

**Wednesday 1 May 2019**

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

### **RECOGNITION OF VISITORS**

**Madam SPEAKER** - Honourable members, I acknowledge the presence of students from the Legal Studies III class at Elizabeth College. I extend to you a warm welcome.

**Members** - Hear, hear.

### **QUESTIONS**

#### **Ambulance Ramping - Effect on Paramedics**

**Ms WHITE question to MINISTER for HEALTH, Mr FERGUSON**

[10.03 a.m.]

Twelve days ago emergency department registrars at the Royal Hobart Hospital released a letter providing solutions to the hospital crisis created by your well-documented failures. Today, a leaked letter from a Hobart paramedic to the Ambulance Tasmania CEO reveals the fallout of your catastrophic failure to reduce ambulance ramping outside the hospital while no beds were available. It reveals that this critical workforce has been pushed to the brink by that failure.

This paramedic has conducted a survey of other paramedics which has been provided to management. The results are shocking. Ninety per cent of the paramedics report that ambulance ramping outside hospitals is having a negative impact on their mental health. More than half are suffering sleep difficulties. Ninety-seven per cent reported that they believe not enough is being done to manage the impact. Yesterday, ambulances were ramped yet again at both the Royal Hobart Hospital and the Launceston General Hospital.

Do you acknowledge that ambulance ramping increases the risk of patients dying?

### **ANSWER**

Madam Speaker, I am sensitive to the concerns of any of our workers who are not satisfied with conditions, particularly where we see patients waiting too long for care. Our Government will always acknowledge pressure points and has expressed, and continues to express, our willingness to work on further solutions. We need to continue that work. I acknowledge and thank all our emergency service personnel for their dedication and work. We are strongly supporting them.

We have employed 51 more paramedics to provide more of a workforce to support each other.

**Mr O'Byrne** - Your thoughts and prayers are not enough. How about some action? You accuse us of a stunt. Is this a stunt?

**Madam SPEAKER** - Order, Mr O'Byrne.

**Mr FERGUSON** - To meet demand and to support our community, we are the first government in many years to put new crews into the north-west, the north and the south. There is more to come. We have now budgeted for and are in the process of employing and deploying a further 42 paramedics to our regional communities, specifically as support paramedics in response to concerns around fatigue, roster management and better response times.

I can advise that Ambulance Tasmania has received a letter and will be responding and giving due and proper consideration to it.

**Mr O'Byrne** interjecting.

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

**Mr FERGUSON** - I understand that a range of suggestions has been put forward and these will be considered. Tasmanians can be assured that the Hodgman Liberal Government gets it. We support our staff. We do not want to see anybody under stress and we do not want to see any patients waiting too long for care.

**Mr O'Byrne** - Words are not enough, mate. You have to do something.

**Madam SPEAKER** - Order, Mr O'Byrne.

**Mr FERGUSON** - That has been a central belief as we progress significant health reform. We have made significant additional health investment. This Government is in the market for potentially \$6 million of services to support our emergency service personnel through the wellness program. That has been initiated by the Department of Police, Fire and Emergency Management and it is supported by Ambulance Tasmania. That has never been done before. It should be supported. The program is also specifically designed to ensure support is provided to workers who are in need, especially emergency first responders. That is in addition to other initiatives, such as the long-standing employee assistance program. This has never been done before. This is a good thing and is an investment by this Government into our staff.

There is currently demand pressure on our emergency services, including our paramedics. We thank them for their work. We are aware of a number of people who have expressed their concerns.

**Ms O'Byrne** - Do you acknowledge that patients are dying because of ramping?

**Madam SPEAKER** - Order.

**Mr FERGUSON** - What we will not be doing is playing Rebecca White's blame game. It has helped no-one. This Government invests in solutions. We will continue to do more of that. The Government wants to work on better solutions. One of the best ways we can support staff who are doing it tough, particularly those caught up with unacceptable levels of ramping, is by sorting out the patient flow issues, the bed- block. Anybody who takes an interest outside Tasmania will see every other state is dealing with the same challenge in their metropolitan and regional hospitals.

We all have the same challenge. This Government is working with our senior health stakeholders to identify further solutions. A key solution is more beds as we build bigger buildings. We are doing that.

**Mr Bacon** - Not today.

**Mr FERGUSON** - Sarcasm helps nobody.

**Madam SPEAKER** - Order.

**Mr FERGUSON** - The Government has reopened all the wards that were closed. We have built more wards.

**Members** interjecting.

**Madam SPEAKER** - Order. I know we have all had a late night but I expect respectful parliamentary behaviour. There are many interjections. Today I will be dismissing people from the parliament if it gets out of control.

**Mr FERGUSON** - Thank you, Madam Speaker. We are supporting our staff in the hospital environment by opening more wards, more beds. We outlined it in detail yesterday to the cynicism of members opposite. The hospital is over-crowded because our building fabric is yesterday's buildings trying to deal with today's case load of patients. While we are building the redevelopment that has been long promised - for two decades politicians have been talking about the new redevelopment - we are delivering it.

Until the program is completed and the building is commissioned, we want to work with health stakeholders on further solutions. I believe very optimistically in the capability of people to work together.

I do not mind taking this opportunity to say that, in the spirit of bipartisanship that is expected of us by stakeholders, I will be ensuring that members opposite are afforded an opportunity to participate in the access solutions meeting scheduled for June. The Clinical Planning Taskforce is right now working on that and ensuring there is a reliable evidence base that members who want to participate constructively will be able to use to help inform any submissions or ideas they would like to be considered. That is the approach I will be adopting. That is what Tasmanians deserve and they can be assured, as can our paramedics be assured, that the Hodgman Liberal Government will always do everything we can to support a better health system.

### **Ambulance Ramping - Effect on Paramedics**

**Ms WHITE question to MINISTER for HEALTH, Mr FERGUSON**

[10.11 a.m.]

The leaked letter to the Ambulance Tasmania CEO describes the ambulance ramping disaster at the Royal Hobart Hospital as an unmitigated crisis that is entirely unworkable and causing widespread and undeniable psychological injury to paramedics. The ambulance officer who has been brave enough to step forward and address the catastrophe that you have created, writes:

Ambulance Tasmania is in a state of utter disarray, with the psychological impact of ramping affecting paramedics in extremis ... I hold a genuine and immediate concern for the welfare of my colleagues and fear that without swift and decisive intervention, the consequences could be catastrophic.

Paramedics, whose primary focus should be caring for their patients, are not able to because you have failed to care for them. What do you say to those ambulance paramedics who are at their wits end, with a distressing 6 per cent identifying they have contemplated self-harm as a consequence of the pressure they are facing?

#### **ANSWER**

Madam Speaker, I can only refer the Leader of the Opposition to my earlier answer. I believe I have given a comprehensive response to the earlier question. I do not want to see people playing more of the same game, which Tasmanians are tired of. It is wrong to talk up in the way you just have because we are providing support to our emergency services. The way you asked that last question is concerning. I will acknowledge that there are pressures on emergency services personnel and we are very alive to that. That is exactly why we are putting in place not just more staff, not just more beds, not just sorting out the access flow issues, but also the additional direct support to our staff.

#### **Tasmania Police - Removal of Workers Compensation Step-Down Provisions**

**Mrs RYLAH question to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mr FERGUSON**

[10.13 a.m.]

Can you update the House on the progress of the Hodgman majority Liberal Government's election commitment to remove workers compensation step-down provisions for police officers?

#### **ANSWER**

Madam Speaker, I thank the member for her question. Today I am pleased to inform the House that I will be tabling the Workers Rehabilitation and Compensation Amendment Bill 2019 which fulfils the Government's election commitment that we made to Tasmania Police officers to remove workers compensation step-down provisions for police officers who are on workers compensation as a result of operational-related injuries. This bill recognises that a police officer's duty requires them to put public safety ahead of their own safety.

**Ms O'Byrne** - Child protection workers?

**Mr FERGUSON** - This is not a game. This is not a joke. This is not about your politicking. This is about supporting those sworn police officers -

**Ms O'Byrne** - No, it is a genuine thing. It is not about politicking. It would be good to remove step-down provisions for all those workers.

**Mr FERGUSON** - who go into dangerous situations because they are sworn to do so. No politics, no jokes, no games.

**Ms O'Byrne** - No-one is joking about this.

**Mr FERGUSON** - Policing is a unique occupation. Police officers not only put themselves -

**Members** interjecting.

**Madam SPEAKER** - Order, I remind the Opposition they will have an opportunity to amend it if they wish later.

**Ms O'BYRNE** - Point of order, Madam Speaker. I ask the minister to withdraw that he said Opposition members were joking. We have a genuine concern about frontline workers. The minister is being dishonest by suggesting on the *Hansard* to maintain members on this side were joking. Let *Hansard* at least report that was dishonest.

**Madam SPEAKER** - You know that is not a point of order. I do not think that is what the minister meant, and I ask him to continue.

**Mr FERGUSON** - I want to ensure that members understand that policing is a unique occupation. The Liberal Party has been making these arguments with the Labor Party since 2008. Police officers not only put themselves at risk for the public benefit on a daily basis, but they do so in circumstances where the injuries sustained are often as a consequence of being violently attacked in situations that often they are not prepared for. Policing is not an occupation where risk mitigation measures can always be put in place, like other occupations. This reflects the dynamic and unpredictable nature of the situations that police officers are so often faced with.

A police officer never knows what scenes they will be confronted with when they start their shift and tragically it is the case that some officers have not been able to make it home to their families. Yet, knowing this, we still expect our sworn police officers to put their lives on the line to protect our communities and our loved ones. We also expect our police officers to act with bravery and to perform their duty without fear or hesitation, often in the face of great danger.

In this state we have had police officers who, while protecting our community, have been shot, stabbed, run down by cars, or otherwise assaulted. It is simply not reasonable that we would expect our police officers to respond to such danger while knowing they would suffer a loss of income should they be injured.

I acknowledge there are other occupations whose members suffer injuries whilst providing services for our public. However, it has to be understood - and we have been making this point since 2008 - that policing is the only occupation where members actually take an oath of office to cause the peace to be kept and preserved, and to prevent all offences against persons and properties in Tasmania. The oath often requires our sworn police officers to routinely attend situations of violence they are unable to retreat from and where it is common for that violence to be redirected at them and targeted toward them. The involvement of police is often the risk mitigation measure for many of our frontline service providers, which call on our police officers to deal with violent or dangerous situations that they themselves do not face.

The bill makes it clear that the wage step-down is only removed in those circumstances that are unique to the role of policing. This bill is strongly supported by the Police Association of Tasmania. I thank them for their support and helping us with our engagement. I take this opportunity to thank all our 1254 sworn police officers in Tasmania for the fantastic job they do in protecting us and keeping us safe. Their dedication and contribution to our community each and every day ensures that Tasmania remains the best place to live and raise a family.

