

**Tuesday 2 April 2019**

The President, **Mr Wilkinson**, took the Chair at 11 a.m. and read Prayers.

## **PETITION**

### **Equal Rights and Dignity for Transgender, Gender Diverse and Intersex Tasmanians**

**Mr Valentine** presented a petition signed by approximately 91 citizens of Tasmania who request the Legislative Council ensure transgender, gender diverse and intersex Tasmanians can live without legal discrimination and have the same opportunities and freedoms as other Tasmanians, by removing the requirements for divorce and surgery, restricting non-consenting surgical procedures on intersex people and removing all unnecessary gender markers from official forms and data collection.

Petition received.

## **STATEMENT BY PRESIDENT**

### **New Staff Members**

**Mr PRESIDENT** - Honourable members, it is with pleasure that I formally and warmly welcome recent additions to the staff of the Legislative Council - Robyn Everist, Mandy Lowrie and Genevieve Cooley. Genevieve and Robyn are here today but unfortunately Mandy cannot be; she was here yesterday. Mandy and Robyn will share the role of administration officer in the Legislative Council and Genevieve will take on the role of electorate officer to the member for Launceston.

Ms Lowrie has been engaged on a casual basis in the administration office position since February last year. In this time she has displayed a high level of professionalism and has made a positive contribution to the Legislative Council with her high-level administration and reception skills. She has a strong background in reception and office administration with professional firms Lowrie Kent Conveyancing and Moore Robsons Chartered Accountants. She also has an interest and talent in dance and musical theatre, in which she choreographs performances and teaches dance.

Robyn has been self-employed for the past eight years, working in a successful Hobart tourism business, Hobart Walking Tours, which she founded in 2010 and sold in 2018. During this period, she has also provided research services to the Cascades Female Factory, the *Lady Nelson* and the Female Convicts Research Centre, where she is currently a board member and seminar organiser.

Genevieve will be working with the member for Launceston. She graduated from the University of Tasmania in 2014 with a Bachelor of Arts/Law with honours in law. Her arts major was politics and policy. She has experience in the university sector working in academic administration in both the University of Cambridge in the United Kingdom, and the University of Tasmania. Genevieve also has held positions at the Launceston Chamber of Commerce and worked as an electorate officer for a senator of the Commonwealth Parliament.

Robyn and Genevieve will be observing proceedings in the Legislative Council today as part of their orientation to the Council. On behalf all members, I extend to them a very warm welcome.

**Members** - Hear, hear.

## **SPECIAL INTEREST MATTERS**

### **Royal Flying Doctor Service - Dental Outreach Program**

[11.07 a.m.]

**Mr FINCH** (Rosevears) - Mr President, most of us have suffered the pain of a toothache - some of us even before painkillers like ibuprofen made it a little bit more bearable. Some of us even remember those foot-operated slow drills in the pre-novocaine era - shockers - and their noises.

Some of us would remember that in our schooldays most kids had decayed teeth, particularly the front ones. I had heard you could go on the national service in England, where I planned to go, and I thought, 'Well, I won't get my teeth done here, I'll wait until I go to England'. When I went to Wigan in the United Kingdom, I had six extractions and nine fillings done in the one session. As young people in Tasmania, that was the state our teeth were in at that time.

Those horrific memories aside, today we are aware of the importance of dental care as part of our overall health, although governments do not seem to agree or be prepared to make dental health a part of our health system.

Beaconsfield, in my electorate, was the first location in Australia to have fluoride. That was in 1953. Poor dental hygiene has capacity to affect health far beyond our mouths. Most of us can get to a dentist, although it is a financial burden for many people.

But what if you are on Flinders or King Island and you have a dental emergency? I thank the Leader for helping to arrange a briefing with the Royal Flying Doctor Service. In it, we heard about the new move by the service to help alleviate the situation. Thanks very much to the chair of the RFDS, Malcolm White, for being in attendance; the CEO, John Kirwan, and also the Communications Officer, Julie Shelton, who were part of that briefing for us. The Royal Flying Doctor Service of Australia is able to help.

The Royal Flying Doctor Service has been going for more than 90 years. Most Australians see it as a flying service for sick people in remote areas in central Australia, but things have changed, as we know. The RFDS now uses jet aircraft and helicopters as well. The Tasmanian section of the service started in 1960 and has been growing ever since.

Because of its service to the Bass Strait islands and other geographic considerations, the RFDS is based at Launceston Airport, which makes it nice and central for operations. It also has an office in Hobart, where it works with Ambulance Tasmania to provide aeromedical retrieval and inter-hospital transfer services within Tasmania and also to mainland hospitals. There are also patient transfer facilities at a number of regional airports, including an innovative facility at Burnie's Wynyard Airport that enables aircraft to enter a shelter under its own power.

To get back to toothache, the Royal Flying Doctor Service logically supports preventative health programs, including in dental health, especially in areas far from important dental services.

The RFDS dental outreach program is doing outstanding work in the Circular Head region and in the north-east and the east coast. Through the support of Primary Health Tasmania and in partnership with local governments like George Town, Dorset, Flinders, Break O'Day, Glamorgan Spring Bay, Huon and Tasman, the RFDS has been able to implement a primary health program working with community health professionals, including dental specialists.

Over the last four years, and particularly in the past two years, the Royal Flying Doctor Service has substantially increased its services in Tasmania. I remember going to functions not that long ago when it had a staff of only eight people, but now with the advent of a new outlook and with John Kirwan on board, they now have nearly 50 staff in their coterie, some of whom live in the communities they support. Most of them are well aware that dental health is a vital part of the overall health of Tasmanians.

The RFDS marked its ninetieth birthday last year. It is still needed, not only in the Outback but also in regional Tasmania. It might have been mentioned at our briefing, but it has been named as Australia's most reputable charity for eight consecutive years - a remarkable record.

The story of the Royal Flying Doctor Service is the story of a vision of being able to live safely in regional Australia, and a story of innovation through airborne medicine.

### **Climate Tasmania**

[11.13 a.m.]

**Mr GAFFNEY** (Mersey) - Mr President, the Tasmanian Climate Action Council was an advisory body established under the Climate Change (State Action) Act 2008. It was abolished by the Hodgman Government in 2014.

Former members of the council, with others, then created Climate Tasmania, an independent, nonpartisan, self-funded group whose members are experienced in climate science, law, energy, medicine, agriculture, community and youth engagement, and a number of other relevant areas of expertise.

Last year Climate Tasmania wrote to all members of both Houses of this parliament and asked members to work together to break the cycle of policy churn which over the past decade has seen multiple climate change policy documents issued by successive governments, only to be shelved with each change of administration.

As the government is mandated to periodically revise the act, Climate Tasmania challenges us to take this present opportunity to transform it into a comprehensive, contemporary response to climate change which delivers certainty and policy consistency.

I urge members to think deeply about this and to accept this challenge. In doing so, we would be well advised to get advice from scientists and other climate experts, such as those within Climate Tasmania.

Climate Tasmania does not accept the government's declaration of victory over emissions. Their advice is that reported net zero emissions data relies on the unverifiable Kyoto Protocol carbon accounting rules, a downturn in the forest industry and the absence of bushfires in much of our forest estate. Climate Tasmania advises that the dominant cause of climate change identified

repeatedly in international scientific reports is our burning of fossil fuels - coal, natural gas, petrol, diesel, jet fuel, LPG and so on. Continuing use of these fuels is a critical factor in making our climate increasingly volatile and dangerous.

Every day, Tasmanians buy vehicles or equipment that rely on fossil fuels. Every purchase of a new car, truck, tractor, motorboat, aircraft, gas boiler, oil furnace or other industrial items involves an expectation that such items will be used for many years and that the relevant fossil fuel will be available for all of those years. Scientists say that if such new equipment is used for anything like its expected lifetime, climate disruption will be far more dangerous.

Our constituents need to know this but no-one, especially from the Government, is talking about it. Climate Tasmania and I believe this is a total failure of leadership on the part of successive state governments, the parties and, ultimately, this parliament. Weening ourselves off fossil fuels sounds difficult - and it will be - but Tasmania is well placed both to make the transition and to reap long-term benefits in the process.

First, our electricity supply is now mostly renewable, and all of the parliament is now committed to making it 100 per cent renewable within the next few years. If that happens, shifting to increase electricity use will not bring increased emissions.

Second, we are a small island with a modest population so we do not have to worry about long distances or large numbers of people in this transition. We have a strong community with a tradition of looking after each other.

Third, Tasmania's largest imports by value are for gas and petroleum fuels, for which we pay over \$1 billion each year. That is money that leaves the state - it is a major source of economic leakage. The transition from fossil fuels will stop that leakage.

Economic transitions are, by nature, disruptive. Climate Tasmania's advice is that disruption can be minimised in four ways:

- First, start immediately. Postponing the phase-out of fossil fuels just speeds up the rate of change needed, increasing both cost and degree of difficulty.
- Second, make equity a key objective. This needs to be a just transition aimed at protecting those potentially disadvantaged by it.
- Third, place the greatest requirements for action on the largest users of fossil fuels - government agencies and enterprises, the groups best resourced to start the transition.
- Fourth, and importantly, the advice is to create a dedicated, independent statutory authority, an energy transition authority whose job is to bring about a just, fair and speedy transition. Then, when its work is done, it would disband.

Climate change is perhaps the greatest challenge of our time. By ignoring its roots - the burning of coal, oil and gas - we are collectively squibbing that challenge. This parliament needs to stop that. It is time we stood up to be counted. I am very grateful to Climate Tasmania for the advice on how this can be done in a cooperative and inclusive manner.

## Neil Pitt's Menswear, Launceston

[11.18 a.m.]

**Ms ARMITAGE** (Launceston) - Mr President, I speak today about an icon in my city, one which is still proudly selling men's clothing as well as being a long-serving café to its many customers. Neil Pitt's Menswear was opened in Charles Street, Launceston, in 1949 by Neil and his brother Don. After 21 years, in 1970, the brothers bought the old Majestic Theatre on Brisbane Street and converted it to a men's retail outlet, complete with a mezzanine café.

The Majestic Theatre was Launceston's first purpose-built cinematic theatre and it was a huge historic theatre at the heart of Launceston's arts community. It was owned by Greek entrepreneur Marino Lucas. It was constructed in 1917 at a cost of £18 000 and opened on June 2 the same year. The frontage of the building was 72 feet wide while the Brisbane Street entrance was 25 feet wide. The Majestic Theatre closed on 26 February 1970. The final film it screened was *Sweet Charity*, starring Shirley MacLaine. In the now-converted theatre, the former dress circle foyer is a workroom while the auditorium is a storeroom. The intricate ceiling remains intact as do details of the interesting upstairs space.

A contrast exists between the racks of men's clothing and the grandeur of a bygone theatrical era, reminiscent of the grandeur of the cinematic tradition of the past. An original 1929 projector from the theatre's heyday is on display in the store. Launceston cinema historian, John Healey, said that the most impressive aspects of the Majestic were its ceilings and marble staircase.

At 86, Don Pitt still manages the shop and is probably one of the world's most experienced retailers. His menswear business has mostly escaped the fashion buyers' transition online, as suit buying requires one-on-one customer service for fittings. Don says his business formula has barely altered in 70 years of trading because classical fashions remain popular and customers are still attracted to good old-fashioned service.

His main challenge is the rising cost of doing business, with increasing utility costs, taxes and others fees which have to be absorbed. Ensuring the involvement of younger family members and the fact that it has continued to trade are truly testament to the quality of the business. William Pitt has been at Neil Pitts since 1993. Andrew Pitt returned to Launceston in 2009 to learn the family business. He has become firmly embedded in Launceston, having joined the boards of both the Launceston Chamber of Commerce and Cityprom in 2014, and the board of the Tasmanian Breath of Fresh Air Film Festival; he was instrumental in establishing the Welcome Dinner Project in Tasmania. He has recently consulted for the University of Tasmania on how the northern transformation should work towards making Launceston a real university city.

**Ms Forrest** - A Tasmanian Leaders Inc graduate.

**Ms ARMITAGE** - Neil Pitt's is still one of Australia's best menswear stores with an exceptionally large range of quality products in a wide variety of menswear lines. The service they provide is personal and relaxed. Their staff are true professionals with extensive experience in menswear. They specialise in suits, with one of the biggest ranges in Tasmania. They have a formal suit hire service and also have a large range of big men's clothing available. The coffee shop is rumoured to have the best scones in the state, baked fresh every morning.

The continuity and endeavour that has seen this business survive is a true testament to the belief that good service and quality products are all-enduring and are very symbolic of the business heartland of Launceston.

Well done, Neil Pitts, and may you continue operating for many years to come.

### **Ten Days on the Island**

[11.22 a.m.]

**Ms FORREST** (Murchison) - Mr President, in Tasmania we have just enjoyed Ten Days on the Island. This year's event was held over three weekends, with four days in the north-west, three in the north and three in the south, with some installations extended across that period.

I acknowledge the fantastic work of CEO Jane Haley, Creative Producer Vernon Guest, and Artistic Director Lindy Hume, who were supported by the board under chair Saul Eslake.

In five minutes I cannot possibly do justice to the amazing program so I will mention a few events from each region. I hope all members took the opportunity to attend some of the events of Ten Days. The events were structured to maximise on other events in the state and international events, including International Women's Day.

In the north-west, International Women's Day included a tribute to north-west women with a multidimensional artwork created by, and about, several generations of inspirational north-west women titled *Here She Is. Women of the Island* was shown in all regions, including a number of more remote locations such as Zeehan, Stanley and Exeter as well as Hobart and Launceston. These truly moving stories of inspirational young women and not-so-young women from across the state were wonderful. If you did not see them, I encourage you to view them on the Women of the Island website or on social media. A number of these women are my constituents, women I know and deeply admire.

I have spoken before of the event BIGhART's Acoustic Life of Sheds, which was again a promenade concert spanning 60 kilometres over four-and-a-half hours exploring five sheds in and around Wynyard. This event received fantastic accolades.

*In Pursuit of Venus* was an incredible visual arts centrepiece of Ten Days. The epic creation of Maori artist, Lisa Reihana, is a 17-metre, hour-long video work that juxtaposes idyllic island landscapes with imagined first encounters with Captain Cook and his colonising officers, sailors and traders and the indigenous people of the Pacific Islands, New Zealand and Australia. It was a thought-provoking diorama which was over 10 years in the making and is sought after by galleries around the world.

*Out of Chaos* was the world premiere of Australia's physical theatre company Gravity and other Myths. It was a breath-holding event for audiences as we witnessed the incredible strength, teamwork and trust of these acrobats.

In the north, *The Enchanted Island* was held at the Clover Hill vineyard, a magnificent concert of baroque opera featuring soprano Sara Macliver, mezzo-soprano Anna Dowsley and bass-baritone Christopher Richardson. They were accompanied by Tasmania's own period instrument ensemble,

the Van Diemen's Band, conducted by Ben Bayl with staging by Lindy Hume. It was a truly wonderful performance.

There were also events for the family and children, which we attended with some children borrowed from friends. *Baba Yaga*, starring Australia's own Christine Johnston, was a wonderful retelling of the classic Russian fairytale with lots of laughs and many good messages for the young and not-so-young alike.

*The Children's Party* was another powerful family event that was very pertinent following the recent strike action by many young people seeking to focus policymakers' attention on issues that matter to them, particularly climate change, equality and civil society. It certainly reminded me that we must listen to the voices of young people in our decision-making in this place.

In the south, there were so many events it was impossible to get to them all and some sold out very quickly. I will mention some I did get to.

Dancenorth's production *Dust* was another world premiere of a mesmerising study of human potential, expressed through contemporary dance and accompanied by violin in a truly moving production. That was at Glenorchy.

*Eyes as Big as Plates* was a wonderful photographic exhibition of everyday elderly people transformed into timeless mythical beings, including some Tasmanian people. This was created by Scandinavian sorcerers fusing folklore and photography as they question our ageing and its relationship to nature.

*Breathtaking* was a breathtaking performance of two baroque virtuosi. Once again, our own Van Diemen's Band was joined by world-renowned vocalists taking us back to a bygone era of the sixteenth- and seventeenth-century baroque and the royal courts of the Renaissance. If you shut your eyes, you could really believe you were there.

*The Mares* was a world premiere performance by the Tasmanian Theatre Company. I do not know whether any members saw it, but it was truly challenging for performers and audience alike. It was an amazing play; a very powerful performance that explored the themes of power, including physical, psychological and sexual, as it moved through time from Greek mythology to the current time.

I will close on the performance of *Compassion* - what a moving, incredible and timely performance. As noted in the program, in a world of conflict and division, this profound performance by Nigel Westlake and Lior drew on ancient wisdom to offer a timely message of life and hope. Sung in Hebrew and Arabic, *Compassion* fused the achingly beautiful voice of Lior and the transcendent mastery of the world-winning composer Nigel Westlake with the sublime power of our own Tasmanian Symphony Orchestra. It was the most incredible performance to lose myself in and let the music and messages just wash over me. It rightly received a standing ovation.

I have the program if anyone would like to read it. It is really worth reading the story of the work. I will close with some of the words of Nigel Westlake from the program -

It is my hope that this music might offer its listeners the space and opportunity to reflect upon the qualities of that most noble of human sentiments, the good stuff

that enriches our lives with meaning, insight, depth and intrinsic worth. The virtue of compassion.

The lines in the encore song were 'Compassion is the measure of man.' It was a wonderful Ten Days and I look forward to the next one in two years time.

### **Mount Roland Cable Car and Adventure Precinct**

[11.29 a.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, recently it was my pleasure to see that the Mount Roland cable car and adventure precinct has passed stage 1 of the Government's innovative expression of interest process.

This approval lays the path for the proprietors to undertake a reserve activity assessment and seek approval through relevant Commonwealth and state government planning approval processes. This is step one with a long way to go.

The proposal, if approved, will see a 13-cabin gondola cableway provide direct access to the summit of Mount Roland at the back of Sheffield via the mountain's western face, which is otherwise inaccessible to many visitors.

The cableway will be set within an adventure precinct complete with mountain bike trails, which will be a unique drawcard on its own among Tasmania's other world-renowned mountain biking attractions. The concept planning for this project began in 2012. Local business owner and long-time advocate for the cableway on Mount Roland, Brian Inder, decided to try to make the idea a reality. Honourable members would be aware of Tazmazia & the Village of Lower Crackpot in the Promised Land, which are also some of Brian Inder's great ideas.

A community survey completed in 2011 indicated locals would not support any structure impeding the view of the northern face of the mountain, so with this in mind Mr Inder turned his attention to the western face of this landmark. He approached the owner of Silver Ridge Retreat, John Sinclair, whose farm stay accommodation was located at the south-western point of the mountain. In an article published in the *Advocate* on Wednesday, 27 February 2019, Mr Sinclair stated -

Brian came to me and said, 'They don't want it on the [north face]. Can we do it on your place?' ... we started looking at it and said 'Yes, we have a piece of land that suits very nicely'.

Mount Roland Cableway director Justin Carman came on board in 2013. He believes this cableway can open Mount Roland to those who do not have the time or ability to do a lengthy climb on foot. It could also provide a safety descent for those caught by bad weather at the summit.

In the same article in the *Advocate* on Wednesday, Mr Carman stated -

There are quite a lot of people who would be very excited about doing the walk one way, and they just don't have time or they're concerned the weather will come in.



This cableway gives people that certainty - they can embark on a walk that would normally be five to seven hours and if the weather comes in they only need to make it [one way], without packing for three different kinds of weather.

Mr Mark Beach-Ross, president of the local chamber of commerce, aptly named Sheffield Incorporated, is also a firm believer in what the project has to offer the community. He says -

[It's] a locally funded low-key sustainable tourism development encouraging flow-on, long-term local entrepreneurial and employment opportunities that preserve and enhance Mount Roland's iconic status.

Mr Beach-Ross believes this is a fantastic opportunity to create new jobs in the region and attract more tourists to the area. He also hopes it will help keep our youth in Tasmania, giving them another reason to stay in the rural areas rather than heading to the big cities or to the mainland looking for work.

While the cableway itself is an exciting project, so too is the adventure precinct it will sit within. The adventure precinct will feature a mountain bike park designed by Tasmanian company Dirt Art which is responsible for the highly successful Maydena Bike Park in the south of the state. The conceptual designs include 12 trails, the majority of these winding down and around the western side of the mountain and with only one traversing the northern face.

It is believed this will be an iconic ride for Tasmania because Dirt Art does not know of any other downhill trail that circumnavigates a mountain.

This is a very exciting tourism opportunity for the Kentish region. I wish the proponents all the best moving forward. Mr Justin Carman's simple thoughts were, 'Now the real work begins. It is a bit daunting'.

The proponents have a long way to go and I wish them well.

## **MOTION**

### **Consideration and Noting - Department of Police, Fire and Emergency Management Annual Report 2017-18**

[11:34 a.m.]

**Mr DEAN** (Windermere) - Mr President, I move -

That the annual report of the Department of Police, Fire and Emergency Management 2017-18 be considered and noted.

I have provided a number of questions to the department and some of those answers might come through later today. If there has been no time to answer those questions, I understand because I was late getting them in. As long as they can be taken on notice, I am happy with that.

**Mrs Hiscutt** - That is the case, member for Windermere. We have a couple of answers, but we will take the rest on notice.

**Mr DEAN** - I understand that and accept that.

I served with the department for some 35 years and I have a son who is currently employed in the department. Troy is a member of the Special Operations Group - SOG.

I mention this because it could be said I have a conflict of interest. I will be making some statements on the Tasmania Police SOG. I make it known that I have an interest in the department with my son there and my previous background.

As I have said on other occasions, it should almost be necessary that all government department annual reports be openly discussed and debated on the Floor of this place, the other place or both places. A lot of these annual reports need closer scrutiny and it helps these departments as well.

We have an opportunity to raise issues during the budget Estimates process, but that is normally only a cursory activity. It is usually only every two years in the GBE process that we look at some of these departments and we do not really have the time available to scrutinise their annual reports closely.

A department could be forgiven for thinking that they have had a splendid year simply because their report has been tabled and not questioned or challenged. That could be the thinking of some of the departments, and I guess that is a reasonable way for them to see it. If the report is not challenged, nobody raises it and nobody discusses it, they are doing all right.

Tasmania Police would, in fact, appreciate a close scrutiny of their report. Issues come out during these discussions that they may not have considered. Points that have come out have made some difference for the department. There is nothing wrong with doing this. Departments would be quite happy and thankful for that in many respects.

Errors have been identified in reports from time to time. Some have been quite significant. In some cases, persistent raising of issues has seen changes made in the way business is done and changes to the way the information in the annual reports is done. In some cases, some priorities might have been reconsidered as well by departments, as in this case with the police department.

I cannot be sure whether my persistent approaches to the police regarding drug driving paid off, but since I raised the policing of drug driving - and I first approached this subject in some detail 14 or 15 years ago - we have seen significant changes to the focus of police on drug driving compared to that many years ago. It is now viewed as being a danger on our roads equivalent to that of alcohol and is receiving greater attention, but there needs to be more.

According to a report in the *Examiner* on 27 December 2018, Tasmania Police caught almost the same number of drug drivers on our roads as drink-drivers. It is clear from the details around this report that had similar numbers of oral fluid tests been done as random breath tests, drug drivers would probably have far exceeded drink-drivers on our roads. It is a big issue.

The difference is that there is no limit on the drug issue in your body. In other words, with alcohol you can have two or three drinks and record alcohol in your system, but you are not charged as you have not committed an offence. With drugs, there is no limit. If you have drugs in your body to whatever level, you are guilty of that offence. If I am wrong, the Leader might tell me.

I quote from that article in the *Examiner* -

Between December 21 and 26, 40 people were caught drug driving from 72 oral fluid tests, while 41 people were caught drink driving from 8162 random breath tests as a part of Operation Crossroads. In the North region, which includes Launceston to St Helens, seven drug drivers were caught along with five drink drivers.

The police carried out 1849 random breath tests in the region, as reported in the *Examiner* for 27 December 2018.

I will continue to raise with police and the Government the need to retain statistics on gambling and its association with crime. About 12 to 14 years ago, a previous police commissioner, Mr McCreadie said this could be done. Why has it still not been done?

I believe that because of the promotion of gambling in the state and issues around poker machines, the Government maybe does not want these details to be known. That assumption may well be wrong, but I would like the Government to tell me why these statistics cannot be collected. Why can we not collect some statistics on the amount of gambling crime in the state? It would not be difficult to obtain some detail. We read reports in the papers fairly frequently of gambling and where it has gone wrong. We have seen people before the courts for fairly serious crime.

I refer to the secretary's report in the first part of the annual report. The Commissioner of Police refers to the trialling of electronic monitoring devices for family violence perpetrators. Many years ago I raised the need for these devices to track those on bail and parole. I applaud the authorities for finally reaching the trialling stage. It is good to see. I am not quite sure whether it is being used in relation to bail and parole at this stage. I would like to know where this currently stands, or if there is any movement on that. Magistrates and judges often look for other methods they can use to give bail to people but want to ensure they are doing the right thing. This is one option they would have.

The Tasmanian Government Radio Network has been in the development stage for many years. What stage is it now at? When will it be fully operational? What will it actually provide? This has been going for a long period of time.

The Commissioner of Police talked about 58 new constables joining Tasmania Police in 2017-18 and referred to the increase in police numbers. What the commissioner does not say is that, according to a report, during the same period in 2017-18 we had 32 separations from the department. While we had 58 new constables coming in, there were 32 separations. We need to have some context in this area.

I want to know more about the health and wellbeing program set up as a proactive, preventative plan for physical and mental health for emergency and State Service employees. I raise this because the sick leave statistics on page 77 of the report show time lost is increasing for emergency first responders. I take it that includes police at the coalface and State Service employees. With greater numbers, there is more sick leave, but looking at this and calculating the sick leave per person, the amount of sick leave is increasing, with an increase between 2016-17 and 2017-18.

I note that on page 26, the report says this program is being worked on through the 2018-19 financial year with a design to be completed and implemented later in the year. Where is that at and what will it be?

The Commissioner of Police also refers to some positive figures relative to the crime rate and refers to the unacceptable increase in the number of assaults reported, which is above the three year average. It is good the commissioner recognises more work is to be done in this area. It would seem police are targeting this area to try to decrease the number of assaults committed.

In his part of the report, the commissioner does not make too much mention of domestic violence. Despite all the new programs and emphasis placed on this hideous crime - and we should refer to it as a crime - reportable offences continue to increase. I will probably say more on this shortly.

[11.46 a.m.]

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### **Recognition of Visitors**

**Mr PRESIDENT** - Honourable members, I welcome Howrah Primary School grade 6 students to parliament today. I hope you have an interesting time and that perhaps you decide to come back at some other stage. It is great to see you here and I hope you have a good time. Welcome.

**Members** - Hear, hear.

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**Mr DEAN** - They are going to learn a little about Tasmania Police.

**Mr PRESIDENT** - Hopefully the good parts and hopefully they are not learning it in another area.

**Mr DEAN** - All the good things to think about Tasmania Police. We have the greatest police service in the world - the best - and that comes from somebody who was there for 35 years.

Organisation profiles, page 14 - I am a broken record on this issue. As a commander in the northern district, I continually complained about the established numbers of police there being below that of other districts, and it still is. The new president has raised this as an issue. The Police Association of Tasmania is concerned about the northern district crime rate and puts it in the category of the crime capital of the state. Launceston is said to be the crime capital of the state, which was headlined in the *Examiner* a while ago. I will refer to this as I go through the report.

Community service, on page 19 of the report - reference is made to enhancing the safety of victims of family violence and to Project Vigilance, a trialling of electronic monitoring of high-risk family violence perpetrators. I mentioned this a moment ago. Most members here know that I have given the strategy of electronic monitoring a fair airing for many years, so I am delighted to know we are in its trialling stage. I would like to know what the success of this is and the hiccups and problems we might be finding as a result. I suspect there are some - trialling is all about seeing where we are going and whether changes ought to be made.

How is the staged rollout of body worn cameras progressing? Where is it occurring? In particular, when will all frontline police be fitted out with them? What are the results - the benefits and problems of this - at this time? Over time, one would think these body worn cameras would result in some changes in the courts. With police given the opportunity to record exactly what is

happening while it is happening, one might see more offenders pleading guilty in the courts because the courts can see what they have done.

Under the heading 'Enhancing Communication Systems', Project Conexus is referred to. This project was to be launched at the end of 2018 and will provide a new single common intranet platform to support the whole of the department. It was suggested in the report it was going to be, so was it, and what does it do for communications within the service?

The emergency alert system - how much is known about this system outside emergency services? If I were to receive one of these alerts now, I would probably think it was another of the hundreds of scams I receive. I am not sure it is getting the publicity it ought to get to make people aware of the alert system.

Public safety - it is pleasing to see Tasmanians are becoming more comfortable with night-time safety, with a gradual increase in the percentage of people who feel safe walking around at night. It is interesting that in such a small place as Tasmania many people feel unsafe in walking around at night. They are very careful in the way they do it. I have never seen it that way, but many do.

Public place assaults - the recorded reported offences remain somewhat static, with a little over two assaults each day of the year.

What are the statistics for common assaults reported in private places over a year? Conceivably these reported assaults are public place assaults. I suspect a number of these assaults have been committed in private places as well. We know that only a small percentage of assaults are reported. It was suggested in the paper that not even 50 per cent of assaults committed are actually reported, for many reasons.

Operational readiness - it is interesting that general police are trained in the use of firearms, capsicum spray and multiuse integrated protection vests and handcuffs, and they probably still use batons. If a person is out of control and life is closely threatened, the only option available for the general duties police is the use of their firearm, capsicum spray, batons or whatever else they might carry. They each carry a firearm and have ready access to it, but they do not have ready access to a less-than-lethal weapon.

I have raised many times that police are trained to use a firearm; they are trained to kill. That is for their protection, but I have always been concerned that there is no ready access to a weapon between a firearm and a capsicum spray. If that has changed, I would look on that as being a positive move.

It used to require an operational call-out to the Special Operations Group for access to forms of force other than a firearm. How long would it take to get one of these weapons to an outstation area late at night with anyone on duty? Sergeants and inspectors have access to them. Maybe they all do now. I question the operational readiness of police to manage any situation when they have to wait to get that type of weapon - a stun gun or whatever they refer to them as - to use in some situations.

Satisfaction with police services has jumped ahead by 9 percentage points, from 79 per cent in 2016-17 to 88 per cent in 2017-18. That does not surprise me. Our police provide a remarkable service to the people. We get a few glitches here and there. We will always have that when it is a large workforce, but they are rare. We have a great service here.

Total public order incidents in the report increased by over 1000 incidents, from 16 178 to 17 283. I accept this is a difficult one to follow as the definition of incidents falling into this category has changed and continues to change almost yearly. In this table, family violence incident reports continue to grow, from 2673 in 2014-15 to 3155 in 2016-17 and 3385 in 2017-18.

Offences against a person continue to increase. In 2016-17, it was 4310, and in 2017-18, it was 4574. That is an increase of about 264. There are over 12 offences every day of the year against private solicitors.

Crime - I will talk a little about firearms. This area of the annual report starts with the police response and attitude towards firearm control. In raising this point, I refer to the abhorrent situation that recently occurred in New Zealand, with the deaths of 50 people - I think that is still the number. I listened to the president of the Police Association talking about this last week or the week before, and it was an extremely emotional period for him. You could detect how he felt in talking about it on the radio and the impact it would have had on police officers who attended the situation and the other people around it as well. It was an extremely tragic situation.

I think most of us would concur with the necessity for strict control and good policing. However, I doubt that many here would agree with the strong treatment dished out to some law-abiding and good citizens who are legally able to own and use firearms - licensed owners of longstanding who have never committed any crimes or offences of dishonesty.

In saying this, I raise once again - and I think it still has not been resolved - the case involving Heath Morton. I referred to that case here three years and four months ago when I did this report, so it is probably three years and six months now since the time police took possession of his properly licensed, permitted firearm to a value of then - he said - \$20 000-plus. The police - who still have it or they had it - have interpreted the law differently after having licensed it for a number of years. The police licensed this firearm for a number of years, they inspected it and they are now, as I understand, expecting him to sell it, not having possession of it. I think that is one of the positions they put to Mr Morton. It was when I last spoke to Heath, which was at the end of last year.

I am somewhat annoyed by the answers given to questions asked on this subject late last year. I asked: 'Has Mr Morton, through his ownership of this firearm, acted in any way contrary to the law?' The answer given was: 'While strict interpretation would be that Mr Morton has breached the Firearms Act 1996, there is no intention to pursue a prosecution as it would not be in the public interest to do so.'

Mr Morton went to the police before he bought it - on my advice, and I think that is correct - to see whether it could be legally owned and a licence issued. The police permitted and licensed the firearm and, as I understand it, reissued a licence for that firearm and inspected the firearm on occasions and approved its ownership.

If Mr Morton technically breached the Firearms Act, where does that leave police who supported the sale, licensed and inspected it? Have they not aided and abetted the ownership of that illegal firearm, a firearm valued at more than \$20 000 on my advice? Are they technically guilty of the same offence?

**Ms Rattray** - It's not a consistent situation, is it?

**Mr DEAN** - It is not a consistent situation. If I am wrong in any of this, I would like to be told because I have been raising this now for a long time. Mr Morton is not a wealthy person; he is a struggling person with, I think, two children, so it is not as though he can afford to have property like this removed without getting something back for it.

There is a similar case to this but I have been asked not to intervene at this time because of a possible civil case being commenced. There is also another case of where a licence holder of many years with no offences, a law-abiding citizen, had his house broken into while he was asleep. Firearms were stolen from his safe, which had been approved and inspected by police.

**Ms Rattray** - He must be a heavy sleeper.

**Mr DEAN** - Tragically, his wife had died not long before all of this. He was going through a difficult time. There are a number of rooms between the safe and his bedroom.

It was reported to police. All the evidence was there to support the crime. This is the distressing thing - he received a letter shortly thereafter from Firearms Services - FAS - which said, among other things -

I advise however that any incidents in the future will not be viewed favourably and may result in suspension or cancellation of your firearms licence.

This is a man who was asleep in his house at night; who had his home burgled and his firearms stolen. I think the police have since recovered one or two of them.

The victim of the crime was incensed at the statement. He took it that the FAS were referring to him as being criminally involved in some way, that he had orchestrated it. This was his interpretation. He came to me with this letter. We are talking about a man - he is, I think, 60 years of age - in tears. He gave me a copy of the letter. I was quite incensed. I took the matter up on his behalf and attached a copy of his letter. I sent it to the Commissioner of Police, who took a good approach. He forwarded it to the FAS for a report.

