Forrest - Do you have another question while you are there?

Mr VALENTINE - I do not, that is why I wanted to do it while she was on her feet.

Mrs HISCUTT - In answer to the member for Hobart. I confirm that your suspicions were not right; it is just a legal term.

Mr VALENTINE - Thank you, I wanted that clarified.

Clause 11 agreed to.

Clauses 12, 13 and 14 agreed to.

Clauses 15, 16, 17 and 18 agreed to.

Clauses 19, 20, 21 and 22 agreed to.

Clauses 23, 24, 25 and 26 agreed to.

Clauses 27, 28 and 29 agreed to.

Clauses 30, 31, 32, 33 and 34 agreed to.

Title agreed to.

Bill reported without amendment.

Third reading of the bill made an order of the day for tomorrow.

ADJOURNMENT

[3.48 p.m.]
Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - ~~Mrs HISCUTT -~~ Mr President, I move -

> That at its rising the Council does adjourn until 9.30 a.m. on Friday 26 August 2022.

Motion agreed to.

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, we have had two very late and hard days and I do not think there is any need to start the next bill. We will do that next sitting. At this stage, Mr President, I move -

> That the Council do now adjourn.

Review into Parliamentary Practices and Procedures

[3.48 p.m.]

Ms FORREST (Murchison) - Mr President, I rise on the adjournment to raise a matter of concern related to ~~an~~ the Independent Review into Parliamentary Practices and Procedures to Support Workplace Culture, which I will refer to as the review.

Members will be aware that the Anti-Discrimination Commissioner, Ms Sarah Bolt, has been undertaking the Independent Review into Parliamentary Practices and Procedures to Support Workplace Culture. ~~independent review into parliamentary practices and procedures to support workplace culture.~~ An interim report is available on the Equal Opportunity~~ies~~ Tasmania website outlining the process and progress of the review. The terms of reference set out the scope of the review and are available on the Equal Opportunity website. Essentially, they state:

> Request that the Anti-Discrimination Commissioner (the Commissioner) undertake a Review of the Tasmanian Ministerial and Parliamentary Services (MPS) workplace to ensure a safe and respectful workplace and reflect best practice in preventing and dealing with workplace discrimination, sexual harassment and bullying.

The Ministerial and Parliamentary Services is described as including all members of parliament and the people working in whatever capacity in or for Parliament House, electorate~~l~~ offices and ministers' offices. It also encompasses regularly contracted services, including security, catering, cleaning staff.

The scope of work of the workplace extends to and includes work-related travel and events, thus it is a broad and complex workplace.

The workplace definition is broad, as it captures many people such as ourselves as members, ministerial advisers, and ministers who are also members, electorate officers, people employed by the parliament by presiding officers.

As I said, by its very nature the MPS is complex. There is no single employer and there are various people who have responsibilities and accountabilities in respect of staff and members. The review has been described as involving gaining an understanding of the nature and extent of workplace discrimination, sexual harassment and bullying within the Tasmanian Ministerial and Parliamentary Services workplace; perceptions of workplace culture; the impact of such behaviour on workers and existing policies and complaint and report mechanisms available to workers.

Staff and members across the MPS have been invited to participate, with all encouraged to come forward and complete a survey, provide submissions or participate in face-to-face discussions about their experiences. One might expect that much of what has been revealed is of a highly sensitive and personal nature. Accordingly, review participants have been promised confidentiality and anonymity.

The review is to conclude with the publication of a report. The report will set out the findings from the review and make recommendations about any change that should be made to ensure the workplace is free from discrimination, sexual harassment and bullying, and best

practice policies and procedures are in place to enable a safe and respectful workplace, all very important. I am sure every member supports this.

As I noted, the review has been conducted by the Tasmanian Anti-Discrimination Commissioner, Ms Sarah Bolt. The ~~Commissioner~~ commissioner is an independent statutory officer. The work on the review is being undertaken by the Tasmanian Ministerial and Parliamentary Services ~~Workplace~~ workplace review team working under the ~~Commissioner's~~ commissioner's direction.