## **Health - Budget Priorities**

### **Dr WOODRUFF question to MINISTER for HEALTH, Mr FERGUSON**

[10.18 a.m.]

The hospital executive received a letter that we spoke much about yesterday from the emergency department's registrar doctors at the Royal Hobart Hospital, a warning of the direct patient injury and death because of worsening conditions and bed block. Today we know that southern paramedics have written to Ambulance Tasmania laying out the harsh facts of ramping and overcrowding at the Royal Hobart Hospital, describing it as an unmitigated crisis that is worsening not just the mental health of frontline paramedics, but the lives of patients.

Tasmania has the worst code 1 ambulance response times in the country and when patients finally get to the hospital they are ramped for hours before receiving any treatment. In terrible examples, in one instance a patient was transferred from the state's north with a known abdominal aortic aneurysm and was ramped at the Royal for hours until their vessel burst, requiring life-saving surgery. Another example is of a six-week-old baby in Sorell triaged with respiratory arrest who had to wait for an ambulance from Glenorchy. The lives of patients are being put at risk on your watch every day. The health system is in meltdown after serial underfunding in every budget during your time as the responsible minister, yet you continue to deny that truth. What more evidence do you need to force you to act on the registrars' plan and to prioritise Health spending in this upcoming budget?

### **ANSWER**

Madam Speaker, I acknowledge the seriousness and the sense of duty of people who have been raising these concerns. I invite you, Dr Woodruff, to recognise that I answered this question yesterday in exactly the way you should expect us to answer it, which is that we are taking the suggestions on board. We are considering them closely. We have already moved in some respects, particularly with the registrars' request for more overnight cover. We are providing that. We have already told them that and I believe it has been warmly welcomed. A range of other solutions is being actively considered right now. That should assure you, Dr Woodruff, that we take these things seriously.

On behalf of the Government I reject the assertion that any of these concerns, ramping and bed block, have anything to do with the lack of funding as you have alleged. The Treasurer has tabled the documents in this House to demonstrate that we have put more money in than we budgeted during every year of this Government. That is our track record.

**Dr Woodruff** - That is right, but it is not in real terms. It is on paper.

**Madam SPEAKER** - Order, Dr Woodruff.

**Mr FERGUSON** - A mature discussion of parliamentarians would recognise that the challenge we face with ramping stems back to bed block in the hospital and that we have filled our hospital to capacity.

**Dr Woodruff** - That is not what the registrars told us.

**Mr FERGUSON** - They are. We are now building more capacity. While the capacity is still not yet completed, or commissioned, the stakeholders are telling us that they want to work together toward better utilisation of the beds we have. We want to see more overnight cover. We want to see better usage of the escalation policy and over-capacity protocol, which was written by clinicians, but which the Government is mocked for by the Opposition. We want to work on solutions. We will always listen.

**Dr Woodruff** - Under your Government, people cannot get to the hospital on time. When they get there, they are at risk of dying in the ambulance waiting to get into emergency. That is the truth.

**Madam SPEAKER** - Dr Woodruff, order.

**Mr FERGUSON** - Dr Woodruff, I welcome your question. You are representing a concern we are taking seriously and we will actively look for -

**Dr Woodruff** - You have been saying this for five years.

**Mr FERGUSON** - I am saying it now. Yesterday, we announced additional support exactly as the registrars requested. I believe that is the right approach.

**Dr Woodruff** - Are you going to meet with the ambulance paramedics?

**Madam SPEAKER** - Order, please.

**Mr FERGUSON** - We confront a challenge being met by every state around Australia and has confronted our Tasmanian health system for many years. The difference today is that we have opened all of the areas we can. We have built more capacity. We are now in the final year of the new building with more than 250-bed capacity. Until it is commissioned, we need to be prepared to work together with health stakeholders without the usual mockery, without the usual politicking and without the blame game, which helps nobody. We are focused on solutions. I can also assure you, Dr Woodruff, that you will be afforded an opportunity to participate and I hope it is constructive.

### **Ambulance Ramping - Effect on Paramedics**

**Ms WHITE question to MINISTER for HEALTH, Mr FERGUSON**

[10.23 a.m.]

Patients at the Royal Hobart Hospital are dying when they should not be. That has been made abundantly clear to you by the hospital's emergency registrars in their recent letter. Today, paramedics are sending you a warning that could not be clearer. They are at risk of self-harm because of the crisis in the health system, which you have been responsible for the last half-decade. The letter from this paramedic says -

It is well established that paramedics experience some of the highest rates of work-related psychological injury and that the rate of suicide in our industry is nearly 10 times that of the national average. And that is the case within functional ambulance services.

This is a dysfunctional ambulance service in Tasmania. Ambulance officers are telling you their workplace is unsafe. You know from the letter from the emergency registrars that the hospital workplace is also unsafe. How can you possibly tell Tasmanians that you are fit to be the Health minister if you cannot provide a safe workplace when your workforce has told you it is in danger of self-harm because of the utter disarray of ramping?

## **ANSWER**

Madam Speaker, those arguments were attempted yesterday and we have to move on. I am focused on solutions and the Leader of the Opposition is stuck in the past. It does her and her party no credit to approach this subject in this way. I will repeat my earlier answer to the Leader of the Opposition, who is unwilling to step forward into a constructive approach which is what health stakeholders are calling on us to do. I ask you to please stop this politicking and the blame game -

**Ms O'Byrne** - This letter is not politicking; this letter is desperation.

**Madam SPEAKER** - Order. Ms O'Byrne, this is your first warning.

**Mr FERGUSON** - because the number of Tasmanians you are helping is zero. We want to support better outcomes in our health system. We have achieved better outcomes in our health system and this Government has proven beyond doubt we are committed to the task. We have put significant resources to that task, which is a demonstration of how serious we are. I understand you cannot fathom that we put \$200 million more into the health system than you were promising to do and we are delivering on all of our commitments. You are unwilling, as I addressed in my answer to Dr Woodruff, to confront the reality that we have filled our physical assets to capacity, we are building more assets and that will assist in the medium-term. In the short-term, we are prepared and want to do more to support patients because access block is the problem. Access block expresses itself in the emergency department and in ambulance services. Despite everything, that has been achieved with ambulance personnel and the improved response times, which you failed to mention in your question.

We always want to do better. As a responsible Government, we will support our staff and we will give consideration to how we can do more.

## **Ambulance Ramping - Effect on Paramedics**

**Ms WHITE question to MINISTER for HEALTH, Mr FERGUSON**

[10.27 a.m.]

You know, from the information provided to you by paramedics today, they feel they can no longer do their jobs and Tasmania is facing the very real prospect of many of these paramedics leaving their jobs. An astonishing 87 per cent of those staff surveyed by their fellow paramedic officers say that ramping leaves them unable to perform their duties as paramedics, and a very worrying 42 per cent of the workforce is currently considering leaving the ambulance service altogether. The information given to you today reveals that crews spent 13.5 hours of a 14-hour shift on the ramp outside the hospital, and an additional two hours in the same spot beyond their rostered finish time, while ambulance cases in the community wait for hours without a response. You lecture us about response times when our community and our regions are uncovered. Unfortunately, to see ambulances ramped to this extent is not unusual. Can you confirm that



WorkSafe Tasmania has begun an investigation into the unsafe work practices relating to ambulance ramping at the hospital?

**ANSWER**

Madam Speaker, I have addressed much of that question already. As for what WorkSafe is doing, I encourage you to direct that question to the responsible minister.

**Ms White** - You don't know?

**Mr FERGUSON** - I am aware of it. If you care to listen to the answer, I encourage you to direct the question to the responsible minister. In my case I know about lodgement of the claim by the Health and Community Services Union. I have discussed that with the secretary of the Department of Health. He has assured me that, regardless of what WorkSafe's role or whether they will formally look into it, it is a matter for them. I have sought an assurance that we will do everything we can to support the wellbeing of our staff.

**Ms White** - But you're not.

**Mr FERGUSON** - You should expect we would have done that and we have. I ask the -

**Ms White** - They disagree with you.

**Mr FERGUSON** - It is not doing any good but I am again asking the Opposition Leader, rather than revel in the challenge we face, to see there is an opportunity for you to work constructively. Stakeholders are asking me to ask you to be part of the solution. It is up to you as to whether you are prepared to be there.

I believe it is reasonable and right that the Opposition would scrutinise the Government and ask questions about performance and you are doing that. There is too much of this continued reliance on the politicking, when you know that we have reversed the cuts that you made. We have opened the wards that you closed. We are building the building that you could not even start. While we have done all of those very significant achievements, we have budgeted to do more in the forward Estimates. You know that but you refuse to accept the reality that you cut the guts out of health. Dr Nicklason warned there would be 10 years of consequences for that. You refuse to accept the reality that we are building the infrastructure to provide medium-term solutions. What is expected of us by the public is to work together on solutions. That is your invitation today.

**Community Safety - Labor Opposition to Legislation**

**Mr SHELTON question to ATTORNEY-GENERAL, Ms ARCHER**

[10.31 a.m.]

Can you please outline the action the Hodgman majority Liberal Government has taken to protect the community, to hold offenders to account and the difficulties it has experienced?

**ANSWER**

Madam Speaker, I thank the member for Lyons, Mr Shelton, for his question. He takes the matter of crime, community safety and protecting our victims seriously.

**Members** interjecting.

**Madam SPEAKER** - Order.

**Ms ARCHER** - Clearly, the Opposition members who laughed when he asked the questions about community safety and holding offenders to account -

**Mr Bacon** - We are laughing at your media gig yesterday. Dragging around those two candidates. Talk about stunts.

**Madam SPEAKER** - Order. Mr Bacon, you have the honour of being warned.

**Ms ARCHER** - It shows their antics this week in relation to law and order are a smokescreen. They do not seem to have an interest in law and order. It is apparent that the only party in this place that has a genuine and proven track record in pursuing an agenda on tough on crime, is the Government.

**Members** interjecting.

**Madam SPEAKER** - Order. We can do this the hard way and lose a lot of valuable question time, or we can be a bit more cooperative and listen in silence to the Attorney-General. Thank you.

**Ms ARCHER** - Thank you, Madam Speaker. Five years ago, the Hodgman Liberal Government was elected on a strong law and order agenda. Since then we have remained steadfast in our commitment to deliver on our promises to pursue numerous reforms aimed at keeping dangerous criminals off the street, protecting the community and putting the interests of victims up front and centre. Our record in this regard speaks for itself. All of this has been in the face of five years of Labor opposing, blocking or trying to stop the Government delivering on its promises to the Tasmanian people to keep them safe and to protect victims.

It began very soon after the 2014 election, when Labor opposed our bill that guaranteed jail time for those who commit serious assaults against police officers. We are thankful that the other place allowed that to pass.