Suffice it to say the gentleman in question was given a letter of apology. I think it was personally served by hand. I was provided with a copy of that letter. I am thankful for that. We do not want to see any more such situations. We can be tough in controlling firearms, but people who legally own them have to be treated with respect.

The annual report says that amnesties are promoted. Tasmania has a permanent amnesty in place. Many people do not understand it. If you do the right thing and take a firearm to a police station to hand it in, I think you are exempt from prosecutions over that.

If an amnesty period is advertised, firearms are always handed in. It makes you wonder why people leave it until an amnesty is advertised. Perhaps they think that if they did it at another time, they might be committing an offence. The fewer firearms we have out there, the better off we all will be. I do not have a problem with that. We should have these amnesty periods on a regular basis.

Serious crime - the figures look good. There were 573 serious crimes in 2016-17; in 2017-18, the number was 487, a reduction of 86. I want to refer to the difference in the serious crime figure recorded for 2016-17, as referred to in the 2016-17 annual report, and the figure recorded for that

same year in the 2017-18 annual report. In the 2016-17 report, serious crimes are recorded as 550, but in the 2017-18 annual report, 573 are recorded, an increase of 23 serious crimes. I missed it if it is there. There is no asterisk, pointing the reader to the reasons for the difference, but it may well be there. The figures show a worse position for crime. I am not sure what has happened there. An explanation is necessary. I might know the answer, but I am not so sure others would. My background allows me a good guess about what happened. The clean-up rate on serious crime is good and sits at 88 per cent for 2017-18, up by 9 per cent on the 2016-17 year.

The greatest deterrent to crime is to know you will be caught. For instance, take ourselves when we are driving, if we exceed the speed limit, we always look over our shoulders to see where the police are.

**Mr Gaffney** - You would not exceed the speed limit, though.

**Mr DEAN** - I cannot say that I have not. There but for the grace of God, go I. I have never been charged. Lois, as I call it in my car, keeps telling me occasionally that I am over the speed limit. That is great and I reduce speed to inside the limit.

**Ms Rattray** - How did you choose that name? It is a lovely name.

**Mr DEAN** - I am not sure how I got that name. I think my son called his Lois and I started calling mine 'Lady Lois'.

**Mr Gaffney** - For the record, I do not speed.

**Ms Armitage** - Lois was my name when I was baptised.

**Mr DEAN** - The deterrent is the important thing. For people who want to commit crime for whatever reasons, if there is a deterrent, they are less likely to do those things. There are many plain-clothes police cars on the road. You need to be aware of that.

**Ms Rattray** - There was a Subaru wagon with a plain-clothes policeman at Derby on Sunday afternoon.

**Mr DEAN** - I think it is great to have plain-clothes cars out there. I think it is good, with a mix of high-profile police vehicles. I think they have the mix right.

Drugs - I think it is fair to say that the drug issue is almost at an epidemic level, not just here but countrywide and worldwide. Sadly and unfortunately, all walks of life are involved, from professionals to laypeople, to the ones right down the bottom, in drug trading. The more dangerous or toxic drug offences and quantities increased in 2017-18. For ecstasy and MDMA tablets, there was an increase of 2318; heroin was up 46 grams and cocaine was up. Cannabis saw a drop, and poppy capsule thefts dropped significantly. This area goes up and down yearly. It depends on the circumstances. I think that the thebaine variety grown now is less attractive to buyers.

I would like to know about the police and drugs. I guess we still have fully operational police in the area of drugs. I take it they would be concentrating on those bigger crime areas involving trafficking and importing of drugs. That is where the concentration should be, in my view. How many full-time drug officers do we have in the state now? Where are they domiciled? They used



to be spread all round the state - in Hobart, Burnie, Launceston and Devonport. I would like to know about where they are.

Violence against women and children. Again, the recorded crimes for 2016-17 do not correlate with the annual report figures for 2016-17. I cannot find the explanation for this change, so if it is there please, I would like it pointed out. If not, I would like an explanation to be given.

We see a continued increase in family violence incidents in 2017-18, when 3385 were recorded. I am not sure of the size of the increase because I do not know what number to use for 2016-17, but at least 230. And family arguments - 2245 in 2017-18, an increase on 2016-17 of about 161 reports.

For this long period police continued to run the similar line, that the increase could suggest a positive position - that is, an increase in reporting, not an increase in those types of offences. For how long can we run this line? There has to come a time when we say there is an actual increase in this type of crime. This has to happen, unless we see a significant downturn, which we have not. With all the changes in this area and all we are doing, are we getting the return we or the police expected? Is it really having an impact on domestic violence crimes?

Domestic violence of any nature is an insidious crime. Domestic violence and violence of any nature against physically weaker or infirm people, including children and aged people, is far worse and should result in harsher penalties. There are degrees where I believe it is a far worse crime than at other times. It is an absolutely disgraceful crime on women.

Long jail sentences are the only suitable penalties for these types of crimes. For instance, the recent crimes and murders of the innocent girls in Victoria - they are outrageous crimes and as a society we cannot sit back and accept these horrific crimes as something that just happens. We need to stand up and be heard. My position remains that in some cases, it should be actual life in prison.

I do not see it as good that the police's position is to say that what is happening is an increase in reporting, not an increase in the crimes themselves.

Maybe it is time to look at all the current strategies to see what is an actual deterrent. What is this strategy showing us? Is it really working? There are a number, and we need to look at them individually, dissect them and start to work out where we are getting the best return and what other things we should be doing.

It is not unique to Tasmania; it is happening countrywide. I recently spent some time in Fiji. They are going through a similar issue with domestic violence. While I was there, their papers reported on how concerned their government and police were about how to get on top of domestic violence in Fiji.

They have engaged with the University of Fiji to conduct a study into domestic violence with an expectation of recommendations coming out of it regarding changes to combat the crime.

They have asked their university to look at this, review it and come back to them with options, changes or things that should occur in this area. We have involved many people in this but there are other things we might be able to do.

Volume crime on page 42 - there is a difference in the crimes in this category as recorded against the 2016-17 year in the 2017-18 annual report. There is a difference of 121 crimes. This revised figure is explained on page 44. Where we have a change in figures, an explanation is always necessary, and that is well done in this report.

We know very well that the number recorded for the 2017-18 is not accurate and an amended figure will be given in 2018-19. Not all crime ceases at the end of the financial year and not all known crime is available at that time, so there needs to be that explanation.

The worrying figure in this category is that common assaults have risen by at least 228 offences. This is violence committed on another person. In 2016-17, it was 2629 offences; in 2017-18, 2857. I suspect common assault offences would be double that because people are reluctant to report these offences. I have previously referred to that.

The clean-up rate of these reported crimes is good at 51 per cent. There has been a gradual increase in that over the years, and that increase would change with more police coming in. Police will have more time to spend on some of these areas. They should concentrate on serious crime, as we would expect of them, but with more police, with changed activities, surveillance and all those other things, we should see a slight increase in the rate of clean-up.

Fisheries security - this is an important area of policing in this state. In 2017-18, 1479 marine offenders were recorded, and that is an increase on 2016-17, when it was 1408. It is a lucrative area, with scallops, crayfish and abalone in particular demanding premium prices.

I note that on page 44 of the report the change in data from the 2016-17 annual report has been explained and this is appreciated.

What areas in the marine industry are being targeted by offenders? I would appreciate a bit more information and details on that to identify the areas being targeted. I think it is across the board, though I would not be surprised if crayfish and abalone are up there.

Support to judicial services, page 44 of the report - state charges prosecuted in 2017-18 are recorded as 52 714 cases. Is that the number of charges where police were the prosecuting authority? I would like some explanation there.

It does not mean much expressed in this way only because some offenders face a multiplicity of charges. In some cases with fraud offences, one person could be on 150 charges. It would mean more if it were the individual persons being prosecuted. The number of individual prosecutions would have more meaning, particularly when considering increases or decreases in court appearances and workload.

Normally, it does not take much more time to prosecute somebody charged with five offences than with one offence. It takes a little longer if there are more offences, but not a lot longer.

It was an area I worked in for many years as a police prosecutor and I understand it very well. There have been a lot of changes since then.

In 2016-17, charges prosecuted were recorded as 50 690, but this figure was revised to 50 524 in 2017-18 report. That is a difference of 166 charges. How can numbers be decreased? The report was done, but then in the next annual report, the offences were lower. How does this occur?

In regard to crime figures reported for the individual districts for the first five months of the financial year 2018-19, it would be helpful to know what the numbers of charges prosecuted for each district were. Are figures available to show the number of prosecutions in each district?

The figures in the *Examiner* of 30 January 2019 again paint a poor picture of Launceston, which I referred to as being labelled the crime capital of the state. It has that tag because of the excessive amount of crime being committed in the area, and Devonport was not far behind. It was always a fairly high crime area. I served in both areas and despite pleas for help and extra police in both places, that never occurred.

Police in both places were and are run off their feet. I would not be surprised that if you compare the number of individual arrests by police throughout the state, Launceston and Devonport police detectives would rate highly and would probably take the top awards. That is not to say it was not working. Not at all, but the number of arrests in those areas individually by police officers would be pretty high.

I normally start these reports with the organisation profiles. The southern district has 1.87 police per 1000 population, the northern district has 1.78 police per 1000 population, and the western district has 2.18 police per 1000 population.

Launceston has always been the poorer district for police numbers. Is this the reason for receiving the crime capital badge yet again? It could have something to do with it. Will it be balanced out? I cannot see it happening in the near future. The present commander would only need to see my reports on the subject and plead to the hierarchy, change the dates and submit them in calling for some balancing of the numbers. You would only have to change a couple of dates round in my reports and the report would be there to send off.

Full-time numbers in 2017-18 decreased. So, in 2017-18 the northern district lost four police in my calculations and according to the information I was given. Why? The crime figures recently released for the first six months of 2018-19 financial year would support the increase.

I wrote this report long before the new president spoke to me. Colin Riley's position was, 'Please, if you have the opportunity to raise the situation of policing in Launceston, do it because it is one area I am going to target.' He is concerned and said it is one of those areas he will target in his new position as President of the Police Association of Tasmania.

He has worked in the CIB for a long time and is a very good, practical police officer. He has an idea of what is going on in the area, so we need to look at the numbers in Launceston and why there is an imbalance between Launceston and other areas.

Firearm inspections - there has been an increase of almost 2000 firearm inspections, from 3463 in 2016-17 to 5401 in 2017-18. I could not find the outcome of those inspections in the report - that is, offences that might have been committed by persons who have firearms, with a number of safes not complying. I could not find the details in relation to those inspections to identify an outcome from them, so I do not know whether that information is available.

There were 73 incidents involving firearms for the year, but again there was no breakdown on what they were, and this statistic did not appear last financial year either.

Traffic policing - high-risk traffic offenders, offenders speeding in excess of 15 kilometres per hour over the limit, decreased in both areas. That is, those detected by police and fixed cameras. We know these figures can move up and down depending on the number of police patrols, operational conditions of fixed cameras and the frequency of other camera placements. Maybe drivers are getting the message. I would like to know the details of the number of offences for the fixed cameras in each area, Leader. I am not sure if I included that in my questions. Can we see more fixed cameras being placed around the state? Is the position regarding point-to-point cameras now off the radar or is it still being considered by police? That is, the point-to-point checking of vehicles. Could I please be given some detail on that, too?

Evading police - 460 offenders were charged in 2016-17, and 451 were charged in 2017-18. Of the 451 charged in 2017-18, 222 were charged with the new more serious charge of evading police, aggravated circumstances. Any offence of evading police is serious and has the potential to kill, seriously injure or permanently maim innocent people. The 222 offenders charged with aggravated circumstances did not give a stuff about any other person in the area where they were driving in a criminal manner.

You read about evading police charges in the paper just about every day and you read about some very dangerous driving activities. Sadly, it is a game to many and they are putting so many people at risk. This place had an opportunity to help police further with our decision to increase police capacity here, but we did not go down that path for whatever reasons. Do we sit around now and do nothing more while these detestable criminals continue to put at risk innocent law-abiding citizens? There are almost one-and-a-half offences a day that we know about. That is what is happening daily in this state. At least extended jail terms get them off the roads; that makes our roads safer. Apart from the evading police incident, there are other offences that accompany the evading. It is not just the evading of police that is the crime or offence. Normally these people are either drunk or drugged, or getting away from some domestic violence issues, burglary, stealing, armed hold-ups and the many other crimes that are the cause of the evading police offence. Of course, to some it is just a dangerous game they play; they bait police.

I feel for police in this respect and I often wonder where police are going in this area. Are they looking at changes to the legislation in relation to this crime? Do they need more assistance through changes to the statutes? I would be interested in knowing how police see that, or whether they are able to manage it as things currently are. I would find that hard to accept because of the constant nature of this crime.

I will briefly touch on human resources statistics. Sick leave for sworn police officers continues to rise. There is a rise on the figures for 2016-17, when it averaged 49.81 hours per police officer; in 2017-18, it increased to 52.03 hours per police officer. That amounts to about two-and-a-half days loss of work per member.

Why and what is occurring for that to increase? I know we have periods where influenza is longer and more severe than other years - I understand all that - but I would like to know whether there is some explanation for that and what might be causing it.

If you look at State Service employees, it is quite interesting. The State Service employees' sick leave is also continuing to increase. It averaged about 64.15 hours per employee in 2016-17; in 2017-18, it averaged 69.04. That equates to about 10 days leave per employee.

What is causing that amount of leave? If you look at police out in the field in their activity, involved in violent situations all the time, you might expect them to be higher in the category of sick leave than perhaps office workers and other workers - not all office workers, I understand that.

**Mrs Hiscutt** - Are you talking about stress leave, honourable member?

**Mr DEAN** - I am talking about all types of leave. If you go to that part of the annual report, it appears under human resources statistics.

The new president of the Police Association raised with me the need for Tasmania to have a fully operational, permanent SOG in place.

The incident in New Zealand, unfortunately and sadly, brings home to all of us that such incidents can happen, and we need to be absolutely certain we have the potential and capacity to become involved immediately in those situations.

As Colin Riley said on radio, and I said it on the radio recently too, it is difficult to expect a police officer who has worked all day - and in most cases now police officers are working 10-hour shifts - to go home and then within the next hour to be called back out to an emergency situation with such a special operations group activity. For example, there was the one in Launceston recently. Where a member is asked, or needs to be there, for the next 20 hours, that is a big ask. They are in a situation where split-second decisions are necessary and where they are dealing with the lives of people. All of that has to be taken into account when we look at a special operations group.

I know the Government has a position in place of funding for this to occur. I am not too sure when it is likely to occur, but my view is that it ought to be brought forward. I think it was over the next couple of years or whatever, but my view is that it ought to be brought forward, that we ought to have, in my opinion, a full-time special operations group in this state. We need it.

Mr President, having said that, we have a great police service in this state. They are extremely friendly and professional. We seldom get any bad messages about Tasmania Police. We are enriched by their activities and the way they do their work. I take my hat off to a great organisation.

[12.35 p.m.]

**Ms ARMITAGE** (Launceston) - Mr President, I thank the member for Windermere for bringing this matter forward and I certainly commend Tasmania Police for the work they do. The graduation of 58 new constables from the Tasmania Police training program in 2017-18 and their ascendance to frontline positions has helped the police build their visible presence. I am sure this factor has contributed to 88 per cent of Tasmanians reporting feeling satisfied with the police, according to the National Survey of Community Satisfaction with Policing undertaken by the Australian National University.

In addition to this, I note the clearance rate, the number of crimes resulting in a charge being laid divided by the number of recorded crimes, stands at a 45-year high of 51 per cent. I congratulate the officers and investigators whose hard work has allowed this result to be achieved. The move into the consultation phase of an anti-corruption strategy is an encouraging development towards improving community confidence and trust in the police force. I look forward to hearing about the future phases of its implementation.

Moreover, the rollout of the system for managing conduct and the review of complaints and compliance through the ABACUS program, made available both internally and publicly, goes some way to attaining a significant degree of transparency, accountability and responsibility for the police force. It is pleasing to see that the recommendations arising from the Integrity Commission's recommendations from its review into the management of information by Tasmania Police are being worked towards.

As information systems evolve in growing volume, their management becomes more challenging but ABACUS seems to be adding value to this important area of police administration. In a further step towards responding to public sentiment and expectations and expanding transparency, a working group was established to review the use of force by police for the protection of the public and of Tasmanian police officers. In keeping with international trends, the rolling out of body worn cameras to improve safety by positively influencing the behaviour of not only those in custody but also the police they interact with and enabling the collection of quality evidence with ease is another significant achievement of the force throughout the year.

Figures for Launceston specifically concern me. As mentioned by the member for Windermere, given the adjusted volume of crime for a city of some 100 000 people, in April 2018 the *Advocate* awarded Launceston the highly dubious honour of beating the north-west coast in crime. By Tasmania Police's own figures, Launceston topped the state at 1004 offences per 10 000 people, greater even than Hobart which had 718 offences per 10 000 people.

**Mr Gaffney** - You always want to beat Hobart.

**Ms ARMITAGE** - We do, but not necessarily in these figures. It is not necessarily beating Hobart. As I have stated on many occasions, Hobart, for some reason, thinks it is the centre of the universe and it needs to realise there are other cities in this state. These figures cannot be looked at in a vacuum. It is encouraging that Launceston's rate of crime is decreasing; however, that our northern city should top the state with these figures is disheartening, to say the least. I strongly encourage the department to look at the severity of these statistics, to ramp up its focus on tackling and preventing crime in the state's north, and to reassess use of its resources to allocate more frontline officers to boost visibility and confidence in the police force.

**Ms Rattray** - Do you think this has to do with the fact we have a lower socio-economic group in the north with wages and jobs?

**Ms ARMITAGE** - It is fairly balanced across the state. The member for Windermere might have more of an idea about this, but there are certainly lower socio-economic groups right across the state. I would not have thought Launceston had more than any other parts of the state. The member mentioned his electorate has more social housing issues than most of the state.

I express my best wishes to northern-based Inspector Darren Hopkins after his horrific plane crash in October. It was very good to see in the media that he was back at work, even part-time, and looking pretty good. We extend our best wishes to him.

I was intrigued by the consistent upward trend in reported family violence incidents over the past five years. In 2017-18, it reached an all-time high at 3385 reported incidents, up from 3155 in 2016-17 and far further up from the 2414 incidents reported in 2013-14. I am conscious of, and mindful, that an increase in reports does not necessarily mean an increase in the occurrence of incidents; however, I believe these numbers should be further analysed and I was therefore

disappointed that the annual report did not undertake to examine any further the reasons behind this spike in numbers, nor seek to do so in the future given that family and domestic violence is one of the most nefarious and insidious crimes in our society, with comorbidities and additional social ills. I encourage the department to investigate possible reasons for this increase in reported incidents so policymakers can look to addressing their causes.

Celebrating 100 years of women in policing in Tasmania is a fine achievement. The growth in diversity in a sector that has historically been so male-dominated is a win for women which deserves to be celebrated. I had to undertake external research to find out who the first female police officer to be appointed was. According to an article by the ABC in December 2017, Constable Kate Campbell joined Tasmania Police in 1917. The trail she blazed and her legacy should have been included in the report to celebrate and acknowledge wholly the success of growing diversity in the force.

It has also been pleasing to see initiatives addressing the strain and stress to which police, fire and emergency management employees and volunteers are uniquely subject. The establishment of a proactive program to support their wellbeing is a step in the right direction to ease the toll that some aspects of these jobs can take. I am encouraged by the spotlight being shone on an issue that has been under-resourced for far too long.

Additional efforts to understand, confront and prevent the rapidly expanding area of cybercrime was also reported by the secretary, to be ameliorated through the enrolment of certain employees in training and courses to address this area of connectivity. I look forward to seeing wider implementation of cybercrime detection and prevention as a standard element in police training.

I thank the member for Windermere for bringing this forward. Certainly, these are interesting statistics and it was an interesting report. Overall, I thank and commend Tasmania Police for the work they do.

[12:43 p.m.]

**Ms RATTRAY** (McIntyre) - Mr President, I again thank the member for Windermere for his diligence in this area. I expect that the police department can expect this every year while the member for Windermere is among Legislative Council members.

I take on board the fact that we do not scrutinise enough of our annual reports. While I was listening to the member's contribution, I filled in the Auditor-General's survey that I had been a tad tardy in responding to. I think they provide an extension just for me, but now I have done it. I had to be honest and say I had not read the Auditor-General's annual report. Then the member for Windermere mentioned that we do not do not scrutinise annual reports enough.

We have a great deal of reading to do in this place and many other things we need to do but annual reports are really important. If we do not read them, then who is reading them? Who is going to comment about what is put together? They are there for a reason. I take on board what the member said. First, I will endeavour to read the Auditor-General's report so that I can tick the box next year when they ask the survey question, 'Have I read it?'. Also, those areas of departments go to a great deal of trouble to provide information particularly for members of parliament and the community who like to look over their reports.

I acknowledge past police officers may still have an interest in what is happening on a day-to-day basis.

It is useful to have an overview of the secretary's report. I note Tasmania Police is undertaking projects to ensure it remains a responsive, contemporary and future-focused service.

These projects include Project Authenticate, to roll out the body worn cameras for frontline officers. Where is this process at present? These are questions I do not need answered today, but the answers may be readily available. I would like some indication of feedback from officers with regard to how they feel about having the cameras, whether they feel safer and whether they are helping them in their role.

It is important that the Tasmanian Government Radio Network project and the Emergency Services Computer-Aided Despatch project are joined together so all emergency response personnel and areas can quickly and effectively work together to deliver the best outcome for the community.

That is going to be a very expensive exercise. The member for Windermere asked for an update on this and I would also appreciate some information.

With regard to the increase in police numbers, 58 constables have completed the trainee course and will fulfil operational frontline positions across the state. Where are those 58 stationed or placed?

In what areas were the 32 separations the member for Windermere touched on? Were they retirements or people who have chosen not to continue on in this police role? Did these separations come from people who felt they had done their time and were, in their view, of retirement age? It is an interesting discussion for the community about what is perceived as being the retirement age for various people in their field of expertise.

With regard to some numbers, I make a point about the perception of safety in public places during the night. The percentage dropped by 1 per cent. In 2014-15, it was 58 per cent; in 2015-16, it was 59 per cent; and in 2016-17, it was 57 per cent. It is hovering at over half of our community. I do not know how many people were surveyed, but it is not a good reflection to consider that over half of our community are worried about safety in public places at night. It would be interesting to know where the survey went to. I did not receive the survey, so I did not have an opportunity to respond, and nobody in my immediate family has mentioned it to me, so perhaps they did not either. I note that the national average is 53 per cent. It says '53 nat'; I am not sure what that means. That can perhaps be clarified. I am assuming it might mean that. That is an interesting one.

What can we do for our community to make them feel safer? Is there an education program? Do people understand how to contact the police? I know people are hesitant at times to ring the 000 emergency number if they are feeling a bit uncomfortable, uncertain or apprehensive. Usually that is for an emergency. I had cause to ring my local police station not long ago and I had to go through the Launceston system to get back to the local station. That can be a bit daunting for people. I managed to get back and found out what I needed to find out, but it is not always useful for everyone.

I do not have the answers particularly, but I am interested to know what conversations are being had with police and community organisations about that and how we can keep our community feeling safe, particularly in public places during the night.

The figure for perceptions of safety at home, being alone at night, is quite good at 91 per cent of those surveyed. If I am correct in assuming that '88 nat' is the national average, we are doing



just a bit better than the national average. I am getting a nod from the appropriate person. That is a tick there, definitely; that is a good sign.

I am sure if they rang the gentleman who had his firearm stolen while he was sleeping in bed, he would not be feeling like he could put the 'safety at home' tick against what he experienced. That must have been horrific when you think that can happen while you are in your home and supposedly secure. I lock everything, but that is me.

Both members who have spoken touched on family violence incident reports. It is an interesting area to analyse. I am not sure whether any analysis has been done on whether it is just that people are more prepared to call now and make that call.

**Mr Dean** - It is a good point you make; I believe this is where the police ought to be making some effort to look at whether what they are saying could be right, that there are not more assaults but there is more reporting. The university study I referred to in Fiji is something that maybe they could consider. You are right - it is an interesting point.

**Ms RATTRAY** - We do not really know how that is. Still, that number is 3155 family violence incident reports in 2016-17. That is a massive number. When we think about that number, we could all expect that we probably know, even if we did not know about an incident itself, somebody who has been part of a family violence incident. That is a lot of people and it is quite disturbing.

It is a slight decrease. The decrease from 3223 was actually in 2015-16 and then 3155, with the national average of 3117. Unfortunately, we are punching above our weight. Again, as the member for Launceston said, there are times where you do not want a high number. This is one of them. I am interested in some feedback.

I have no idea what our workload will be like in the coming weeks. Perhaps there will be an opportunity to have a briefing on family violence incident reports. We could sit down with the department and go through what is happening in our communities. We may be the last people to hear or know about that sort of thing.

Mr President, offences against property is on page 44 of the report. I consider 21 937 offences against property still to be quite high. I presume that is everything. Is that stealing? Is that breaking and entering? Often there is still damage even if nothing is taken.

**Mr Dean** - There is some explanation of what this covers in some of these areas. I am not sure whether what the honourable member is talking about is covered.

**Ms RATTRAY** - There is a note that says that data for 2016-17 have been revised from the figures published in the 2016-17 annual report, but it does not expand. When we do the budget and look at where the money goes and to which departments, we do not get to drill down into these areas. It is not possible to do that when you are looking at the allocation of funding. We have a more general overview process. This is an opportunity to really drill down into the issues. Key performance indicators and information are in summary table No. 4 on page 44. Could we have some further detail on this?

I was interested in the serious drug offenders charged. My notes say it also has revised data. The actual total for 2016-17 is 489, an increase from the actual figure of 2015-16, which was 412. In 2014-15, the actual was 454 but I do not have a national average; it is not listed here.

The other note tells me that -

Total Offences consists of crimes within the meaning of the Criminal Code Act 1924, offences involving dishonesty or injury to persons or property, and offences which, because of their nature, method of commission or the offender concerned, are important from a criminal intelligence point of view.

It covers a very wide gamut. It is interesting that the number includes all those parts pertaining to the Criminal Code Act.

I listened to the member when he asked about the drug squad. I think that is what it was called in the past. We know we have one and we know we need one. They will not tell us how they do their work or they will not get any work. It might be letting out trade secrets. We do not want to interrupt their important work. We need safe communities. Unfortunately, we know that taking drugs has become the norm now.

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

## **QUESTIONS**

### **Taxi Subsidy Program**

[2.32 p.m.]

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

In Tasmania many people living with a disability currently rely on the Taxi Subsidy scheme in order to be able to travel, including to health appointments, study and work -

- (1) How many people living with a disability are currently using the Taxi Subsidy scheme in the south, north and north-west of Tasmania?
- (2) Will the Government ensure the Taxi Subsidy scheme will continue to be available to Tasmanians living with a disability beyond the end of this financial year?

## **ANSWER**

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

- (1) The number of people who are members of the Taxi Subsidy Program are as follows -
  - (a) in the south of Tasmania, there are 9481 members
  - (b) in the north of Tasmania, there are 4676 members
  - (c) in north-west Tasmania, there are 3372 members.

It follows there are 17 529 members of the Taxi Subsidy Program in Tasmania.

- (2) The Taxi Subsidy Program provides access to subsidised taxi travel. It is important to note there is no intention to wind up the program. It will remain in place beyond 30 June 2019.

However, the Taxi Subsidy Safety Net, which is a subsidy program, is scheduled to be withdrawn on 30 June 2019. The safety net was established in late 2016 to assist National Disability Insurance Scheme participants to transition to using transport supports provided through their NDIS plan and away from the Taxi Subsidy Program. This recognises funding for taxi travel is an in-scope support for the NDIS. Under the bilateral agreement with the Australian Government, like other jurisdictions, Tasmania has cashed out taxi subsidies for NDIS participants and now provides this funding to the Australian Government as part of its commitment to support the NDIS. The safety net was provided to allow members access to subsidised taxi travel on a time-limited basis.

Ahead of the planned withdrawal of the safety net, the Tasmanian Government is working closely with the National Disability Insurance Agency to support transitioning members. Through the Department of State Growth, it will continue to monitor developments and work with the NDIA and safety net members. The Tasmanian Government will ensure some level of continued support into the future but exactly what that looks like is yet to be determined. However, all safety net members will be informed well in advance of the end of June 2019.

For more than 17 000 members of the larger Taxi Subsidy Program there will be no change to their access to subsidised taxi travel.

That answer was approved not today, but there has been an update released today:

The Government's support for the NDIS participants to access taxis has been extended to the end of 2023 while participants confirm and adjust to their new NDIS plans. Taxi subsidies will continue to support some of the most vulnerable members of our community by assisting with the cost of taxis for people who cannot travel independently or use public transport due to their disability.

We are committed to ensuring NDIS participants can access the benefits this scheme is bringing, but we want to ensure there is a smooth transition.

Those currently receiving the safety net subsidy will move to a new taxi supplement of up to \$1000 for the first year and then \$350 for each subsequent year until 31 December 2023. This takes into account that 75 per cent of safety net members currently access less than \$350 of taxi subsidies each year.

This Tasmanian Taxi Supplement does not replace the NDIS's responsibility to meet the transport needs of Tasmanian participants, but it recognises that people may need additional support during the transition period.

We continue to work closely with the National Disability Insurance Agency and advocacy groups to help make the transition to the NDIS as smooth as possible for Tasmanians. We are also providing more information on the changes directly to current safety net members.

The Hodgman Liberal Government's broader Taxi Subsidy Program will remain in place for non-NDIS participants and is not subject to annual caps.

### **kunanyi/Mount Wellington Cable Car Project**

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

[2.37 p.m.]

In respect of the Government's management of matters associated with the present kunanyi/Mount Wellington cable car project and the level of public interest being expressed, in the interests of transparency and that laws and government processes need to provide securities for all investors -

- (1) Can the Government please explain why, in choosing to employ an act of parliament to facilitate the present cable car project, it is not seen as disadvantaging other parties interested in pursuing a similar investment strategy, resulting in what may be seen as a lack of probity and inequality in investment security and opportunity for such parties?
- (2) With this development on public land, what particular quality assurance processes will be employed to verify project modelling, budgets and/or claims prior to any public land acquisition or usage?

### **ANSWER**

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

- (1) The Cable Car (kunanyi/Mount Wellington) Facilitation Act 2017 is not specific to any cable car project or proponent. While the current proponent, the Mount Wellington Cable Car Company, is understood to be well advanced in its preparations for a development application, this does not prevent or preclude other parties from pursuing an alternative development.
- (2) The Government has not received a request for any use of public land, nor is it currently considering public land acquisition in relation to the current cable car proposal.

Should a land use or acquisition request be received, the Government will rigorously assess such a request on its merits and in the context of the particular proposal, including all relevant approvals.

### **Emergency Services - Volunteer Complaints Procedures**

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

[2.39 p.m.]

Mr President, with regard to the rights of volunteers working in government organisations, including the Tasmania Fire Service, Ambulance Tasmania and the Tasmania State Emergency Service -

- (1) What are the policies and procedures for investigating a grievance complaint lodged by a volunteer against another member of the same organisation?
- (2) What is the usual time frame for investigation of complaints from within organisations?
- (3) What are the standard communication procedures between the organisation and the complainant?
- (4) What is considered a reasonable time frame for investigation and response to a complainant?
- (5) What rights of appeal are available to volunteers with regard to unfair dismissal claims?

## **ANSWER**

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

There are three different services.

### **(1) Tasmania Fire Service**

The Tasmania Fire Service volunteer handbook includes a reference to the Tasmania Fire Service resolution procedures document, which is aimed at assisting all members of the TFS to resolve grievances and problems regarding inappropriate behaviour. The document provides principles and guidelines, not rules, to support members, senior officers and managers to resolve problems and issues between members.

- (2) The resolution procedure does not specify time frames, but has been developed to resolve complaints locally and as quickly as possible.
- (3) The appropriate level and type of communication may vary from case to case depending on the circumstances. Complainants and respondents are accorded procedural fairness throughout the process and appropriate levels of confidentiality are maintained.
- (4) The reasonableness of time frames for any investigation would depend upon the nature of the grievance, the complexity of the issues, the availability of key persons and the requirements of procedural fairness.
- (5) TFS volunteer membership can only be terminated with the approval of the chief officer. There are no specific rights of appeal in relation to that decision. TFS volunteer members are not employees and therefore the Tasmanian Industrial Commission does not have jurisdiction in relation to unfair dismissal.

### **Ambulance Tasmania**

- (1) All grievance matters are relative to Ambulance Tasmania - AT- employees, including salaried staff and volunteers, are dealt with under the grievance management procedure of the Department of Health.

A formal grievance is submitted to the relevant manager for assessment and intervention in accordance with the grievance procedure. Where a grievance cannot be resolved at the local

level, the matter is referred for advice to Human Resources, Management and Strategy. This may then result in an investigation of the matter being undertaken by a human resources advisor or an independent consultant.

- (2) Grievance matters may relate to a diverse range of issues, involve multiple parties and may require consideration of the health and wellbeing of those people directly impacted by the grievance process. Consequently, although the intent is for all grievances to be dealt with in a timely manner this may not be feasible.
- (3) The grievance lodgement form is formerly submitted by the complainant to the relevant manager. The manager is required to sign the form in acknowledgment of the matter.

Communication between the organisation and the complainant occurs face-to-face, whereby the complainant is invited to attend an interview with a support person of their choosing. Face-to-face meeting outcomes are recorded by the manager.

Communication with a complainant will also occur via email and formal correspondence.

The complainant should be informed of progress in relation to the investigation of the grievance, referral to other parties for advice and/or investigation and finalisation of the grievance, including agreed outcomes.

If the complainant disagrees with the outcome they can lodge a request for reconsideration form, which is to be lodged with the next most senior manager.

- (4) The intent is to deal with all grievances in a timely manner but time frames are impacted by the complexity of the issues that inform the grievance.
- (5) A request for review of the termination of volunteer membership can be referred to the Chief Executive, Ambulance Tasmania for consideration. AT volunteer members are not employees. Therefore, the Tasmanian Industrial Commission does not have jurisdiction in relation to unfair dismissal.

### **State Emergency Service**

- (1) The process for managing grievances is documented in the State Emergency Service - SES - member information guide, which is provided to members during the induction process. The State Emergency Service manages volunteer members' complaints in accordance with the principles of procedural fairness and on a case-by-case basis.
- (2) The SES endeavours to resolve volunteer member complaints as quickly as possible. The time frames required for resolution are impacted by various factors such as the complexity of the issue, access to information, availability of volunteers and the requirements of procedural fairness.
- (3) The appropriate level and type of communication will vary from case to case depending on the circumstances. The SES accepts volunteer member complaints verbally and in writing. Once a grievance is escalated to the Assistant Director Operations and Resources, details of the complaint are sought in writing.