I note the review interim report dated 17 March 2022 indicates that:

> … the final report will be provided to the ~~committee~~ Committee in July 2022 and will be made available to the public thereafter.

This is from the interim report:

> I look forward to progressing the next steps of the R~~r~~eview and continuing to engage with MPS staff to create a report that is truly reflective of their experiences, forward-focused and facilitative of change in the MPS workplace.

I ask, who is this committee and what standing does it have? It is not a parliamentary committee set up to establish an inquiry, as we would understand, by a group of members who have an interest to launch into such an inquiry~~,~~ into bullying and harassment in the complex workplace. This is laudable and I have a very high degree of confidence that all members would support this.

However, I am concerned that this committee is without parliamentary powers, standing or privilege. This group of people has been provided preliminary access to a report that will include personal accounts and experiences of what has occurred in the MPS workplace.

For what purpose, I ask, was this report provided to a group of members in such a complex workplace? I understand it was provided earlier this week. It seems others outside the members of this group, who are members, may also have had access, while all those in the MPS have not. This is an independent review, not a government review or a committee review. It should have been released publicly to afford fairness and transparency and respect to all participants and those in management responsibilities in the MPS.

As I stated, the MPS is complex. We, as members, have power and obligations. We are governed by a code of conduct and under the authority of our respective Houses. For some of us, we are guided by ministerial codes and party whips. I am not one of those. A group of members or committee as described by the reviewer do not have obligations or duties over all elements of the MPS workplace. For example, members do not engage contractors or employ staff - we do not even employ our own electorate officers. It seems unfair that this group of members had a preview of the report and can prepare themselves for the public release, while others cannot.

I also wonder what is the ongoing status of this committee? Do they guide, reform or have some role in implementing recommendations where they have no legal authority to do so? The report will be welcomed, I am sure. It might not be pleasant, but I am sure it will be

welcomed that the information is out there. We, like other Westminster parliaments, are not immune to bad behaviour. Such a review is an important litmus test to see what the state of play is, and to shed light on behaviours, challenges, structural barriers and the impact of the workplace and the people in it, which is all of us - including staff - all of us.

Whatever the recommendations may be - some, I know, are already aware of those - it will take time and care to implement. Some people may well need support during this process. It cannot be done without preserving the integrity of the separation of powers and recognition of the complex legal and constitutional principles that underpin the MPS, parliamentary democracy and our system of government. Deeper consideration to these principles and collaboration with all the actors working across the MPS is required and that is not what has occurred.

This is why I am deeply disappointed on behalf of all participants - those who may be adversely affected by the findings, those who may be ultimately charged with giving effect to recommendations and who have not been treated in the same as their so-called committee participants. It is no reflection on members of that committee or group of members or the reviewer. I have spoken to the reviewer about my concerns. I also spoke to the Premier of my concerns about this and as such I appreciate the good intent that initially sparked the conversation and the review. I fully supported the review being undertaken but it is a matter that needs to be resolved carefully and in the recognition of our powers and to some degree privilege and status individually and collectively as members of this place and our status in this institution.

This report should be released to everyone in MPS, regardless of whether they made a submission or not. Failure to do so, and I understand that it is not going to be released this week, does not respect those in the workplace, especially those brave people who came forward to share their experiences. I call on the immediate release of the report, acknowledging it will not be nice and it will not be pretty, but it is fundamentally wrong that it was provided to a group of members - no staff, but I believe it has been provided to other people who are not members of that group and many people here do not have access. It is fundamentally wrong.

The Council adjourned at 3.57 p.m.

Appendix 1

CM10 No.: MIN22/1834/1

Tabled and incorporated into Hansard
L. Hiscott
25.08.22

Questions without Notice

Name: **Hon. Ruth Forrest MLC**

Questions:

With regard to the Government's policies around access to affordable and accessible housing:

1 How many houses have been constructed in each North West Local Government Area in the last five years for social housing reported by:

- The town the home has been built; and
- The number of properties in each that are suitable for residents with disability, including the availability of hoists.

2 The number of houses to be constructed in each North West Local Government Area in the last financial year for social housing reported by:

- The town the home has been built; and
- The number of properties in each that are suitable for residents with disability, including the availability of hoists.