This same theme continued during the last parliament with Labor being vocal in its opposition to guarantee jail time for serious assaults against frontline workers, off-duty police officers and most notoriously, for serious child sex offences against children. The outrage in the community after Labor blocked those reforms makes it clear that reforms Tasmanians really want in this space, have been blocked at every turn by the Opposition.

From the beginning of our first term, Labor opposed the Government's policy to phase out suspended sentences, often seen as a soft option by the community. Despite clear findings by the Sentencing Advisory Council that such sentences are inherently flawed and regularly flouted without consequence by offenders, the Labor Opposition continues in its opposition to this reform.

During both the previous parliament and again after the last election, Labor has opposed a bill that would see the practice of releasing prisoners before they have served their full sentences continue. That is the remissions.

It has not been restricted to my portfolios. Labor has shamefully tried to block and obstruct the efforts of the Police minister to give police the tools they need to crack down on outlaw motorcycle gangs and send a clear message that organised crime games are not welcome in Tasmania. They are a huge risk to this state. Labor tried to stop the insignia bill and then shamefully went on to try to have our anti-consorting bill withdrawn. Labor has railed against our attempts to toughen laws targeting criminals. For five years, in the Chamber, in media releases, during budget Estimates hearings, Labor has unequivocally been of the view that no such reforms are needed. Labor has opposed truth in sentencing reforms in the form of remissions, or getting rid of remissions. It opposed guaranteed jail time for serious sex offenders.

**Opposition members** interjecting.

**Ms ARCHER** - You cannot have it both ways. You are soft on crime. All this proves you are soft on crime. Labor opposed guaranteed jail time for serious sex offenders. Labor has opposed the repeal of inherently flawed sentencing options that saw offenders free to roam the streets. Labor tried to stop reforms aimed at giving police the tools they need to fight organised crime. Yet here we are, days away from a Legislative Council election and suddenly Labor pretends to be tough on crime. Labor has the gall to say it will roll out law and order reforms that are stronger than ours. They are not stronger than ours. The simple fact is that changing maximum penalties, as Labor now proposes, at the 11th hour, does nothing to guarantee jail time. Our bill will. Currently, without such a guarantee, other sentencing options are available instead of guaranteed jail time for heinous crimes such as rape of a child.

**Ms Haddad** - Do they go to jail now, or are they just set free under the courts right now?

**Ms ARCHER** - Currently they can get six months. Under ours there would be a guaranteed longer sentence as a minimum. Those opposite have misrepresented our position in the media. Four years is better than six months. Labor's policy will not address the pattern of inadequate sentencing that has been identified by the Sentencing Advisory Council. If a court is only looking to impose a sentence that would see a serious sexual offender receive six months, it is grossly inadequate.

Setting a sentencing for a minimum that a court cannot go below, such as our reform proposals, will guarantee real jail time for offenders. Labor's new policy is nothing but a façade, a smokescreen aimed at grabbing headlines. Worse still, Labor tried to justify it by peddling falsehoods about the Government bill, saying it would reduce sentences when it increases and guarantees jail time as a sentencing floor, and you know it.

Thankfully the victims' groups see through this. Thankfully they have come out. Beyond Abuse, and Let Her Speak, have identified that publicly. They have seen the truth. Like the Sentencing Advisory Council before them, victims' groups know that changing maximum penalties in this instance will not make any difference to sentences that cause such concern in the community.

We are always looking forward to increasing and maximising and toughening our sentences. This is Labor trying to save face and trying to look at the 11th hour as if it is willing to do something. It does not guarantee jail time. If Labor has truly changed its tune, if it has seen the error of its ways, if it wants to join the Government in our crack down on crime, in keeping our communities safe, in protecting our victims, then I call on you to support our law and order agenda. Support our commitment to guaranteed jail time for serious sexual offenders against children, for assaults of certain frontline workers and on off-duty police. Labor could also today drop its opposition to our

truth in sentencing reforms and announce its support for our bill to remove remissions. It does not stop there. We still have a heavy reform agenda to come, aimed at squarely bringing the law into line with community expectations.

I call on Labor to support our policies that we took to the last election, in some cases two elections now, and still to come are our important reforms on Tasmania's bail laws including the presumption against bail for serious and repeat offenders. I look forward to them supporting that, but I doubt it.

The Government is also committed to reforming Tasmania's dangerous criminal declarations. The current regime makes it too difficult for the prosecution to successfully have certain offenders declared dangerous and go to jail indefinitely. Our reforms will address this. We will also act to introduce a specific law that will directly address one-punch incidents that lead to the death of victims. If Labor truly wants to ensure that offenders are held to account I look forward to welcoming their support for this reform also, because the fact is without a commitment to support our law reform agenda Labor has not changed and they are still soft on crime.

### **East Coast Salmon Expansion - Access to Water**

**Dr WOODRUFF question to MINISTER for PRIMARY INDUSTRIES and WATER, Mr BARNETT**

[10.41 a.m.]

Today, construction is starting on a pipeline along the Prosser River as part of Tassal's bid to get water for their east coast salmon expansion. Tassal has not formally got that water source sorted. The Twamley Dam at the head of the Prosser River has not passed ECBC approval because of swift parrot impacts and may never get the tick-off, yet MAST has advertised that the pipe is being laid. An internal TasWater briefing in late 2016 identified major risks with loss of catchment yield from this particular dam, including concerns about bulk water storage, long-term water security at Orford and Triabunna and exacerbation of an already critical drought situation in the area.

The recent audit panel meeting minutes at Glamorgan Spring Bay Council reveal the water will instead have to come from Hobbs Lagoon, a supply that is only viable for three to eight years at the most depending on rainfall. Mayor Wisby recognises a very limited supply of water on the east coast and said she has not seen any modelling of an alternative water supply for residents and irrigation if the Hobbs Lagoon runs dry. East coast residents are already suffering under incredibly dry conditions with regular water restrictions, a recent bushfire at Dolphin Sands and a predicted El Niño summer ahead.

Your Government continues to put the salmon industry above the interests of the community and the environment. Will you step in and call a halt to this ill-conceived pipeline and do the proper modelling you should have done in the first place on climate change impacts, water availability and threatened species impacts and put residents' views and needs and farmers' needs before your salmon giant friends?

### **ANSWER**

Madam Speaker, I thank the member for her question and the opportunity to speak in support of the salmon industry for Tasmania. Of course the Greens have been consistently opposed to the salmon industry and jobs in the salmon industry. However, what is the position of Labor? This is

the big question for the people of Tasmania about preferencing the Greens, the anti-salmon candidates - what is the position of Labor regarding salmon? That is what we want to know. That is what the Tasmanian people want to know. It is a very important question for the Labor Opposition in terms of salmon.

Let me make it very clear that there is no stronger friend of the salmon industry than the Hodgman Liberal Government. It has been made perfectly clear again today with the Greens opposition. With respect to the Prosser water scheme, I am advised the department has not received an application for the proposed Twamley Dam. Further, I am advised that the proposed Twamley Dam has not received federal government approval, and the member for Franklin is aware of the position that that is still under consideration.

**Dr Woodruff** - Didn't you listen to the question?

**Mr BARNETT** - As recently reported, construction of a pipeline from the existing Prosser River Dam to Orford to service a number of parties, not just Tassal, is very important to the east coast, Glamorgan Spring Bay, a beautiful part of the world and they need water. The council has every right and entitlement to pursue this project and clearly that is a project that they wish to pursue if they are seeing it as a priority. Water is a priority and that is why this Government is supporting our initiatives in terms of drought and drought-affected areas, whether they be on the east coast or other parts of Tasmania.

There is no greater supporter of this than the Hodgman Liberal Government. We know that the Labor Party is still tied at the hip to the Greens. We do not know the position of Labor with respect to salmon. The decision has been welcomed by the company.

**Dr WOODRUFF** - Point of clarification, Madam Speaker. That is absolutely untrue. On the issue of fish farm expansion, the minister knows he is not speaking the truth. There is nothing similar about the position of the Greens on fish farm expansion and the Labor Party, who are in lockstep with the Liberals.

**Madam SPEAKER** - Order. I will take that as a point of clarification.

**Mr BARNETT** - That is a wonderful point of clarification, Madam Speaker. I am delighted with the opportunity to respond to the point of clarification. The Greens have been consistent and I commend them for that, but what about the Labor Opposition, tied at the hip with the Greens, preferencing the Greens at the election on Saturday and in the federal election, anti-salmon candidates, Labor and Greens anti-salmon candidates? What about those who are pro-salmon? I appreciate the opportunity to clarify that matter and ask the question, what is the position of the Labor Opposition?

### **Housing Tasmania Properties - Arson Attacks**

**Mr TUCKER question to MINISTER for HOUSING, Mr JAENSCH**

[10.47 a.m.]

Could you please update the House on the measures the Hodgman majority Government has taken to reduce the reckless crime of arson in Housing Tasmania properties?

**Madam SPEAKER** - I draw the House's attention to the fact that we need shorter questions and answers as we are running very behind, and a little bit more order.

## **ANSWER**

Madam Speaker, I thank the member for Lyons for his question and congratulate him for his gazelle-like jumping this morning to take the question and his ongoing interest in ensuring the increased supply of social and community housing in Tasmania.

Arson is a serious crime and it is extremely disappointing when houses for Tasmanians in need are the subject of arson attacks. Houses that are damaged by arson attacks not only endanger the lives of residents, their neighbours and first responders, but it removes the number of properties available for occupancy for Tasmanians in need. In addition, resources are then required to be diverted to repair houses or replace them instead of building new ones.

As at the end of March this year there have been 20 confirmed Housing Tasmania properties subject to arson attacks this financial year. Over the last five years there have been 176 arson attacks, which averages to about 35 properties per year, properties not available for Tasmanian households who need them. For the 2018-19 financial year to date \$1.037 million has been spent on insurance and repair costs because of arson attacks.

The Hodgman Liberal Government, through Housing Tasmania, is responding to this distressing crime in a number of ways. First, all properties are fitted with smoke detectors and remotely monitored security devices are fitted to high-risk properties that are undergoing maintenance. The Officer Next Door program developed in partnership with Tasmania Police involves police officers living in communities where crime is an issue, as a deterrent to criminal behaviour.

Housing Tasmania works closely with police to share information about potential at-risk properties and puts strategies in place to minimise the risk. A reward of up to \$10 000 is provided for information that leads to the conviction of anyone convicted of burning down a Director of Housing-owned property. We are working closely with Tasmania Police and Crimestoppers to bring perpetrators to account.

These reckless actions endanger the lives of residents, neighbours and first responders. The loss of a public housing property by fire has a devastating effect on tenants and the community as a whole. Any person convicted of the crime of arson against a public housing property will be excluded from applying for or residing in public housing. These incidents of arson and vandalism affect the availability of some properties for Tasmanians seeking housing. Resources are diverted to repair damaged houses and every deliberate incident means a house is not available for a Tasmanian family in need. That is why my focus is on increasing the supply of social and affordable housing in Tasmania and reducing the impact of this reckless crime. Reducing arson will ensure we have more resources to build new homes for Tasmanians and delivering homes for people in housing stress right now.