- (4) The SES endeavours to respond to the complaint as soon as possible. Some complaints may take longer to progress to resolution depending on the issues and individuals involved.
- (5) The Director SES has the power to determine the suitability of a volunteer member and to terminate membership. There are no specific appeal rights in relation to this decision. SES volunteer members are not employees and therefore the Tasmanian Industrial Commission does not have jurisdiction in relation to unfair dismissal.

### **West Tamar - Police Numbers**

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

[2.46 p.m.]

Can the Government give assurances that police numbers in the West Tamar area are adequate, given there seem to be only six or seven officers to cover two shifts a day and allowing for holidays, long service leave, training and sick leave?

### **ANSWER**

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

The West Tamar subdivision is part of the greater Deloraine division. There are two police stations located within the subdivision, at Beaconsfield and Exeter. There is a sergeant in charge of the area with seven constables and a civilian customer service officer. The number of police allocated to West Tamar subdivision was increased by one last year. This is possible because the Government has committed to build an even better police service to keep Tasmanians safer, by recruiting a further 125 frontline police officers over the term of the Government.

Police staffing levels are managed well ahead of time through future planning. Police personnel numbers within the subdivision are managed through an annual forecasted leave planner. A district roster is in place well ahead of time for planned training activities. An operational work roster is in place to maximise coverage for the West Tamar area. After hours, police officers within the subdivision are on-call to attend incidents. Support is available from the nearby Launceston and District Support divisions. Any shortfalls through sickness can be absorbed by the greater Deloraine division. Longer term, unexpected absences are addressed through district resources.

The West Tamar subdivision has had considerable success in reducing and resolving crime with total offences reported down by almost 50 per cent. These figures should provide the community with confidence that police at West Tamar continually and successfully target antisocial and criminal behaviour through routine patrols and intelligence-led operations and investigations.

Overall the West Tamar community is considered a low crime area and a very safe place to reside. At the present time, there are no specific emerging crime trends, public safety concerns or road safety issues.

## **Royal Commission into Institutional Responses to Child Sexual Abuse - Tasmania**

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

[2.48 p.m.]

- (1) What is the estimated cost to Tasmania following the Royal Commission into Institutional Responses to Child Sexual Abuse?
- (2) How many claimants have come forward in Tasmania?
- (3) Have any persons been charged as a result of the royal commission?
- (4) How many claimants who have come forward in Tasmania have had their claims assessed, accepted and finalised?

### **ANSWER**

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

- (1) On 22 May 2018, the Tasmanian Government committed \$70 million, including \$40 million across the forward Estimates, to meet the estimated cost of the National Redress Scheme.
- (2) The scheme is administered nationally; therefore, Tasmanian claims are made to the Commonwealth Department of Human Services. As at 20 March 2019 the Tasmanian Government has received 93 requests for information from the government.
- (3) The answer to this question is from the Minister for Police, Fire and Emergency Management. At the time the royal commission concluded, Tasmania Police had received 85 referrals; of those referrals, 59 are complete, 17 are inactive pending further contact with complainants or information regarding the suspects, and nine remain under current investigation.
- (4) As at 20 March 2019, nine applicants have had their application for national redress assessed by the Commonwealth and have received an offer of redress. Eight of these applicants have accepted the offer, have received a redress payment and have had their application finalised.

## **Aerial Spraying - Forestry Areas**

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

[2.50 p.m.]

With regard to the aerial spraying of herbicides on forestry plantations -

- (1) What measures are taken to prevent drift onto neighbouring properties, particularly their roofs, where water is captured as drinking water?
- (2) How close can spraying operations occur to residential or other areas where people live, work or participate in recreational activities?
- (3) Over what period is there a risk of water run-off from sprayed areas in the event of rain occurring soon after spraying?



- (4) How is the water run-off risk managed?
- (5) What advice is provided to neighbours with regard to precautions taken, other than provision of the Notice of Intent for Herbicide Spraying Operations, to minimise exposure for neighbours?

## **ANSWER**

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

- (1) Under the Agricultural and Veterinary Chemicals (Control of Use) Act 1995, aerial spraying of agricultural chemicals must not adversely affect any person, plant, stock, agricultural produce, water bodies, groundwater or soil on neighbouring or nearby properties. 'Adversely affect' means creating a residue in excess of the prescribed level. Therefore, spraying activities must not result in spray drift onto neighbouring properties which causes an adverse effect.
- (2) Permission is required to aerially spray chemicals within 100 metres of a dwelling or occupied building. Aerial spraying must not occur during school hours over or within one kilometre of any school.
- (3) The risk of water and chemical run-off depends on the chemical product being sprayed. The directions on product labels approved by the Australian Pesticides and Veterinary Medicines Authority manage this risk. For example, some product labels include a statement about not applying the product within a certain time of rainfall events.

In Tasmania these label statements are enforced under the Agricultural and Veterinary Chemicals (Control of Use) Act 1995.

Under this legislation it is an offence to apply chemicals not in accordance with a product label directions.

- (4) The water run-off risk is managed by conducting aerial spraying activities according to the product label directions.
- (5) Apart from notifying neighbours of the intention to spray, if the aerial spraying is within one kilometre of a school, the property manager responsible for the spraying being conducted must advise the school principal of where the spraying will take place and the details of the chemical products being used. Occupiers of properties within 100 metres of the target crop must not only be notified but also informed of the safety precautions being taken to avoid spray drift.

## **Medical Specialist Retention**

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

[2.53 p.m.]

With regard to resignations, terminations or end-of-contract circumstances impacting on turnover of medical staff for the North West Regional Hospital, Mersey Community Hospital, Launceston General Hospital and Royal Hobart Hospital -

- (1) How many specialist medical staff have left positions in each of the above hospitals over the last five years listed separately -
  - (a) by year
  - (b) by hospital
  - (c) by specialty?
- (2) Were exit interviews conducted for all staff?
- (3) What were the categories of reasons given for leaving and the numbers of persons in each category?

I understand some of the information may be in tabular form and it might be easier to table it, if that is convenient.

## ANSWER

Mr President, I thank the member for Murchison for her question. I will ask that the answer to the member's question be tabled and incorporated into *Hansard* in a moment, but first I would like to go through the notes.

- (1) In respect of this question, there is a table, but note (i) to that reads -

The 2014 figure for the Mersey Community Hospital and the North West Regional Hospital is skewed by processes within the former Tasmanian Health Organisation - North West, which saw the cessation of a locum contract registered as a formal staffing separation.

Note (ii) reads -

Employees subject to multiple employment arrangements or rolling contracts have been excluded to eliminate over-representation.

There is another table as specified, with a note, which says -

The 2014 figure is skewed by processes within the former Tasmanian Health Organisation - North West, which saw the cessation of a locum contract registered as a formal staffing separation.

- (2) Exit interviews were not conducted for all staff members who left. I seek leave to table the tables and have them incorporated into *Hansard*.

**Leave granted.**

**Tables incorporated as follows -**

- (1) (a) and (b)

	<b>Launceston General Hospital</b>	<b>Royal Hobart Hospital</b>	<b>Mersey Community Hospital</b>	<b>North West Regional Hospital`</b>
2014	16	22	71	32
2015	17	25	11	13

2016	8	13	6	21
2017	6	17	2	12
2018	5	12	3	2

(c)

	2014	2015	2016	2017	2018
Anaesthetics	24	4	3	2	2
Cardiology	0	3	0	0	3
Emergency Medicine	59	14	9	3	0
Endocrinology	0	0	1	0	0
ENT	4	0	1	0	0
Gastroenterology	1	1	0	0	3
General Medicine	8	10	4	1	4
General Practice	0	0	0	1	0
General Surgery	1	1	1	2	2
Geriatric Medicine	0	1	0	1	0
Intensive Care	2	0	0	0	0
Medical Administration	2	0	0	0	1
Microbiology & Infectious Disease Diseases	1	0	1	0	0
Nephrology	0	0	0	0	1
Neurology	0	0	0	1	0
Obstetrics & Gynaecology	17	14	22	15	1
Occupational Medicine	0	0	1	0	0
Oncology	0	0	0	1	0
Orthopaedics	3	0	1	0	0
Paediatrics	4	5	1	3	2
Palliative Medicine	1	1	0	0	0
Pathology	4	5	2	1	2
Plastic Surgery	5	0	0	0	0
Radiology	4	4	1	6	1
Rehabilitation Medicine	0	2	0	0	0
Respiratory/General Medicine	0	1	0	0	0
Vascular Surgery	1	0	0	0	0
<b>Total</b>	<b>141</b>	<b>66</b>	<b>48</b>	<b>37</b>	<b>22</b>

(3)

Separation Reason	Number
End of Fixed Term Appointment	206
Resignation	92
Retirement - Voluntary	10
Retirement - Age	2

Retirement – Ill Health	1
Abandonment of Position	1
Pressing Domestic Necessity	1
Voluntary Redundancy	1
<b>Total</b>	<b>314</b>

## MOTION

### Consideration and Noting - Department of Police, Fire and Emergency Management Annual Report 2017-18

**Resumed from above.**

[2.56 p.m.]

**Ms RATTRAY** (McIntyre) - Mr President, I was speaking earlier to the line item in Table 4, page 44, in regard to serious drug offenders charged and made an observation on the increase in the number charged.

Moving to poppy security - the number of poppy crop interferences per 1000 hectares for 2016-17 increased by 2.91 per cent; in 2014-15, it was 0.32 and in 2015-16, it was 0.67. This is a significant increase. I understand fewer hectares of poppies have been grown in Tasmania in the last couple of years. This is correct because my family, which grew poppies in the past, did not grow any last year because there was nothing in them. It has been difficult because poppies are a huge outlay, and with the weather events you are not going to risk growing a crop if you cannot make a dollar. Are people interfering with poppy crops? Obviously - interferences are more prevalent and yet we have fewer poppy crops. I would like some more information on this, if possible. If we are having more interferences, can I have some update on what is happening? Have charges been laid? Have we been able to find the culprits? They are probably doing it in the dead of night and it is difficult to track anyone down. Tasmania was a very good place to grow poppies in the past because we have that stretch of water and very good security measures in place. I would like more detail regarding this.

In regard to fisheries security, I note total marine offenders detected. Anyone who has been here for a while will know the cost of being a marine offender is very substantial. Fisheries have some of the highest penalties right across the board. The fact this number is increasing is really quite surprising. In 2014-15, 1241 offenders were detected; in 2015-16, 1277, a slight increase; and in 2016-17, 1408 were detected, quite a significant increase. Obviously the significant penalties are not a deterrent.

Is there some other policy that the Government might be considering? The penalties and the high levels of penalties are not hitting the mark. We still see an increasing and significant number of people offending when it comes to fisheries security.

We have some pretty swishy marine craft out and about these days. We have some that are going well. Probably nobody wants to talk about the PV *Fortescue*. I think it was sold for almost next to nothing.

**Mr Dean** - It is being used as an anchor now.

**Ms RATTRAY** - I am not sure if it is being used as an anchor or not. I hope not, but if they paid for it, so be it.

I am very interested in what is happening in that space. It is a livelihood for professionals, but it is also a near-and-dear pastime for our recreational fisheries community in Tasmania, which has enjoyed the opportunity to fish in our waters for decades.

I want people to do the right thing. It is important to send the message that if people abuse the privilege, we have some strong penalties in place. Again, it does not appear to be a deterrent, which is so disappointing. I hope the Leader can provide some information about that. If it is not today, that is fine. I was not quite sure what questions I would have until I got to my feet, to be honest.

Moving to page 51, table 6, the number of drug driving offenders has increased significantly: in 2014-15, it was 1500; in 2016-17, it was 2021; and in 2016-17, it was 2158. Sadly, drugs appear to be a normal part of society now. If you take drugs, you do not drive. If you drink to excess, you do not drive. The law is very clear in that respect.

Are we having more drug testing, on our roads, where we have to blow in a machine and then lick our lips for drugs? I have been fortunate not to have been there. It would not matter. If they were to pull me up tomorrow, they would not get me.

On a positive note, the number of drink-driving offenders has decreased. I do not know if people who were once drink-drivers are now drug drivers.

**Mr Armstrong** - How many were both?

**Ms RATTRAY** - It is worth sharing.

In 2014-15, the number of drink-driving offenders was 2591; in 2015-16, 2400; and in 2016-17, 2296. It is a small decrease but worth noting. However, with such a significant increase in drug driving offenders, perhaps they are changing what they use. I do not have any information about that. Perhaps the police may have something on it. A person may have been a drink-driving offender previously and they may have been caught for drug driving offending in more recent times. So that is another one worth highlighting.

I mentioned we have very good police craft. Table 8 on page 54 of the Tasmania Police annual report shows that the number of search and rescue operations conducted by police has risen substantially. In 2014-15, 240 rescue operations were conducted by police; in 2015-16, 262 were conducted; and in 2016-17, 345 were conducted. Imagine the cost of 345 operations to the department. These days, people have significant watercraft. I meet them on the Esk Main Road, everywhere I go, particularly on Fridays of long weekends. People are very mobile and have large water vessels.

Are people getting into trouble, are they going outside their area of expertise when it comes to search and rescue, or it is more general? Many people bushwalk and this is an area where people sometimes need to be rescued. We cannot predict an injury when walking on uneven ground or climbing rocks where it is quite easy to break an ankle. Could we have a breakdown of that figure, Leader?

The note says that total helicopter hours were reported in the Department of Police, Fire and Emergency Management 2017-18 budget paper for the first time since 2012-13, although we do have some figures from 2014-15, which was 377 hours, and in 2015-16, it was 623 hours. In 2016-17, 748 helicopter hours were used under the state security and rescue operations.

Significant use of helicopters and, again, significant cost. Perhaps an education program for people who are using the water, going bushwalking and that type of thing is needed. We want to keep people safe but we have to be careful with our resources. We will always have access for people to those services. We want to make sure we have them, but people should understand it can completely blow the department's budget out of the water - excuse the pun - in regard to that type of operation.

Police and emergency services usually come in on budget. If I recall rightly, they have done in the past. We do not see them ask for a lot of RAFs.

**Mr Dean** - No, we do not.

**Ms RATTRAY** - We do not. Others might help my memory here.

**Mr Dean** - Their budget is always managed quite well, with any matters coming through for a specific purchase item or resource.

**Ms RATTRAY** - That is right. They work hard to live within the means of their budget allocation. As a community, we need to be aware we do not put any additional pressures on that because we want the police and emergency services to have the personnel they need to do the job of keeping our community safe on a daily basis.

When it comes to law and order, they are the first responders; they get the tough jobs and always step up. They are certainly appreciated by me on behalf of the community I represent and more broadly in Tasmania.

I appreciate the opportunity to note some sections of the report and again acknowledge the member for Windermere's forensic eye for detail in this area. I will try to lift my game in other areas as well.

[3.10 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, first, I thank the member for Windermere for the opportunity to note the 2017-18 annual report of the Department of Police, Fire and Emergency Management. I reiterate the comments of the member for McIntyre that we appreciate your dedication to the forensic dissection of this report.

The report provides a record of the department's performance against a range of statutory requirements, business priorities and the Government Services budget paper 2. It should be noted that although the Tasmania Fire Service and the State Emergency Service are significant arms of the department, they are not addressed substantially in this report. Their operation is reported in the State Fire Commission Annual Report 2017-18.

The commitment from the Government to rebuild the police service continued in 2017-18, with 125 additional police officers to be employed over the four-year term. Throughout the reporting

year, 58 constables completed the trainee course to fill operational frontline positions across the state. This increase in police numbers will assist in developing Tasmania Police's response capability and help to keep Tasmanian communities safe. A capability review is underway to ensure police resources are allocated appropriately and to consolidate future focus planning for policing in Tasmania.

This annual report highlights an unprecedented number of projects undertaken by the department during 2017-18. Major projects focusing on community safety and improving the safety of departmental employees include -

- the implementation of body worn cameras by frontline police as part of Project Authenticate
- a trial of electronic monitoring devices for family violence offenders as part of the family violence electronic monitoring project
- the integration of operational policing information systems with one information system during Project Unify
- the wellbeing program, a preventative program in relation to both physical and mental health aimed at providing intervention and support for emergency first responders and State Service employees.

A high visibility approach to traffic policing and a focus on improving driver behaviour through traffic law enforcement delivered improved road safety outcomes in 2017-18, with the number of recorded crashes, fatalities and serious injuries continuing to decrease for the third consecutive reporting period.

The Tasmanian community can rest assured with the reduction in crime offences and strong results in clearing time. In 2017-18, the crime rate was below the three-year average. Total offences in Tasmania reduced by 5 per cent in 2017-18, following a 10 per cent increase the previous year. Contributing to this fall in crime were decreases of 7 per cent in offences against property and 11 per cent in other miscellaneous offences.

Also of note in the 2017-18 report was the decrease in serious crime by 16 per cent. In a significant result, the clearance rate for offences reached 51 per cent, which is the highest level in 45 years. Tasmania remains a safe place with one of the lowest crime rates in the country.

The number of public place assaults increased by 1 per cent following a 3 per cent decrease in the previous year. Public place assaults have remained relatively constant over the last five years, with Tasmania Police targeting this offence by maximising the visibility of police within the community and enhancing public order capabilities.

Notably, Tasmania performed equivalent to or higher than the national average in the National Survey of Community Satisfaction with Policing for 2017-18, for the percentages of the community who felt safe walking locally both during the day and at night.

The survey results also demonstrated an increase in the proportion of Tasmanians who were generally satisfied with policing services - that was 88 per cent, which is a considerably higher result compared to the national average of 80 per cent.

In October 2017, Tasmania Police celebrated a significant milestone marking 100 years of women in policing. Over this time, the challenges faced and achievements attained by the women of Tasmania Police have contributed to developing the police service of today. Celebrations to mark the occasion included the Women in Police Recruiting Expo, a family fun day, high tea and publication of *100 years of Women in Policing in Tasmania*, a book which captures the history of women in the police force through images and stories.

Encouraging and promoting gender diversity in the department continued during 2017-18. A recruitment strategy aimed at encouraging women to project themselves into the role of a police officer resulted in a significant increase in female applicants. The balance program conducted in 2017 sought to further develop female leadership within the organisation for both police and State Service employees.

In conclusion, I acknowledge the continued commitment and contribution demonstrated by police officers and State Service employees to deliver the outcomes achieved in 2017-18. The department has had the opportunity to provide four responses. I thank the member for allowing me the time to be across all your other questions, plus the other questions raised by other members today.

With regard to the Tasmanian Government Radio Network project, the need for interoperability in radio communications emerged as a key finding in the 2013 bushfire inquiry and the 2014 Auditor-General's report on government radio communications. The TasGRN project is developing an interoperable, sustainable and contemporary radio capability for a range of key government stakeholder agencies. These agencies include the emergency service agencies - Tasmania Police, Tasmania Fire Service, Ambulance Tasmania and the State Emergency Service. It also includes the land management agencies such as Sustainable Timber Tasmania, the Parks and Wildlife Service and the Tasmanian electricity supply industry, Hydro and TasNetworks.

Phase 2 of the TasGRN project was established in 2016, with the resourcing of a project management team; the selection of an external technical advisor, Mingara Australasia Pty Ltd; the establishment of an interagency steering committee; and the commencement of agency engagement.

To address existing duplication resulting from a legacy of multiple radio networks, the TasGRN project has completed site audits and analysis of the existing infrastructure. This process also identified where existing state assets may be reused in a future network. Further, the TasGRN project is assisting agencies and upgrading some of their equipment where these investments are in line with the intended future network.

A business case for our future radio capability was developed in collaboration with stakeholder agencies to meet their requirements. This was informed by a market sounding exercise undertaken in 2017. The business case was endorsed by all stakeholder agencies. A request for tender was released to the market on the 24 November 2018, with a closing date of 31 May 2019.

Time frames for transition will be better known once a service provider is engaged. However, it is expected that the network build will commence in 2020, with users to transition to the new network commencing in 2021. Allowance has been made for additional support to existing networks to ensure continuity of service through the transition to the new TasGRN.

There were other questions on the health and wellbeing program, the Department of Police, Fire and Emergency Management and Ambulance Tasmania.



The Tasmanian Government has committed \$1.5 billion per annum for a proactive and preventative health and wellbeing program that supports both the physical and mental health of our emergency services personnel.

Significant work has been undertaken into the health and wellbeing area to ensure our emergency service workers are supported in the critical services they provide to our community.

On 23 February 2019, a request for tender was advertised nationally, calling for tenders for the supply of health and wellbeing services to be delivered to emergency service personnel and employees. The health and wellbeing program will provide a mix of proactive and preventative measures to -

- detect and respond early to health and wellbeing risks that may impact the ability of our people to perform at the optimum level
- support the promotion of wellbeing across our agencies and achievement of target outcomes
- educate and empower our workforce to maintain or improve their wellbeing.

The external services are expected to commence by 1 July 2019 and will contemplate the current services, including critical incidents stress management, clinical psychological services, welfare support officers, mental health wellbeing checks, mental health first aid training and welfare, employee assistance program, injury management and advisory services and a peer support program.

In addition, recruitment is underway for two additional wellbeing support officers, which will establish four dedicated officers statewide. Recruitment of these additional roles allows the client base to be extended to include Ambulance Tasmania employees.

Furthermore, a number of targeted actions have been and continue to be rolled out, and they include Ready for Response, a 12-week fitness and nutritional program that ran from October 2018 to December 2018, with 680 staff and volunteers across emergency services participating. Phase 2 commenced in March 2019.

Mental health and wellbeing capability training for managers is being piloted throughout the first quarter of 2019, with a broader rollout plan from April 2019 onwards targeting an audience of 400 to 500 managers and supervisors across all emergency services. Mental health for all employees is a key priority of the Department of Police, Fire and Emergency Management.

In addition to the 2017 introduction of presumptive cancer legislation that applies to career firefighters and Tasmanian volunteer firefighters, legislative reform to the Workers Rehabilitation and Compensation Act 1988 is progressing to include the presumptive provision for post-traumatic stress disorder for public sector workers.

The next question is around Project Vigilance, the electronic monitoring of priority family violence perpetrators.

As part of a commitment to the protection of women and children from family violence, the Department of Police, Fire and Emergency Management has commenced a technology trial involving the GPS monitoring of high-risk family violence perpetrators.

The electronic monitoring is intended to reduce the incidence of impacts of family violence and enhance the safety of victims and their children. It also aims to increase the accountability of perpetrators.

Selection of suitable trial participants is conducted by Tasmania Police Family Violence units. The application to a magistrate for a family violence order with the electronic monitoring condition can only be made by police. The direction for a perpetrator to wear a monitoring device is made by a court as a condition of the family violence order. As part of the trial, suitable victims of family violence will be able to voluntarily opt in to carry a portable GPS device, which enables bilateral monitoring. This will enable early detection of an impending breach and better enable timely police intervention.

A joint procurement was undertaken by the Department of Justice for a suitable technology provider. UK technology company Buddi Limited has been contracted to provide the electronic monitoring hardware and software components. Buddi Ltd is also providing an interim monitoring solution to Tasmania Police until the establishment of a permanent monitoring unit with the Department of Justice.

The Department of Justice is in the process of establishing a monitoring unit for its home detention project. The Department of Police, Fire and Emergency Management - DPFEM - will ultimately utilise the services of the Department of Justice monitoring centre to monitor family violence perpetrators into the future.

Tasmania Police commenced a small control point for live electronic monitoring on 5 November 2018. Twelve family violence orders with electronic monitoring conditions have been granted to date. Three breaches have been detected as a result of electronic monitoring.

We have the answer to one more of your questions about body worn cameras.

In May 2017, the state Government announced funding of \$3.4 million over four years for Tasmania Police to roll out body worn cameras - BWCs - to frontline police officers. The BWC is considered to be an additional tool to assist police officers to perform their duties safely, to gather contemporaneous evidence and intelligence, and to maintain a high level of professionalism and accountability.

A robust tender and evaluation process concluded in March 2018, with governing policies, guidelines and training materials finalised.

Contractual arrangements with the vendor, Axon Public Safety Australia, were finalised in May 2018. The vendor is well established both within Australia and overseas, and currently provides BWCs and digital evidence solutions to five other Australian police jurisdictions.

In August 2018, Tasmania Police commenced the staged rollout of BWCs to frontline police officers. The statewide rollout is expected to take up to three years to complete due to the need to upgrade data and power infrastructure at police stations to accommodate data upload.

Cloud storage security assessments have been completed in accordance with the government requirements. To date Tasmania Police has deployed over 260 body worn camera devices to officers stationed in Hobart, Bellerive, Launceston, Devonport and Burnie. It is anticipated that over 500 devices will be live across the state by the end of 2019.

To date, Tasmania Police has deployed the following numbers of body worn cameras - 75 in Hobart since August 2018; 100 in Launceston since September 2018; and 90 in Burnie and Devonport since October 2018.

Early statistical analysis suggests that the use of body worn cameras by police officers in Tasmania is contributing to a reduction in offences against police, and is therefore contributing to a safer work environment for frontline officers.

A second phase of the project has also commenced. This phase will continue to explore how Tasmania Police can further capitalise on the use of body worn camera technology to improve the response to, and investigation of, reported incidents of family violence.

Member for Windermere, these are the answers I have at the moment. The department will take time to answer your other questions and get them to you as soon as they are organised.

The Government notes the report.

[3.29 p.m.]

**Mr DEAN** (Windermere) - Madam Acting President, I thank members for their contributions. It is very important for Tasmania to have the police service we have, and it is important to look at what they are doing annually. I will continue to do that, as will other members.

A number of issues were raised during the discussion. One issue raised was the highly dubious honour that Launceston has of being the crime capital of the state. It was suggested that the lower socio-economic areas might have something to do with it.

I am not going to have a stab at guessing the numbers of people in different localities and so on. I am certainly not going to have a stab at guessing as to what might be the cause of it.

Certainly, in my electorate, I have the largest number of Housing Tasmania or assisted accommodation of any electorate in this state, but I am not sure of the numbers of the lower socio-economic groups of people living in the electorate. I am not sure why. It could be due to the fact we do not have as many police in the Launceston area per capita as around the state. That could be a part of it. Sadly, it could be we happen to have more criminals living in that area; it is most unfortunate if that is the case.

Not long ago our mayor was saying that Launceston was the safest city in the state. The member for Launceston might recall that. but she is not here today. We might need to rethink that for a little while.

On the news last night, all I heard was the crime being committed in Launceston. They had a crime spree either on Monday or over the weekend, where a number of properties were burgled, and ramraids and goodness knows what else occurred in Launceston in five or six incidents. I think a stolen vehicle was involved and about four offenders were identified.

It does not speak well of Launceston with those sorts of things happening but, sadly, they do. In Launceston in the last three to four years, we have certainly had more than our fair share of murders in the state. There have been quite a few in Launceston and we are unfortunately leading the state in this area.

The department establishment numbers were referred to, and the Government has a position about ensuring the police department reaches a certain number by the end of its term. Is this progressing? Will the department reach government establishment numbers at the time referred to by the Government?

The member for McIntyre made some very good points about reporting crime. During the year I reported a fairly serious crime involving about \$3000-worth of property. I do not think I was known to the police at Launceston, where I reported, but the police who responded did so extremely well and had an excellent attitude - I could not want for a better approach than I received. To have a crime committed is upsetting, but to have it responded in the right way does help and gives some support.

Some reference was made of complaints made against police and so on. I briefly referred to it in my second reading contribution. I have had a recent complaint made by a lady in Burnie. An allegation that a significant crime had been committed against her son, and she came to me from Burnie to seek support and assistance. I am not sure why. Probably because of my background and I think she knew of people I was involved with.

Her concern was the police in this instance kept saying to her, 'We'll get back to you tomorrow'. Tomorrow would come and there would be no response from police so she would then ring police and say, 'You didn't get back to me, what is going on?'. 'We'll get back to you tomorrow, there is a bit of a hold up, there is a bit of a breakdown, we'll get back to you tomorrow'. It did not happen. That went on quite a few times and she was upset and came to me for advice.

As I said in a report to the commander, police should never say they are going to get back to people if they are not going to or there is no intention of getting back to people. For goodness sake, do not make those statements. That was one of the things I stressed to police when I was in a command position: if you tell people you are going to get back to them, get back to them or get somebody else to do it for you. Do not mislead people. I am not saying that they were deliberately misleading this person. I think things were coming up that were controlling him at the time, but still, it is not a good practice.

There was a good point made - I think by the member for Launceston or the member for McIntyre - in relation to domestic violence. I raised it by way of interjection also. What really have the police done to make the statement year in, year out that it is probably a good thing additional offences have been reported because it demonstrates that more people are reporting this crime? Surely, after this time, police would have done some investigation or review of that or had somebody look at that for them to see whether that could be the case. To grab it out of the air like that and make such a statement without any supporting evidence, to me leaves a lot to be desired. They ought to do some analysis of that to see whether it could be right. If it is right, it is great. It is not great that these crimes have been committed, but at least more people are reporting them. We need to take that a bit further, in my view.

The Leader mentioned the number of fatalities and serious injury accidents in her contribution. If you look at the Midland Highway at the present time and all the wire fencing there now, more is

being put up as we speak. Coming down last night, I did not count - but I will probably do so when I go back home - the number of areas where those middle lane fences have been damaged. There are quite a few of them between here and Launceston. The new ones have been damaged, and the older ones that have been there for a long time have been damaged recently. One probably could say that has stopped a serious crash; it has probably saved a fatality. We can even go so far as to say that, because those fences have copped a fair whacking, as I have noticed, over the last few weeks. Those statistics we will not know, but they might be reflected in the year-to-year statistics if there is a general decrease in those serious crashes. That is a good point.

Having said that, I look forward to the other answers from the department as it is able to. There is no rush for that but I appreciate it. I commend the motion to the House.

**Motion agreed to.**

## **JUSTICE AND RELATED LEGISLATION (MARRIAGE AMENDMENTS) BILL 2018 (No. 47)**

### **Second Reading**

**Resumed from 21 March (page 65)**

[3.38 p.m.]

**Mr DEAN** (Windermere) - Mr President, in speaking on this bill, I know well that what I say here today, and possibly tomorrow or the next day once it gets into Committee - and it will get into Committee - will neither be listened to nor will have any impact on Labor members and the four independent members in this place, who are taking a strong position on this in their decisions. However, I want to make my position clear to the public and to any person who might be listening to the debate, and I want it included in the *Hansard*.

It has been a terrible process, a process I am lost for words to describe. This bill is an absolute debacle. I would venture to say this place, since its inception in about 1825, has never experienced anything remotely like it. We may never see it again. To put it bluntly, no amount of rewording will make this bill into good solid legislation. You cannot make a silk purse out of a sow's ear.

Mr President, I have a special request of you as the President: if you leave the Chair today while I am speaking, I ask that you pass the chair to an acting president. I contend that on 21 March 2019, during my motion to send this bill to a committee, I was not afforded fairness from the chair by the Deputy President. Furthermore, I was the subject of incessant staring by the chair at the time. It was unnerving and obviously designed to negatively impact my contribution, and it worked. I did not expect this action. I was acutely disappointed to be the subject of it. Yes, we have our differences on this bill, but we should be strong enough, mature enough and professional enough to resist poor and personal behaviour.

I will address some issues raised by the previous speakers to date later in my contribution. My comments about this bill should be directed to the national audience following its progress through the Tasmanian Parliament. Let there be no doubt: the eyes of Australia are upon us. If you follow the national press coverage that has accompanied this issue, you may have discerned an air of both disbelief and amusement that this island state's electoral system has again delivered an aberration

of democracy. In fact, there are several deviations from the norm that see us debating this bill in this form today.

We have a Speaker who first voted herself into high office against the wishes of her colleagues in the Government and then voted against her party on this highly contentious area of social reform. My advice to the Speaker is: if you want to act independently without the affiliations -

**Mr PRESIDENT** - We cannot really reflect on the debate downstairs. The member can talk about the fact that what occurred was unusual, but that is about as far as he can take it. We cannot really speak on and individualise debates downstairs.

**Mr DEAN** - Mr President, thank you. I was not going to go down the path of the personal contributions of those people, other than to say a better position for the member might be here.

In my opinion, Labor, the Greens and the Speaker in the House of Assembly hijacked the legislation. That bill had important implications for the national implementation of the same-sex marriage referendum. It promised natural justice and equity to a discriminated group within our community. Those who have preferred to adopt their new gender identity have my support. What happened was that Labor, the Greens and the Speaker chose to seize the opportunity to hijack the legislation, Mr President. I think that is absolutely clear.

The amendments were outside the scope of the bill. It was against the better judgment and the advice of the Clerk in that place that those amendments were received and debated. The amendments made to the Government's bill were made against the advice of the Solicitor-General, the Chief Parliamentary Counsel and the officers of the House. Today we can add the concerns of the children's commissioner, the Registrar of Births, Deaths and Marriages, the Commissioner of Police, and the court of public opinion.

In ignoring sage counsel, the proponents of this bill endanger the transgender community, the very beneficiaries of the law reform as originally envisaged, the transgender community.

An area of discrimination against them was to be removed to help them achieve equality in marriage, but that has been lost in the storm of outrage that followed changes to the amendments to the original bill. The original bill was 14 pages, but it came out of the House of Assembly with 33 pages.

The danger is they alienate the very people who have been sympathetic to the cause of law reform to properly recognise the rights of same-sex couples and transgender people.

By hijacking this bill and with undue zeal making it a Trojan horse without fully analysing or comprehending the consequences, the case for true reform is weakened and may be lost for years to come.

For long-term reform, you must carry the majority with you with as little dissent and controversy as possible. It is already clear both major parties, at the national level, washed their hands of the action that has been taken. I say to the four members here who will decide this issue: think very carefully about this and the evidence available in the circumstances.

We should - and it is still not too late to do this - send this legislation to a committee as Western Australia did and have it reviewed by the Australian Law Reform Commission before you vote this

into law. The bill has been sent to the Tasmania Law Reform Institute, and TLRI accepted the role of reviewing and investigating it. The TLRI report will not be handed in until sometime in October this year.

What has New Zealand done? Despite its births, deaths, marriages and relationships registration amendment bill being inquired into by a select committee which recommended changes that were accepted, the minister Tracey Martin was still not satisfied the bill was ready to be debated and deferred it further due to poor public consultation and legal concerns. Even after all of that, they are still not happy. We have not gone anywhere near that.

The New Zealand minister further said, and I paraphrase, that stakeholders had not been given adequate opportunity to make submissions on the bill. In our case, there has been no real opportunity for anybody other than those involved in the transgender movement and a few politicians. The New Zealand Crown Law Office also entered into the argument/debate and offered advice recommending further clarification.