3 The number of houses to be constructed in each North West Local Government Area in the next five (5) years for social housing reported by:

- The town the home has been built; and
- The number of properties in each that are suitable for residents with disability, including the availability of hoists.

Answered by: Hon. Leonie Hiscutt MLC
Leader of the Government in the Legislative Council

Answers:

General response:

All new social housing dwellings are required to be constructed in accordance with Communities Tasmania's 'Design Policy for Social Housing'. The only exceptions to this are where there are site specific limitations, or for target client group reasons, where this is not practicable or appropriate.

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Where practical, all new social houses built under this government have adhered to the design policy, which is comparable to Silver Level on the Living Housing Design Guidelines (LHDG).

The policy states that all new homes will be constructed to meet the changing needs of residents across their lifetime, including easy and cost-effective adaptation for the specific needs of people living with disability. The provision of hoists is accounted for within this context, noting that the development of any higher-level disability accommodation is supported through project specific briefing with specialist consultants and allied health professionals.

Responding to the specific questions:

1 There have been 285 new social housing dwellings completed in the North West of Tasmania over the past five years. Of these, 128 (44.9 per cent) have met either Gold Level and above of the LHDG, or the Australian Standards, AS1428 and AS4299. The following table shows which suburbs these new social housing dwellings have been built.

Table 1: New social housing dwellings - past five years by standards and suburb – North West

LGA	Suburb	Dwellings built to following Disability Standards				Total number dwellings built
		AS1428 and AS4299 or Gold Level and above of the LHDG	Silver Level of the LHDG	Minimum	Data not available	
Burnie	Acton	0	0	0	4	4
	Burnie	8	0	0	0	8
	Cooee	6	0	0	4	10
	Hillcrest	5	0	0	0	5
	Montello	3	0	0	0	3
	Park Grove	0	0	0	1	1
	Romaine	0	0	1	0	1
	Shorewell Park	0	13	0	3	16
Central Coast	West Ulverstone	0	8	0	0	8
Circular Head	Smithton	0	0	1	0	1
Devonport	Devonport	44	15	2	16	77
	East Devonport	31	1	0	1	33

Kentish	Lower Barrington	0	0	0	1	1
	Sheffield	4	12	0	0	16
Latrobe	Latrobe	19	18	0	4	41
Waratah-Wynyard	Somerset	6	38	0	14	58
	Wynyard	2	0	0	0	2
	Total	128	105	4	48	285

2 There have been 62 new social housing dwellings completed in the North West of Tasmania over the past 12 months. Of these, 35 (56.5 per cent) have met either Gold Level and above of the LHDG, or the Australian Standards, AS1428 and AS4299. The following table shows which suburbs these new social housing dwellings have been built.

LGA	Suburb	Dwellings built to following Disability Standards		Total number dwellings built
		AS1428 and AS4299 or Gold Level and above of the LHDG	Silver Level of the LHDG	
Burnie	Shorewell Park	0	7	7
Devonport	Devonport	11	0	11
	East Devonport	24	1	25
Latrobe	Latrobe	0	3	3
Waratah-Wynyard	Somerset	0	16	16
	Total	35	27	62

3 The current pipeline of works offers the details on the houses being constructed over the next 12 to18 months – it does not cover the full five year timeframe as requested as the detail on projects are not specifically locked in this far out. Of the projects that are known, there are 356 new social housing dwellings expected to be built in the North West and these are broken down by expected LGA in table 3 below.

Table 3: Pipeline of new social housing dwellings - by LGA – North West

LGA	Total number dwellings built
Burnie	65
Central Coast	62
Circular Head	79
Devonport	41
Kentish	17
Latrobe	10
Waratah-Wynyard	71
West Coast	11
Total	356

More broadly, the Tasmanian Government has announced a10 year, $1.5 billion housing package to build on our existing initiatives and deliver even more social and affordable housing.

A new statutory authority will be established to deliver our housing initiatives. In total, 10,000 new homes will be provided by 2032. We are currently on track to deliver 1,500 new homes by 30 June 2023.

Guy Barnett MP
Minister for State Development, Construction and Housing