### **Ambulance Ramping - Solutions**

#### **Ms WHITE question to MINISTER for HEALTH, Mr FERGUSON**

[10.51 a.m.]

Now that frontline paramedics have told you, in the clearest possible terms, how the health crisis is having a devastating effect on patients and their ability to help those patients, how will you respond? You say you are interested in solutions. Paramedics have presented you with five sensible

solutions that would greatly reduce ambulances forced to ramp outside hospitals, including: no paramedic being subjected to more than two hours of continuous ramping; no paramedic should be ramped between midnight and 6.30 a.m.; and the appointment of a ramping coordinator. You have the solutions in front of you today. Will you implement them immediately?

**ANSWER**

Madam Speaker, I thank the Leader of the Opposition for her question. I need to set her straight. The letter has been written to Ambulance Tasmania and that is right and proper. The Leader of the Opposition has an unfortunate habit of misrepresenting some basic facts. Having said that, I am aware of the letter. I have sought and received an assurance, and I have already answered this and made it clear, that the letter and any suggestions will be considered.

**Hobart City Deal - Transport Solutions**

**Mr SHELTON question to MINISTER for INFRASTRUCTURE, Mr ROCKLIFF**

[10.53 a.m.]

Can you update the House on how the recently concluded Hobart City partnership with the federal government and the greater Hobart councils will deliver better transport solutions to address congestion and, in particular, in the Kingborough region?

**ANSWER**

Madam Speaker, I thank the member for Lyons for his question and interest in this matter. The \$1.43 billion Hobart City Deal was recently signed for our 10-year partnership with the federal government and the greater Hobart councils. It will tackle congestion bottlenecks, boost tourism, make the airport a true international gateway, support affordable housing, and drive further investment in the city. The Hobart City Deal includes around \$730 million for traffic infrastructure to reduce congestion and improve liveability. The Australian Logistics Council CEO, Kirk Coningham, said -

The funding to address the congestion in the Hobart City Deal is very welcome, and particularly funding that will support construction of a new Bridgewater bridge.

**Mr O'Byrne** - Hobart congestion, that is going to be great for Kingborough.

**Mr ROCKLIFF** - It is not your strong point, Mr O'Byrne, the Bridgewater bridge. It took federal and state Liberal Governments to lock \$576 million into our budget to replace the Bridgewater bridge as part of our city deal.

The RACT welcomes the signing of the Hobart City Deal and their CEO, Mr Harvey Lennon, said, 'the initiatives to relieve traffic congestion were also positive'. The Hobart City Deal, in particular, recognised the growth in the Kingborough region and we have committed an additional \$20 million to help reduce congestion being experienced in the area. This funding allocation for Kingborough will complement the Government's -

**Mr O'Byrne** interjecting.

---

### **Member Suspended**

#### **Member for Franklin - Mr O'Byrne**

**Madam SPEAKER** - Order. Mr O'Byrne, it is time to leave. You can leave until the end of question time. I will not have any criticism of my ruling, thank you.

**Mr O'Byrne withdrew.**

---

**Mr ROCKLIFF** - Mr O'Byrne is very sensitive around these matters.

**Madam SPEAKER** - I know.

**Mr ROCKLIFF** - This funding allocation for Kingborough will complement the Government's existing commitments to improve bus priority and traffic flow on the Southern Outlet, Macquarie and Davey Streets.

Yesterday, I met with Kingborough Mayor, Dean Winter, and senior Kingborough Council officers to progress this commitment and to discuss options for this investment in his municipality, which has a number of large settlements. We had a very constructive and positive discussion about measures to combat congestion. Part of the congestion challenge is to increase the use of public transport and it must be an attractive and efficient option for commuters. This has been reinforced in the recent work done by the RACT and I congratulate them. Much of their work aligns with the Hodgman Liberal Government's plans for infrastructure in southern Tasmania.

Potential measures to be progressed in Kingborough with the city deal funding include: a contribution towards the redeveloped bus transit centre in central Kingston, a \$3.5 million project for which planning is underway; more park and ride facilities, possibly at Kingston Park development and other facilities in strategic locations across the Kingborough region; better frequency or increased express bus services to make public transport a more attractive and reliable option; and intelligent transport solutions, including smart bus transport hubs at key locations that could provide better real-time information for commuters and a more attractive on-the-ground experience. More park and ride locations, combined with upgraded bus facilities, additional bus services and better information for travellers, would make public transport a more attractive and efficient option for commuters in Kingborough. I am looking forward to progressing these options with the mayor over the coming months.

We recognise the growing pressure on our roads. We have a clear plan in the short-, medium- and long-term to address this and we are working hard to deliver that plan step by step. This includes implementing new measures through the Hobart City Deal that will help to address congestion on greater Hobart roads and will provide new tools to better manage it, especially in the Kingborough region.

### **Health Workers - Confidence in Minister for Health**

#### **Ms WHITE question to MINISTER for HEALTH, Mr FERGUSON**

[10.58 a.m.]

Yesterday, Tasmanian health workers were asked to cast a vote on whether they have confidence in you as Health minister. By this morning, an online survey had attracted 2500 voters



and the resounding majority of them, 93 per cent, had answered with a categorical 'no'. That is a significant representation of the Tasmanian health workforce actively taking the time to tell you that you are not up to the job. They are so disillusioned with you that the clear message from one paramedic ramped at the LGH yesterday, was, 'Tassie needs a new Health minister'. How can you possibly continue in this position when your staff have no trust in you and are so overwhelmingly against you continuing?

#### **ANSWER**

Madam Speaker, I thank the Leader of the Opposition for her question. I ask, why are you stuck in the past? Yesterday was yesterday, today is today, and I can only refer you to all my previous answers. We need people who are less interested in petty pointscoring and more interested in supporting staff and patients with solutions, particularly around bed access block.

### **Royal Hobart Hospital - Alleged Exposure to Asbestos**

#### **Ms WHITE question to the MINISTER for HEALTH, Mr FERGUSON**

[10.59 a.m.]

Workers at the Royal Hobart Hospital have walked off the job this morning, due to the threat of exposure to asbestos. How long has the Government been aware of the threat? Have health workers and patients potentially been exposed, and can you guarantee that this will not cause further delays to the hospital redevelopment?

#### **ANSWER**

Madam Speaker, the Tasmanian Government is proud to be building the Royal Hobart Hospital for the future. It has been promised for decades and we are actually doing it. I have to mention the new master plan which has been released, written and drafted by the Clinical Planning Taskforce which sets out the future being widely supported and we are grateful for that. We are now in the final stages of completing K Block, a critical piece of infrastructure which, despite some of the challenges along the way, we are very pleased is coming to completion.

In relation to the specific question regarding asbestos, it is a very old site and we are well aware of the asbestos challenges that exist there. To that end, management has done everything possible with a continuing commitment to maintain an asbestos register so workers can be protected whenever they are working in areas that potentially are affected. I can advise the House that the project is awaiting advice from the managing contractor regarding an incident of potential asbestos exposure at the worksite. It is understood that during the course of construction works within an existing hospital building - not the new building - material that potentially contained asbestos was identified. I am advised that the works were being undertaken in an isolated construction zone, not a patient or staff area, and that works ceased in the area and the area was isolated.

I am also advised that the project's industrial hygienist inspected the area and samples of the material have been taken. It is understood that the analysis returned has confirmed that the material contained friable asbestos and that the project's industrial hygienist recommended appropriate management of the contaminated area. The area will be cleaned and any remaining asbestos removed by an appropriately licensed contractor.

I can inform the House and assure that what is of utmost importance is that potentially affected workers are given proper support. I am advised that that is happening, together with detailed incident briefings and these are also being investigated by the builder, which is appropriate and their responsibility. We will certainly monitor it closely.

### **Consumer Law - Red Tape Reduction**

**Mr TUCKER question to MINISTER for BUILDING and CONSTRUCTION,  
Ms COURTNEY**

[11.02 a.m.]

Can you detail the Hodgman majority Liberal Government's latest initiative to reduce unnecessary costs on Tasmanian business and to reduce red tape as it relates to consumer laws?

### **ANSWER**

Madam Speaker, I thank the member for his question. The Hodgman Government is always on the lookout for opportunities to reduce the burden of unnecessary regulation on business because we know that business is the engine room of Tasmania. Outdated and unnecessarily complex rules can be a significant burden on these businesses and can be the difference that prevents them taking on an extra employee.

The Government has consulted widely with businesses and industry groups across the state to identify opportunities to improve or amend any unnecessary laws or regulation. The Hodgman Government's 2017-18 Red Tape Audit Report identified a number of laws and regulations that were either overly complex, cumbersome, outdated, unwieldy or unnecessary.

I am pleased to advise the House that the Hodgman Government has acted on this evidence and will repeal the outdated Disposal of Uncollected Goods Act 1968 which regulates the way businesses can deal with goods left with them by consumers. We will replace this 51-year-old act with modern legislation that contemporises consumer law in the interests of both businesses and consumers, and brings our laws into line with those in other places and jurisdictions.

In an increasingly consumerist society, the incidence of uncollected goods is sadly a growing issue but it is not cost-free. The cost of uncollected goods falls heavily on businesses, particularly the retail sector such as motor vehicle dealers, electrical retailers, dry cleaners, jewellers, and those selling perishable goods. For example, under the current law, a mechanic repairing a 1988 Ford Festiva which has been abandoned by the owner because the cost of repairs would actually outweigh the value of the vehicle has to comply with these outdated and complex laws in order to dispose of the car. These costs include storage, the value of the work done, and the business must wait up to seven months, publish notices in relevant newspapers and the government *Gazette* and can only sell by public auction. There is also the added requirement to notify the Commissioner of Police and additional bureaucratic burdens on both the businesses and the administrative resources of Tasmania Police.

Anecdotal evidence received during the review firmly suggests that businesses may not be complying with these outdated requirements, which exposes them to legal risk and compliance action by the regulator. While perishable items account for a small proportion of uncollected goods, inclusion of specific provisions in our reforms is important to protect the rights of both consumers

and businesses. For example, no-one can see the sense of waiting seven months to dispose of a box of uncollected bananas. That is why we are introducing a separate process for perishable goods which includes a shorter retention period for businesses with a simplified notification period.

The Government has consulted widely on this reform and business peaks such as the Tasmanian Automobile Chamber of Commerce, the Tasmanian Chamber of Commerce and Industry and the Small Business Council are all supportive of these reforms.