Honourable members should ask this question here: Will this bill when passed into law overcome any constitutional challenge? Is it a lawful use of the original bill that carried it through to this place? Already we have strong indications that the Solicitor-General and the Chief Parliamentary Counsel have doubts about it.

What is the point in rushing ahead with this bill while there are doubts over its legality, let alone the huge moral and ethical questions it poses? Where the Chamber does not have sufficient facts before us to make an informed decision, there are too many moral and ethical questions.

There is the question about the lack of uniform law across Australia, the lack of compliance with Australian passport requirements, the social dilemmas that arise with questions of privacy and equity for the rest of the community - sports and change room venues, sports team memberships.

It is not too late to send it to a committee. We still have opportunity to do so.

Looming largest of all is the peril in which you place children who learn their sex has been omitted from their birth certificate and why. A disturbing factor here is the fact the promoters of the bill did not consult the children's commissioner. Why not? Is that not the first base? Now we know because she has told us.

The children's commissioner, Leanne McLean, has major reservations. I am talking about the bill we currently have in this place; I am not talking about an amended bill. She told us, and I quote -

We must maintain a focus on the fundamental right of children and young people to have their best interests assessed and taken into account as a primary consideration in all actions and decisions that concern them.

I am therefore concerned that the bill removes consideration of best interests in application to change a child's name.

We are speaking on the bill before us and not the bill that might surface from the Committee stage. Like most members in this Chamber, for most of my life I have believed the words 'sex' and 'gender' to be synonymous. Now we are told that is not so. Sex is an anatomical definition whereas

gender is a matter of personal identification. That is, whether one is born male, female or intersex, it is a matter of personal evolution how you see yourself. Your inner awareness determines gender.

My concern is that no-one has fully appraised the implications of these changes, particularly as they apply to the law concerning the detail of birth certificates, both at the time of original issue and the proposed facility to amend or delete references to sex and/or gender on a subsequent certificate. For example, if the sex of a baby is to be an optional description on the birth certificate and the parents opt to have it included - not opt out, but opt in - what are the implications down the track for the child when they learn that their parents chose not to identify them as a male or a female? I imagine their first reaction would be, 'Why did you do that? What is wrong with me?'

The intent of the original bill was sensible: a person could officially change their gender identity without undergoing surgery. It aimed to end the requirement that a transgender couple had to first divorce before they could change their gender and on official documents. I support both these changes. Instead, we have what one writer describes as this -

In Tasmania politicians have cheered the triumph of politically correct fiction over biological fact.

It is argued that these proposed changes are relevant only to those who have a gender identification inconsistent with what is shown on their birth certificate. This document is not an accurate reflection of their identity and therefore when they enrol at a school or apply for a job, it is not only embarrassing but also discriminatory. The argument behind the proposal is that those who do not identify with the sex of their birth, as shown on their birth certificate, are forced to out themselves constantly each time they have to produce their birth certificate. That is embarrassing, can lead to discriminatory behaviour against them and raises privacy issues. I understand that, but I do not believe we have found the solution in this bill.

New South Wales, South Australia, the ACT and the Northern Territory already provide for a birth certificate to show an individual's sex as other than male or female; so do New Zealand, India, Germany, Bangladesh and New York City. Queensland has announced a review to that end. This legislation is not the same, it takes an extra step. It not only removes the requirement for any description of sex designation but you must take an extra step to do so: you must opt to include it.

On January 10, I received a letter from the Commissioner of Police, Darren Hine, after I had asked him for his comments on the bill. He said this -

Whilst Tasmania Police is a strong supporter of gender equality, there has been limited time to consider the practical implications of the amendments included in the Bill given their development in a short timeframe and outside the usual policy development process.

An immediate concern is how the amendments will impact on operational policing. However, full analysis has not been undertaken on this issue. Preliminary, high-level comments have been provided to the Department of Justice on this issue. The amendments need significant consideration before they become law and advice on this should be sought from the Department of Justice.



In other words, the police commissioner is advising us today to take advice and understand fully the ramifications of what the proponents are seeking to achieve here. Whom are we to trust? Labor, the Greens, the Speaker or the police commissioner?

The police will be placed a terrible position in many ways, including in intimate search procedures - and do not say it will not arise because it will. My office also sought advice from the Australian Passport Office, which made the following points -

A passport is the highest form of personal identification in Australia and in the world.

The passport office requires a birth certificate that has a name, date, place of birth, gender and details about the parents.

Its advice is that without these details they cannot issue a passport. Perhaps they would have to consider separate procedures for issuing passports to Tasmanians.

Ann Owen is the Registrar of Births, Deaths and Marriages. She wrote to me as recently as 13 February in response to my request for information on the bill as it is. I wanted to know what information was recorded on the register. What would be the impact on the register if these amendments succeeded? What details are recorded on a birth certificate and the effect of any changes in our law to passports? She said that collecting sex or gender information would be difficult because the sex field was an integral part of the electronic birth register. The registrar would have to develop and maintain two different systems. The registrar would have no power to force the supply of sex or gender information if collected under section 50 of the act. Any changes to the birth register would have a flow-on effect on the death register.

I quote Ann -

This would have impact on the quality of Tasmanian birth and death data and mean that the Registrar could not comply with agreed national minimum birth and death data collection standards.

I repeat -

This would have impact on the quality of Tasmanian birth and death data and mean that the Registrar could not comply with agreed national minimum birth and death data collection standards.

The Australian Bureau of Statistics has previously advised state and territory registrars of the critical importance of accurate information. The bureau told them -

Australia's population estimates statistics are dependent on the measurement of population's biological sex.

Relevant international frameworks and guidelines need to be considered when assessing whether sex or gender identity should be included in data collections. The United Nation's Statistical Division's 'Principles and Recommendations for a Vital Statistic System, Revision 3 (2014)' requires all births and deaths be recorded by sex. Gender identity is not considered an appropriate variable.

The Tasmanian Registrar of Births, Deaths and Marriages notes -

The Bill also proposes that an applicant can choose whether to include sex/gender information each time they apply for a certificate. Operationally this would be very difficult to implement and lead to a much more complicated application process, which in turn would affect the timeliness of certificate issue.

This would have a negative impact on the majority of certificate applicants who need a record as quickly as possible for identification purposes. This consent process would presumably need to be extended to include death certificates, as the section 46 referred to in the Bill covers the issue of certificates in general (not just birth certificates).

The change of adult to 'a person of 16 years or over' instead of 18 will make Tasmanian processes inconsistent with national standards.

On the question of passports, the Tasmanian Registrar also says that the Department of Foreign Affairs and Trade uses a birth certificate to help confirm the identity of the applicant. The department validates the document with births, deaths and marriages to check that the information on the certificate matches that on the master record and that the certificate has not been reported as lost or stolen as part of an anti-fraud process. Ann Owen says -

The Bill proposes that an applicant can choose whether to include sex/gender on a certificate each time they apply for a certificate. This could mean an individual could apply for certificates displaying different information, which would make the verification process more challenging.

In addition - I am paraphrasing - she says the bill proposes that change of name information should not be included in birth certificates, which would be very difficult for individuals wanting to use a birth certificate as evidence of their registered change of name. This moves away from the nationally recommended change of name guidelines that recommend all changes of name are recorded on a birth certificate to help prevent identity fraud.

In March 2018, the Law Reform Commission of Western Australia issued a discussion paper that stated a basic premise of any change in the law should be that -

... it is preferable to avoid conflating information about a person's biological sex (reported at birth) with information about a person's gender identity (which cannot be known at birth and only becomes apparent at a later time when a child is able to form and articulate their own gender identity).

The guiding principle in the Western Australian paper was -

Where the way that a person wishes to live their life has limited or no impact on the rest of the community, their wishes should be respected and to the extent that the law does not already do so, the law should be reformed.

That is very clear.

According to 2016 statistics provided by the National LGBTI Health Alliance, compared to the general population trans people aged 18 and over are nearly 11 times more likely to attempt suicide. People with an intersex variation are nearly six times more likely to attempt suicide. It is estimated that one-third of all trans people have attempted suicide, on those figures. That is raw evidence, if we needed it, that there is a case for reform but is the Tasmanian way the right way?

The Western Australian commission noted there are circumstances in which government departments or agencies or even private businesses or community organisations may request the production of a birth certificate without there being any expressed legal necessity to do so - for example, enrolling a child in school, opening a bank account or becoming a member of a sporting organisation. It is not clear that in all such circumstances the requirement to produce a birth certificate is necessary to establish sex as distinct from identity or age, although this may be relevant to segregated activities such as sport.

In all circumstances where sex or gender is relevant, it might ordinarily be sufficient for the relevant person to state their sex or gender. In some cases, however, additional evidence may be required. This may be achieved, for example, through the production of a birth certificate.

In February 2016, the Tasmanian Anti-Discrimination Commissioner issued an options paper which recommended, among other things -

- Removing the requirement for sexual reassignment surgery or any surgical, medical or hormonal treatments to record a change of sex.
- Permitting an application for a change of sex be the same as for a change of name with a limit of one every 12 months.
- Introducing a non-binary section of classification.

As with an application for a change of name, it was recommended that the Tasmanian registrar needs to be satisfied that a change of sex would not be sought for a fraudulent or other improper purpose. The paper identified four options, each being more onerous for satisfying this requirement: a formal statement by the applicant, an affidavit sworn by the applicant, corroboration by a relative or associate, or corroboration by a health practitioner.

The paper recommended that the age at which a person can apply to have a change of sex registered be consistent with the legal principles articulated by the Family Court of Australia. From the age of 12, a child's informed consent would be required and from the age of 16, there would be no need for parental or court approval.

The paper also recommended granting the Tasmanian registrar discretion to extend the time within which a birth must be registered to better address the circumstances of an intersex person. The Tasmania Law Reform Institute should, inter alia, look at the Western Australian proposed reform to determine whether it should be followed here. If so, why?

While my view is that sex should continue to be assigned and recorded at birth, the focus for a reform should be on the ways in which a person's gender is legally recognised, recorded and empowered, taking into account the effects on all parties.

Intersex Human Rights Australia told the Western Australian commission that the intersex community would prefer that parents are not required to classify the sex of their child when registering their child's birth. The commission's proposed model is consistent with this suggestion but, as an alternative, the IHRA indicated that if there were a mandatory requirement for the parents to register their child's sex, it would prefer binary sex categories only.

Moving on, the commission said it understood Intersex Human Rights Australia's alternative preference was partly due to a desire to avoid the stigma of being classified as a third option, such as 'indeterminate' or 'other' and partly because it considers the intersex option has not been well utilised by parents in Australian jurisdictions.

While information on a birth certificate can be amended under the current process to include details that were not accurate as at the date of birth, such as a change of name, the commission's preliminary view is that it is preferable to avoid conflating information about a person's biological sex recorded at birth with the information about a person's gender identity which cannot be known at birth. It only becomes apparent at a later time, when a child is able to form and articulate their own gender identity.

To facilitate a process of gender affirmation while avoiding conflation of sex and gender, the commission considers it preferable that sex should not be a field on the birth certificate. I say that is a huge step to take without fully comprehending the ramifications for a child who learns their birth was registered without their sex being designated. The natural question will be: why?

In an article in *The Conversation* on 25 October 2018, Melbourne legal academics Fiona Kelly and Hannah Robert observed -

Removing sex from birth certificates would also eliminate the need for the parents of an intersex child to choose a sex for their baby to be publicly recorded.

This can be a highly difficult and emotional decision for parents and, in some instances, will not reflect the child's understanding of their gender later on. Leaving the birth certificate blank allows the child to make that decision once they have the knowledge and maturity to confirm their gender identity.

While that may be true, the decision by the parents has to be far more complex, far more difficult, than that. It places them, in my opinion, in a dreadful position.

The poll done for the Liberal Party in December 2018 by Enterprise Marketing and Research Services found 71 per cent of respondents opposed a birth certificate move to opt in, with 21 per cent supporting it.

This was on just one small part of the bill. It would have been interesting to see how they would respond to changing gender on the signing of a statutory declaration only and including a person down to 16 years, or a parent selecting sex/gender for a child and with no reliance or acceptance of the biological situation presenting.

There were comments made on the poll in the press. Martine Delaney identified it as being a misleading question in that poll. The question in the poll was, as quoted in the *Examiner* of 22 February 2019 -

Do you support or oppose the Labor and Greens proposal before the Tasmanian parliament to remove gender from every newborn child's birth certificate unless parents opt to have gender included?

I would have thought the question is quite straightforward. I did not see too much wrong with the question.

Then Roen Meijers referred to another poll, espousing the strength of it. On this occasion, the details were around the other way around. This was in the *Advocate*, and the question asked in this case was, 'Do you support the proposed changes relating to gender on birth certificates?'

That was it - no mention of what the change was. I suspect that some, maybe many, of those returning a 'yes' vote probably would not have known what the change was because the change was not identified in that question. I will let you be the judge of the two polls and determine the fairer of the two.

This bill is convoluted and nobody here can say with all honesty that it is not.

I am disappointed when Rodney Croome, for instance, makes public statements on the ABC, as he did on 30 November 2018, that in my view are not accurate. He either made a false statement or he was given a false, inaccurate statement or misleading statement by a member of this place. I was interviewed earlier that morning in relation to the same matter and on the position we took on the last day of the sitting last year. Mr Croome said -

The government arranged for a three-hour session between the Legislative Councillors and the parliamentary drafters who usually work on legislation. That session was in camera, no-one else was allowed in there, and Legislative Councillors were not allowed to take notes for some bizarre reason. I have never known that to happen before. But some Legislative Councillors did. They bucked what they were told and they took notes, and we saw those notes.

I was at that session and I was never told, neither did I hear anybody ever say, that we were not allowed to take notes. If it was said, I did not hear it. If it was said, please tell me.

To say that some bucked what they were told and took notes, why would you say that? It is a statement that could only have been made with the intention of trying to show publicly the clandestine or improper position of that meeting held between us and the Solicitor-General, the OPC and the Registrar of Births, Deaths and Marriages.

I doubt very much that Mr Croome would make that up, so where did he get that information from? It had to be a member within this place because there was discussion with Mr Croome and we were told that at a discussion we had the following day. We discussed what we could say from that meeting and it followed the next day; members may recall that. Why would that have been said? It is not surprising politicians are 10 rungs below the bottom person on the status ladder. I am not surprised at all. As a police officer, I enjoyed a fairly high rung on the status ladder.

Up until the end of December 2018, all emails I received gave support to the bill now before us. I do not think any until that time said they did not support the bill. They were all telling me to support the bill. There were about 40 to 50 of them.

There were none from my electorate at all. Some identified as a family member or some involvement in a transgender movement. However, commencing this year I have received many emails, personal calls, street contacts, letters and demands made of me at meetings calling on me not to support the bill. I have not recorded the numbers. I do not think my staff have recorded the numbers. I should hazard a guess there are now probably 1000.

What I am saying is that it is only now, and probably since about the Christmas period, that the public is really getting to know what is going on in relation to this bill, because they have never been directly involved. A bit of paper was sent out seven weeks ago by the Anti-Discrimination Commissioner. It went out about February 2019 and I understand we had 23 replies and submissions received, none of which are on the public record. None at all and no final report. What stakeholders were included? I do not know.

This year I have had a few in support of the bill. Once again I am guessing, but it could be 20, 30 or a few more telling me I need to support the bill. Many of those who have contacted me have demonstrated their anger at not being consulted or given an opportunity to have a say. That has been the concern of most of these people. Some have been very strong in relation to some of the changes they are aware of or have some idea of, about how they cannot support those changes.

I, like many others, have many of those emails with me today. I would like to read many of them, but I will certainly not do that although I will comment on one or two of them shortly.

I contacted the Leader's office or the Attorney-General's office in relation to the Director of Public Prosecutions. I am really surprised our DPP was not given an opportunity to look at the legislation, because it is clearly his office that will be filing any indictments for criminal proceedings that could emanate from the legislation. I do not have any report back from the DPP's office. I would have thought New Zealand's DPP had a close look at it. They were involved in the process over there. I am not sure if the DPP there is a lady or a fellow.

As I said, I accept that we need change and that some legislative alterations are needed here to support our transgender people, but I will not be a part of ineffective legislation - legislation full, or possibly full, of holes; poor legislation; and legislation from which stakeholders have been shut out. We know from what the Solicitor-General has said to us that there are many unintended consequences foreseen with this legislation. We need to get it right.

During the moving of a motion to defer this matter, reference was made to Don Jones as a former magistrate. He had widely addressed this bill. He said it raises many issues of real concern and it is, as presented, effectively a poor bill. He goes on to say one part is patently absurd and he has some interesting adjectives to describe other parts. I raised some of his concerns and the position that it should go out for further consultation before debate on it in this place during the deferment motion. The member for Murchison interjected from the Chair and said - and I quote from *Hansard* -

For the member's information I went through my amendments with him and he said I had done a very good job. He was very pleased with it. He thought it fixed all his concerns.

I have raised this point with the former magistrate and this is his answer to the position as espoused by the member for Murchison -

No, we did not fix everything, but I did say she had done a good job with those parts that did not relate to the gender registration.

My view in that regard has not changed.

I am still of the view that what is in the best interest of children is of paramount importance, and the legislation as to the non-inclusion of gender is still in my view fundamentally flawed.

I still oppose the age of 16 and believe it should be 18.

The legislation if passed should be an opting out not opting in, in other words unless parents request that the gender be excluded and they are prepared to make a declaration stating it is in the child's best interest, gender should be included.

When I was speaking to Ruth she did not wish to discuss the Bill as it currently was but only as to her proposed amendments, which had not been accepted or even debated at that time. I made it clear to her that the concept of what was in the best interest of a child was axiomatic and was part of the UN Convention. She made some comment that was to be reviewed, however I have not found any suggestion the Convention is to be altered in this regard.

Whilst I commended her on the work she had done, as I was saying, it was done by her solely with the assistance of the parliamentary draftsman. I certainly did not agree everything was worked out. My parting word expressed my concern as what was in the best interest of the child is of paramount importance.

I found that she was set in her mind and clearly nothing was going to change her view, her proposal if accepted may allay some issues but certainly not all, and it should always be an opt-out not opt in.

Rest assured I still believe my comments are valid and in the interests of the Community and from discussion with a number of members of that Community, my comments are in line with their view.

That is the position of former magistrate Don Jones, and I put the position of the member for Murchison in relation to those conversations. It is clear after speaking to Mr Jones and after looking at his brief - we have all received a copy of it - that there are many he was really concerned about, and he was saying they were not addressed at all.

While talking about the member for Murchison, I also raised a comment that was made - and members would remember this - the week before last when we had a further briefing from the Solicitor-General and from Mr Chris Gunson. I referred to the comment made by the member for Murchison at the end of our briefings on Thursday, 21 March, when she said words to the effect that we had heard nothing new from the briefings we had just had. Members will recall that.

This was following a discussion we had with the Solicitor-General and, for the first time, with Chris Gunson. That comment came from a discussion we had at the end of those briefings about whether we would come back into this place prior to lunchtime. Some members were saying they wanted time to look at some of the issues raised. This was despite the new information coming

from the Solicitor-General, his confirmation of the detail in the report provided by the Attorney-General, in which some legislation that would be impacted by this bill was identified and why. That was all the new information coming to us at that briefing.

The new information brought forward by Mr Chris Gunson, a senior barrister-at-law, had not previously been heard by us as well. He had, among other things, warned us against compounding problems that might exist in the current legislation - I think it was the Births, Deaths and Marriages Registration Act he was referring to - and questions were asked by the member for Murchison that pointed to some things that existed in the current legislation.

However, following from those further briefings, where the member said that we had heard nothing new in those briefings, we then got version 20 of the amendments. I will quote from part way down an email from the member -

Version 20 amendments and clause notes attached. As per previous email - I draw Members attention to new parts of Clause 28D. This is the only change. Please discard previous versions and refer to version 20. These changes reflect the inadequacy of the Principal legislation as discussed with the Solicitor General last week. As always, I am happy to discuss these amendments with any Member further if they need more clarification.

From that, and with the new amendments, I think the member is saying that we did get new information from those briefings. I leave that to the judgment of members. It was very clear to me that we got strong new information and evidence. I might add that the amendments we received as a result of that briefing are now quite lengthy and include a number that were not there previously.

Members should recall that the Solicitor-General told us that undoubtedly there were many more areas of concern where existing laws would be put at risk through this bill. He said it was not necessarily his job to go into all the other statutes that will likely be affected. He made it clear to us that it was not his responsibility to do that. Amendments we are getting now, and the twentieth version in particular, would be better suited to the principal acts, in my opinion, and suitable amendments made the Acts Interpretation Act. That is where those amendments ought to be. That is what the Acts Interpretation Act is all about: defining words and how they will be seen and used in other statutes. Amendments similar to that relate to the Births, Deaths and Marriages Registration Act.

I would like all these amendments to be run by the Solicitor-General and other people with the qualifications and knowledge that I do not have, to see what they say in relation to these matters as well.

I would like to hear from the Solicitor-General but I suspect the Attorney-General is not likely to release further privileged information with the Solicitor-General. If the Solicitor-General has seen them, I do not know, but I am not sure whether the Attorney-General would release them. Maybe she would not want to do that again.

This bill was resisted by only a few of us in the first instance when it came into this place in November last year. We were quite strong in our resistance; however, there was a push from Labor members and from at least three independents at that time for this bill to move forward. We resisted that quite strongly and we were able to convince the other members that the matter would best be left until the first sitting week of 2019 so that amendments and many other issues could be determined in the meantime. That has happened, and thank goodness for that.



As a result, we have seen something like 50 pages of amendments, adding up to approximately 130 individual amendments to this bill of 33 pages. That is the result of our not proceeding with the bill back in November, even though some wanted to push it through. We resisted further the position of moving ahead with this two weeks ago in the first sitting week, to have more briefings. Once again, I am not sure that Labor and the independent members were very happy about that.

Further amendments have come forward in the past two weeks, and probably some very important ones, so thank goodness we resisted that move. Had we not resisted those moves, what would we have had? An absolute mess.

I think the Solicitor-General is really saying to us that with the unintended consequences that he can see there, or believes are there, a further adjournment with a further proper consultation period would see yet more amendments coming forward. How long do we keep going like this before we say enough is enough? Let us get this right before progressing it. Clearly, we did get new evidence and new information from the briefings two weeks ago.

A number of people kept pointing out to me that we are dealing with the bill that is now before this House. We are not dealing with an amended version that might come out of the Committee stage. None of those amendments have been debated. There is nothing to say that any of those amendments will get up. I say that tongue-in-cheek.

To ignore the advice and position of senior lawyers in the state is a fairly serious omission. We are talking about the Solicitor-General and Mr Chris Gunson in this case. To my knowledge, they have not been proven or shown to be wrong in their assessments and positions in relation to their statements. I commend the member for Murchison; she is very strong on proper process in this place. Let me make a quote from her speech back on Thursday, 21 June 2018 when she said -

Mr President, we must do our job. The approach of undertaking full and thorough -

**Mr PRESIDENT** - Order. It is difficult. You cannot reflect on previous speeches in relation to matters. I will take some further advice in relation to it, if I may. I was wrong. You cannot reflect on the votes, but you can reflect on the speeches made in this House, but not the other House.

**Mr DEAN** - Thank you, Mr President, for that ruling. I make the quote again when the member said -

Mr President, we must do our job. The approach of undertaking full and thorough scrutiny of all matters that come before this House is what I do. It is my job. It is what the people of Tasmania want members here to do and it is what the people of Murchison elected me to do.

I absolutely agree with that. I could not agree more strongly that our position here is that we must do the job we were elected to do in this place, by thoroughly scrutinising information and evidence that comes through here. For members who are not really familiar with the word 'thorough' what it says and what it means is -

Complete and unqualified - acting or done with great care and completeness - absolute.

From that, I can then extrapolate to the current bill. Has any of this really happened with this bill? Absolute, great care and completeness? The Solicitor-General is telling us, 'No, it has not', and I might add he is the second highest law officer in this state. This bill has not undergone that thorough investigation, thorough testing and thorough reviewing.

From time to time comments were made during our briefings and in the press to the Northern Territory legislation and the West Australian legislation, which have some similarities, but there are some huge differences. Huge differences between the legislation of the Northern Territory and our legislation. I can go through those differences if people want me to show how different our legislation is to that of the Northern Territory legislation. In Western Australia, for instance, they went to the Law Reform Institute of Western Australia and received a report from it. They did exactly what I and other members wanted to happen here. They have a report back and I understand it is now being considered at this time. That is the situation in Western Australia, as I understand it.

The differences between us and the Northern Territory are quite stark. I have to be careful what I say here, but if our legislation mirrored that legislation, it would probably get a great amount of support from members in this place.

I do not accept, as some honourable members have said - the member for Rumney in particular - that the misinformation has been one-sided only. There has been misinformation - of course, there has. I am not so naïve as to say that it has been one-sided, when I have heard many of the statements and comments made.

I cannot let the member for Rosevears off the hook. He made a number of comments about the bill that I do not agree with. He made this statement -

That is why I support this bill wholeheartedly. I recognise the arguments of those who oppose it but feel they are exhibiting cruelty to people in our Tasmanian community in contrast to what should be understanding and inclusion.

He confirmed his position in answer to a question I asked -

Are you saying those who are exhibiting opposition to this are showing cruelty?

The member for Rosevears responded -

Yes. I will read it again so you will have it nice and clear in your mind.

I am extremely disappointed about that comment. I am opposed to the legislation for all the reasons I outlined today. It is not because I do not support our transgender people - I do, and I support discrimination being removed in every respect. I will never support discrimination. I have made that clear throughout my working life as a police officer, when I was the Gay and Lesbian Liaison Officer for a number of years. I worked closely with LGBTI groups, assisting and supporting them over a number of years.

To classify anybody who does not support this bill as cruel is taking it too far. I raised this point with two or three very senior people in Launceston. They were aghast to think they were being identified as being cruel. In my opinion, the member ought to soften it somehow if he gets an opportunity. Maybe he will regret making that statement.

To the member for Rosevears, I am not cruel. Nor do I see other members here who have issues with the bill as cruel. The Solicitor-General, the Attorney-General, Chris Gunson, Don Jones, Tom O'Meara, Ray Foley and many others have concerns with the way the bill is written and presented and the lack of process it has gone through.

Who is going to answer the questions raised here today during the second reading? Will it be to the Leader of the Government? I suspect not. I suspect we will have questions that will just hang about unless somebody else is -

**Mr PRESIDENT** - In the normal course of events the person who is moving amendments answers the questions to those amendments.

**Mr DEAN** - I am talking about the second reading debate, Mr President. I have raised a couple of issues that need answers. I am just wondering who will answer them.

**Mrs Hiscutt** - I do not think the Government is in a position to answer any questions relating to any Greens or Labor amendments to the bill.

**Mr DEAN** - That is the majority of the bill. My contribution, like many others, is really on those amendments brought in by Labor and the Greens. We are going through a bit of a farce in my view, quite frankly.

**Mr Valentine** - It is not so much a farce, it is just a different situation than we normally have.

**Mr DEAN** - It is a different situation, right enough.

**Mr Valentine** - It is.

**Mr DEAN** - Never, ever experienced before in the history of this place.

**Mr Valentine** - That is right. It is great to go through this.

**Mr DEAN** - Who will move the third reading? The Government does not agree with it. Like it or not, when this bill goes through - and it will get through; it will be supported and it will become a statute - whose name will be on the bill? It is not going to be Labor or the Greens. It will have the Attorney-General's name on it, I would think. In my view, it is no good the Liberal Party saying that they are not going to support the bill through this place because of all the amendments, but their name will appear on the bill at the end of the process. I shake my head in bewilderment.

**Mr Valentine** - It is a challenge we have to deal with.

**Mr DEAN** - A challenge right enough.

I have seen the email the member for Murchison distributed. Previously I raised the issue about the Committee stage. We will have a debate later, when we get there, about members moving amendments being able to have as many turns to speak as they like. I do not know whether they will sit at the Table to defend their amendments or whether they will have their advisers with them at the same time. All of that is to be worked through. No doubt we will be given either a briefing or there will be some discussion around how the process will go. To be fair, I think we will all need to be given the same opportunity in this place.

Mr Graeme George rang me. He is happy for me to use his name. Some of you would know Graeme George. He is a boxing promoter and has a boxing ring, a gymnasium and so on. He spoke to me at some length about this bill. I am not sure whether he has a transgender male in his group but he said -

In my boxing tournaments I have female boxers. What is the position when or if bill gets through? When there is a match up between a female boxer and weight conditions against a male who is transgender female, what do I do? Do I allow it to continue or do I stop it?

I said to Mr Graeme George, 'I cannot advise you. It is a decision you have to make, but it could be discrimination on your part if you try to stop it.' He said, 'What happens if the transgender person punches the other person and causes serious injury? Who is liable?' I said, 'I have no idea'. These are issues that need to be worked through. That is from one gentleman in Launceston.

I reflect on comments made by previous speakers the week before last when talking on this bill. The member for Mersey made this comment by way of interjection -

My role in parliament is to make sure that it is proper, is innovative and helps to marginalise groups in our community who do not get a voice.

**Mr Gaffney** - It helps 'the marginalised', not 'to marginalise'.

**Mr DEAN** - I have read what is there. Another statement you made along the lines 'It wasn't your position to review the work of others'. That is a statement you made to that effect.

My comment is that if it is not your position in this place to review the work of others, I am not sure what it is. This is a House of review, of second opinion if you do not like the word 'review'. That is our primary function and is set out in a document provided to us by the President.

If you look at the position of this House and its functions, it says clearly that the primary function of this place is to review to legislation and positions of the government and to ensure accountability by the government.

It refers to the word 'accountability'. That is our major role.

The member for Rosevears commented -

Where does that leave our people who are urging us to move forward with this debate because they are suffering? What about our people who are concerned about the many issues with the bill and the consequences of those not part of the transgender community?

No, I must get that right. The member said -

Where does that leave our people who are urging us to move forward with this debate because they are suffering?

My comment after that was: but what about all of the other people who are concerned about the many issues with the bill and the consequences for those not part of the transgender community?

There are two sides to this; it is not one-sided. The other side is 90-something per cent.

The member for Murchison made the following statement -

... the Honourable Vanessa Goodwin, was in support of a number of these changes. Unfortunately, she was unable to proceed with them. Let us show her some respect.

I am not aware of Dr Goodwin's exact position on these changes and neither can Ms Forrest, the member for Murchison, know how she would have reacted to the bill before this House or the amendments.

How can you make that statement when our late Dr Goodwin never saw, to my knowledge, the bill as moved from the other place to here? I am not sure she was aware of any of those amendments.

Being the highly qualified lawyer she was, she would have given the bill very close scrutiny and been attentive to the opinions of the Solicitor-General and the Tasmanian Bar. I would be been very surprised if she was not, with her background in law.

The member for Murchison spoke several times of people being verballed during her contribution on 21 March. I see the comments made as verballing Dr Goodwin.

Another point made by Mr Gaffney by way of interjection during my speech related to the deferment motion. There was an exchange between myself and the member for Mersey and the member for Murchison interjecting from the Chair. It concerned the Equal Opportunity Tasmania paper from February 2016 that I have referred to. The member for Mersey said the submissions were not made public to protect the privacy of those who made them. Of the 23 submissions made, I am aware of two submissions made where there was no advice provided or given that they not be made public, that they be openly made public. I do not accept that at all, but I would really like to know why those submissions referred to were not made public and there was no final report, either.

I also make this statement: the current Anti-Discrimination Commission has chosen to recommend amendments to the bill made by the member for Murchison. It certainly does not support my amendment, and I do not think it supports those of the member for McIntyre. I would be highly surprised, but I do not think she commented on the member for Launceston. Perhaps she may consider releasing the submissions and any final report received in the circumstances. Why cover it? Why not make them available to us all, so we can see what came back in relation to that paper?

The member for Murchison made this comment -

This bill will not give transgender people who have not undergone gender reassignment surgery access to any areas they cannot access now.

I ask the question there: Is that a guarantee? Can the member for Murchison guarantee biological males who have not transitioned medically or surgically, but who have become legally female by signing a statutory declaration will not seek access to spaces, services and facilities set aside for female people? The member for Murchison cannot possibly guarantee that. She cannot possibly.

Transgender people who have not had surgery will need to abide by policies set by the schools, sporting organisations and other organisations they interact with, as we all do. I say to that: What if a policy, say, for a sports competition provides those competitors must be female? Can the member for Murchison guarantee that intact biological males who have a registered gender of female will be legally excluded? Is the member able to guarantee me that such a policy will not be in breach of the Anti-Discrimination Act? Will the member be able to guarantee that to me?

Mention was made by the member for Murchison to the Marjorie Harwood case. She was a trans woman who was assaulted in a male prison - that is very tragic event, but is the member not also aware that trans women seek to identify as female and request transfer to the female prisoners' facility where some have sexually assaulted female prisoners? There is a good example of that if you look at the document on the classic case of Karen White in the United Kingdom, who self-identified as a woman, took the name Karen White, transferred to a female prison and sexually assaulted two women.

The member for Murchison also raised ignorant talk in her speech about men using legal gender change to allow them to enter women's spaces. She made the comment, 'Men rape and assault women in women's spaces now'. Sadly, that happens.

If she knows this and gives a horrific example of a young girl sexually assaulted and murdered in a women's toilet in Western Australia, why would she support laws that would make it acceptable for transgender men to enter women's toilets? People will be reluctant to challenge them because they could be identifying as female and no-one wants to get into that argument in public. Anti-discrimination issues would arise.

Have the Muslim Women's Association and other groups been spoken to? We are a country now of people from all over the world who are coming to live here. That is what we promote and I support that. They too should have been consulted and had an opportunity to make a statement and be included. I am not sure that has happened.

I have a statement from Zubeda of the Muslim Women's Association, who raised issues about having to work in areas where they may be confronted by males who have transitioned to females and their concerns should that happen. They also asked why they have not been consulted.

I have copped a fair bit throughout this process because of my stance. I have been fairly strong and able to take most of it on the chin, and I will continue to do that. I am not a fan of Facebook at all and while I am listed, my staff use it for me; I do not get the time to look at it. I recently had brought to my attention a piece on Facebook from Transforming Tasmania on the Facebook page of the member for Murchison. I quote the comment, to show you how unfair the situation can be -

There are some issues with her amendments but if they go through, we will have the best legislation in Australia.

Ruth is one of our staunch allies and it was great to see her. She was the first person to speak to the bill before Kerry Finch. You will see how Ivan Dean keeps interrupting and being a dick.