We also have strengthened consumer protection in the bill to be introduced. These include clarifying that consumers who purchased the goods received, with good legal protection and title and free from claim, the businesses disposing of the goods must make reasonable attempts to contact and notify the owner before disposing of goods. To ensure all parties are aware of the new streamlined regulations, the regulator will deliver an education and awareness campaign. These sensible reforms not only reduce regulatory burdens on business but, importantly, modernise the rules and streamline processes.

**Time expired.**

## **PETITION**

### **Deloraine - Closure of the ANZ Bank**

**Mr Barnett** presented a petition signed by approximately 620 citizens of Tasmania praying that the House support calls for the ANZ Bank to strongly reconsider its decision to close its Deloraine branch.

**Petition received.**

## **TABLED PAPER**

### **Integrity Commission Report No. 2 of 2019 - Cricket Australia Inquiry**

[11.09 a.m.]

The Clerk laid on the Table the Report of Integrity Commission No. 2 of 2019, Summary of an investigation into alleged misconduct by the Hon Michael Ferguson MP & the Hon William Hodgman MP, in relation to Cricket Australia employee, Angela Williamson.

**Mr HODGMAN** (Franklin - Premier) - Madam Speaker, I note the tabling of that report and advise that the Integrity Commission has dismissed all allegations made by the member for Murchison, Ruth Forrest, of any government influence leading to the termination of Ms Williamson by Cricket Tasmania.

The Integrity Commission considered four allegations and on the basis of the evidence obtained by the commission, found each of them to be unsubstantiated. The Integrity Commission finds that:

There was no credible evidence to indicate that either Mr Hodgman or Mr Ferguson attempted to have Ms Williamson removed from her position.

And I quote:

... Cricket Tasmania's withdrawal of support for Ms Williamson, which led to her employment termination, was a decision made without active and intentional Government involvement.

The commission also considered the allegation of false statements being made to the public or this parliament and again concluded that the allegation was not substantiated. This confirms statements by myself and the minister on numerous occasions in the parliament and publicly and it refutes the entire basis for Labor's ongoing smears.

The Integrity Commission has also dismissed allegations that our statements publicly and in this parliament in regard to this matter were misleading. Further, the Integrity Commission has found that the allegations that Mr Ferguson released private information about Ms Williamson were not substantiated.

It is highly disappointing, though not surprising, that the Labor Party attempted to turn this private employment matter into an opportunity to smear the Government with completely unsubstantiated allegations, as they have done before, and that they would continue to use the Integrity Commission as a political weapon. As has been the case previously, the Integrity Commission has said that this matter should be dismissed.

## **WORKERS REHABILITATION AND COMPENSATION AMENDMENT BILL 2019 (No.20)**

### **First Reading**

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

## **DISPOSAL OF UNCOLLECTED GOODS BILL 2019 (No. 16)**

### **First Reading**

Bill presented by **Ms Courtney** and read the first time.

## **SUSPENSION OF STANDING ORDERS**

### **Move Motion Forthwith - Sri Lankan Easter Attacks**

[11.12 a.m.]

**Mr HODGMAN** (Franklin - Premier) (by leave) - Mr Deputy Speaker, I move -

That so much of Standing Orders be suspended as would prevent a motion concerning the Sri Lanka Easter attacks from being debated forthwith.

**Motion agreed to.**

## CONDOLENCE MOTION

### Sri Lankan Easter Attacks

[11.14 a.m.]

**Mr HODGMAN** (Franklin - Premier - Motion) - Mr Deputy Speaker, I move -

- (1) Condemns the shocking act of terrorism in Sri Lanka on Easter Sunday which resulted in the death of at least 250 innocent people and injured at least 550 more;
- (2) Extends our deepest condolences to the families of those killed and all impacted by this hateful act;
- (3) Extends our support to the government and the people of Sri Lanka in dealing with the tragic aftermath of this act of terror;
- (4) Extends to the Tasmania Sri Lankan and multicultural community our thoughts and strong support; and
- (5) Affirms our resolve to unite against intolerance, racism, violence and instead promote harmony, multiculturalism and peace in our community.

On behalf of all Tasmanians, and this parliament, we extend our deepest condolences to those who have lost loved ones and those who have been affected by the senseless act of terror witnessed in Sri Lanka on Easter Sunday. This latest act of mass murder was carried out through a number of bombings targeted at Christian churches and prominent hotels in the city of Colombo, the Negombo and Batticaloa. These attacks have resulted in over 250 deaths and more than 550 people injured. I understand that two Australians were killed in the attacks.

Coming so soon in the wake of the shocking act of terror in Christchurch it is important to note what seems like the constant acts of senseless, barbaric terrorism occurring right around the world. Wherever it occurs and at whatever scale, it is shocking and disheartening.

It is additionally appalling when it occurs in a place where people seek safety, security, comfort and faith, at places where people of all ages come together to pray for peace yet meet with such violence.

It is hard not to feel disheartened and helpless in the face of this type of terror, all too common. As the brave Rabbi Yisroel Goldstein, wounded from a recent attack in the United States, said -

We must use our anger, our despair and declare that terror will never win. To again resolve that we reject the hatred and the intolerance that breeds this barbaric act of terrorism and we condemn it and its pathetic cowardness in the strongest possible terms. It only strengthens our resolve to unite against intolerance, racism, violence and instead promote harmony, multiculturalism and peace in our community.

I have written to the Sri Lankan High Commissioner, His Excellency Somasundaram Skandakumar, expressing the condolences of all Tasmanians and to extend the hand of friendship and offer any assistance should it be required.

I would like to take a moment to assure Tasmanians that our security and emergency services are acting to ensure our community is safe. Tasmania Police is engaged with our local Sri Lankan community leaders to provide reassurance and support. Every Tasmanian has the right to feel safe at home and on our streets. The Tasmanian Government aims to foster an inclusive, cohesive and open community where differences in backgrounds, cultures and religion are valued and respected, an aspiration, I am sure, that is shared by all members of this parliament.

I again extend the Government's condolences on behalf of Tasmanians to the family and friends of those who lost their lives or were injured and all those impacted by this act of terror, which includes many fellow Tasmanians and members of our rich, valued and much loved multi-cultural communities. It brings us together against intolerance, racism, violence and instead promote harmony, multiculturalism and peace in our community.

[11.17 a.m.]

**Ms WHITE** (Lyons - Leader of the Opposition) - Mr Deputy Speaker, the appalling violence, the senseless terror and the heartbreak that unfolded in Sri Lanka over Easter has forced the international community to once again look evil in the eye. Once again, we have been forced to confront the fact that there are those who are determined to bring bloodshed and those who are determined to inflict pain. There are those who are determined to willingly cause unspeakable sorrow by targeting innocent people going about their lives.

The fact that these attacks on churches and hotels in Sri Lanka were staged at the time of celebration and at an important time for people of faith, is a terrible reminder of the precarious times we live in. It should make us determined to condemn violence and condemn terror.

The fact that Sri Lanka is one of our near neighbours, a place where Australians and Tasmanians feel safe to travel and to enjoy, has reminded us all of our vulnerability, but we should stand strong and not let evil win. That was an appalling event that targeted men, women and children who were, in many cases, going about the Easter ritual of attending church to pray. It cannot help but remind us all of the similar evil that unfolded only weeks ago in our other close neighbour, New Zealand.

Not only is this a time for our condemnation and shock at this appalling attack, it is a time for us to reach out and offer our support, our condolences, our love and to show that as members of the international community, we care. It is also time for us to share our grief and share our utter disbelief at those capable of showing such cruelty.

On behalf of the Tasmanian Parliamentary Labor Party I want all Sri Lankans to understand that they have our genuine and heartfelt condolences and our very deep sympathies, particularly to families and friends of the 253 innocent victims of these attacks. We mourn with the people of Sri Lanka and we share, not only their grief, but their feelings of devastation. The people of Sri Lanka should know that we stand in solidarity with them. We stand with them and the sense of loss of the members of their community at the hands of terrorists.

I make particular mention of two Australians lost in this tragedy - Manik Suriaaratchi and her daughter Alexendria, aged 10. Mrs Suriaaratchi and her daughter were killed when one of the

bombs exploded in a church in Negombo. No-one who saw Mrs Suriaaratchi's husband and Alexandria's father, Sudesh Kolonne, on television following this horror will forget his raw heartbreak and his disbelief at this tragedy. He said:

I heard a huge noise and I jumped into the church and I saw that my wife and my daughter were on the floor.

I just saw my daughter on the floor and I tried to lift her up, [but] she was already dead. And [then] exactly the same ... next my wife is there.

It was raw and heartbreaking and I offer this family my deepest condolences. This husband and father's loss is unimaginable.

Now is the time for understanding, grieving and for reflection. It is not a time for politics. It is time to reach out and let the families affected, like this Australian family, know that we condemn this behaviour. We all should condemn this behaviour and, in this parliament, we do. My colleagues and I on this side of the parliament denounce it in the strongest possible terms.

There are many hundreds of Sri Lankans and others from across the world who will forever grieve and will never forget. These are the families, friends, husbands, wives and children of those 253 people who will not be coming home. Those who lost their lives came from across the world, from the United States, from China and from Turkey. At least 31 international tourists were among the dead.

I say to all Tasmanian and all Australians, do not let the terrorists win. Their aim is to instil fear and horror, but we should not let them achieve that aim. We should not let them scare us into leading sheltered lives. I am reminded of the words of New Zealand Prime Minister Jacinda Ardern, who guided her country through a very similar outrage just weeks before the Sri Lankan atrocity. I watched her with admiration as she became a beacon of hope for her country in the midst of such horror. Speaking of the victims, she told her country, 'They are us'. Speaking of the perpetrators, she said of them, 'You are not us'.

Those who were killed in Sri Lanka and those who have been left behind and heartbroken at their deaths, they are us. Those who carried out this mass murder, they are not us. The events of Easter Sunday need to be a lesson for each of us. We need to be reminded that we are an international community and unkindness, narrowmindedness and acts of terror have no place in that community.

On behalf of my colleagues I extend a warm welcome to people of all faiths, races and backgrounds and tell them that in Tasmania they will find a home. We should not let this indescribable act of mass murder define us and we should not let it frighten us. We need to stand firm against those who seek to inflict pain, suffering and death, just as we need to wrap our arms around the people of Sri Lanka and all those who have been affected, and to tell them: we stand with you.

**Members** - Hear, hear.

[11.23 a.m.]

**Dr WOODRUFF** (Franklin) - Mr Deputy Speaker, on behalf of the Tasmanian Greens I send my love and compassion to all the people who have suffered because of the mass murder that took

place in Sri Lanka on Easter Sunday where we know at least 253 people lost their life. Many hundreds more are physically suffering, and many thousands of people are immediately affected as family and friends.

This is an incredible toll on a small island. As an island, we in Tasmania share the pain of our own experience 22 years ago of the shock of a mass murder. We know as an island that we are still experiencing the repercussions of that. It is not long ago in our past. People live with the loss of people they loved in Port Arthur. They live with the physical wounds and mental trauma.

We have an experience with these three islands - Sri Lanka, New Zealand, Tasmania - and the terrible harm that has been caused by people, mass murders that have been perpetrated faith against faith, person against person. Terrorism, hatred and division all come from the same source which is not bringing people together, not understanding that we have a common humanity.

I want to mention the words of Ron Franks, CEO of the Multicultural Council of Tasmania. He wrote a letter to members and made an important point:

The failure to recognise that violence against another human being is an attack on life itself represents our failure to identify with each living human being on the planet, irrespective of religion or race.

These are not just attacks on religion. They are attacks against you, me and every other person who shares planet Earth. We are all in this together. We all have a role to play and cannot extricate ourselves from these tragic events. A failure to do so is a failure to engage and empower every living person against the mantra of hate and violence.

We need to acknowledge that the date of this orchestrated mass murder, which occurred across three churches and three hotels and other parts of Sri Lanka, was organised to occur on Easter Sunday, one of the most festive events in the Christian year that commemorates the resurrection from death of Jesus Christ. It is a most important celebration and one that is celebrated with great joy. It is a particularly cruel choice of a day of joyous celebration for a community of people who come together in spiritual community, in love, to choose that as a date to perpetrate such violence against other people.

Words fail all of us in this situation but things have stood out, and there are so many stories - 253 people cannot possibly capture the trauma that has rippled across Sri Lanka and of course to Tasmania. On behalf of the Greens I extend my sympathy, compassion and thoughts to the Sri Lankan community in Tasmania. They are a much-loved part of our island community. We value so much the energy and liveliness of the Sri Lankan people. I have never met a Sri Lankan person who has not been bubbly, joyous, open and friendly. They have a particular community which is very special.

Those of us who were able to attend the commemoration after the Christchurch shootings here in Hobart were struck by the number of communities that came together to support the Muslim people in Tasmania, and here we are today coming together to support the Christian people of Sri Lanka and the Christian people in Tasmania.

What does this say to us, Mr Deputy Speaker? That we are all the same and we must stop the division and the words that have established a world where these sorts of acts of terror can occur. We can change this. I am confident every person in this parliament will work towards changing



that culture of division and hatred which, unfortunately, feels as though it is overwhelming. We know that good people win through.

I want to finish by mentioning some of the best of people who came out in the worst of situations. There is the story of Leslie Appuhami, 59, who lost his sister, a niece and a brother-in-law. His memory is clouded by the things he saw in the church but that is not all he remembers from the blast that occurred. What he remembers, he said, was '... how, like in the other churches, we teamed together, worked together to rush people out after the explosion'. He is an electrical engineer and he was back again the next day to see if he could help start with repairs. He had lost three members of his family. He said, 'I only wish that what happened here is never repeated in any church, mosque or temple anywhere in the world'.

There was also Channa Rejunjoyne, who has been making candles for St Sebastian's church all his life. He lost his wife and nine-year-old daughter. He said, 'I feel a deep sense of sorrow', having buried his wife and daughter, but when the priest asked if he would like to come and help with the clean up the next day, he said, 'There's no one at home, I may as well be with my community'.

On behalf of the Tasmanian Greens I extend my respects, thoughts and love to the people of Sri Lanka, the people of Sri Lanka who live in Tasmania, and to everyone who has been affected by this succession of mass murders. We strongly believe we need to have unity through faith and tolerance of faith. Tolerance in all forms of belief and love in a time of fear is what we all need to put first and foremost.

**Members - Hear, hear.**

**Members stood in their place and observed one minute's silence.**

**Motion agreed to nemine contradicente.**

## **SITTING TIMES**

[11.32 a.m.]

**Mr FERGUSON** (Bass - Leader of Government Business) - Mr Deputy Speaker, I move -

That the House not adjourn at 6.00 p.m. and instead the House continue to sit past 6.00 p.m.

We have some catching up to do. The Government is committed to our legislative agenda and we look forward to seeing the conduct of debate through the day to ensure this important legislation is given its opportunity.

**Motion agreed to.**

## **MATTER OF PUBLIC IMPORTANCE**

### **Skills and Training in North-West Tasmania**

[11.34 a.m.]

**Ms DOW** (Braddon) - Mr Deputy Speaker, I move -

That the House take note of the following matter: Skills and Training in North-West Tasmania.

I will begin by reading from the Regional Australia Institute's recent The Future of Regional Jobs paper, which presents a case study from the north-west of Tasmania -

The North West coast of Tasmania is one of the poorest regions in Australia's most disadvantaged State. The region has seen a concentration of heavy industry which provided opportunity and growth from the 1930s to the 1980s, but which subsequently led to concentrated unemployment and out-migration as businesses in these industries entered decline and, in many cases, stopped operating.

Today, North West coast contributes 21 percent of Tasmania's GDP. However, it has low levels of labour force participation, fewer full-time and lower-skilled jobs, high-levels of long-term unemployment and jobless families, and low levels of educational attainment. The loss of significant numbers of traditional manufacturing jobs, as well as low rates of secondary and tertiary education completion, pose a significant challenge for the region as it refocusses to a changed future.

Part of this challenge is addressing the socio-cultural reasons behind low education attainment rates. The impact of poverty and unemployment on family priorities effects educational aspirations. Education can be afforded a low priority and some families view education beyond Year 10 as being of little value. In these cases, staying on beyond Year 10 can be seen as the exception, rather than the norm. Structural reasons, such as isolation of some students from schools and colleges, also impact on attainment levels.

Locally-led interventions are already proving effective in improving Year 12 completion rates in the region. Working partnerships have been established with family support services, employers, high schools and Year 11 and 12 educators such as Hellyer and Don Colleges. Recent enrolment data is showing that school retention and completion rates on the North West coast are improving ...

Currently, the sectors that employ the most people in the region are health care and social assistance, education and training and retail and manufacturing. There appear to be new opportunities emerging in some revitalised 'old' industries, namely, advanced manufacturing, agribusiness, aquaculture, forestry and renewable energy. A number of these sectors require a highly-skilled workforce with higher educational levels. At present, these sectors are needing to largely recruit from outside the region to maintain their staffing requirements.

I will read from the Cradle Coast Authority's recent submission to the state Budget. They clearly outline some of the issues affecting the region. They say that -

Current projection suggests a potential net increase in jobs through to 2022 over and above current trends, including: projected net growth of \$3750; new NDIS jobs of 400; estimated retirements of 5700; and other turnover of \$3000.

They outline some of the deeply imbedded systematic and structural challenges the region faces in high unemployment rates, low educational attainment levels, shrinking working-age population, the ability to retain population in a regionally-disperse population and significant labour demands.

That brings me to looking at investment in skills and training in the north-west. During the Braddon by-election a commitment was made by the federal government toward the North-West Tasmania Job Ready Generation Package. My understanding is that an agreement was made between the state and federal governments, which has been signed, around this funding coming to the region. It was \$3.9 million worth of funding, now \$3.15 million due to investment in advance manufacturing, which we strongly support as it was one of our election commitments. We need to understand whether the implementation plan, a requirement of the federal government, has been completed. The deadline for that was yesterday. We want to understand when the funding for this agreement will flow to the region and what that will mean in terms of pathways to employment for our young people, further investment in our key industries, and access to a highly-skilled workforce.

Some of the questions we raised about this last week included mention of collaboration with TasTAFE. We want to understand what this means for TasTAFE. Will TasTAFE receive additional funding to implement these new apprenticeship opportunities and training course opportunities? Why was the growing sector of aged and social services not included as part of this funding package? We know it is a tremendous opportunity for regional and rural Tasmanian employment opportunities, yet this funding was not targeted at that industry sector. In the work we are doing with our industry advisory councils across the state, eight of those being across key industry sectors, the number one issue reiterated to us by industry is access to a highly-skilled workforce. This needs to be a number one priority.

The Regional Australia Institute highlights the importance of collaboration. In addition to understanding when this funding will be made available to the region, what collaboration will be undertaken by the state government to work with some of those key stakeholders, the Cradle Coast Authority, local government and peak industry groups in making sure this funding is targeted where it needs to go? It creates greater opportunities, particularly around school-based apprenticeships. We lost 700 apprenticeships during the recent term of federal and state Liberal Governments in Braddon and we really want to make sure this funding is effective, meets the needs of industry and aligns closely to those growth sectors of our economy.

Despite federal and state governments continuing to talk a lot about this funding package, we have only seen one tangible outcome to date. It has been announced a number of times and, I would like to understand in the work I am doing with stakeholders across the region, what it will mean and what benefits it will bring to our region. As time progresses, we would appreciate the implementation plan and progress against that implementation plan developed by the state Government being made publicly available so that we can make sure that each of those key objectives under that implementation plan are indeed being met and that our young people and those transitioning out of our traditional industries into new employment opportunities will have every opportunity to stay and work locally in our regional community and participate in our growing economy.

**Time expired.**

[11.40 a.m.]

**Mr ROCKLIFF** (Braddon - Minister for Education and Training) - Mr Deputy Speaker, I thank the member for bringing this to the parliament's attention and for setting the scene in terms

of the north-west coast and some challenging statistics regarding educational attainment but also some encouraging statistics in terms of the employment projections over the next few years. It means that the economy is growing and we will need more skills on the north-west coast.

I know the member who just resumed her seat is well aware of the need for a collective input in educational attainment in the north-west region, and also aware of the activity that is going on across the region for which we will need skilled people to continue to grow our economy. When it comes to key industries such as energy I know the member was in front of some key infrastructure for wind turbines the other day in some media presentations. That is an example of infrastructure and the skills that are required. There is our road network of course, our agriculture and aged care, because we are an ageing population as well, so it is important that we support the training to fund skills gaps.

I have been very open and honest about some of the challenges I have in my Infrastructure hat regarding our \$2.6 billion worth of infrastructure over the next four years and our pipeline infrastructure of some \$14 billion over the next decade. The challenge there is to ensure that we have the skills there to build what is key infrastructure.

The member also mentioned the importance of educational attainment. A lot of work is being done with respect to our years 11 and 12 high school extension program. We are working with schools such as Ulverstone Secondary College, which is a direct extension model, and working with Hellyer College and the Hellyer Collective, which involves Smithton, Parklands and Burnie High School as well, and Yolla and Penguin to name a few of the high schools that would be supporting educational attainment to years 11 and 12. Into that also come schools-based apprenticeships and TasTAFE. TasTAFE has an exciting opportunity ahead over the next few years, particularly on the north-west coast. Agriculture is a key area of skills we are required to fill as there is exciting growth in agriculture. We look forward to the progress of the centre of excellence, which is based at Freer Farm.