I take offence at that sort of a comment. That is on social media where anybody and everybody has the opportunity to read and see it. If I were to make the same comment about Mr Croome or somebody else, how would it be seen? Do I have to take it? That was a comment posted by Dede

River. I do not deserve it. I am doing my job as a politician in this place by bringing these matters forward and going into this bill. I do not have to put up with it and I will probably take that matter further. Goodness knows what is likely to happen after today.

I refer to an email received from a trans woman living in my electorate. Her name is Aleana Robin and I quote -

I would like to thank you for your stand on the above issue. As a Transwoman I can think of hundreds of ways that can better serve my community than this. I have attempted to have a conversation with Martine on this subject only to find that they are woefully prepared to address all the shortfalls of their proposed legislation. I also feel that they did not gauge the feeling and thoughts of my community as a whole. I cannot say that the expense that has and will be spent on this foolhardy idea is money well spent. We are a community of less than 260 000 Australia wide. This lobby does not speak for me it is also doubtful that they speak for all of us. Please do not waste any more time on these changes that are proposed by this lobby group. I think you are correct on making the changes more in line is the WPATH guidelines. It is the best for all who are Transgender.

I would like to thank you for reading my email.

That transgender lady, I think, had a number of children as well and is now living the life of a female, and she is a very nice person.

I received another email, and I did not get the right to use their name, but I will quote from the latter part of it -

Which politician representing their electorate, would, in their right mind propose such a ludicrous amendment without adequate public consultation in every town and village in this state to enable everyone to have their say. Another option would be to have a referendum-type question on the ballot paper in the next state election. This is not a decision which ought to be made by an isolated few with an agenda of their own.

As an aside, we have a 50-year old daughter (living in another state) who has identified as lesbian for 30 years and she too considers this to be an impractical and nonsense piece of legislation.

I have had many emails to that effect.

I will go into a couple of comments that were made in and came out of the briefings last week. This comment was made by Mike Vos and his group. I am not sure which member of the group made the comment, 'Making laws that fly in the face of scientific fact defies reality'.

Another comment made by that same group was - and I am paraphrasing because I was trying to write it down as they were saying - that parents would like much more consultation - 'We are the ones being discriminated against. It is the other way around in this case. Why aren't we being given a voice in this case?' They are quite angry. I recall them making that quote in relation to a number of parents who were quite angry. One of them made a comment also along this line: when parents talk to me about this they say the world has gone mad.

Members might recall that comment being made.

There was, I think, a general practitioner in the group presenting to us who made this comment along the lines of fluidity, which I am paraphrasing -

The science to back it up is just not there. It doesn't back it up. Over 95 per cent will mature into the position of their biological sex. There are experimental treatments occurring that are not in the best interests of children.

That is along the lines of his comment.

The Solicitor-General has gone through the written statement the Attorney-General provided where he accepts all of that. I tabled that document in my motion to have the matter deferred. I probably ought to table it in this motion. I will think about that in a moment; I might do that to make sure it is also a part of this motion. He commented to us that he had identified the risk to the structure of other acts. He made clear to us that there is a real risk to the structure of many other acts.

A position was put by the member for Hobart, and he might remember this better than I do in recalling it, along the lines of other legislation we pass having other problems. All issues might not be covered or words to that effect. I think it was the Solicitor-General who came back and said that the fact here is that we know and have been told that there are or will be impacts on other legislation in this case.

This is a case of where we know there are issues. With other legislation we pass that is not the case. If it is, actions could be taken about that.

I thank Mr Chris Gunson for briefing us two weeks ago, as I thank all the other people who briefed us at fairly short notice from the trans group and others groups as well. Chris Gunson was able to say to us - and these are questions from the member for Murchison - along the lines of proper questions and good questions -

If current laws have an existing fault then that should be corrected. We ought not be moving other laws, further laws, that compound those problems. That would be foolish and silly to do.

He was making that clear to us. Good legislative process would be better corrected now, so as not to compound the other problems.

Mr President, I do thank all who briefed us. I have a letter from the Solicitor-General that I will table, unless somebody else has a copy they can give me to make it quicker.

**Ms Rattray** - I was going to table it in my contribution but mine is from the Attorney-General not the Solicitor-General.

**Mr DEAN** - This was from the Attorney-General.

**Mr PRESIDENT** - I am advised the document has already been tabled.



**Mr DEAN** - It was tabled during the deferment motion. Mr President, would somebody referencing this motion be able to access it? That is the point I am making.

**Mr PRESIDENT** - As you say, you have already spoken about it. We have been alerted that the document has already been tabled in the previous debate so that would alert people who wanted to follow the trail that it had been referred to and tabled in the previous debate.

**Mr DEAN** - Thank you, Mr President. I expect the member for McIntyre might want to take a different course of action.

As I have foreshadowed - I am not quite sure if I did - I have amendments to the bill. What concerns me is that not many of us fully comprehend the implications of what has been proposed here.

Clearly, we have a duty to remove discrimination against transgender people and to minimise the embarrassment or humiliation they might suffer through processes to establish their identity. The law must be respectful to all. That is much more difficult to achieve than the provisions of this bill. Its proponents may be well intentioned, but I think they have been precipitous in their zeal to achieve reform.

I stand by my preferred position that the bill should go to a committee that should be charged with taking evidence from all interested parties, including those who must administer the changes and the police who will be greatly affected by them. It is not too late to do that. I have already pointed out that it is not 'might have an impact on police' - it will have an impact on police. They have not been involved. I also believe it should be assessed by the Tasmania Law Reform Institute.

I conclude by reminding members of this Chamber that they are being asked to follow an extraordinary path to a reform that, at this stage, cannot possibly have been given due consideration. It is a massive step we are being asked to take. My firm view is that we all need a lot more information about the ramifications of what we are being asked to approach.

I know where it is going; we all know where it is going. Sadly, it will not go to a committee. That to me is quite disappointing.

[5:18 p.m.]

**Mr ARMSTRONG** - Mr President, before Christmas I thought we might be able to fix this legislation when it came up. That is why I supported it at adjournment, but I do not believe that we can do that now.

This bill has caused me concern from day one, not because of the amendments now before us but because proper procedure has not been followed for the bill as it stands, and even for the amendments to be discussed.

As we know, some people are urging us to pass the bill as it was introduced into this House last year, saying that no further amendment was required and that the bill was good. They also implied that it would not offend any other laws in this state or interstate.

We were told by the experts that those comments were categorically wrong. In briefings, we were told of the problems which confronted us. I well remember the legislation regarding protestors that came before this parliament. We were told by the experts that it would possibly be contested

and it would not stand up. That is history. It was contested and it did not measure up. That was because we did not listen to the experts. I was one of those who did not. I learnt a valuable lesson, and that is to listen to those who have the expertise. The same is said when we hear people talk about climate change. Listen to the scientists. What we are doing here is disregarding the people who know - those who are qualified to give us advice and the people who are experts regarding legislation.

Many people have worked long hours trying to sort out this mess relating to the bill presented to us last year. I commend those people for their work, but still, proper procedures were not followed and the bill has not proceeded as all other bills that have come before this House have proceeded. It has not gone through the magnifying glass of bureaucrats, stakeholders and ministers that every bill does. All those but private members' bills. I say that recognising many members of this House have done all they can to make this bill a better bill, with their extensive amendments. However, only last week in briefings, independent experts being the Solicitor-General and barrister Chris Gunson told us of the problems that could await us if this bill were passed without proper procedures being followed.

When making my decision on whether to agree with the bill or otherwise, I made the decision on the best information provided to me. I look to independent advice where people do not have a vested interest in passing the bill or otherwise. I try to have unbiased expert opinions. With this bill, the Solicitor-General and Chris Gunson and other expert unbiased people have told us to be cautious. I gather from what they are saying this bill should go before the Tasmania Law Reform Institute for proper investigation before a decision is made.

Country people normally do not have much to say about politics as they are too busy getting on with their day-to-day work and many of those same country people are concerned that this bill should not proceed without the type of investigation the Tasmania Law Reform Institute could give.

I googled why should proper process be followed and in summary Google answered me with comments such as -

Together policies and procedures provide a road map for day to day operations. They ensure compliance with laws and regulations and give guidance for good decision-making. They address pertinent issues and help us to manage legal risk.

It seem to me that this is what the Solicitor-General and Chris Gunson are saying.

It has been said some people speak a lot, but say little. Country people are the opposite. They speak little, but they say a lot. They are saying to me, 'Do not pass this legislation without proper procedure being followed.' Therefore I cannot support this bill. But I add: if this bill is given to the Tasmania Law Reform Institute and it comes back with support, I too would support the bill, but this has not been done and therefore at this stage I cannot support the bill into the second reading.

[5.24 p.m.]

**Ms RATTRAY** (McIntyre) - Mr President, I did not want us to be in the situation we were in a couple of weeks ago, when everyone sat and nobody got up and the President almost called the vote. That is why I was not lingering this evening.

This has been a difficult and challenging bill. I am not complaining about that at all. I, along with other members in this place, will do my duty and consider the pros and cons of the legislation

on its merit. That is our job after all, but I have to confess my deliberations on this bill have challenged me to consider some pretty basic, but fundamentally important questions and principles regarding my role as a Legislative Councillor, including that my duties and responsibilities are not only to my constituency of McIntyre but also to the Legislative Council and to the parliament itself.

I see my main function as a Legislative Councillor to ensure we pass good legislation. If it is not good, robust legislation, then we run the risk of unintended consequences arising to the detriment of everyone including the people whose rights and interests we may be seeking to protect and promote in the first place. That leads to an erosion of confidence in us as members and in the parliament and particularly the Legislative Council as an institution. Good, robust legislation should go through a process of consultation to ensure that concerns that may be raised are addressed and that those with issues have been heard. In the end, such a process means greater acceptance of the legislation by the entire community, notwithstanding that particular stakeholders may not have got their own way. As we know, not everybody gets everything they want.

I found the following excerpt from Legislative Council annual reports. It has been included in every annual report that I could find online. I see it as a good, sensible argument for me to consider as I do my job as a Legislative Councillor:

When a bicameral Parliamentary system was discussed in the 1850s a Select Committee of the Council was appointed in 1853 to draw up proposals. The Committee, charged with producing a constitution for the State of Tasmania, stated in the explanatory introduction to their report - 'A Legislative Upper Chamber is recommended to guard against hasty and ill-considered legislation by ensuring due deliberation previous to the adoption of any measure. This necessarily imparts a very different character to the Legislative Council from that which the Assembly will possess. The instincts of the Assembly will be movement - progress - innovation; generally of a useful character, but subject to the defects incidental even to the improvement when suddenly introduced. The instincts of the more conservative Council will be caution - deliberation - resistance to change if not fully proved to be beneficial'.

I don't see my role as a Legislative Councillor to be a risk-taker at all. When it comes to legislation, quite the contrary.

At this point in time I am not convinced that this bill has been through due process. I am not convinced that all the relevant stakeholders have been adequately consulted, or that the wider community is comfortable with it and satisfied that it is robust law whether or not they agree with the principles it embodies.

I, together with all members, have a good deal of sympathy for the trans community and do not doubt that the anguish so obvious at the briefings is very real. I empathise but I cannot allow a motion to be the dominant factor in my decision as to whether to pass legislation, to not pass it, or amend it. To do so would be an abrogation of the duties and responsibilities as a Legislative Councillor.

My main concerns focus on the robustness of the law. If a delay allows a body such as the TLRC or others to consider the bill and its possible ramifications, then that should occur to give me confidence, to give my constituents confidence, and to give all other stakeholders, including the trans community, confidence that the law is good law.

That is why I supported the member for Windermere's motion earlier to move the bill to a committee. I understand that the TLRI has accepted the terms of reference put forward by the Government and is able to proceed with its deliberations, notwithstanding this bill is before us.

I look forward to the Leader or members clarifying my understanding of whether the TLRC can or would be able to consider these matters within a relevant timeframe. I know the member for Windermere has already -

**Mr Gaffney** - I think it is the TLRI. You have been saying 'TLRC'. If you want to correct it.

**Ms RATTRAY** - I have just been picked up; I said 'TLRC' instead of 'TLRI'.

**Mr Valentine** - The Tasmania Law Reform Institute.

**Ms RATTRAY** - We need to be respectful of all views and no-one, including me, should not be made uncomfortable for supporting the need for further consultation, or question whether appropriate process and consultation has occurred. It seems to me that when anybody dares to raise these sorts of concerns they are belittled as fearmongering or deliberately delaying things. In my view, that is not helpful to this issue or any other issue. I wanted to make that point.

I read an article from Janet Albrechtsen in the *Weekend Australian* from last year discussing the position of the legislation in Tasmania. While I do not necessarily agree with all she said she did make an interesting point when she stated -

To shut down those who wish to raise questions, now a routine tactic among some trans activists in Britain, is worse than ignorance. It is intolerance. Writing in *The Spectator* earlier this year, Judith Green from Woman's Place UK outlined physical threats, social media harassment and hate-based vilification aimed at her group and any venue where they meet to discuss the consequences of new gender laws on women, children and society as a whole.

When we postponed the bill last year the transgender advocacy group, Transforming Tasmania, which drafted the original proposed reforms with Labor and the Greens accused the state Government of deliberately obstructing debate. I do not think that is the case. The concerns were very real and legitimate. In my view, the Leader has gone out of her way to ensure access to OPC and has abided by commitments to bring the bill on for debate as soon as possible. We are here today.

In recent weeks Roen Meijers of Transforming Tasmania reiterated the fearmongering accusations and argued -

The responsible thing for the Government to do would be to review existing laws to make sure they are up to date rather than waste anyone's time fearmongering about the proposed reforms.

Well I ask, is the advice from the Solicitor-General and the Tasmanian Bar fearmongering? What I resent is being accused of not supporting the principles of equity, social justice, fairness and the need to remove discrimination simply because I have questions about the bill and its amendments; concerns about the process for its introduction; and worries about the operation and possible unintended consequences.

Even now, after it has been made obvious that the original bill was legally defective and in need of significant amendment, I find myself being scoffed at for having the temerity to question the original amendments and ask whether further consultation is appropriate or necessary given the still existing concerns of people far more eminent than me. I was quite taken aback when it was suggested through discussions in our most recent briefings that it would be abhorrent for anyone to support my amendments to the age of 16. If anyone takes the time to look up the meaning of 'abhorrent' - I knew it was a horrible word so I looked it up - I am sure you will understand that being attached to this label is upsetting at the very least.

Despite assertions to the contrary I do not believe this bill, or the issues and principles it embodies, has had adequate consultation. Some members have asserted that consultation has been going on for years, that further consultation is unnecessary, and that those with concerns in the community have simply been misled; they simply do not understand. Well, I must have been away with the fairies on this issue for years. I was not aware of the extensive consultations on this matter before the bill came to us late last year.

I have received numerous expressions of concern not just from constituents in my electorate. I actually regard my constituents as being stakeholders even if they are not members of the trans community per se. They have a legitimate interest in knowing that the law will be robust and, as far as possible, defect-free. Have my constituents been misled? Have eminent people of significant intellect, such as the Solicitor-General and the Tasmanian Bar, who have voiced concerns been misled? I do not regard myself as an expert in this area, certainly not enough to wantonly disregard the opinions of people who I know have greater intellectual capacity and experience.

If this level of concern still exists, and demonstrably it does, then either those concerns have some merit or the consultation process to explain and alleviate those concerns has been defective. Which is it?

I found it interesting, when there have been significant concerns regarding the legislation, that when it was first presented to us some members wanted to proceed. Given there has been significant iterations of amendments to address some of the glaring deficiencies, in my view it was the right thing to do to not proceed at the time. Other members who have spoken today also made that same comment, so you are hearing something again but that is my view.

I have heard some members say that the government has had years to deal with this and they have not. That may be a moot point but it is certainly no excuse or reason for us to ignore our duty to ensure robust legislation and rush through what is possibly second-rate legislation.

Reference has been made to the Robin Banks inquiry. I certainly did not hear much about it. I am not sure if it was ever finalised and I do not believe that there is a final report yet, let alone made public. I have said that I am not sure and I expect it will be corrected if that is not accurate. Again, Mr President, I am not sure who is going to answer that question but I am sure someone will.

As honourable members know, the Attorney-General wrote to all MLCs the week before last to advise she had taken the unusual step of waiving legal professional privilege to release the advice of the Solicitor-General on the legislation before us. We have already had a previous discussion when the honourable member for Windermere spoke and was looking to re-table that particular letter. I also felt it important that her reasons for taking that action, and her summary of the Solicitor-General's concerns that the amendments could have serious and unintended legal consequences affecting laws, including those related to abortions and strip searches, be placed on

the record in *Hansard*. We know from advice from the Clerk that, because it was tabled in the previous debate when we talked about the motion to send to a committee, it is available for everyone who may want to access that.

**Mr PRESIDENT** - It can be referred to in this debate.

**Ms RATTRAY** - I believe we have all referred to it. I will not seek to table it because it has already been tabled. Anyone reading the *Hansard* will be able to source a copy of that advice. I believe it is important for the reasons the Attorney-General took that action - and we heard from the Solicitor-General that it was an exact summary of what he had provided to the Attorney-General.

I am aware that the member for Murchison has had amendments drafted to supposedly address some of the concerns that were raised by the Solicitor-General, but I do not know whether they have been cleared through the Solicitor-General. We only got them late last week and I do not know whether the police have been consulted in regard to those. Again, I expect the member for Murchison will let us know in due course, or whoever is providing information to the summing up for the second reading debate. A fair question was asked by the member for Windermere: how does this work?

I note the Solicitor-General warned us that there would undoubtedly be other issues arising, potentially serious issues. We heard from the president of the Tasmanian Bar, Chris Gunson, emphasising that a birth certificate is such a fundamental identity document that caution needs to be taken when altering the law relating to it.

Where is the caution? Remember that word, 'caution'.

I referred to it when citing the 1850 select committee of the Council - and I do not apologise for that small history lesson - that there does not seem to be much of it around this Chamber at the moment. It appears many members want to plough on regardless of the advice from the Solicitor-General and the Tasmanian Bar and to pass the bill immediately rather than consulting appropriately qualified experts to examine the bill and amendments, or even giving the Tasmania Law Reform Institute a few months to look at it.

Yes, this Council has passed legislation and amendments previously that have not been perfect. Of course we have, but to my knowledge we have never ever done it knowing that a bill was flawed before we passed it. I do not believe we have ever done it in the face of advice from the Solicitor-General and the Tasmanian Bar that a bill is defective and there may be serious unintended ramifications from its implementation. That is unprecedented. Surely, in these circumstances, a more detailed investigation of the issues is required.

Mr President, I am glad you cleared up about referring to a previous contribution because I have something in my contribution, so I will be able to continue on now. Reference was made in the previous contribution by the member for Murchison to our much loved and esteemed former colleague and attorney-general, the late Vanessa Goodwin. It was stated she had committed to making a number of the changes now proposed. While I have no doubts that Vanessa was a social progressive, she would certainly have approached these matters with compassion and sympathy for the transgender community, as well as an unbridled determination to do the right thing from a social justice and human rights perspective. Equally, however, I have no doubts that she, as a former attorney-general and lawyer, would have preferred that the correct boxes were ticked. She would

have wanted the bill we are looking to pass to be lawful, workable and well considered, particularly from a stakeholder consultation point of view.

I was reminded recently when reviewing the Financial Management Bill - and you will be wondering what on earth that has to do with this today; I had a briefing on that last week, so I looked back over the 2015 *Hansard* and interestingly, just before we got to that Financial Management Bill 2015, we were considering the Living Marine Resources Management Amendment Bill 2015. I do not blame anybody who was here in 2015 for not remembering that. I raised with Dr Goodwin, the leader at the time, a query about a possible interpretation of a particular clause, and in her response to me, Vanessa referred to advice the Government had received from the DPP, that highlighted that there was a concern in a particular case, and when the DPP says something is unworkable, you are duty-bound to do something to fix it, if you want to utilise those provisions.

I believe Vanessa would have had some concerns that the Council was passing legislation about which the Solicitor-General and the head of the Tasmanian Bar had raised issues in writing. I would have been very surprised indeed if she had not wanted to assure herself that those concerns, together with the informed advice of the TLRI, had been considered and acted upon. She is not here with us and we cannot ask her, so I am making my assumption from somebody I knew well in this place, as others did.

I am interested in the status of the transgender law in other jurisdictions. We have heard a little about other states and territories, but I want to be sure that we are comparing apples with apples here. I look forward to hearing those members advocating the immediate passage of the bill to elaborate a bit on the experiences elsewhere, if possible.

The member for Windermere touched on the New Zealand situation. From what I have read and heard, the process of changing the law there has been particularly interesting. A seemingly innocuous bill called the Births, Deaths, Marriages, and Relationships Registration Bill has generated a lot of debate about transgender issues. The bill there did, I believe, go through a select committee process. Advocates argued that changing this legislation would help to empower a marginalised group of people, while opponents of changing it see it as a fundamental shift that requires a lot more consultation and advice. Does that sound familiar to anyone? It certainly sounded familiar to me. It sounds familiar.

I understand in New Zealand all bills are referred to a committee before the second reading because they do not have an upper House, but I am told that in this case, discussions on the New Zealand bill were further referred to a second committee because of ongoing concerns. We have heard a bit about that and it was interesting.

I will listen to other members' contributions and their reasons for supporting the bill.

I want to touch briefly on the amendments that I have had drafted. In regard to changing the reference in the bill from 16 to 18 years where it currently stands that a 16-year-old will be able to change their gender through a statutory declaration, the Anti-Discrimination Commissioner has not supported my amendments. I am not sure why; in her first letter dated 1 April 2019, she refers to an amendment proposed by Ms Armitage, and I assumed at the time that she meant me because it is in my name, and I acknowledge that we received a new version today with the reference to 'Ms Rattray' -

**Ms Armitage** - I contacted her and pointed out that it was your amendment, not mine.

**Ms RATTRAY** - You were going to take the credit for my amendment?

**Ms Armitage** - No, I actually pointed out that it was not my amendment.

**Ms RATTRAY** - I will get back onto my notes. In the letter she says that changes to Tasmanian law regarding sex registration should be consistent with principles established by the Family Court, where stage 2 treatment can commence from around 16 years of age should a court find the minor is competent. I do not think we have a requirement for the court to find the minor competent here. That will be a question for somebody in this place who has a legal mind - Mr President, it might well be you at dinnertime tonight. I am not sure why she is saying lowering the age to 16 is consistent with Family Court principles, but that is something I will need to find out.

The children's commissioner has publicly stated her support for the bill and its amendments. The member for Windermere has touched on that. In the letter of 19 March, she seemed to acknowledge that 16-year-old kids vary in their capacity to make informed decisions. That is how I read it and I will quote -

In my view, it is appropriate and consistent with a child rights approach to allow a young person who has the appropriate level of understanding and maturity to apply to register a change of gender.

I have been the mother of four 16-year-olds kids. I could not say here, hand on heart, that I know everything that went on when they were 16. I do not think I want to. I am not sure that every child matures at the same rate. Some are more mature at 16. We will have this discussion in the Committee stage but I thought it worth flagging. Interestingly - and you will probably hear this again - we are saying that our 16-year-old kids cannot buy cigarettes or alcohol and they cannot vote, but they can decide on gender.

**Ms Armitage** - They cannot drive a car.

**Ms RATTRAY** - They cannot drive a car. You could add that one later.

**Mr Valentine** - You can get a learners licence.

**Ms RATTRAY** - There are many things you cannot do at 16 that you can do at 18. I am not comfortable with that. From feedback from my constituents, they are not either. It seems there has been some discussion in the community. Whether it has been misunderstood, or we have not explained it well enough, the information has not reached the community. There is not enough information for people to feel comfortable.

I have asked for amendments to clause 9, the anti-discrimination section of the bill. I understand Mr Dean also has a series of amendments. I have discussed with the member why I will propose these amendments. With the greatest of respect, I felt that if Mr Dean's amendments failed for any reason, perhaps my proposed amendments would be a lighter approach to amending this part of the bill.

Currently, the bill potentially allows a trans person a course of action against those in the community who may have offended in some way unintentionally. It has been suggested that we need to be open to considering things that may discriminate or harm someone. Yes, that is right. I believe this works both ways. Last week I read in one of the media outlets that in the not-too-distant



future we could be living in a world where it would be almost impossible to get through a day without offending someone or some group. That would be a sad place to live, if we unintentionally did that.

Like most of us, I have read a lot of stuff over the past few weeks.

As an aside, I responded to a couple of the hundreds of emails that have been coming into our inbox. They were a 'form email'. That is fine. I do not have a problem with form emails if they have an address on the bottom. They did not even fill in their name on this one. It was 'best wishes' and in brackets 'Your name will automatically appear here'. They forgot to include their name.

I responded to a couple of them because I was interested in where they were from because I am always interested. If they are in my electorate, I respond personally. I cannot respond to everybody's emails, so if they are not in my electorate, they do not get that courtesy. I do not have the time. I have responded to a number of them, asking, 'Please what is your address and if you're not happy to share your address, what town or city do you belong to?' Not a response - not one. So, it is difficult to consider that type of support when you have no idea where it comes from.

The ones who give their address - obviously, you check to see if they are on the electoral role and next time you do a doorknock, you take an application form to sign up if they are interested in you. That is what I do and I make a note of them. If they are not on the electoral role, but they say they are in Perth, Tasmania, that is fine, that belongs to me, this is how I go about my business. It may not work for everyone.

We received this barrage of emails at what you call 'the eleventh hour'. Mr President, we have received numerous presentations from stakeholder groups in regard to this matter. I will certainly be following this particular clause very closely and I am not even sure how the mechanics of it are going to work.

Members might have noticed I have two sets of amendments. One is an amendment to the member for Murchison's amendments if the amendments get up and then the other is to the bill if the amendments do not get up. One has clause 9 on it and one set does not.

We will take some advice from very learned people when we get to that. It will be one where we will have to be on our mettle. I am not telling the Leader how to do her job, because she knows how to do that perfectly well. That is probably one we will not want to be doing at 11 o'clock in the night. If we are going to go through this process, like the member for Windermere, I am not an expert in everything, but I can count so I know we will get there.

In conclusion I have real concerns about this bill. Certainly, the process is foreign and the member for Hobart by interjection said it was exciting. He said it was an exciting process. I think the member for Rosevears said exactly the same thing.

**Mr Valentine** - It is different.

**Ms RATTRAY** - I think 'exciting' was the word and that is fine. I am respectful and I hope that comes through, Mr President. I am respectful of everyone's view and my motto is: if you give respect, you can ask for it back, so that is me.

**Mr Valentine** - I was talking about the fact that it is a government bill, but it is not supported by the Government. That is why I was talking about being in a different situation. I was not necessarily talking about the content.

**Ms RATTRAY** - Right. Maybe the member for Rosevears was doing the same but obviously the process is foreign to me.

Again, I do not accept that the consultations have been adequate. That is something we rattle on about in this place. We go on and on about it. We criticise governments for not doing it and here we are not doing it ourselves.

**Mrs Hiscutt** - I can provide lists of people we have consulted.

**Ms RATTRAY** - I emphasise that I believe the community members I represent are stakeholders, and I have not got around to all of them. That is impossible. Unfortunately, this matter is raised at a number of functions and I cannot repeat some of the things said, and I will not, but certainly time wasting is one of them. That is their view, not mine. We are here to do a job, no matter how long it takes us.

I do not believe the issues raised by the Solicitor-General and the Tasmanian Bar as well as others in the community have been addressed properly and I ask those couple of questions around whether the member for Murchison had had any advice back from the Solicitor-General after the suite of amendments were added to last week. I do not believe for reasons I have stated that as a Legislative Councillor I should be rushing to pass this bill in its current state.

I want to reiterate my genuine and heartfelt appreciation of the distress members of the transgender community and their supporters are feeling about these issues. I cannot and will not allow emotion to dictate my actions and responsibilities as a Legislative Councillor and, in particular, my duty to facilitate the production of good, robust law.

Without allowing appropriate time to fully explore this issue, the bill before us could well be in my view - which is shared by others but I cannot name them - using a sledgehammer to crack a nut. If that is not the case, at least allow the process to be determined. Allow somebody to look at it and wait for the Tasmania Law Reform Institute report at the very least to determine whether we are taking a sledgehammer approach to address an issue we need to address. Absolutely. No issue with that. We need to address it but, again, this is not the right way, in my view.

[6.01 p.m.]

**Ms LOVELL** (Rumney) - Mr President, as mentioned at the start of what was a very eloquent and well researched and heartfelt contribution from the member for Rosevears, I start by taking a step back and remembering how this started. This started as a simple amendment with a simple aim.

I spoke on adjournment at the end of last year on our last sitting day here and said at that time that this was an opportunity for the Government to lead on an issue that would make a real difference to people's lives. Instead, what we have seen is an argument hijacked by fearmongering, by misinformation, by misunderstanding and by much confusion. Why is that? I argue it has been allowed to happen because of a complete lack of leadership from the Government on this issue. It is clear to me and many other people that the Government has been happy to let this happen. It is obvious from the way this process has been handled. We keep hearing about proper process and

this bill going through a process that seemed to be improper. What is the proper process? What is proper procedure? The procedure is that if a bill is introduced in the House of Assembly, members can propose amendments. It is up to those members to prosecute those argument and if those amendments are supported by the Chamber, they are passed. That is what has happened here.

It is then the responsibility of the Government to introduce the bill to the Legislative Council, where we go through the same process. That is where we are at. This procedure that has been followed is quite proper. It is unusual, yes, because amendments have been put and supported, but by not bringing this bill on as quickly as possible, by not bringing this before us and allowing us to scrutinise the bill and amend it if we so choose, the Government would be ignoring the will of the parliament. Just because the make-up of the parliament has allowed this to happen and because the feelings, thoughts and positions of people in the House of Assembly have led us to this position does not mean that process is improper. It is quite proper.

The Government has had many, many months now to get its head around this bill and that is not even considering the many months and many years of advocacy and discussion that took place prior to this bill even coming before the House of Assembly. It has been several months now where the Government has had an opportunity to get its head around the amendments, to consult and to be ready to debate the bill here in the Legislative Council.

It is also important we do not forget how much language matters. We keep hearing the term 'the transgender movement'. It is not an interpretive dance; it is not a Mexican wave. A movement implies that transgender people are out there on some kind of recruitment drive.

We talk about a labour movement, a union movement, a liberal movement, a religious movement - that is something you would see from a church or an organisation claiming to represent women, perhaps something membership-based. Let us be clear: this is not what we are talking about. We are talking about people, members of our community and of all of our electorates - every single one of us. When we use words and phrases 'moral and ethical questions' and 'peril' in relation to children, let us not forget those words and phrases have meanings and connotations. The language we use matters.

Many of us have had concerns raised with us about this bill. One of the most common concerns has been about safety. There are safety concerns over access to women-only spaces such as public toilets, changing rooms and women's shelters. The member for Murchison outlined this in her contribution last week. She also outlined that the real risk to women is from men - men who do not bother to dress up or present as a woman. They do not need to. Where is the outrage around that? Where is the Tasmanian coalition for women? Where is their full page advertisement in the newspaper outlining the threat that men pose to women and to young girls?

Spare me the false outrage and the mistruths. Spare me the talk of people being concerned about challenging people they feel might be a threat. To suggest that anyone - women, young girls, any member of the community - will be more at risk if these reforms are passed is offensive. The only possible outcome from this kind of messaging is fear and mistrust in the community. Who is that putting at risk? Transgender people. Transgender women are already at a much greater risk of assault, rape and violence. Who could possibly want to make that worse? That is what this messaging is doing.

What about transgender children? Where is the full page advertisement from the Tasmanian Coalition for Kids, urging school kids not to display violence against their transgender peers

because they saw them going to the wrong toilet - not to bully, tease or hurt them? Where is the outrage for those children?

The Tasmanian Coalition for Kids emailed a document to all members this morning. I have read this document and reflected on their suggestions. I will not address them all. The point I would like to make is that this process has been anything but rushed. Many of us have been working on this for many months now. Many years of advocacy have led us to this point.

My recollection of the events of last year are quite different to the recollection of other members in this place. My recollection is that the Government decided not to bring this bill on for debate and that members, including myself, were denied access to the OPC to draft amendments to deal with the concerns raised.

I have received many emails on this topic, as we all have. We have heard members talk on that today with various estimates on numbers. Some of those emails have stuck with me more than others. One in particular questioned my stance because of the fact that I am a mother of two children. I have a seven-year-old and a four-year-old. My seven-year-old is funny and loves creating things. He can be a bit of a worrier sometimes and has a close-knit group of friends. My four-year-old is affectionate, sweet, compassionate and never seems to stop moving. Both have wicked senses of humour. I can tell you anything and everything about them.

When this bill came before parliament for the first time, I could not have told you whether their sex was recorded on their birth certificates. I am painfully aware now that the reason I could not tell you that is because I have never had to think about it. Not once.

Now, we have all met parents who have had to think about it over and over again. They probably have to think about it every day. They know all too well the impact that one word on an old piece of paper can have on their child's life. If anyone wants to question my stance, based on the fact that I am a mother, let me tell you this: my children are being raised to know that wherever possible, whenever we have a choice, we should show kindness and compassion to others. We should take whatever steps we can to have a positive impact on people's lives.

Mr President, the second email that really stuck with me was from two people who are parents of four now-adult children. This email tells their story so eloquently and is so heartfelt that I have asked for their permission to share it today, which they have granted. I hope members will be happy to indulge me. I am sure other members received the same email, but I would like to read it now -

Dear Sarah

We are writing to you because we are parents of four adult children, one of whom identifies as non-binary. We are particularly keen to see that the Births, Deaths and Marriages legislation, which is currently under review by the Legislative Council, passes into law. This is why.

Our children grew up in a happy family, and we always promoted (and tried to exhibit ourselves) strong Christian values of respect and love for others. Our children all worked hard at school and were high academic achievers, participated in sport, music and drama and did all the normal things that you would expect and hope for in your children. Our youngest, however, started to have problems around puberty, and despite seeming to have a 'perfect' life and no problems at

school, was just not happy in herself. We were of course concerned, but not seeing any obvious reason for her problems, decided they would probably pass. We even managed to convince ourselves that a suicide attempt was little more than a passing phase of unhappiness, as this sort of thing was totally out of the realm of our experience, and really should not happen in families like ours. We did not talk openly about it, or seek outside help. We really didn't know how. With hindsight it would have helped if people had talked much more about gender issues, depression and other mental health concerns back then. At least we may have been more aware of what to look for and the importance of seeking help, and certainly, our child would have been better able to understand what was happening to them. It is a relief that we are not writing this following a successful suicide attempt. Our child is still alive and managed to survive to grow into adulthood, largely due to the love and support of those around them.