It is a timely discussion we are having and I will discuss further the significant skills initiatives that will go live across May and June of this year as part of the north-west Job-Ready Generation package. Across the next few months over \$3 million is being made available to the north-west region to support up to 600 young learners, job-seekers, apprentices and trainees in our priority industries. This is an excellent initiative for the region and its effect will be felt for many years.

The implementation of this project is not being delayed, as some have claimed. There has been no time delay in implementation and \$750 000 is being used to deliver five state-of-the-art welding simulators at the Tasmanian Minerals and Energy Council centre of excellence in south Burnie. That was a product and initiative of the Caterpillar transition taskforce, of which the member who raised the matter of public importance today would be well aware. This investment shows how we are backing local business, local apprentices and TAFE educators with specialised world-class training. The simulators and training opportunities are helping to make the north-west of Tasmania a skills hub. High-quality skills mean local businesses have job-ready apprentices so they can grow and take advantage of the opportunities of Tasmania's stronger economy and our reputation as a world leader in supporting advanced manufacturing and industries and the defence and maritime sectors, which is another responsibility I have.

Our advanced manufacturing businesses know how important high-quality skills are and this state-of-the-art equipment and training is giving north-west Tasmania a leading edge. This is just the start. We understand that entry into the workforce can be challenging in rural and regional areas and we will invest in new apprenticeship scholarships pilots to address socioeconomic barriers to

employment, one of the areas the member was concerned about and justifiably so. The scholarships will target learners who need that extra support to get them started or re-engaged with learning. At the same time, we are continuing to help maintain the pipeline of skilled workers in the building and construction industry, with funding to support pre-apprenticeship and apprenticeship commencements. Additional wage subsidies will be made available and will create a pool of skills from carpentry, electrical, joinery to bricklaying, plastering and metal fabrication, based on a group training model.

The good news continues for the north-west as we also develop an agricultural skills delivery workforce plan that will help underpin our booming agricultural sector. High-quality skills mean businesses have job-ready apprentices and can take advantage of Tasmania's stronger economy, which is why we will invest in a job-matching initiative for priority industries needing assistance to attract apprentices. This initiative will see employers work with schools and develop pre-apprenticeship and apprenticeship pathways, creating a potential ongoing feeder stream, and we will invest significant funds for the delivery of training for two pre-apprenticeship and apprenticeship places.

### **Time expired.**

[11.47 a.m.]

**Ms O'BYRNE** (Bass) - Mr Deputy Speaker, I am pleased to be able to participate in this conversation and I thank my colleague, Ms Dow from Braddon, for raising it. Much has changed since this announcement was made on 5 July by then prime minister, Mr Turnbull. It turns out that prime ministers do not last very long in the Liberal Party, but what does take a long time is action on the commitments they give. This commitment was given on 8 July and if the implementation process was done on time - and it was due yesterday - that is 296 days. It did not take very long to dump the leader, ex-prime minister Turnbull, but it takes 296 days for us to get an implementation plan.

The minister has said they have met their targets and that the implementation plan has been signed. We have not seen the implementation plan; we do not have a copy of it. It would be great if the minister would respect this parliament by tabling it because we all have a genuine interest in it. We want to see how the Government intends to spend this money from the federal government that will hopefully deliver some 600 apprentices, bearing in mind that under this Government's watch we have lost 700 apprentices. There are already 700 fewer apprentices on the north-west coast. This funding will go some way to addressing that.

We want to see exactly what the milestones are that this Government had committed to. As I understand it, the money has not flown yet; the \$750 000 Ms Dow had already mentioned had been sent through but the balance of the funding would not be available, according to the project agreement, until the implementation plan was done. When you download the project agreement it indicates it was signed by the Honourable Michaelia Cash on 11 February 2019. It took from 8 July through to February for Michaelia Cash to sign this document. Then it took over a month for Jeremy Rockliff to put his signature on it, bearing in mind that when she signed it, it then meant the agreement had been done. Mr Rockliff did not sign it until 15 March.

You might wonder why that matters. It matters because in the agreement it says that the payment of \$3.1 million would flow when the implementation plan was done. An implementation plan did not need to be done until yesterday, and we hope it has been done and that the minister has been upfront about that. Had the minister done the plan earlier it is clear that the funding would

have flowed earlier. Potentially we would have had that money in our coffers and would already be delivering on some of the commitments that are in this implementation plan that we understand exists.

The delay matters, because it took a very long time from the commitment to the implementation plan. It took a very long time for this minister - almost five weeks, 11 February through to 15 March - to put his signature on it. The money could have flowed from the moment that he signed the implementation plan. That delay has probably cost jobs. That is concerning.

It is a good agreement. We want to know whether the funds have arrived. We want to know what the implementation plan commits us to and what the timelines and milestones are. Ian Jones, from the Burnie Chamber of Commerce, said, 'We would just like to see the package, as announced, delivered on time'. We would like to see that too. On time could have been earlier. The north-west has significant issues. It has an unemployment rate of 6.2 per cent, participation rate of 58 per cent, youth unemployment rate of 15 per cent, and a significant underemployment rate. It has 700 fewer apprentices under the auspices of this Government. They have presided over that reduction. We are hoping this funding will do much to meet it.

It would be lost opportunity not to talk about the way this minister has mishandled TAFE, and the challenges it has. We want TAFE to be a significant player in this north-west jobs package. We respect TAFE and we want it to work. Under this minister we have had significant diminution in TAFE numbers. We have had a reduction in apprentices and trainees. TAFE is running at a loss of \$1.6 million this financial year. It has to absorb a lack of funding of \$1.6 million to do the jobs it already does, let alone the jobs it needs to.

In response the Government has implemented a 3 per cent increase in fees across the board. It has moved some courses online and it costs more to do them online than face-to-face. These are courses that have significant face-to-face obligations. That kind of learning would be really tangible to good educational outcomes. While not reflecting on you while you are in the Chair, if you were in your seat, Mr Deputy Speaker, I would talk about the fact that you are a former TAFE educator and you know how valuable that hands-on learning can be. When you talk to TAFE staff they are saying that they cramming too many content hours into too short a period. They are not given the amount of time that they need. They have sometimes double the number of students that they historically would have had. That is a significant barrier to being able to provide the sort of education that those students need. I am assuming we will hear very soon about whether we have accreditation in the nursing course. That is something the minister might want to update us on.

An example of cost increases: the TAFE Certificate III in Education Support - people training to be teacher's assistants in schools - has increased in cost, more than three-fold, to \$5600. The course used to receive concessions but those concessions are no longer available. TAFE is making significant economic decisions because of the budget position this Government has put it in.

There have been course delays in plumbing, which has impacted on students being able to finish their plumbing qualifications. I met one young apprentice who is going to be an apprentice for an extra year because that got stuffed up. That is a problem for him and for his employer.

The electrotech course has been delayed and I believe the current one is being delayed again. They have one teacher statewide for plasterers, for up to 120 students, who is utterly exhausted.

This Government has failed TAFE. I want the Government to demonstrate how this project is going to cover its backside in the failings it has made in TAFE.

**Time expired.**

[11.54 a.m.]

**Mrs RYLAH** (Braddon) - Mr Deputy Speaker, in March this year the Tasmanian Government announced a plan for local strategic growth in the north-west. At the same time, the Government also invested an additional \$300 000 into a partnership with the Cradle Coast Authority. This is a great boost for the region. This will deliver a number of strategic, local economic projects to retain population share in the region, improve educational outcomes and unemployment rates, and leverage the strength on the coast to create local investment and more jobs.

This funding will support implementation of the Cradle Coast Authority's Regional Futures Plan 2019-2022. This investment is in addition to the \$4.08 million Jobs Action Package announced in the 2017-18 state Budget, which is taking an innovative approach to support four nominated communities achieve their employment objectives. Through the Jobs Action Package, the Tasmanian Government is working in partnership with the Tasmanian Council of Social Services and the Tasmanian Chamber of Commerce and Industry for long-term and innovative solutions to match the needs of employers and job seekers to improve employment outcomes.

In the Kentish region alone, the most recent skills fund grant round saw a number of registered training organisations win training places to deliver in the region for existing workers. These included funding for Housing Industry Association Limited to deliver Certificate IV in Building and Construction (Building) to micro and small businesses. In addition, Institute of Project Management Pty Ltd will work closely with the Tasmanian Chamber of Commerce and Industry to deliver Certificate IV in Project Management Practice. For job seekers, I was pleased to note Asset Training has secured funding to deliver a wide range of entry level qualifications, including security operations, cleaning operations and health support services. These qualifications are critical pathways for those who are looking to re-enter the workforce and upskill to a new career.

We have taken a multi-faceted approach to training and job opportunity on the north-west with TAFE, UTAS, colleges and Agri-Tas. We have things such as 'develop the skills hub in the north west'. We are extending years 11 and 12 with great success. The Hellyer College regional collective is working with high schools to not only have years 11 and 12 at high schools but also to interact with the college. We have spent \$5 million on TAFE Centres of Excellence and we are extending early education to vulnerable children. These are all important aspects of building a much better future in skills and opportunity in the north west.

The Tasmanian Government has implemented a number of specific initiatives supporting continued growth in the number of apprentices and trainees. Five million dollars was provided through the 2017-18 Budget for grants to small businesses who have taken on apprentices or trainees. The program is now fully allocated. An additional \$7.5 million over three years was committed in 2018-19 to provide grants for small businesses to take on apprentices or trainees in targeted sectors of the economy. A new program has recently been released to increase the number of apprentices and trainees employed in industries and regions.

The growing apprenticeships and traineeships industry and regionally led solutions program aims to identify barriers that limit the employment of apprentices and trainees and trial targeted solutions to remove these barriers.

These grant programs complement the payroll tax rebate scheme available to large employers with the State Revenue Office. The Government has also committed to extend this scheme until 30 June 2021 with the focus on targeting identified skill shortages in the economy. These initiatives are in addition to the subsidies that are provided to registered training organisations to subsidise the cost of training for apprentices and trainees and the \$1.7 million per annum in travel and accommodation allowances provided to assist apprentices and trainees who need to travel to attend off-the-job training either within Tasmania or interstate.

This Government has overseen a huge positive change to the Tasmanian economy and we are directing significant investment into skills development for today and into the future. We will deliver a mining industry workforce development plan recognising the emerging significant potential for increased mining activity in our region.

I congratulate those who work with the federal government to develop and deliver such strong support for jobs and skills in the north west region, in particular the minister. This package is only one part of our efforts for skills in the region, which includes \$5 million for our agricultural centre of excellence at Burnie's Freer Farm. This is an outstanding initiative that will see training and skills made available in coordination with training providers including Agritas Trade College, UTAS and TasTAFE. It is being planned in consultation with industry as to what they want to see, according with their skills needs. The region deserves such a facility and only this side of the House can deliver it.