Some years later, our child discovered what it meant to be 'non-binary'. For them all the pieces fell into place. This was why they felt as they did, and this was why they felt different from other people that they knew. It gave a name and an explanation for why they had felt so unhappy and so different.

Of course for us, having our adult child tell us that they were non-binary was a shock. Nothing prepares you for that as a parent. We found ourselves saying, 'We love you unconditionally, and just want you to be happy, so if that's what you are, then that's fine. However we were thinking how much easier life would be if they had discovered themselves to be gay rather than transgender. While not easy, that would be more accepted by society. We all want the best for our children, and we want them to have a 'normal', happy, successful life. We know that society does not welcome transgender people and that being transgender means your life will be difficult. You will be abused, you will be discriminated against. Nobody wants that for their child, but for us it was clear - this is who our child is. Their gender forms part of their identity.

All of our children need to be happy and be true to themselves. We want them to have a smooth and happy life, and so that is why we now find ourselves writing to politicians, asking them to enact legislation which will make a huge difference to our adult child's chances of having a happy life. Making gender optional on birth certificates will not have a significant impact on most of us, but for people who are transgender or intersex, it will make the world of difference.

Imagine if every time you had interactions with people, you had to reveal a private personal detail about yourself that might invite ridicule or even cause people to attack you verbally or physically. This is what life is currently like for people who are transgender. They are unable to go about their normal day to day lives without being confronted with being transgender every minute of their day because the gender on their documents does not match the gender people perceive them as being. Think of how much better it would be if they could focus on contributing productively to society, rather than working out how to negotiate the next bit of bureaucracy, or find safe ways to conduct each day to day interaction.

We did not choose to be parents of a transgender child. Our child did not choose to be transgender - it is just the way they are, but it is not *who* they are. Being

transgender should not define them. They are so much more than just their gender. It's time we, as a society just accepted them as people and let them and others like them get on with the rest of their lives. It is the very least we can do, and we will do it because we love and respect them as human beings.

Please listen to the personal stories and think about what this legislation means to each of these people and the people who love them, when you place your vote.

Thanks for taking the time to read this.

Regards,  
Margaret and Sweis Meijers

Mr President, some other concerns I feel are important to address are those of the Australian Medical Association which has since advised its concerns have been ameliorated. Some months ago, I met with Dr John Davis, the Tasmanian president of the AMA, and Dr John Burgess, an endocrinologist, after they contacted me and we had a lengthy and frank discussion about the AMA's concerns.

Dr Davis and Dr Burgess were both more surprised to understand there is no current legislative requirement for birth sex phenotype - that is, apparent birth sex - to be recorded. We discussed the importance of this data for future health planning and it is evidenced from their letter dated 20 March 2019 that the AMA no longer has concerns about the impact of this particular bill.

I would like to read this letter into *Hansard* to ensure the AMA position is clear. Again, I ask for members' indulgence, but this is at the request of the AMA. The letter is to the President of the Legislative Council -

Dear Mr Wilkinson,

Members of the AMA have raised with me concerns they have in relation to how changes in this bill may impact on the medical profession. They have sought clarification as to how the change of gender on a birth certificate could impact on the identification of gender in the medical environment, as there may be legal and medical consequences to a gender not been noted on a document or been noted as a gender that is not the biological sex of an individual. For example, in pathology, it is critical to know the gender/sex of a patient to be able to correctly interpret blood results.

I have since sought advice in relation to these concerns from the former Equal Opportunities Commissioner, Ms Robin Banks, who I believe is assisting members on this bill. She has reassured me that this bill would not impact on the medical profession for the following reasons:

- 1) rarely would doctors ask for or rely on the birth certificate of a patient to determine sex or gender status and history;
- 2) doctors do not have access to the Register of Birth, Deaths and Marriages and, as such, registered information is not available to them other than through their patient expressly consenting to access;

- 3) sex or gender as registered on or held by the Registrar of Births, Deaths and Marriages is not a physiologically accurate record;
- 4) neither the amendments in the Bill nor the existing provisions of the *Anti-Discrimination Act 1998* (Tas) or the *Sex Discrimination Act 1984* (Cth) preclude the doctors from asking patients for information about their sex or gender identification and history (where relevant) and providing relevant information in referrals to other medical specialists, including pathologists.

While our concerns have been ameliorated, I would appreciate this advice being placed on the parliamentary record in order to avoid any confusion in the future.

What discussion around this bill has highlighted is the need for referring doctors to be clear about their patient's current sex and gender status and relevant history, and that medical forms need to be designed to enable medical practitioners to obtain and provide (on referrals, for example) the relevant information on this issue. This is a matter I will raise further within the medical profession.

Further we believe it is essential that the sex of a child is registered on an official register. In our view, the birth registration document must include completion of a data field that describes sex phenotype as apparent at birth based on the clinician assessment of the infant's external genitalia with the categorical options of 'male', 'female' or 'ambiguous genitalia'. This is to ensure that we have dataset that can inform us for example, from a population health perspective, as to the sex makeup of our population as well as help identify if there is any sign of genetic changes due to environmental or medication exposure that may be impacting on the sex of children.

Yours sincerely  
John Davis  
President AMA Tasmania

Clearly, concerns have been raised by the AMA, but through open and honest discussion, those concerns have been addressed and there are amendments proposed that will go further to addressing those concerns.

There have been many accusations of attacks on free speech. Speculation about well-meaning members of the community being dragged before the Anti-Discrimination Commissioner to answer accusations of misgendering after making a simple and unintended mistake.

Let us be clear: nobody is talking about trying to catch well-intentioned people out for using a wrong pronoun inadvertently or by mistake. The Anti-Discrimination Act refers to inciting hatred. Who could possibly oppose that? This is about choosing to be respectful and kind, and choosing to treat fellow members of our community with respect.

Another issue raised repeatedly is around the issuing of passports. While it is true that sex is listed on passports, it is also the case, unlike Tasmanian birth certificates, this can be changed without any of the requirements that currently exist for Tasmanians who wish to change their birth certificates.

The Australian Government does not use birth certificates to verify a person's gender in a passport application. These reforms will have no effect on an individual's ability to successfully apply for a passport.

A couple of weeks ago, before we were set to debate this bill, members received a letter from the Attorney-General - and we have spoken about that letter a couple of times today - outlining a number of concerns raised by the Solicitor-General, which have been referred to by other members.

What are we expected to believe here? That there will be a sudden rush of embryo harvesting from transgender men or a sudden influx of doctors being forced against their will to perform abortions on transgender men, because they will not be protected under the current conscientious objection protections? Is a birth certificate going to be the crucial piece of evidence used to support any case a clinician may need to respond to?

Are the concerns raised by the Solicitor-General valid? Perhaps -

**Mr Dean** - Are you saying they might be.

**Ms LOVELL** - But they could all happen under current laws.

**Mr PRESIDENT** - Order. These debates can get out of hand. I advise members of standing order 121, members not to interrupt another but for certain matters, which are set out in the Standing Orders.

**Ms LOVELL** - Thank you, Mr President. Under the current law, police and prisons, transgender and non-binary people are allowed choice on gender of the person who searches them. This happens under current practice.

Under the current law, surgery requirements that allow some transgender people to change the gender on their birth certificate enable them to do this without losing their reproductive capacity. These issues have been raised by the Solicitor-General. Are they valid? Perhaps they are. Should they be addressed? Sure, but surely the best way of doing this is by updating legislation that contains unnecessarily gendered language, not by stopping these reforms.

Members have raised concerns about the function of the registrar and how these reforms would operate in practice. It may be helpful for members to refer to the email shared with us all by the member for Pembroke. This is a brief email sent to the member for Pembroke by Mr Bob Christie, a former registrar. With his permission, I read it to remind members of his view. This was addressed on 18 March 2019 to Ms Joanna Siejka -

I heard on radio news over the past weekend that the issue of gender on a birth certificate is to be debated in the Legislative Council this week. As a past Registrar of Births and Deaths for Hobart I write to you as my member for Pembroke, with my own thoughts on this matter.

What must be recognised is that a **Birth Record** and a **Birth Certificate** are separate documents. A birth record held by the Registry can include any number of facts regarding that particular birth. A certificate issued showing details of the birth may include **all** or **some**, of the facts recorded, whatever is to be legislated. Other jurisdictions have, in the past, issued what was known as a Long Certificate or Short Certificate, the Long showing all details, the Short having details limited



to what was legislated. A Birth **Extract** issued in Tasmania prior to some 40 years ago showed name, date and place of birth, but no gender. In Tasmania, a Record of Death, and Certificate issued therefrom once contained the cause of death but this fact was removed from the certificate probably about 40 years ago whilst that information was still recorded by the Registry.

Hope this information can assist you in your deliberations on this issue.

Robert Christie

I could go on, but I will not. We have all received extensive submissions and information in briefings, so there is no need for me to go through all of it. We have all had more than enough time. This matter may seem complex, but it is really quite simple. Delaying it further will not make it any more so.

When I spoke on the adjournment on our final sitting day of 2018, I said that this had been an opportunity for the Government to lead on a matter that would make a real difference in people's lives. Members, that opportunity is now ours. Let us not lose sight of that. Let us also not lose sight of the fact that, as was pointed out by the member for Windermere, the eyes of Australia are on us. Let us show them what we can achieve.

**Sitting suspended from 6.27 p.m. to 7.31 p.m.**

## **JUSTICE AND RELATED LEGISLATION (MARRIAGE AMENDMENTS) BILL 2018 (No. 47)**

### **Second Reading**

**Resumed from above.**

[7.31 p.m.]

**Ms ARMITAGE** (Launceston) - Madam Deputy President, society can sometimes be cruel and minority groups do exist. I accept that unless people are actually part of these groups, they would likely be oblivious to them, but it is like all things - it is about having skin in the game. We are affected when we are involved. I agree that equality should be a right and not a privilege and all children should be able to go through life without the question of how society will see them.

I also support the view parents should not be forced to make a determination about the sex of a baby when it is unclear or be forced to have corrective surgery. However, I am disappointed this bill has been brought forward in its current form and following many briefings, including from the Solicitor-General, the Registrar of Births, Deaths and Marriages and the Office of Parliamentary Counsel, it is apparent to me this bill has many deficiencies.

When I consider the families who briefed us and heard their personal stories - I see the tears in their eyes and hear the passion and anguish in their voices when they speak about their children - it would be very easy to support and vote to pass this bill. I am sure many others in the House feel the same way - you listen to their stories and you can just imagine that if it were you, of course you would do anything you could to try to help your children and you would lobby as much as you could. I know exactly how they feel. I seriously feel for them, but I do not believe I would be

doing my duty as a member of this Council or helping those in the community this bill is purported to help by supporting this bill in its current form.

The amendments in the other place were outside the scope of the original bill and should never have been allowed. The original bill had a limited purpose, which was to make Tasmanian laws compliant with the Commonwealth legal definition of marriage. The broader unrelated changes tacked into this bill are not a proper way of dealing with these changes to the law.

Significant changes such as removing sex from birth certificates and allowing self-identification should be dealt with as a separate piece of legislation. Making good law takes time and extensive consultation with the community and with experts. Good law that serves the public good is not made on the basis of emotion alone. As I said, emotionally I could certainly support the bill.

It is my opinion, and that of many others to whom I have spoken, that the marriage bill should have been allowed to proceed as drafted and a new bill for the transgender amendments put up allowing adequate time for community consultation on these proposed changes.

We have heard in briefings that the Government had ample time to bring forward a bill such as this, hence the reason these amendments were added to this bill. It is my understanding that members of the other place, other than Government members, have in the past brought forward bills such as on euthanasia. I question why a bill dealing with the issues of gender on birth certificates and self-identification was not properly researched with adequate community consultation given its importance. Perhaps a select committee of both Houses could have been implemented.

My belief is that the Legislative Council's responsibility is to put forward good laws based on fact and consequence, not laws based on personal belief or emotion. Passing this bill as it currently stands, even with all the amendments, I would be supporting it on emotion. We must endeavour to get it right the first time. We cannot underestimate the importance of a proper policy structure designed and worked up in order to frame the bill so we have a rock on which to build provisions. There is usually considerable study by policy officers. That sort of work is designed to capture any consequences identified in a systematic way, not in an ad hoc way.

I have a lot of sympathy for people in this situation. I know people who are transgender but I cannot let my personal feelings cloud what is in the best interests of good laws for this state and the very people we are wanting to help. Same-sex marriage was okayed but the public was not asked about removing sex markers or self-identification. I hear constantly that the bill is simply about removing gender from a birth certificate. It is in fact much more than that.

As mentioned earlier, the original bill was simply to bring us in line federally with the changes to same-sex marriage but neither this current bill nor the amendments have been put forward for any public discussion or consideration.

We need to ensure everyone is treated equally and the bill is the best it can be. Protecting people and children is exactly what we are trying to do here, by making sure we get this bill right. From speaking to people in this situation, they tell me what they want is simply the ability to have a recognised identification certificate that identifies the current name and gender for people. I support that, but I feel the path we are going down with this bill is far more radical than that with too many unknown consequences. There is an alternative way to deal with this bill. I consider the amendments passed in the lower House were ill-considered and not consultative. I want to make

sure that there is a proper quality bill that can go forward with some confidence that it will survive a court challenge.

We need to respect people who wish to transgender and provide some comfort for them, but I am concerned about rushing this bill through too quickly. I believe we need to slow down and consider and tease out complications and effects of the legislation and amendments as there are real and potential risks.

We have had many briefings from a variety of groups. We heard from one school that parents are asking -

Why don't we have a voice? Why do only some have a voice? We should hear a balanced view on this by giving everyone a chance to have a say and we are concerned that this law is being rushed through. We should all be on the journey together.

I would hope that all schools are supportive of gay and transgender students, but we should slow down and give time for consultation because so many issues need to be addressed - for example, school sporting teams, school camps, toilets and so on. No-one wants transgender students to feel different or to be bullied. I believe there needs to be time to make the necessary changes.

We need to produce a total bill that works together and we need to be consistent in the language we use. We need to remove any ambiguity. I believe we need another legally recognised form of identification to replace a birth certificate in many instances. The birth certificate could be used to gain this piece of identification, but not for general use. This could have been fleshed out in a committee process.

A birth certificate is that, a certificate of birth. A birth certificate is the proof to the world of your legal identity. The Births, Deaths and Marriages Registration Act 1999 establishes a person's identity and tracks it through time. We need to know who it is and be sure about it. Female or male identifies a person's legal entity. You need to know if somebody changes their name or their sex. I accept people who are transgender need some form of identification to prove identity, but I question whether there could not be something else put in place rather than a birth certificate.

There appear to be significant challenges operationally with major changes to the structure of birth and death certificates. We need to undergo a thorough testing plus communication to stakeholders such as the Australian Bureau of Statistics whereby we collect and supply because they would need lead time to adjust their systems.

There are many government departments who have not had the time to look at the bill or amendments fully to ascertain what they need to do and what processes they need to put into place, should this bill become law.

The Department of Health and Human Services is one such department. I question whether it has been consulted. It would need a considerable systems review because in a clinical setting, a person's sex needs to be known.

Education is another area that will require significant investment in student resources. It is unclear what the practical implications would be in a non-binary situation. They will need to tailor a program to this.

We were told by Rodney Croome this is the only process that will succeed, that the Government has shown no interest in advancing this issue, despite an immense amount of lobbying and no demonstration of will to move this issue forward. That may or may not be the case, but I dispute this is the only process that will succeed.

I hope this bill can still go to Committee to ensure robust legislation will stand the test of time. There could have been a private member's bill at any time from the other place, but did not happen.

We have repeatedly been told there could be unintended consequences. My question is: can we ignore them because we know better? I am not a lawyer and I do not know better. I have tried to put a few amendments up that hopefully will help the bill. The amendment to do with changing gender that is not reassignment surgery, but not simply a statutory declaration or counselling.

My preference is to split the bill and make sure we have this other part of the bill correct and right. I understand the urgency for many in this state who are affected, but as we were told by Chris Gunson, the President of the Tasmanian Bar, we need good legislative processes. It is better to get it right the first time. Why would you pass potentially problematic legislation?

We have been told in briefings that you not only have to consider the benefits to an identified section of the community, but also test the policy to reference on how the worst people in the community might take advantage of it.

There are many questions. Would this bill create gaps in a person's history? How many times could a person alter their gender identity? Could they have two Medicare cards or tax file numbers or two passports? This all needs to be carefully considered.

The question was asked in briefings about whether it would be possible for a serial paedophile on a register who cannot get access to children here to change gender, get a new birth certificate and go interstate to access children. Do we know if this could happen under this bill? I would like an answer, but who will give it to me?

The intent of this legislation is commendable, but the risk with this particular bill is too great, because its consequences are unknown. A birth certificate is one of the most fundamental things a person has, and if it ceases to be recognised, it could have broader consequences for everyone than the benefits it is giving.

We should all deal with people in a respectful and tolerant way, whoever they are, but this does not always happen. We should provide protection and greater ability for transgender people to live life a little freer from discrimination. The people whose lives are affected by these amendments do not choose to be in the spotlight. It is one of the reasons we need to get this right the first time.

There is not a downside to allowing more consultation, as the key element of the Legislative Council is that it is a House of review. This bill will affect all the community and it is far too important to have it rushed. During consultation, the community can raise concerns and have these concerns addressed, as no one wants bad law.

While I would like to be an optimist and hope this bill goes to an independent review, I do have amendments to the bill should it go through the Committee stage. But I cannot in good conscience vote this bill into the Committee stage for the many reasons I have outlined earlier, but it is unlikely that my vote will be required.

I appreciate there are many amendments to try to fix this bill. I note the member for Murchison is up to version 20, and I accept the last one was to do with information from the Solicitor-General at our last briefing. I appreciate that changes keep getting picked up along the way necessitating yet another version of amendments, but I would think this should flag the very problems outlined by many particularly our legal experts.

I want to make a brief comment regarding my amendments, and I will speak more fully to those in the Committee stage. I agree with others that reassignment surgery is a step too far for many transgender people. That is why I have an amendment requiring two medical practitioners, one a psychiatrist, to ensure that when someone is making these major changes that can have serious and wide-ranging challenges that they do so with certainty.

Martine Delaney in her email of 26 March 2019 to members notes that -

Because the process of transitioning invariably requires close medical supervision, trans and gender diverse people commonly have a well-established relationship with their doctor.

I believe to add a psychiatrist to that mix should not be unduly stressful and will assist many people in their transition.

While I accept it would be easier to simply go to a psychologist and have counselling prior to changing your birth certificate and gender markers, as proposed by the honourable member for Murchison, a medical practitioner and psychiatrist are much less onerous in the current requirement of reassignment surgery and I see this as taking a centre ground. These are major changes in someone's life and it is important that someone wishing to change their gender do so with absolute certainty.

I also have an amendment to reinstate 'mother' and 'father' into the bill rather than just 'parent' as, on occasion, the parent or parents might not be the mother or father of the child.

My final amendment is to reinstate the amendment in the original bill to allow a person to not solemnise a marriage and discriminate against another person on the grounds of religious belief or affiliation.

I agree with the comments that kids should be able to be just kids and they should not have to be concerned about their welfare or safety at school. Schools should be a safe place. I would hope that we could put legislation together that would be robust and would help everyone to feel equal without the perceived unknown consequences we are advised are intrinsic in this bill.

We were told by the member for Hobart that some people would be ideologically opposed to this legislation. I accept the member clarified that he was not referring to members around this table. However, I fear that some people are ideologically in favour of this legislation irrespective of flaws or unintended consequences. All I want is good legislation.

I will support a bill without known unintended consequences that discourages discrimination and assists marginalised people in our society. Are we cruel if we do not support this bill as it is, as was purported by the member for Rosevears? I do not believe so but I will not be attacking my fellow honourable members because of their opinions as we are all entitled to them and I believe we should all be treated with respect. In fact, is that not what a lot of this bill is all about. I believe I am doing my job to ensure this legislation is as good as it can be particularly for those vulnerable people we are supposed to be helping. It is about good legislative processes as it is better to get it right the first time.

I am concerned with responsible government passing laws that we know are robust and hopefully not flawed, that will not have unintended consequences for anyone. When legal brains such as the Solicitor-General and president of the Tasmanian Bar tell us this is likely, I for one listen as I have the welfare of our state and all its citizens at heart.

The member for Mersey stated, in essence, that he had no problem with this House being involved in making policy. He is right, of course, when he said that this House could make policy but it has never been the practice of this House to be a House of policymakers. We are, and always should be, a House of review and that has always been the case in this House and all upper Houses in the Westminster system of government. If we want to act otherwise we are just a replica of the House of Assembly and real questions could and should be asked whether this House should continue to exist. People could quite rightly argue to just increase the size of the lower House.

I cannot agree with the honourable member, and I will always be a strong advocate that this House remains a House of review. As a House of review, I continue to look for the best evidence to help guide my thinking. With that uppermost in my mind on this issue, I cannot go past the evidence obtained in briefings from the Solicitor-General and Mr Chris Gunson, the current president of the Tasmanian Bar. The law and its practice, which includes the understanding of legislation and its effects, are their bread and butter. This House has often asked for the advice from the Solicitor-General to governments. We accept it as learned advice and correct advice, and I cannot understand why a number in this House are saying they know better because we know that both the experts who have briefed us say this bill may have unknown consequences and should be properly examined before becoming law. The best place for this examination is of course the Tasmania Law Reform Institute. But again, we know better and we are not even going to avail ourselves of that opportunity if we pass this bill as it is now worded, and may be amended.

Why is there a problem? It is because the bill was hijacked downstairs with amendments which we are told just would not have worked. That would not have occurred if the bill had adhered to proper process. Members in this Chamber have often stated that proper procedure should be followed. Yet a number of those same members are now arguing the opposite. They are saying we are prepared to forgo proper procedure with this bill.

I want to be consistent, not inconsistent. I want to follow proper procedure. I have no problems with a number of the amendments if I can be satisfied that those amendments are good law. But if the legal experts cannot be sure of that, then how can I? I ask: how can anyone in this Chamber? I therefore cannot support the bill.

**Mr GAFFNEY** (Mersey) - Mr President, I appreciate the comments from other members and hopefully I will be able to address some of those concerns.

I would like to assist with concerns raised by the member for McIntyre and the member for Windermere, who is not in the Chamber at the moment, regarding the report that no-one has seen from the previous anti-discrimination commissioner, Robin Banks. We all know Robin - we saw that she was in the crowd earlier tonight - so I thought I would ask her. It seemed to make sense that if you have a question about someone, you ask the source. So I have the following information to read into *Hansard* from Robin -

Following a request from the (then) Attorney-General, the Hon Dr Vanessa Goodwin, the (then) Anti-Discrimination Commissioner, Robin Banks, worked with a number of key stakeholders including representatives of the transgender community and relevant organisations such as from Working It Out; the Organisation of Intersex International (Australia) and other representatives of the intersex community; the Registrar of Births, Deaths and Marriages; the Director of Prisons; and the (then) Commissioner for Children, Mark Morrissey. Ms Banks' office also conducted research into developments across Australia and the world to ensure any changes in Tasmania reflected contemporary good practice. This research and consultation resulted in the public release in February 2016 of the Options Paper, *Legal Recognition of Sex and Gender Diversity in Tasmania: options for amendments to the Births, Deaths and Marriages Registration Act of 1999*. This provided a public opportunity for people in Tasmania and further afield to provide their views on the proposed amendments. The consultation was publicised through the media, through the Commissioner's electronic newsletter (sent to over 1,500 people with an invitation to distribute further), through the Commissioner's website, and through a letter to heads of government agencies.

Submissions were received from a number of organisations including Australian Christian Lobby and Women's Liberation Front (Tasmania) - now Women Speak Tasmania.

At the time of that consultation, it was not the Department of Justice's practice to publish submissions. I note the Tasmanian Law Reform Institute does not publish submissions made to its inquiries.

The report was not finalised before Ms Banks finished her term as Commissioner and she understands it was to be finalised by DoJ.

Hopefully that clears up some of the concerns people raised about the knowledge and why that report was not released. According to Ms Banks it sits firmly now with the Department of Justice.

Mr President, before I focus on what I believe are the main issues relating to the Justice and Related Legislation (Marriage Amendments) Bill 2018, I need to provide context for my contribution. Many of us have been involved in leadership roles throughout our lives. In my case it has been as a member of the Legislative Council, mayor of Latrobe, president of the Local Government Association, assistant principal AST3, teacher, coach, captain, patron et cetera. Many here would have many more impressive roles than I have but throughout all of those roles I have maintained a certain set of values and an ideology based on aiming to build and strengthen community.

The five values I believe we need in building communities are, and in no particular order, respect yourself; care for others; expect the best; think before reacting; and look for solutions in non-violent ways. These values are integral as connectors between the building blocks of successful, strong and positive communities. Those five values are, however, more influential if communities have a solid foundation. Communities which have solid foundations and strong values usually exhibit a degree of respect and established trust is evident. When conflicting and challenging issues arise, the foundation is sound and strong enough to allow change and conflict resolution.

I believe there are four building blocks which are all important in creating a strong community and the size of the community is irrelevant. It could be a sports team, a school, a workplace, a town, a region or a state or even, indeed, a country. The four building blocks are self-explanatory. I would like to suggest that members reflect on each of these building blocks and their importance and perhaps relevance for this state and our relationships within the broader Tasmanian community.

The first building block is communication. Informed and connected communities, through a variety of communication strategies, are usually positive and strong. Individuals and community groups feel more validated if they can intimately be involved in the conversation. We, as MLCs, try to communicate to our constituents in a number of ways.

The second building block for positive communities is cooperation. Without a doubt, communities are strongest when people work together, support each other and cooperate. It is imperative that we continue to strive to build cooperative and strong communities.

The third building block for me for an energetic and caring community is events and activities. We are blessed in this state with a huge range of events and activities on offer. Not a weekend goes by where there isn't a festival, a show, an arts event, an open garden, or regatta, and the list goes on. I strongly believe that our communities get stronger if they cooperate to develop and organise events and obviously a diverse range of communication strategies assist with informing community about the events or activity. Tasmania, itself, flourishes through a wide range of events and activities.

I believe as a developed society we address these three building blocks really well.

Now we, as a parliament, have an opportunity to strengthen the fourth building block. That fourth building block I refer to as affirmation. It is not a word we hear a lot about but it is one I believe is an integral part of building stronger communities. Affirmation is defined as the assertion that something exists or is true - something is affirmed - a statement or proposition that is declared to be true, confirmation or ratification of the truth, or validity of a prior judgment, decision; it is also the action or process of affirming something, emotional support or encouragement.

This bill has the opportunity to affirm that a section of our community that does not currently feel included or adequately catered for in legislation can be accepted for who they are within the administrative network and information constructs we design. There will be little negative impact on other individuals, if any at all.

Sometimes, when an opportunity arises for us to legislate to be inclusive and supportive, we should act on that opportunity. What are we scared of? Why can we not, as Tasmanians, take a lead and show the rest of Australia that we care about each and every individual? Now we can affirm to everyone that each person is important and our legislation should reflect that sentiment.



It is not rocket science. We should not be afraid. We should embrace diversity. We do not all need to agree but we do need to accept that we should be doing all we can to facilitate change towards a more inclusive and affirmed society. The process explained by the member from Rumney was correct - 13 people passed this bill downstairs and we have the bill in front of us. We can remember when it was a hung parliament when there was 10, 10 and five downstairs. Every bill that came up was a bill from down there and we worked on it and we tried to strengthen it. The bill follows from the 2017 same-sex marriage postal survey, in which 61.6 per cent of the Australian public voted in favour of marriage equality. In Tasmania, 63.6 per cent voted in support of marriage equality. This is something we can be proud of. Change is never easy. There are many individuals and community groups who do the hard yards to ensure that as a society we continue to develop, challenge inequity and strive to improve conditions for each and every person.

This bill rightly facilitates the necessary changes by making amendments to various existing acts. I am comfortable that Australia voted to afford same-sex couples the right to marry, a right that I believe has not impacted negatively on anyone. Marriage equality simply means that everyone has the right to marry the person they love. It does not impinge upon the rights of anyone else. Indeed, that right to marry has allowed stronger official partnerships to exist between two adults, which is definitely a plus for longevity and the societal importance of marriage - marriage being an important and longstanding institution within our culture.

It is clear to me, if a legal right is facilitated and supported by the Government, it should be available to everyone irrespective of race, religion, age or sexuality. I believe this to be a self-evident truth. Indeed, Australian Lawyers for Human Rights - ALHR - stated in their correspondence that it urges members of the Legislative Council to support these amendments. The joint United Nations statement on ending violence and discrimination against lesbian, gay, bisexual, transgender and intersex people included the following -

States should uphold international human rights standards on non-discrimination including by ensuring legal recognition of the gender identity of transgender people without abusive requirements ...

The statement also noted that -

Transgender people are frequently denied legal recognition of their preferred gender or face abusive requirements such as forced sterilisation, treatment or divorce to obtain it, without which they suffer exclusion and marginalisation.

This bill comes before us because the Government has been required to make certain changes consequential to marriage equality. Since marriage is no longer between a man and a woman, the legislative language needs to reflect this. They are not large changes, from 'man' or 'woman' to 'person', or from 'husband' or 'wife' to 'spouse'. These changes are far easier than saying 'husband or wife' or 'wife and wife' or 'husband and husband'. They are clear and simple, and I support them.

The public discussion around this bill has also taken a turn towards a separate issue: the removal of gender from birth certificates. Unfortunately, this discussion has been marred by misinformation from various sources. The present bill does not dictate to other parents how they should raise their own children. For example, parents of cisgender can still include sex on their child's birth certificate if they so desire. There will still be an opportunity for the baby's sex to be included on the birth certificate. This will not impact on 98 to 99 per cent of the population.

Today I will be sharing direct correspondence between myself and the transgender and gender-diverse community, some of which would have also been received by my fellow members. I wish to share a letter to the editor of the *Mercury* sent by Carole Benham. This letter frames the birth certificate debate as a debate about choice and illustrates well the point I was just making about parents being able to choose whether gender is included on their child's birth certificate. Carole writes -

Gender law reform at its core is about choice. The fearmongering in regard to proposed changes to birth certificates is reprehensible. Parents will be able to choose whether to have their baby's sex entered on the document or not. The newborn's sex will also continue to be officially recorded, so arguments about not having statistical information are invalid.

I identify as a cis-gendered woman - for many of us, our gender identity is the same as the sex on our birth certificates - but imagine if that were not the case. I totally support the right of people to choose how they would like to be identified on their birth certificates. If it doesn't affect you personally, show some respect and stop trying to interfere with the lives of others.

I received the following comments from one of my Mersey community members -

I am a Tasmanian citizen, and I write to you today to urge you to vote in support of the proposed Labour and Greens' amendments, that would seek to amend legislation regarding different areas of transgender rights.

I identify as transgender, which means that this proposed amendment will directly affect me in future. People who do identify as transgender are part of one of the most marginalised groups in the world, they face near constant harassment and discrimination, and are more likely to be subject to violence, or have poor mental health.

For transgender people, the benefits of this amendment passing cannot be overstated. Structural discrimination is a big problem that gender diverse people face, with issues accessing employment and housing featuring most prominently. If sex is removed from birth certificates, the primary purpose it serves is to alleviate the anxiety and struggles of gender diverse peoples trying to access these services, and to not fear discrimination when presenting their birth certificates. It can only have positive effects; transgender people will be less likely to experience discrimination in vital services, and will have better physical and mental health outcomes as a result. That is what is at stake here the emotional, social and physical wellbeing of the Tasmanian citizens you represent, and you have a responsibility to protect.

There has been concern regarding Tasmania being the first state to implement such changes, or the reforms being too 'radical', but the precedent for this action already exists; the Ontario province in Canada has removed sex from birth certificates, while several other countries and states have removed sex from other legal documentation, such as New South Wales removing sex from drivers licences, to the detriment of no-one.

Critics of the bill have claimed that it has no basis in 'community attitudes' and that there needs to be appropriate public consultation. Let me pledge my support to this bill, as a member of a proud and supportive community that wants nothing more than to see this bill pass. The impacts of this bill are minimal for the everyday community member, those who do not identify as gender diverse will not be affected by this legislation, ... however, the impacts are massive and indescribably positive for those who do identify as transgender, intersex or otherwise gender diverse.

... for the good of those most vulnerable in your community, support this amendment and urge your fellow politicians to do the same.

This sentiment was reaffirmed by Roen Meijers from Transforming Tasmania when he eloquently described the role a birth certificate plays in an individual's life.

Birth certificates are not a historical document - they are an identity document. Historical records are preserved by the Registrar (and will continue to be preserved under the amendments, as described in Section 28K(1)). Genealogical and historical needs are met by the Notification of Birth and Registration of Birth forms rather than by birth certificates.

Birth certificates, as a functional document, serve as proof of three things:

- The individual's full name (used to prove current identity)
- The individual's place of birth (used to prove citizenship)
- The individual's date of birth (used to prove age)

Many details on birth certificates are already not accurate representations of history. For example, birth parents listed on a certificate may not be the biological parents - they may be adoptions, donor-conceived children or have same-sex parents. Name and gender are already both changeable items. These items are updated in order to match a person's current legal identity.

Tracey Wing reiterated this reality when she said in an email -

The reality is the reforms relate to changes in administrative & recorded information processes that could greatly benefit a relatively small proportion of the population, have no impact on most people at all.

Robin Banks, former anti-discrimination commissioner, echoed these sentiments as follows -

The idea that a person's 'sex ceases to exist' because of a formal legal process is also absurd. People's sex and gender will continue to be part of each person's personal identity and what is recorded on the register will have no effect on that.

The provisions in the Amendment Bill and Ms Forrest's amendments relating to issuing of birth certificates do not have the effect of removing sex or gender from birth certificates. Both sets of amendments allow for choice by the person themselves. This is to contrast with, for example, Driver's Licences that do not allow for you to opt to include your gender. As has been previously discussed, a

Birth Certificate is a proof of name, date and place of birth, not of sex/gender, or any of the myriad other data points collected on Birth notification and registration forms.

Mr President, with regard to the transgender community, I am sure that members were as touched as I was by the briefings we received in November last year. The discussion with Tasmanian Families for Trans Kids was particularly moving for many MLCs. I only wish other Tasmanians could have heard their message. This is a very personal issue for individuals and families. Those who came to speak with MLCs should be commended for their willingness to provide us with their experiences.

We were addressed by loving parents who simply want their children to be accepted as other children. Like all parents, they strive to protect, encourage and shelter their children from the hurt that different or marginalised people experience. That hurt is at times unintended, but is nonetheless still extremely damaging.

I do not accept the comment that we should not change the way we operate because it is only a few children. That view to me is unacceptable, especially if the change in reality will not inconvenience anyone.

Trans kids may be small in number, but for these children, the changes we are discussing today will make a world of difference.

Details given to MLCs include how at home they do not listen to commercial radio or watch the news on TV because many of the comments, particularly in recent times, have had definite negative impacts and upsetting consequences on their transgender child and their siblings.

One such example came from Milena, mother of an exceptional young man named George. George was assigned female at birth, but has since identified as a boy and lives now as a man. Milena's statement reads as follow -

Growing up there were early signs that stereotypical feminine pursuits were not going to be for George and that he simply preferred all things boy. It did not occur to us as parents to question his preference, that was just how he was.

George charged happily through primary school. He had caring friends and family around him, was achieving well academically and enjoyed and was successful at sports. Later in high school years and puberty brought high highs and low lows as George struggled with issues of self-identity and self-esteem.

At 19, George told us via a letter that he was in fact a boy after taking me out for coffee twice and struggling with the words. A great weight was lifted off his shoulders and he threw himself into both his University studies and learning about gender transition.

Milena cites employment as a particular area of concern. The requirement for a birth certificate for some companies, has presented George with hurdles in this area. Milenna continued -

Needing a break George took a GAP year and visited his brother in Darwin. He was short listed for a job in hospitality at Darwin Airport and then won the job

on interview. The conditions of employment required a birth certificate even though George had many other forms of identification including; driver's licence, bank statements and group certificates.

As his mental and physical health had become more heavily dependent upon the perception of himself as male he found the demand for a birth certificate detailing his previous name and misgendering him too confronting and anxiety inducing. I ended up having to fly him home.

This bill, as previously stated, represents a chance for Tasmanians to remove the procedural issues faced by young transgender people to ensure they have the same opportunity to make a start in life as their cisgendered peers.

The transgender community is relatively small in number, but many issues they face are ones we have the power to rectify. Everyone is important. This is an opportunity to markedly improve the lives of individuals in our community. People of all ages who play, work and contribute in our schools, workplaces and communities and who are part of who we are as a Tasmanian society should have legislation that supports them.

Unfortunately, mental health outcomes for transgender people are extremely concerning. As LGBTIQ Health informs us, transgender and gender diverse people over the age of 18 are nearly five times more likely to be diagnosed with depression during their lifetime. They are six times more likely to self-harm and are nearly 11 times more likely to attempt suicide. These are alarming statistics. A move towards greater community acceptance would go some way to alleviating this crisis.

As we were informed by the parents, removing barriers, especially those historical ones based on tradition, can provide the extra boost to the confidence of transgender and intersex children when trying to survive and indeed prosper in a world that can feel cold, both sceptical and judgmental. For instance, Tracey Wing, who I mentioned earlier, commented that we have heard many of the same arguments about this bill that we have heard in the past. She stated -

When we were debating the decriminalisation of homosexuality, when we were debating marriage equality, & now debating these legislative reforms - the same people, with the same tired claims that 'the fabric of our society is under threat' etc. always seem to emerge.

Another channel of communication by the transgender community and their families has been through emails and letters. I received many touching accounts from family and friends of transgender and children. For example, Kathy, aunt of George, who I mentioned earlier, wrote the following -

George Kennedy is a very intelligent and talented young adult. He excelled at school both academically and at sport. He is now studying Fine Arts, and some of his paintings have sold. George is dearly loved by his family and friends.

Removing the need for surgery to change his gender marker, and removing his prior name from his Birth Certificate, will allow him to use it as an identification document that doesn't leave him open to discrimination and invasion of his privacy. Processes that the rest of us have to follow and/or abide by should not

be more difficult for a transgender member of our society. I believe that George deserves the right to get on with his life without unnecessary barriers.

Craig, who attended the briefing on behalf of Tasmanian Families for Trans Kids, emailed me Thursday after the briefing.

Our children didn't make a choice to be the way they are, it is not in their genetic makeup and their identity is their own. They cannot deny who they are. These amendments will allow them to change their birth certificate without having to have invasive surgery to remove their reproductive organs - what a barbaric thing to expect them to have to do.

The harm principle says people should be free to act however they wish unless their actions cause harm to somebody else. That principle has been shown already in changes that made being homosexual legal, we have recently seen it with making same sex marriage legal, it is inevitable that enlightened people will also see that people should not be forced to have invasive surgery to prove that they are the gender they identify as, and the harm principle in this circumstances shows that no one is harmed by making these amendments, in fact the majority of people will not even know there is any difference, these changes simply won't affect them.

But for the 2% of people who are transgender or born with indeterminate sex or intersex this will have an immense benefit in improving their lives and easing the stress they go through negotiating a world that holds a lot of prejudice towards them.

Darren, another father of a transgender child, wrote -

I am a father of three children. One of my children is transgender. I love my children very much and I want only the best for them.

I am very concerned with the difficulties that my transgender child will face throughout their life. One of these things would have to explain why their birth certificate does not reflect their actual identity. Currently my child would have to undergo invasive and unnecessary surgery to change the sex marker on their birth certificate. If my child did go to these unnecessary lengths their new birth certificate would show that they had changed their sex marker and also those that had changed their name.

This is unacceptable, what happens to their personal privacy?

I am writing to you to ask you to support the proposed changes that will remove the requirement for surgery for transgender and intersex people to change their sex on their birth certificate and so it is printed in a way that protects their privacy. These laws can be changed easily, so that my child can have the same opportunities and be given the same respect and courtesy as any other person.

Let us be clear it does not stop anyone from changing gender. People who do that, do so because they have to. It is not something one does for fun and generally it comes at a large personal

cost. We have people who are married who find they have to do this. They cannot stand it anymore. They are generally older people who try to repress their feelings and eventually find they cannot.

Hearing stories from trans people, many of these people found the choice they faced when their inner conflict became unbearable was between changing gender and killing themselves.

The biggest problem with changing gender for trans people is a requirement for genital reassignment. This is especially the case for people who are born female. The requirement is not just a hysterectomy or sterilisation; they are required to change their genitals. I understand this surgery for a trans man costs about \$100 000, takes months and is completed in stages. It is not covered under Medicare or private health and there is no-one in Australia who does it. So it does not matter if they have had hormone therapy, chest reconstruction and now may be bearded and balding and speak with a baritone voice, they cannot change their legal gender and must go through life with an ID that says they are a woman.

With regard to surgery, Finnian Burman said the following -

As someone with extensive dealings with Trans and gender diverse young people, let me press how important this issue is. Being able to self-identify is a basic human right. Access to self-identification without expensive, invasive and often unwanted surgeries is a basic human right. The fabric of society will not tear in two because a small percentage of people want to change their assigned gender. The moment the media got wind of these proposed changes, spiteful and untrue stories were published. There is no 'radical sex ideology'. No one wants to remove gender from our world.

The worst impact is for children and their parents. Happily today trans people often do not wait and struggle for 45 years before they recognise their situation and transition.

We know that some people are trans. People hear about transgender and say, 'That's me' and take action sooner. We know that a number of older trans people say they knew they were trans when they were kids, they just did not have a word for it, did not understand it. They thought they were alone, no-one was like that. They had no idea there was something that could be done.

Mr President, there seems to be some concern that removing the requirement for surgery will leave children susceptible to making the wrong decision. Roen Meijers explains why this is misguided, as follows -

Removing medical or surgical requirements for legal gender recognition, and making gender an optional field on birth certificates, serves to protect young people (or any who are in a period of questioning). The removal of these barriers ensures individuals may safely explore their gender without being forced to make irreversible medical, surgical or legal decisions they may not be fully prepared for. Other jurisdictions which have removed medical and surgical requirements for legal gender change have seen no meaningful negative consequences from this change, while benefit to the transgender, gender diverse and intersex communities is immense.

Mr President, it seems logical to me that a young person trying to determine their gender identity should not feel like they must have invasive reassignment surgery to do so. Hopefully

many read the description by gender counsellor Dr Elizabeth Riley in programs published in many media - SBS, the *Sydney Morning Herald*, News.com, *Junkie* and so on. She outlined that a big part of her job is not encouraging kids to think they are trans; it is to test and make sure that they are actually trans and not just going through a phase, being tomboys or whatever, to screen kids and to help parents and schools.

Nothing permanent needs to be done for trans kids until they reach puberty. It is just a matter of social transition. It is not until puberty that they have any need for an intervention. At that age they are not allowed to have cross-gender hormones or they may get a hormone blocker designed to delay puberty until they are deemed old enough to make their own decision. Of course, these blockers are only available to kids who are almost certainly trans. Of course, no trans child gets surgery. The only children given surgery are intersex children who non-consensually have their genitals rearranged as infants. This generally requires periodic further surgeries as they age and often leaves them with problems with sensation and sexual function. Even if they are assigned the gender they feel they are, anecdotally some are not.

For trans kids, especially those who receive medication, their development is generally as the gender with which they identify. They do not have to deal with the development of secondary sex characteristics of a different gender they will have to try to fix or skeletal changes they cannot fix. For these children, only their birth certificates give them away, identify them as trans and therefore different; and they cannot have surgery, so they cannot change their birth certificates, and neither can their parents, no matter how supportive.

You have situations where teenagers are asked for birth certificates as proof of age and instead it becomes an issue of their gender. But gender was not the issue; it is not an issue for a job or a drivers licence, and we make it an issue that adversely affects these kids.

Patricia Bock perfectly encapsulated how minimal this change will be for cisgender people, while being ever so beneficial for the gender-diverse community. She wrote the following in a letter to the editor of the *Advocate* -

If I need to prove my identity I generally use my driving licence which has no sex recorded on it. No-one has ever asked me for documents to prove my sex so I don't know why people are afraid of the proposed changes.

As I understand it, if the legislation to change birth certificates is passed the stats about the number of male and female births will be recorded on the registry and the baby's gender will be in the birth certificate if the parents want it there. They'd just tick a box. Importantly for transgender people it will mean they won't have to have surgery and hormones to legally change to the opposite sex.

Mr President, Patricia is right. This legislation is about letting people choose for themselves and whether their child's gender is recorded. To my mind, this can only be a good thing.

Trans people do not choose to be trans and some say, 'Who would?' It is not an easy thing. It is just less painful than trying to fit into the gender they were told they should be. Why not let their parents choose to make this harsh reality as stress-free as possible? Most people who change gender have a bad time to varying degrees. Most also say they are glad they did and are happier and more at peace with themselves. Is this a reason to fear?



Trans people are not trans for ideological reasons. They are not trying to subvert society. They certainly are not trying to damage feminism. They are not a risk to us unless notions of our own gender are already shaky. They may challenge some social assumptions and gender stereotypes. Most trans people would rather not have to think about gender and just be their gender. They would rather study or work, pursue their interests or attend to relationships, children and parents. It is only the fact that they continually have to refute stereotypical prejudice.

To my mind, that is precisely what we are voting on today: whether a transgender adult or child has the right to the same opportunities, respect and courtesy as any other person.

As Martine Delaney highlighted in correspondence -

Increased acceptance and understanding means an ever-increasing proportion of Trans and gender-diverse people is able to avoid going through puberty at odds with their gender identity. More and more trans and gender diverse people are reaching adulthood with bodies matching who they are.

For most intersex people, difference does not appear at birth. For some, differences appear around puberty. In still other cases, difference may not be obvious at all. A person may not know they are intersex until they try to have children or perhaps have sex testing for sports or DNA testing for some reason.

The point the intersex community makes is that this variation is normal. There are percentages for this sort of thing. It happens regularly, even if not often. It is not a condition or a syndrome, it is just a variation and intersex people don't want to be stigmatised. Instead of intersex conditions or abnormalities or disorders, intersex people want to be described in law and elsewhere as people with variations of sex characteristics. This has become standard internationally. The proposed Labor amendments do this to the greatest extent practicable.

Regarding the social difficulties faced by the intersex community, the United Nations Office of the High Commissioner for Human Rights observed that -

Because their bodies are seen as different, intersex children and adults are often stigmatized and subjected to multiple human rights violations, including violations of their rights to health and physical integrity, to be free from torture and ill-treatment and to equality and non-discrimination.

Intersex persons are often subjected to discrimination and abused if it becomes known they are intersex, or if they are perceived not to conform to gender norms. Anti-discrimination laws do not typically ban discrimination against intersex persons, leaving them vulnerable to discriminatory practices in a range of settings, including access to health services, education, public services, employment and sport.

This is a harsh reality faced by the intersex people every day. It is that these amendments will go a long way to resolving.

The Commonwealth's view of sex and gender can be found in the *Australian Government Guidelines on the Recognition of Sex and Gender*. Sex is defined as the following -

For the purposes of these Guidelines, sex refers to the chromosomal, gonadal and anatomical characteristics associated with biological sex.

Conversely, the guidelines define gender as -

... part of a person's personal and social identity. It refers to the way a person feels, presents and is recognised within the community. A person's gender may be reflected in outward social markers, including their name, outward appearance, mannerisms and dress.

As a result, the guidelines provide a framework for an inclusive view of gender that acknowledges the transgender community with regard to the relationship between sex and gender. The guidelines state -

The Australian Government recognises that individuals may identify and be recognised within the community as a gender other than the sex they were assigned at birth or during infancy, or as a gender which is not exclusively male or female. This should be recognised and reflected in their personal records held by Australian Government departments and agencies.

In light of the federal government's position on this issue, I do not believe the changes we are discussing today are radical by any means. Roen Meijers has provided an informative overview of the progress made in the area across the country. Roen writes -

The Australian federal government removed requirements for surgical or medical procedures for gender recognition and allowed recognition of non-binary gender several years ago ... ACT and SA currently allow legal gender recognition without surgical prerequisites while the WA Law Reform Commission recently made recommendations for this and further reforms to reduce barriers to legal gender recognition and removal of gender from birth certificates.

I am aware that detractors of this bill may raise a number of practical issues about how these changes will be administered. I will address several of these issues.

One example seems to relate to passports. The critique seems to be that the issuing of passports will be further complicated by the passing of this bill. I feel the need to allay these concerns.

Passports are a federal issue, evidenced by the existence of the Australian Passports Act 2005. The Commonwealth's broad and inclusive view of gender, which I touched on a moment ago, is reflected in passport applications. A person who fills out this form will notice that with regard to gender, it offers three distinct options: male, female and a third option - intersex, indeterminate or unspecified. It is clear to me that this form evinces a clear intention to provide options for gender-diverse people.

I have already spoken today about the difficulties gender-diverse people have in procedural matters such as job interviews. I for one am glad to report to my fellow members that the changes we are voting on today will not in any way increase the difficulty with transgender people in obtaining an Australian passport.

Another practical issue raised over the last few months is religious freedom. The specific concern is that religious marriage celebrants will be forced to perform same-sex weddings if one party changes their gender. This is incorrect. Robin Banks explained that the amendments do not affect the operations of the federal Marriage Act or the Sex Discrimination Act. She writes -

The suggestion that this Bill will result in a minister of religion being prohibited from legally refusing to marry two men is not based in any valid interpretation of the Amendment Bill. The amendments do not affect the operation of either the federal Marriage Act or Sex Discrimination Act as amended in 2017. Both provide that a Minister of religion can refuse to marry two people of the same sex if it is consistent with that minister's faith. The federal Marriage Act also, more broadly, provides that a minister of religion can refuse to perform any marriage. This is not affected by this Amendment Bill.

I note the supremacy of federal law over state law is established by the section 109 of the Australian Constitution, which reads -

When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail and the former shall, to the extent of the inconsistency, be invalid.

Roan Meijers echoes this in the following statement -

Religious marriage celebrants already have the positive right, under the Federal Marriage Act since 1961, to refuse to perform a marriage ceremony or blessing for any couple for any reason and are exempt from any Anti-Discrimination action in this regard. The federal law's positive right overrides any state Anti-Discrimination protection. As such, religious marriage celebrants will be unaffected by the amendments, and any specific exceptions under the state Births, Deaths and Marriages Act are unnecessary.

Mischievous information has been spread by some people. They say that protection for hate speech will allow someone to be taken to court for making a mistake around a name or gender or use of honorifics. This is not true. Hate speech is a term for the most egregious of verbal attacks. It is defined in the act as follows -

A person, by a public act, must not incite hatred towards, serious contempt for, or severe ridicule of, a person or a group of persons on the ground of -

It has to be a public act - someone giving a speech or on a soapbox or in a flyer inciting hatred or serious contempt or severely ridiculing someone for being gay, trans, Aboriginal, Muslim or even a woman.

Robin Banks is someone with a wealth of knowledge and experience in this area. One specific piece of misinformation Robin helpfully addressed in correspondence sent to us was in regard to misgendering. The concern appears to be that a person can be punished for mistakenly referring to a trans person by the incorrect gender. Robin dispels any concerns relating to misgendering as follows -

Since it became law in 1999, the Anti-Discrimination Act 1998 (TAS) has contained prohibition of discrimination because a person is transgender (changed

to 'gender identity' in 2014). This includes a prohibition on any conduct that treats a person less favourably because of their gender identity than other people. This has always included conduct in the form of words as well as actions. The clarifying protection found in section 17(1) that deals with conduct that offends, humiliates, intimidates, insults or ridicules a person was extended to include 'gender identify' in 2014. There is nothing in the current Bill that changes that protection. Clause 9 seeks to ensure that gender expression (that is the way in which we personally express our identity through our clothes and other physical appearance, the way we speak, our mannerisms, etc.) is clearly understood to be within the scope of protection in relation to gender identity.

This explanation is clear. Hate speech requires something more than a mistake as to a person's gender. It is not a casual insult or misuse of an honorific.

One of the other issues that came up was one the member for Rumney addressed. It was from Dr Davis from AMA Tasmania. I am pleased the member read that into *Hansard*. It was important he said that discussion about this bill -

... has highlighted the need for referring doctors to be clear about their patients' current sex and gender status and relevant history, and that medical forms need to be designed to enable medical practitioners to obtain and provide (on referrals, for example) the relevant information on this issue. This is a matter I will raise further within the medical profession.

I was pleased the AMA realised there was an area they could address. Similarly, the registrar said some of the issues being raised about the birth and death certificates with the amendments would have challenges, but they could be fixed and were not insurmountable. Some of the areas identified by other practitioners around the place are not insurmountable.

I believe the Commissioner for Children and Young People provides sound advice in correspondence we all received. She wrote -

In my view, it is appropriate and consistent with a child rights approach to allow a young person who has the appropriate level of understanding and maturity to apply to register 'a change of their gender'. This is particularly so where a young person does not have supportive parents or guardians or where those parents or guardians might actively oppose any steps a young person may wish to take to apply to register a change of gender.

Ms McLean proposed that young people should also 'have the option' of including evidence they had undertaken counselling that supported their application. She also stated that -

The process outlined recognises the autonomy and decisional power of young people in accordance with their age and maturity, while including appropriate safeguards to promote and protect their wellbeing and best interests.

The Registrar should also be able to require other documentation that supports the change, except the medical certificate - and direct the young person to suitable counselling if they have not already attended a service deemed appropriate ...

Ms McLean has also urged respectful public discussion on the issues faced by gender-diverse Tasmanians ahead of the debate on proposed amendments to the state's Births, Deaths and Marriages Registration Act in the state's upper House. Although she acknowledged public debate was critical to our democratic process, she said there was a risk discussions around the proposed gender reforms could hurt people. 'Whilst public debate should be encouraged, we should also take care to ensure that it is respectful,' Ms McLean said.

If you look at the evidence provided by Robin Banks, a person credentialled in children's law and rights, she stated -

Children from the **age of 14** can prevent their parents having access to their medical records (federal My Health records legislation) and can consent to medical treatment at whatever age they can establish they have Gillick competence. This can be well and truly under 16 and yet, here we are, reinforcing paternalistic views of everyone under the age of 18 and their apparent incompetence! (You don't need your parents' consent to get a driver's licence and that has many more potential risks attached to it than amending the register, including risks for people other than the person with the drivers licence.

(And of course, children can be held criminally liable from the age of 10 if they can be shown to have understood what they did was wrong, and from the age of 14 or not whether they have that understanding).

As Roen Meijers from Transforming Tasmania informed us, under the Children, Young Persons and Their Families Act 1997, young persons aged 16 or 17 must consent to any care arrangements entered into, and the secretary must cancel any young person's care agreement if the young person requests this in writing. It is a common practice in Tasmanian child safety that young persons aged 16 or over who are not in a stable foster or kinship care arrangement may be deemed independent and transitioned out of the child safety system.

Under the Youth Justice Act 1997, young people aged 16 or over are treated differently in respect of their presumed level of capacity and responsibility. They are given a higher category of community service hours in sentencing and longer periods for probation, suspended or custodial sentences and, in some circumstances, may be tried as adults. The Tasmanian Criminal Code Act 1924 considers that the head of the family - that is, the parent - is not responsible for providing for the necessities of life for a person aged 16 or over.

Young people aged 15 or 16 are considered mature enough to consent to sex with a person not more than five years older than them, and young people aged 17 are considered mature enough to consent to sex with another person of any age.

It is evident from these points that Tasmanian legislation commonly considers a young person aged 16 to be generally independent in terms of their capacity to make life decisions and to attend to their own care needs.

Realistically, while we all hope young people in the LGBTIQ community might receive parental and community support, we know that is not the case.

As we know, a child can leave home without their parents' consent and can leave school and get a full-time job. Trans kids whose parents are not supportive may leave before this date and,

regardless of legality, may be thrown out of home, but at 16 they can legally be on their own and parents may send them away.

As was highlighted to us during our briefings by one speaker -

... it is ludicrous to demand that a 16 or 17 year old, who is living independently, largely due to hostility from parents, must get the permission of their parents to have a legal identity that matches their lived gender. This sets them up for inability to work, or rent a home, or subjects them to discrimination. This opens them to harm. Returning them to the parents perpetuates what amounts to abuse.

As Roen Meijers affirmed along similar lines in the information provided to us -

Transgender young people are significantly more likely to live away from the family home than other young people, usually due to family conflict (and often abuse) directly linked to their gender-diverse status, in which case parental consent would be impossible to obtain. While seeking parental consent for a 16 or 17 year old transgender young person may not always present an impassable barrier, in the majority of cases it causes some degree of family conflict, and overwhelmingly causes extended delays for the young person to access a support which may be critical to their mental health.

In closing, I will include in *Hansard* the thoughts of a trans individual who provided comments on the bill and also some of the amendments proposed. However, I will hold off on the amendments until we get into the Committee stage.

For clarification, I may not always agree with the comments made by Ms River, but I defend her right to be heard and state her case, and for MLCs to decide -

Hi Mike

Sorry for this late submission. At this point, I have just a few things to say, and a basic ask. First, I'd like to remind people that this legislation has no impact other than to allow Trans people to have identity documents that match their lived gender. That means it has no impact at all on people who are not Trans. Currently, the law is written so that almost no Trans person can get a birth certificate matching their lived gender. This is a constant problem, and exposes us to discrimination. It is particularly harmful for young Trans people, people who may have socially transitioned from age 5 or younger, who may have had hormone blockers at puberty, and when finally legally allowed to, had cross-gender hormones. These people would have grown up, socially and physiologically, as their lived gender.

For older people, this early transition was not an option. That didn't stop people like me from transition. Current law prevents almost all Trans people, particularly those assigned female at birth, from having legal documents that reflect our lived, social gender. Stopping children from transition just makes their life vastly more difficult. Keeping children ignorant is cruel, and does not stop them from being Trans. No one is Trans unless they are. No law or ideology stops Trans people from being Trans. It's only what the consequences are, in

terms of how those Trans people are treated. We live that. We know you cannot 'convert' people in terms of gender. There is no need to reinforce rigid gender roles. They are not helpful, practically or socially. Educators and sociologists have noted that children who strongly incorporate these stereotypes have increased incidence of outcomes like lower education levels, lower socio-economic levels, higher levels of substance abuse, of teen pregnancy, aggression, domestic violence. Allowing and supporting greater freedom for people, including young people, to explore and express their gender just helps kids have greater confidence. It does not impose gender on kids. It does the opposite, and allows people to find their own best-fitting gender expression. The proposed laws passed by the House simply allow people to have legal genders that match their lived gender. That has no impact at all on those who express their gender in stereotypical ways, or who are happy with the gender they were assigned at birth. The only people this impacts are Trans people. The legislation is intended to allow Trans people to have their legal identity match their lived identity, and reduce barriers for Trans people to live a normal life. This should not be a problem. This will be helpful in terms establishing identity. It is legislation that follows the principles accepted by most developed nations.

Trans people have a saying. We don't have any problem with our gender. The difficulty is that everyone else seems to have a problem with our gender. Kids don't decide to be a different gender. They aren't theoretical. They simply make choices and do things that people around them say belongs to 'the other gender'. That's how kids learn about gender. If a child consistently wants and is behaving in a way people say is wrong, and is the other gender, the child will start to say they are the other gender. For some people, they will actually feel that their body is wrong. For others, the greater part of their unease is that expectations and the way they are treated, and the way people react to them is wrong.

Before I close, I would like to make a couple of comments on previous speakers, as apparently this is the current modus operandi of this place. I have a different recollection of the events before Christmas in November. I remember the bill was deficient and that we had to prepare amendments. That was some five months ago. I feel for the member for McIntyre, who was called abhorrent, and for the member for Windermere, who was called a part of a male anatomy. I received an email likening me to Eric Abetz, and I think I lose all around.

I would like to make a comment about legislation being correct. It is interesting. We have had other bills in this place people have referred to, and I do not want to take a single comment out of context. A couple of times today I have heard people who have given us information and people who may have made a statement in this place, and they just put a one-liner in or whatever.

The member for Windermere when we were discussing the anti-protest laws said about legislation -

We will never get it perfect and if you are looking at any legislation that comes into this place you can never say that any of it is the perfect legislation because there is very little legislation that goes through here that is not amended somewhere down the line. Some of it is amended fairly quickly after it passes through this place. One such legislation was the clamping of vehicle legislation that we brought in several years ago and then there were amendments brought

back to this place within a very short time to amend that legislation. There has been a lot of other legislation where that has occurred.

That is probably what will occur with this legislation, if it gets up. If it is supported, if it gets through this place and gets through the other place, then it is not to say that it will not be amended as we move forward. There could be some holes found in it. There could be a relaxing of certain parts of it, if it is found to be necessary, if it does pick up people that it was never intended to pick up. All of those things can happen moving forward. So it is not in concrete, it is not there forever and a day. It is what is considered to be the best legislation at the time. That is what we look at in this place, to whether we believe it is good legislation, whether we believe it is acceptable legislation, and whether we believe it will meet the desired outcome intended by the movers of the legislation in the first place, and that is the Government. That is what it is about.

In that situation, the member for Windermere was quite comfortable with putting the legislation through. That was the worst legislation because it was found wanting in the High Court of Australia. When it was questioned, that is where it failed. We decided as a group: it was passed downstairs; it was passed here - on with the game. That should not be a reason we do not at this time support the legislation in front of us.

I was reading the consultation with Robin Banks in 2016, and the 1500 people and the invitation to take things further. Mr Dean also said about the anti-protest bill -

Once again I do not think that is an accurate statement to make. There certainly has been consultation, there really has. If you look over the history of this legislation there has been a lot of consultation, particularly over the past couple of months. We were told that there was consultation before that as well.

Mr Dean was quite happy to have two months of consultation to pass that legislation. We have had five months since we discussed this in November. It was discussed in 2016, two years ago. It has been raised. The Government had this on 9 December 2017, to progress it, so it is not as though there has not been any consultation. To sit here and say 'lack of consultation' and 'we need more time' is not correct.

If this bill is passed 8 to 6 or 9 to 5, so be it. That is the will of the House. I think everybody's vote in this place is equal. I do not like it implied that we are voting as a bloc or we think it is delaying tactics. It is just how we feel. At the end of the day, I am going to be voting for the people around the place I have received information from.

I close with a small paragraph from the UK Reform of the Gender Recognition Act - Government Consultation -

Being trans is not a mental illness. Despite this, and despite the progress that we have made in recent years, trans people continue to face significant barriers to full participation in society. Rates of suicide and self-harm, particularly amongst young trans people, are too high. Trans people continue to face discrimination and harassment in the workplace, in school and on the street. Ultimately this can prevent many from fulfilling their potential, and finding the dignity and respect that they deserve.



Mr President, I look forward to debating the amendments. I will fully support any amendment that will assist intersex and transgender individuals to be accepted in this state.

[8:48 p.m.]

**Mr VALENTINE** (Hobart) - Mr President, let me first acknowledge the Leader for organising the briefings. It is never an easy task trying to fit everybody in. I understand that. I want to thank the members of the public who came. It is an unusual position we find ourselves in. I think everyone would agree with that. It is a government bill that they do not now support in its entirety. It has to be difficult for the Government. I do not think anyone would deny that, but the fact is that it is here and we have to deal with it.

I acknowledge those who provided the many submissions for and against it, including One Click Politics. I had written down how many submissions I received. Without One Click Politics, it was in the order of something like 310 against and 290-odd for. The One Click Politics put it up to more than 3000 against it. They were one-liners, and no explanation.

**Ms Forrest** - They must go to different members because I did not get anywhere near that.

**Mr VALENTINE** - It was in One Click Politics, so many people voted the bill down.

**Ms Forrest** - There were not that many.

**Mr VALENTINE** - There were 1800.

**Mr Willie** - Some of them were from outside Australia.

**Mr VALENTINE** - We do not know where they are from because with One Click Politics, you never do. They could be from anywhere; we have no understanding.

The ones I put some weight on were the ones we received in proper email form. One Click Politics does not have great effect because (a) you do not know where they come from and, (b), there is no substance to them apart from one line which is expressing a desire. I do not put as much weight on those.

Nevertheless, I acknowledge everybody who put in a submission. I note the email from the Anti-Discrimination Commissioner and her support or otherwise of the amendments we have to debate; I have carefully noted the comments and we will no doubt be debating each and every one of those.

Because they are statutory officers, I would like to table the Equal Opportunity Tasmania commissioner's response because this needs to go on *Hansard*.

**Ms Rattray** - Version 1 or version 2?

**Mr VALENTINE** - This is the one was received on 1 April 2019 and the Commissioner for Children and Young People was received on 19 March 2019. Mr President, I seek leave to table those two documents.

**Ms Forrest** - There was a more updated version that came this morning from Equal Opportunity Tasmania.

**Mr PRESIDENT** - The one you wish to table is the one dated 1 April.

**Mr VALENTINE** - It is dated 1 April.

**Mr PRESIDENT** - Does the member wish to seek leave to table the document?

**Mr VALENTINE** - Two documents, one from the children's commissioner and one from the Anti-Discrimination Commissioner.

**Ms Forrest** - On that point, I understand the member is referring to a document from the Anti-Discrimination Commissioner of 1 April. There was an updated version sent at 9.31 this morning.

**Mr VALENTINE** - I have not seen that. Is it possible for me to table it once I have read that particular document during Committee or not?

**Mr PRESIDENT** - You may, if you believe it is appropriate in relation to any of the clauses, seek leave to table it. That would be the most appropriate way to deal with it.

**Mr VALENTINE** - Being statutory officers, they ought to be placed on the record. I will take further advice.

**Mr PRESIDENT** - As I was saying, you have the opportunity to do it during the Committee stage if you have the call.

**Mr VALENTINE** - I will hold off on that until tomorrow in that case, Mr President.

**Mr PRESIDENT** - What you will be doing is seeking leave and then there will be a motion incorporated into the *Hansard* record. That will be your next motion.

**Mr VALENTINE** - Mr President, I seek leave to withdraw my request.

**Leave granted; request withdrawn.**

**Mr VALENTINE** - I note the email from the children's commissioner and the affirming nature of it toward the legislation. The AMA has also provided comment and a measure of support. I note the opinions of the Tasmanian Bar and its concerns with the bill from a legal point of view. It does not enter the policy debate and was very clear about telling us that. Certainly not from an ideological point of view, the Tasmanian Bar is sticking to the law as they told us at their briefing.

I note the Australian Christian Lobby's submission and closing arguments also put forward by Transforming Tasmania. I note the thoughts put forward by Alex Sidhu of the Archdiocese of Hobart, and those organisations supporting some of the arguments and putting forward their own concerns. That includes organisations like Binary; Women Speak Tasmania - which is Bronwyn Williams and Isla MacGregor, who also provided us with a paper, *Impacts of Trans Activism on the Human Rights of Women and Girls*, and their media release; Mr Ben Smith from the new lobby group Tasmanian Coalition for Kids; and Mrs Judith Gibbens of the Catholic Women's League of Tasmania. All of them variously want to see further scrutiny and/or not to pass the present bill because of its perceived impact on them or their group of supporters.

I note the Australian Lawyers for Human Rights submission as well. I note the position put forward by organisations such as the Women's Legal Service, Engender Equality, Hobart Women's

Shelter and Women's Health Tasmania, in support of the legislation and refuting claims made by an opposing women's lobby group.

I also note the briefing from Tasmanian Families for Trans Kids and the North West Christian School. Many people talked to us, and a lot of information passed by our eyes. I do not know about anybody else, but I am getting sick of flicking emails in my sleep, because that is what happens. The phone is going off all the time; if you have it on a charger near your bed, it is a bit difficult. Some would say leave it out in the kitchen. I suppose you could.

**Ms Rattray** - As far as I know, they have an off switch.

**Mr VALENTINE** - They do have an off switch.

The reason for the bill: largely it is to do with the federal same-sex marriage act and its consequential amendments, such as terminology in the various acts. I will run through them for *Hansard*.

There is the Adoption Act, concerning who can give consent for adoption of a child. It recognises same-sex marriage situations in amendments in sections 29, 104 and 109.

The Anti-Discrimination Act: an amendment to insert something neglected to be inserted when some major amendments were dealt with in 2014. There were others in an original bill but they did not make it to this House.

The Births, Death and Marriages Registration Act: a whole suite of amendments surrounding notification of births and obligations to have births registered; registration of parents' details; processes of changing adults and children's names and their registration; inclusion or otherwise of sex, gender or previous names; name information on birth certificates - children's consent in these circumstances; documents involved; issuance of birth certificates; effective recording of change of gender; recognition of birth certificates issued outside of Tasmania; savings for rights of persons under sex or gender change circumstances; keeping of historical records; and additional services.

The Civil Liability Act includes same-sex marriage situations in the abolition of action for loss of consortium.

The Conveyancing and Law of Property Act includes persons in a same-sex marriage conveying freehold land or a thing in action, alone or jointly with another person.

The Criminal Code, section 297, deals with an exemption stating that a husband and wife are not criminally responsible for any conspiracy between themselves alone. This is updated to 'married persons' because of the same-sex marriage act.

The Status of Children Act: this bill amends the presumptions of parentage in the act to recognise same-sex marriage.

Among these changes, the consequence is that it saves married couples from having to divorce in order for either of them to legally change their gender and an individual not having to have gender reassignment surgery to live as the gender they are.

To go to the nub of the real contentions in this bill, it is not unlike the same-sex marriage debate: those passionate for and passionate against. Many are ideologically opposed to certain changes being proposed here - and I am talking about the submissions we have received. For some it is because of their faith position; others are fearful of what it may mean for society and for them as individuals; some feel that the very basic tenets of society are under attack.

Tasmania is not the first to go down this path.

I reference a document provided by Dede who did some homework on this and provided it to us all. We have Uruguay in 2009; Argentina in 2012; Denmark in 2014; India in 2014; Malta in 2015; Columbia in 2015; Ireland in 2015; Ecuador in 2015; Bolivia in 2015; Norway in 2016; France in 2016; Canada in 2017; Belgium in 2017; Greece in 2017; and Pakistan in 2018. They variously have what we are dealing with in regard to birth certificates and passports that is intended to be included in the bill here.

**Mr Dean** - Are you aware of the extent of their legislation?

**Mr VALENTINE** - Yes, there is a note on that. A lot of them are about self-identification - no diagnosis requirement; self-identification, right of gender recognition in law; obligations for government to change; self-identification, no diagnosis requirement; 2016, eliminate references to transgender as a mental disorder. There are many listed and I will not read them all in because I am sure you have received this information.

Something like 14 or 15 countries have dealt with this issue in some way, not entirely the same maybe, but many have gone down this track. There are 11 in the process of doing so - Nepal, Mexico, Peru, South Korea, Luxemburg, Spain and Portugal - Sweden did it earlier. I think this might not be correct there - Costa Rica, the Inter-American Court of Human Rights, and Russia. We are not groundbreaking on a world scale here. It is basically for Australia, and we know two other states have dealt with certain components. We are not breaking new ground on a global scale.

Whether we agree with it or not, people who are non-binary or transgender or whatever other terms they may use to describe themselves are real, live individuals. They are here with us today in the back of the Chamber. They daily live with discrimination because of what they are.

In analysing the circumstances we have here today with this bill and after reading the submissions we have all received from all sides of this debate, we need to lift our eyes away from the divisive aspects of this issue and think about who they are. They are folk living their lives, inhabiting a space not facilitated under the law. They are not able to see their life fulfilled because, putting it simply, they are unable to be identified truly in line with the gender they are, not what they aspire to be.

It may be hard for us to understand because we are not in their shoes. I said this a long time ago in the press - perhaps it would assist us if we were to spend a week in their shoes. We might understand the sort of difficulties they find.

I think back over time of the changes that have occurred in our country and the world. Women's suffrage and the right to vote back in the early 1900s; racial segregation in the United States and South Africa and in Australian pubs; the White Australia policy; reds under the bed - remember that? I can remember some discussion and my parents referring to it long after I was born. I was born in the 1950s, I am a 1950s boy.

Maralinga and Menzies. He was able to say to the British that the bombsite and its surrounds were uninhabited, because Aboriginal people were apparently classified under the flora and fauna act. They did not get the vote until the mid-1960s. They went away and fought in wars, gave their lives for the country, but they were classified under the flora and fauna act. It is a bit hard to believe, isn't it?

No women were allowed in bars and certainly not in parliament for many years, and then there were one or two groundbreakers that made it here. Married women were largely at home doing the washing and the ironing and cooking, sprucing themselves up to look nice for hubby when he waltzed in the door like a gladiator ready to be waited on hand and foot. Have a look at some old television ads and be shocked. When you look at it we have come a long way, but all these things were issues for their time at the time. Married women who became pregnant were forced to leave the workforce. You can now feed your child in the Chamber downstairs.

I remember Darlene Haigh, who was an alderman on the Hobart City Council with me, saying to me that she went for a job with the Hobart Savings Bank. When they realised what religion she was - she was Catholic - they said, 'We do not employ Catholics'. Does that surprise you? Does anyone here remember that era? That was in the 1960s. 'We do not employ Catholics'.

Homophobic laws in Tasmania. Disabled access - shock, horror. 'You mean we have to spend money putting ramps up so they can go in the front door! Can't they just use the back door?' They were treated like second-class citizens.

Life moves on. When we think back on those things we collectively think how ridiculous they were in those particular circumstances. Over time people become more tolerant. The sky will not fall in. You walk up the street now and you walk past a ramp. Probably as you are getting older you think gee, it is good there is a ramp there and I do not have to go up the steps, but you do not think anything of it. Buildings with ramps up to them are just part of life. There is nothing to it and yet it was a big issue. I remember it in local government at the time especially with heritage buildings. There had to be changes done out the front of this building for that.

This is one of those situations that we need to examine tonight and tomorrow. For sure we will not get it exactly right first up. That does not mean the world has to stop while we get it perfect when there are those who are suffering today. Not next week or next month or next year but today.

Discrimination is a horrible thing for those who suffer it. Maybe you can think back to your own school days. You were there with the odd socks on one day, or with holes in your socks or your shirt, which Mum did not have time to fix up, or it was the wrong colour, or you needed new pants and you were in grade 6 and mum and dad did not want to buy new ones for the last three months of your primary schooling because they were going to send you off to high school and they looked more like long shorts than short longs. It did not feel good being the odd person out at school with little things like that. Well, be thankful because that is nothing compared to feeling what it is like every day to not be accepted.

These people live with these feelings every day of their lives only it is more basic and it is deeper discrimination in some quarters.

I have to say that young children, in my experience, are more vulnerable to mental health issues as they find rejection harder to deal with. I do not have experience of transgender kids but I do

have experience with children having three of my own, the oldest of whom is 41 and the youngest is 30-odd. I also have six grandchildren so I understand children.

Today we have people who are suffering that discrimination yet there are some submissions that turn it around and say they are the victims if we pass this. Often it is those approaching this from a religious angle, those who are supposed to care for the oppressed and downtrodden and they do in so many ways except this time perhaps because it does not fit the faith paradigm that they are in. Those against the legislation should not be vilified. We do not need to do that. We need to encourage them to see it through different eyes because one day when they are out there helping feed the homeless or clothe them - and many of those people who are writing to us do exactly that - it will be a transgender person who is finding it all a bit much to cope with that they come across, the mental anguish a transgender person may be going through because of the rejection in their lives.

In not passing this legislation it would be like not allowing them to live a fulfilled life. Neglecting their need on the one hand yet offering a hand up when they are down and out as a result of their circumstance, or to put it another way it would be a bit like cutting off their nose on the one hand and then passing them a rose to smell with the other. If you have faith you might ask yourself what would Christ have done. I reckon I know. From my recollections of stories in scripture he spent time with the despised and rejected helping them, not hindering them.

I am most inclined to make life better for this minority in our community and it is my firm belief it will not make life worse for the majority, just like ramps for people with disability do not impact on the majority. There may be only one or two here and there, or 10 in 1000, or maybe even a few more. It is for those who are too frightened to identify themselves to feel brave enough to emerge from their cloistered world because they feel safe to do so. It would mean a lot to them to see their identity recognised and we must review these amendments and see if we cannot improve the bill.

Our role is not the policy house. I believe it was the member for McIntyre who might have raised that issue. We are here to examine and improve legislation within the policy intent. Yes, it is possible for private members' bills to be put forward and if the government accepts them then, yes, you are in effect bringing in new policy. The member for Mersey did that not that long ago. It does not happen very often.

It has been sent up to us and regardless of whether the Government is totally on board or not we need to deal with it because it is a majority in the lower House that approved this bill. It is an unusual circumstance but it is what it is. This may be the legislation that has a number of unique elements in it but some jurisdiction is bound to be the first in Australia to fully implement such changes. It has to start somewhere because the world is going forward.

In dealing with this bill it is so important we maintain respect for those who have different opinions to us and, as I said, we should not be here to vilify but to discuss and reason. We all come from different communities around our state and to vilify an individual member is to vilify the folks who elected them. We each had in the vicinity of 24 000 or 25 000 people place us in these chairs. That is a lot of people when you line them up.

We see over time a lot of effort and concern focused on child protection, bullying and the like. Today we have an opportunity to address the concerns of similarly targeted individuals. Some say we are dealing with such a small minority that it just does not seem right to let them hold sway. If

it were us, we would want to change things; knowing the tenacity and the drive of individuals around this Chamber I can absolutely guarantee it.

The people we are here discussing today are not in the same position of advantage that we have and we must seriously consider their plight because they are relying on us to speak out for them. By not doing so, are we insulting the intelligence of the public? Over 70 per cent of Tasmanians wanted same-sex marriage, I believe - someone can correct me if I am wrong - and I expect there are many out there who would want to see this bill progress.

Some say consultation has not occurred but we all know how many emails we have received and how long it has been before us, five or six months, and the number of talkback radio shows and newspaper articles spurring on the letter writers and the emailers. They know what is going on in here. They watch what is going on here. Some say it could be another stolen children situation in terms of the damage it could cause by allowing them to transgender. Well, we are not here to control people's lives. We are here to consider the impact on the minority and the majority and understand the unintended consequences.

A parent needs to think carefully about the individual circumstances of their child. This simply removes discrimination. It can also be a moment in history where we are allowing people to be free of the prejudices of the past. I gave enough examples of where that has happened in life.

The amendments that have come before us - and I pause to thank all members for the hard work that has gone into them - will improve the policy intentions of the bill we first received here in the Chamber, and also remove some of the fears that many have expressed, some of them as a result of misinterpretation as to what the bill is to achieve.

**Mr Dean** - Fifty pages ought to do something.

**Mr VALENTINE** - Yes, but it is what it is and we must deal with it.

I will take a moment to go through some of the members' contributions. The member for Windermere talked about the review by the TLRI and that the bill has gone there. I do not think it has. There are elements -

**Mr Dean** - I didn't say 'the bill'.

**Mr VALENTINE** - You will find that you did say the bill has gone there. *Hansard* will tell. It hasn't; apparently they will not work on something that is before the House. Maybe the Leader could clarify that it is not the bill that has gone to the TLRI. Is that right? That is correct, what I am saying?

**Mrs Hiscutt** - I do have a little summing up.

**Mr VALENTINE** - That is fine.

You mentioned about too many moral and ethical questions, and that the promoter did not consult the commissioner for children. We have the commissioner for children's response

**Mr Dean** - It is the bill before this House now, not the amendments.

**Mr VALENTINE** - Thank you for clarification. You talked about Tasmania Police having had a limited time to assess. Amendments need significant examination, correct. A lot of them are operational issues about intimate searches and the like. I am told the way they handle transgender people is no different. They handle them now, today, yesterday.

**Mr Dean** interjecting.

**Mr VALENTINE** - I am not asking for too much comment. I am picking up on some of the things that you have had to say.

I will read a document on passport issuing. You were saying perhaps they will need to have special circumstances for Tasmania. That is to be expected. Whenever you get a change in legislation, other jurisdictions may have to change their processes and procedures.

On a particular document I have, I will read from Finnian Burman -

Hi Rob! Thanks for getting back to me.

Transgender people have actually been able to record their chosen gender on passports for quite a few years now, even if their birth certificate doesn't reflect a change. This was implemented in 2012. All that is required is a letter from your GP that confirms that you are indeed transgender and that your GP is aware of your transition. My birth certificate says F on it, but with this very simple letter, I could obtain a passport that said M with no issue.

It is a blatant lie that changing birth certificate laws will make passports difficult to obtain. It just doesn't make sense, considering trans people can already do this.

The proposed changes to the law also state that if you attempt to get a passport in the future and no gender is listed on the birth certificate, a stat dec confirming which one you'd like (M or F) shown on the passport is sufficient. It will be no hassle to anyone.

I hope this clears things up for you.

**Mr Dean** - I have spoken to the passport office. That person does not know what they are talking about.

**Mr VALENTINE** - I am just sharing with you what I have received.

I think there will be time to look at these operational changes in the amendments brought forward by the member for Murchison. There is a 90-day period for section 4.

**Mr Dean** - It might not get up. The members might -

**Mr VALENTINE** - It might not, but there is encouragement to do that. We might see you support that.

The point is that it takes a couple of weeks for it to be get dealt with downstairs, to go off for royal assent, plus the 90 days. The TLRI will probably have its report back by the time this gets



close to being promulgated. If the TLRI brings up any issues, it would behove the Government to put forward some more amendments. I do not think it is as big an issue as many might think.

I think the member mentioned that transgender people are 11 times more likely to commit suicide and that reform is needed. That is spot on.

**Mr Dean** - I did something right.

**Mr VALENTINE** - I call it as I see it, and it is true. It points out that the longer we wait, the more risk there is of that occurring. We do not want to see that.

Everyone is worried about the TLRI. A list of recommendations came from the Law Reform Commission of Western Australia from the *Review of Western Australian legislation in relation to the recognition of a person's sex, change of sex or intersex status*.

The first recommendation is -

The Equal Opportunity Act 1984 (WA) be amended to include protections against discrimination based on gender identity and intersex status.

The second recommendation is -

The reports prepared by the Department of Health within 48 hours, and by the hospital within one month of birth, be amended to refer to sex and not gender.

I think that fits in with one of the member for Murchison's amendments that deals with making sure that sex is recorded at birth.

**Ms Forrest** - Registered.

**Mr VALENTINE** - Registered at birth. The third recommendation is -

The Birth Registration Form be amended to include an 'indeterminate' sex classification option.

The fourth recommendation is-

The Birth Registration Form include a statement notifying parents:

- (a) if a child's sex is not able to be determined at the time the form is submitted, then the sex field should be marked 'indeterminate'; and
- (b) the sex classification may be updated later once the child's sex has been determined with medical certainty.

We know a time frame to allow that to happen is in ours at the moment, but we will see how the amendment goes.

Recommendation 5, Sex classification be removed from birth certificates.

It is all in here. I am not going to go through them all, but the work has been done.

**Mr Dean** - But you -

**Mr VALENTINE** - Yes, but the laws of each of the states are -

**Mr Dean** - They are not identical.

**Mr VALENTINE** - No, they are not identical. The point is that this bill is based on sound processes. Why it has arrived in this House in the shape it is in and needs amendment is one thing, but the principle of the bill is there. The principle - that is something recognised elsewhere.

You were talking about the *Examiner's* survey. Do you support the Labor and Greens move to remove sex and gender from birth certificates? It would have been better had they said, 'Do you support the move to remove sex and gender from birth certificates?' It weighs it up straightaway as soon as you mention parties.

**Mr Dean** - There was a bit more to it than that. Read the rest of what I said.

**Mr VALENTINE** - Why were the parties included is my question there. It sets an immediate bias.

**Madam DEPUTY PRESIDENT** - Maybe the member for Hobart might like to address his comments through the Chair, rather than to other members.

**Mr VALENTINE** - It sets an immediate bias. Focusing on an individual's past performance says more about the strength of the argument than anything else. Classifying a person who does not support this bill as cruel was mentioned. I would not necessarily be doing that myself. It is not something I would do, but you mentioned the old boxing scenario. No doubt the boxing code of Australia would sort that out and has probably already come across a circumstance you were talking about with transgender people.

You mentioned the sexual assault by a person called Karen White in the UK. Transgender people are now dealt with when they go to prison. They are placed where the authorities think they will be protected. I expect you would know that in your old role. It has nothing to do with what they are. They place them where they will be best protected. They place a transgender person into a female prison or into a male prison, depending on what it is and the circumstances. If they thought that was going to be bad for them, they would not put them there. You would know that.

**Mr Dean** - I am too frightened to talk.

**Mr VALENTINE** - I said before that we have no option but to deal with this bill. You have said science does not back it up. That was from a GP. I have read many articles that talk about sex not being as clear-cut as people think and it is not just about XY or XX. It is not always clear-cut. It is not, and for the people we are dealing with in relation to the bill we have before us, it is a discrimination that does not have to be there. We can deal with this.

You talked about the Solicitor-General. In regard to the issues the Solicitor-General brought to our attention, amendments have been put forward, and we will see how they go.

You said you know where it is going. It is the will of the lower House, so it will probably go back down to the lower House in a better shape than it came up. I grant you that.

You say listen to the experts. We have been listening to some experts and that is why the amendments have been drafted the way they have, Madam Deputy President. Thankfully we had access to the Office of Parliamentary Counsel. Leader, thank you for that because that was essential for getting this bill to where it is at the moment with the amendments being presented before us.

Then the member for McIntyre -

**Ms Rattray** - Gave you a history lesson.

**Mr VALENTINE** - Yes, she said our duty was to the parliament. I slightly disagree with that. Our duty is to the Tasmanian people, which you would probably agree with. It is just a different way of looking at it.

**Ms Rattray** - You don't get an opportunity to do that if you are not in the parliament.

**Mr VALENTINE** - I know one cannot go without the other, I appreciate that, but ultimately it is the people because it is the people's parliament. That is the point I am making.

**Ms Rattray** - They put us here and they take us away.

**Mr VALENTINE** - We do have a valid and important role in this House.

We talked about guarding against hasty legislation; everyone has talked about the protest law and that was a bit hasty. It is not the first time that people have wanted to move legislation through this House in a speedy manner, but five months is hardly speedy, I might say.

I deal with each bill on its merits. This one has had five months before this Chamber. There have been many submissions - many more than a lot of bills that we get before us, I think you would all have to agree with that. I am not going to suggest for one moment that we have all the amendments captured that we should, but there is a cost to slowing this down. Much of it is operational changes that will be needed and as with any government department, as those changes are realised, you get amendment bills coming forward.

Two-thirds of the bills we have dealt with in this place over the past year have been amendment bills; some as a result of changes elsewhere, such as national changes that have been made and where we have to make changes here to satisfy the national rules or regulations. We can never be sure.

The statement was made that Vanessa Goodwin would have wanted the bill to be lawful. I agree with you; I am sure she would have, but I do not believe the amendments we are dealing with here are unlawful. OPC has crafted them at the request of members, as always. Creating an email - I cannot understand my own writing there.

**Ms Rattray** - That might save me one hit there.

**Mr VALENTINE** - I am not hitting you, I am just responding to some of the things you say.

**Ms Rattray** - I don't get a chance to respond to you though.

**Mr VALENTINE** - There you go, that is the benefit of going last and I never go last. Someone else does.

**Madam DEPUTY PRESIDENT** - Order, let us stay focused.

**Mr VALENTINE** - Sorry, I appreciate the time. It is interesting when we talk about misgendering and people worrying about offending. I think that is what I had here; someone read out an email and said they could not go through a day without offending.

**Ms Rattray** - I read that in the newspaper.

**Mr VALENTINE** - Right. The Society of Friends, the Quakers, have the right idea because they use only the person's name, they do not have Mr, Ms, Mrs, Mx; they just call you Rosemary Armitage, Rob Valentine - they do not say Mr or Mrs or whatever. That is a real thing for them. They believe you are who you are. That is all a lot of people want: to be recognised for who they are.

Using a sledgehammer approach to crack a nut and wait for the TLRI report - as I said before, one of the amendments brings up the 90-day period for section 4, which is where a lot of the issues are, and the two-week period it will take for it to get royal assent. So, add that all up and it is pretty close to when the TLRI was going to be bringing forward its report. The Government could bring forward amendments if the TLRI picked up any critical amendments. It is not going to be out there for months and months before issues are picked up the TLRI might have noted. The 90-day period is critical to making sure we do our best to see good process happen in relation to the implementation of this bill.

The member for Rumney read something that suggested passing the bill will make life more unsafe for women and girls, and it was offensive to do this. I can agree with that because it presupposes that if you are transgender, you are a risk. They are transgender not because they want to be, they simply are. To tell someone you are a risk and you are going to be attacking young girls if you are a transgender male is offensive. It does not gel to me. They are over-represented in suicide statistics, and it is not hard to see why.

I refer to a private life study that was carried out in early 2005. It was one of the largest surveys of gay, lesbian, bisexual, transgender and intersex people ever conducted. It aimed to document aspects of the health and wellbeing of a large sample of LGBTI people in Australia. It explored the impact of factors such as homophobia, discrimination, family and community connection on health and wellbeing and investigated aspects of health service use. In all, 5476 people between 16 and 92 years of age, with a mean age of 34, completed the online survey. This sample provides us with a detailed picture of the lives of LGBTI in Australia in all their diversity and complexity.

Of the sample, 63 per cent were male and 35 per cent were female. Just over half, 52 per cent, identified as gay men; 18 per cent as lesbian; and 10 per cent as bisexual. There were 100 transgender and 18 intersex participants. It was a broadly represented spread of participants from all states and territories, and 22 per cent lived outside major cities - 34 per cent in 2001, national census.

It goes through the methodology and talks about the sexual identity and the identity attraction and experience. LaTrobe University conducted a survey on the frequency of avoiding disclosing gender identity or sexuality which is described in the following table -

	<b>Males</b>	<b>Females</b>	<b>Trans- males</b>	<b>Trans- females</b>	<b>Intersex males</b>	<b>Intersex Females</b>
	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>
Never	13.9	9.5	15.6	13.6		28.6
Rarely	45.2	59.1	46.9	27.3	25.0	28.6
Generally	30.6	27.9	31.3	51.5	75.0	14.3
Always	10.3	3.4	6.3	7.6		28.6

Personal insults or verbal abuse were the most commonly experienced form of abuse, reported by 59.3 per cent of the total sample. Just under half, 44.3 per cent, reported that rumours had been spread about them. Just over one-third, 35.2 per cent, reported they had been socially excluded. Threats of violence or intimidation were reported by under a quarter, 23 per cent. Physical attacks or other kinds of violence were experienced by more than one in eight of participants, 13.7 per cent, an unacceptably high figure. The world has to be concerned about them.

It is worth a read. These people are marginalised. They are discriminated against and they suffer. You need to read that.

Passports go by facial features now. Who has been overseas lately? They do not ask what your sex is; they get you to stand in front of the camera. They do have sex on your passport but I reckon it will not be too long before they take that off. It is only some other countries that may require that.

The member for Rumney pointed out the Solicitor-General's observations that they can happen now. The member for Launceston suggested that there could be something else rather than a birth certificate. The difficulty with that is it would automatically out the person. Someone receiving that would know that person was intersex or transgender. That would automatically discriminate them.

The Tasmanian Bar raised some interesting examples of what could go wrong. Again, with a 90-day period, some of that could be looked into. Some of it is dealing with Commonwealth legislation. When any state brings in new legislation, it makes changes at the Commonwealth level.

It is going to be like anything else. When you get the problem, you deal with it. The 90 days will be critical.

The issue was raised of two Medicare numbers, two tax file numbers or two birth certificates. There is a fine involved if you present an old certificate. It is in the amendments.

The member for Launceston said that birth certificates are one of the most fundamental things we have. It is actually the birth record that is the most fundamental record. The birth certificate has some information that comes from the birth record.

Reassignment surgery was mentioned as being a step too far. I agree with that. What the heck difference does it make whether someone has reassignment surgery or not? If they have reassignment surgery, then yes, they are fully a woman or fully a male, if that is possible. So what? At the end of the day, you deal with that person for who that person is. Whether they have had the operation or not, what does it prove? It proves they had the gumption to go all the way. It does not make a scrap of difference to the law. It does not make a scrap of difference when they are standing

in front of you wanting to live as a woman whether they have had the operation or not - it really does not. I think we can get hung up on some of this.

Schools should be a safe place. That is like saying they are not a safe place now because transgender kids are in schools now. Schools are coping with them now. Public schools are coping with them now. They are there. There are parents who have kids who have come to see us. They are there now. This is not going to change that. The schools have managed. You have not heard a big outcry.

What are we scared of? We could take the lead and we could embrace diversity. Tonight at dinner I left the table and went to listen to the news a bit. The Victorian Government has brought in a support package for foster children until 21. They are going to look after foster kids until they are aged 21 because the foster kids have not had enough life experience to be out on their own. They are away from their general family. They are going to support them to 21. The Victorian Government is the first in Australia to do this - good on them. They need the support.

**Mr Willie** - The Labor Party was the first to announce it in Tasmania in the election.

**Mr VALENTINE** - I do not know which party it was that made it happen, but the thing is it is happening. That is change; that is different.

**Madam DEPUTY PRESIDENT** - We probably need to focus on the principle of the bill.

**Mr VALENTINE** - Madam Deputy President, I am saying the principle is that by us passing this bill, someone has to be first. That is the point I am making.

We have heard enough on protection from hate speech and the misgendering side of things. I do not think I have to go over that ground. That is jumping at shadows; it would have to be a deliberate act and a public act at that. I believe it is a public act to misgender somebody deliberately to upset them and to harass them, as far as I believe. That could happen now and it could be picked up. This bill is not going to change that aspect. It is still there in the Anti-Discrimination Act.

I was interested to hear the member for Mersey bringing up the issue that children from the age of 14 can stop their parents from accessing their medical records - I did not know that; that is quite an interesting fact - if shown to be Gillick competent - and at age 10 they can be criminally responsible. You can understand that some children at the age of 16 could be indeed alienated from their parents. Just up the road, in Elizabeth Street, there is a set of units the Government opened not all that long ago - maybe 18 months or two years ago, but certainly this current Government - to house young people like that. It is right next to Elizabeth College. At 16 they can leave home and the Government has catered for them, which is excellent to see.

I want to touch on a couple of emails that I received; I am sure others have received these. This one is from Cath. I do not think anyone has read this one in -

You might recall my family's story when I emailed you in November last year, or when I spoke to you at the Briefing the parents of transgender children attended last year. You may also recall me camping out at Parliament House during the discussions and deliberations around this issue.

For me, as for many of us, that last night at Parliament House was devastating. I recall how each of you that spoke for the people in the Gallery, spoke with such emotion and apology that you were not able to come to agreement on a way forward at that time. It seemed the main message then was that the proposed amendments could not be passed in their current form and more work was needed to have 'good law'.

Ruth Forrest has been working with the OPC to make good law. I have read her proposed Amendments and our family are in support of them.

I want to take the opportunity to share with you a recent incident that our transgender daughter experienced. Every year our school sends home a form to update the student and their guardians information. This form is given to the student to pass on to their guardian to complete. When our daughter came home, she thrust this form at me and said, 'apparently, I can be an 'M' (male) or I can be NOTHING. It's not fair mum! I'm not NOTHING!'. She showed me on the form that where it said Gender there was a blank space. What she then told me was that her teacher had given her the form to bring home. Our daughter immediately noticed that her Gender was listed as M for male. She spoke to her teacher about this saying it was wrong. Her teacher agreed and went to the office to have it changed. Unfortunately, despite the unwavering support and acceptance our school have shown, our daughters teacher was not able to change the 'M' (male) to an 'F' (female) due to administrative processes in that our daughters birth certificate does not say F. Our daughters teacher, trying to find a way around this that would diminish the distress our daughter was feeling, was advised she could leave the space blank.

While this was clearly not okay for our daughter, it was preferable to being misgendered as male. The teacher had phoned me to let me know what had occurred, that our daughter was very upset and to apologise for not being able to make this simple change. While I appreciate immensely the support of our school, I must admit I was very frustrated by this, especially seeing the distress it had caused our daughter. This did not impact any other child in the school, apart from a couple of our daughters friends who were upset for our daughter and also thought it was unfair. This does not have to happen again next year. You have the opportunity to make things a little easier for our daughter when that form comes home again next year. This may seem like a small thing, but an accumulation of small things can have a cumulative harmful effect and negatively impact the well-being of a person.

We protect our child as much as we can from the negative comments and the hate that comes from people who have nothing to gain, or lose, from birth certificate law reform. However, it takes a toll on us.

Please do not send this to Committee to die a slow death. Please do not call for more public consultation which will be harmful to transgender people and their families. I wasn't sure if I would have the strength to fight again, but when it comes to our children you find that strength and hope that the people who can help to make a life already fraught with challenges others do not have to face a little easier.

I ask you please support Ruth Forrest's Amendments to the Births, Deaths and Marriages Act around Birth Certificate Reform.

That was from Cath.

I have another letter, from Louise -

I am the parent of a local ... transgender woman who transitioned after puberty. My daughter was forced to transition in her workplace which has been quite a terrifying ordeal. She didn't want to transition that way, as a casual in customer service this opened her up to negative customer scrutiny around her transition, a cause of anxiety and panic for her, but she did not have a birth certificate in a form that would have allowed her to apply for an alternative workplace, a non-customer service position which might have enabled her to work without the fear of customer bullying that makes her anxious every shift.

Luckily her employers are fantastic, she is a great employee, smart, reliable, focused, they never hesitated to encourage her to stay with them, but unfortunately, as you can tell by the transphobic social media outrage, some customers feel entitled to treat her with intimidation and disgust.

This why we need birth certificate reform. It shouldn't be necessary, and it doesn't solve the real problem, the real problem being transphobia, the bullying and harassment that my daughter has to fear on a daily basis. In an ideal world my daughter being a transgender woman, and showing a birth certificate where the name at the top and the gender do not match her presenting identity would be met by mature adults who would not be phased at all. But the reality is until you have shown the birth certificate to whoever has requested it, you don't know how they will respond. Sadly, the reality is the person may be suddenly be filled with either disgust or curiosity and the focus is her genitals. This is excruciatingly uncomfortable for my daughter. She has not had surgery, that will occur in May next year, but sadly that won't fix peoples obsession and curiosity if there is anything at all about a birth certificate that portrays a transition. At the moment her dysphoria is through the roof, she just wants to be invisible and she just wants to be safe.

Also it is important to remember that keeping our kids safe in this way, and we speak of their mental health because it is an issue, is not just about political correctness and our kids needing to toughen up. I am also a founder and moderator of International Eating Disorders Family Support, a closed facebook support group with almost 1000 members. Our transgender kids in this transphobic world are in crisis and the suicide rates in the transgender community are incredibly high. Growing up with the message that you are wrong and disgusting hurts kids before they can even understand or express what it is that is wrong. They don't know the word transgender, but they know they are 'wrong'. Puberty causes great distress and eating disorders, anorexia or bulimia, are innate responses by our kids to hold off puberty. Because of this they are very resistant to treatment and recovery.



My daughter is at present a university student and has been offered a HECS free Bachelor of Philosophy due to her HD average, quite an accomplishment when you understand that she missed two years of full-time school and could only manage College and University at a reduced load due to an eating disorder that almost took her life. Such was the severity of her condition and her mental state over her unwanted puberty that she believed she would rather die than eat. As a result, she was hospitalized with heart failure, has osteoporosis and as a result of the osteoporosis, scoliosis. She has extreme anxiety. As smart as she is she cannot reach her full potential because she is literally 'scared in the world'. Her career choices in life are concerned with being safe and being out of the public eye and reducing her anxiety. I want, and other parents want, for their kids, the ability for them to feel safe, and to reach their full potential. So many transgender kids are unable to work or complete school due to their crippling anxiety. It is so much harder for them to be 'in the world' because of this.

Just in closing, my daughter is angry that something like Safe Schools wasn't around for her when she was in primary school. Knowing what it was she was struggling with would have made such a difference for her and for me. Hormone blockers would have been so much better for her than anorexia which has left her with lifelong health complications and limited potential for a selection of subjects at University as she is way too far behind in maths and science, due to her missed schooling, to allow her to follow those pursuits.

I am just distraught that my daughter has missed out on almost her entire childhood dealing with her self-hate and fear because it did not occur to me, or her, that she was transgender. That she could transition was not something I even knew was possible and because of this I could not help her the way many other parents have been able to support their children and hold off puberty.

We now have some great support for our transgender kids medically, but we need birth certificate reform urgently because we cannot change the transphobic society we are part of. Until then this is an urgent intervention needed to keep our kids safe, able to work, and able to participate in normal life things like opening a bank account without outing themselves.

I hope in having taken the time to read my daughter's struggles you will see how vital this legislation is to our transgender community.

Yours faithfully

So there it is. I won't go on further because I am sure people are wanting to vacate this building but it just goes to show you that is it important legislation. Yes, I can understand concerns that people might have through a lack of intimate knowledge as to what this bill is dealing with and how many issues that they raise have already been resolved in some of the amendments if they get through.

We are here to deal with these things. We are elected to look at legislation and the difficult stuff. People often say to me, 'How are you going? Do you like your job?', and I say, 'Well, yes, I do like my job'. There are times that you do not like your job because you have to deal with such heavy stuff, and we do have to deal with such heavy stuff but it is important stuff.

Mr President, I will be supporting the bill into the second reading.

[10.00 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I thank honourable members for their contributions and the respectful manner in the way it has been conducted. Hopefully, that will be extended to the Committee stage of this bill.

The Government maintains that the issues raised in the amended bill are substantial. They should not have been rushed into this bill and these matters should be considered by the Tasmania Law Reform Institute prior to any further legislative progress. The Government consistently made the point in the other place that the amendments had not been properly consulted or thought through and there were a range of unintended legal consequences with them. The time and effort which members of the Council have needed to put into attempting to fix the amendments that Labor and the Greens inserted into the bill, without consultation, demonstrates that the Government's concerns were absolutely valid.

The Government has met its commitment to bring the bill back before the Council and provided access to the Office of Parliamentary Counsel. The Government has referred these issues to the Tasmania Law Reform Institute. They have begun work, which is ongoing, contrary to incorrect advice being circulated. The terms of reference for the review, accepted by the TLRI in January 2019 are:

1. What steps should be required to register a change of sex or intersex status on official documents?
2. What categories of sex/gender should be displayed on birth certificates and other documents?
3. What, if any, reforms should be made in relation to consent to medical treatment to alter a person's sex or gender?
4. What, if any, reforms should be made in relation to the definitions or use of terms relating to sex and/or gender in the Tasmanian legislation?

Work on this reference has commenced and is continuing regardless of the status of the Justice and Related Legislation (Marriage Amendments) Bill 2018. The Government has said that the TLRI will report back in September. Whilst I acknowledge the time and effort that has gone into the development of these amendments, it is very clear that uncertainties still exist in the bill.

As the Solicitor-General said in his briefing, there are very real unintended legal consequences. While the amendments proposed seek to fix the problems, we need to be mindful that these were only examples identified through a preliminary review.

**The Council divided -**

AYES 8

Mr Farrell  
Mr Finch  
Ms Forrest

NOES 6

Mrs Armitage  
Mr Armstrong  
Mr Dean

Mr Gaffney  
Ms Lovell (Teller)  
Ms Siejka  
Mr Valentine  
Mr Willie

Mrs Hiscutt  
Ms Howlett  
Ms Rattray (Teller)

**Bill read the second time.**

## **ADJOURNMENT**

[10.06 p.m.]

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

That at its rising the Council adjourn until 11 a.m. on Wednesday 3 April 2019.

**Motion agreed to.**

**The Council adjourned at 10.07 p.m.**