This side of the House is delivering on skills and is committed to increasing the number of apprenticeships and trainees by 40 per cent by 2025. This will take a concerted effort by Government, industry and employers and we see excellent results in Tasmania. Trade apprenticeship commencements increased by 11.1 per cent over the 12 months to September 2018. Nationally, in comparison, trade commencements have increased by only 3.1 per cent over the same period. We have more to celebrate. Tasmania continued to have the highest completion rate in Australia, with 58.1 per cent of Tasmanian apprentices and trainees completing their training contract, compared to 52.7 per cent nationally.

Traditionally, the north-west has a widespread, high level of employer engagement with the apprenticeship system. This continued in 2018, particularly in high-growth industries. The statistics speak for themselves. The north-west accounted for a relatively higher share of total apprenticeship commencements, 27 per cent, than its share of the total population at only 22 per cent. Based on the December 2018 figures, there has been a 5.4 per cent increase in apprentice and trainee commencements overall, with trade apprentices up 25.9 per cent from the 2017 level.

### **Time expired.**

[12.02 p.m.]

**Dr WOODRUFF** (Franklin) - Mr Deputy Speaker, I am very happy to speak on skills and training in the north-west. The Greens are particularly passionate about this because we understand the basis of thriving regional economies in Tasmania is handing the decision-making to communities and taking it away from the pork-barrelling election cycle charade we are seeing happening at the moment. Unfortunately, this has had truly devastating impacts on the sustainability of industry and the success of skills and training in the north and north-west areas of Tasmania. The fluctuating political seats between Labor and Liberal parties occurring over decades has had a substantially negative effect.



In 2017, the Productivity Commission completed a major inquiry into transitioning regional economies and how to do that best. The message from the Australian inquiry was crystal clear; regions that are transitioning from a resource economy need to have community-driven plans to inform their spending decisions. The traditional election pork-barrelling policies are neither effective or sustainable and they do no service at all to those communities. The north-west is a marginal seat and has been subject to cash splashes before every election. At the recent by-election and the current federal election, we have another in a continual wave of cash splashes that are not based on any long-term planning and are not informed by community-driven plans. It is clear the Productivity Commission's inquiry has not changed the way either Labor or Liberal parties engage with regional communities. They simply cannot help themselves.

Despite a great deal of posturing and grandstanding, the real issues for people living in the north-west only attracts real attention when there is an election to be won and that attention is short-lived, pork-barrelling and include no broad plans. The Labor and Liberal parties have ignored the tough realities of transitioning away from resource economies and the move that is inexorable, that none of us can control, toward automation. This has major impacts on people's jobs. They have splashed out, given corporate subsidies and bailouts in an attempt to stave off this inevitable decline in traditional forms of employment.

The Liberal Government's over-investment in the salmon industry is another prime example of how they pick industry winners. They perpetuate the myth of 'trickle down' and nothing could be further from the truth. The salmon industry is a prime and perfect example of the failure of the promise to provide sustainable regional employment. Those three major companies - Tassal, Huon Aquaculture and Petuna - are all committed to increasing automation of their operations and reducing jobs. We have seen the evidence from the Chief Financial Officer's report to the board from Tassal. A couple of years ago they were promising increasing automation in feeding.

They have now centralised many of those jobs that used to be in regional communities in southern Tasmania to the Marine Board Building in the centre of Hobart. This process will continue and the investment by the Liberal Government, and the Labor government has done exactly the same thing in the salmon industry, is so poorly considered. It has been widely opposed by affected communities and it jeopardises other marine based industries, particularly in the north-west. A perfect example: King Island is up in arms about the idea of having Petuna and Tassal in the area of the north-west. There is extreme community anxiety about the impact on local commercial fishers as well as on the marine environment. The flow-on effects have not been considered. There is a picking of winners and an idea that if you have one big company, somehow everyone is going to win.

The changing nature of employment is a matter that needs serious attention. At the state level, the Greens have committed to an employment policy unit. Federally, we have committed to a future of work commission. We have a regional reinvestment policy that paints a pathway forward for regional communities. Our plan is to create a government unit that would assist regions to establish community planning groups similar to the award-winning George Town Economic Development Group Steering Committee. We would fund a non-political grant pool with money for projects consistent only with community-driven plans. We believe the role of government in developing regional communities is to empower communities in regions to develop the pathway forward and then to front up with the cash. Understanding the nature of the changing workforce and having a clear and realistic blueprint for the future that plays to the region's strengths are essential for informed and viable investment in skills and training.

In the new term, it is essential to have investment in social infrastructure, reskilling initiatives and a robust welfare system. The Tasmanian Forestry Agreement provided significant funds to reskill those exiting from an industry that is facing increasing pressures from changes in global demand and increasing pressures from automation. That is the model the Greens support. Unfortunately it is a model the Labor Party has recently walked away from.

**Time expired.**

**Matter noted.**

## **SENTENCING AMENDMENT (MANDATORY SENTENCING FOR SERIOUS SEXUAL OFFENCES AGAINST CHILDREN) BILL 2018 (No. 5)**

### **Second Reading**

[12.10 p.m.]

**Ms ARCHER** (Denison - Minister for Justice - 2R) - Madam Speaker, I move -

That the bill be now read the second time.

The Sentencing Amendment (Mandatory Sentencing for Serious Sexual Offences Against Children) Bill 2018 makes a number of amendments to the Sentencing Act 1997 that will introduce mandatory minimum sentences of imprisonment for serious sexual crimes perpetrated against children in Tasmania. This bill fulfils the Government's election commitment to reintroduce the 2017 bill of the same name requiring courts to impose a minimum sentence of imprisonment for perpetrators who commit serious child sexual offences.

This is the second tranche of sentencing reform in this area, following the commencement of the Sentencing Amendment (Sexual Offences) Act 2016. That act amended the Sentencing Act 1997 to define aggravating circumstances to be taken into account in sentencing for certain sexual offences, and prevent an offender's good character or lack of prior convictions from being taken into account where those matters were of assistance to the offender in committing the offence.

The Government believes that offenders of sexual violence against children deserve significant sentences of imprisonment in recognition of the appalling, and in many cases, lifelong effects of their serious criminal conduct on their child victims. By introducing mandatory minimum sentences for serious child sexual offences the Government is also promoting consistency in sentencing and improving public confidence in the courts by ensuring that sentences reflect community views for such heinous crimes.

The Government recognises that changes to sentencing law require careful consideration. For that reason the Sentencing Advisory Council was asked to investigate how a mandatory minimum sentencing scheme in relation to child sexual offences could be implemented in Tasmania. Specifically, the council was asked to consider what child sexual offences should be included, the level of the minimum sentence to be applied to offenders, and any exceptions that should operate.

In 2016 the Sentencing Advisory Council released its report entitled Mandatory Sentencing for Serious Sex Offences Against Children. In their report, the Sentencing Advisory Council identified the following serious crimes as appropriate to include in a mandatory minimum sentence scheme:

- rape where the complainant is under 17;
- maintaining a sexual relationship with a young person in circumstances of aggravation;
- sexual intercourse with a young person in circumstances of aggravation; and
- aggravated sexual assault (in circumstances of aggravation) where the complainant is under 17.

This bill seeks to include those crimes in a mandatory minimum sentencing scheme, with the exception of aggravated sexual assault.

In 2017 Parliament passed the Criminal Code Amendment (Sexual Assault) Act 2017. That act extended the definition of 'sexual intercourse', so that the crime of rape applies to all forms of non-consensual sexual penetration. By including these forms of sexual penetration into the crime of rape, the existing crime of aggravated sexual assault is no longer required and has been repealed.

The Royal Commission into Institutional Responses to Child Sexual Abuse has increased the community's awareness of the disturbing levels of prevalence of institutional child sexual abuse, both historical and contemporary, and the devastating long-term and often lifelong impacts of child sexual abuse affecting our community.

The Government has carefully monitored the work of the royal commission and participated in a number of formal and informal consultations with the royal commission in relation to the appropriateness of current criminal justice responses to institutional child sexual abuse and options for reform, to assist victims of child sexual abuse.

While the work of the royal commission focused on child sexual abuse that occurs in institutions, their work still provides guidance in relation to criminal justice responses to all types of child sexual abuse, regardless of context. The royal commission observed that community members are still often dissatisfied with the length of sentences given to convicted child sexual abuse offenders.

These reforms are an important part of the Government's ongoing commitment to protect vulnerable Tasmanians and send a strong message to offenders that there will be zero tolerance for heinous sexual crimes committed against Tasmania's children.

Coming to a conclusion about the appropriate level for a mandatory sentence is a complex task and one that the Government asked the Sentencing Advisory Council to consider through research and their collective knowledge and experience. The Sentencing Advisory Council also consulted widely in relation to this issue.

The Government has adopted the Sentencing Advisory Council's advice in relation to the levels of the mandatory minimum sentences to be applied in Tasmania. The bill amends the Sentencing Act 1997 to introduce mandatory minimum terms in relation to adult offenders as follows:

- 4 years imprisonment for the crime of rape (section 185 of the Criminal Code) where a victim is under 17 years at the time of the offence;

- 4 years imprisonment for the crime of maintaining a sexual relationship with a young person (section 125A of the Criminal Code) where there are circumstances of aggravation and at least one of the unlawful sexual acts is an offence of rape;
- 3 years imprisonment for the crime of maintaining a sexual relationship with a young person (section 125A of the Criminal Code) where there are circumstances of aggravation and none of the unlawful sexual acts is an offence of rape; and
- 2 years imprisonment for the crime of sexual intercourse with a young person (section 124 of the Criminal Code) where there are circumstances of aggravation.

The circumstances of aggravation that attract mandatory minimum terms of imprisonment in relation to the crimes of maintaining a sexual relationship and sexual intercourse with a young person are those that were introduced in the first tranche of these reforms. They are outlined in section 11A of the Sentencing Act 1997 and include:

- the victim being under the care, supervision or authority of the offender;
- the victim being a person with a disability;
- the victim being under the age of 13 years;
- the offender committing the offence in whole or in part in the presence of any other person or persons, besides the victim;
- the offender subjecting the victim to violence or the threat of violence;
- the offender supplying the victim with alcohol or drugs with the intention of facilitating the commission of the offence;
- the offender making forced or uninvited entry into the victim's home or other premises; and
- the offender, in the course of committing the sexual offence, doing an act likely to seriously and substantially degrade or humiliate the victim.

It is important to note that these amendments do not require courts to impose mandatory minimum sentences in relation to offenders who are under the age of 18 years at the time the offence was committed, or in relation to offenders who have impaired mental functioning that is causally linked to the offence.

The bill also provides the following additional safeguards in relation to the introduction of these mandatory minimum sentences:

- the court retains a discretion not to impose the mandatory minimum term of imprisonment where there are exceptional circumstances in relation to the offence or the offender;
- the introduction of mandatory minimum terms of imprisonment operates as a sentencing floor and does not inflate all sentences in relation to an offence; and
- the court may make an order for parole eligibility of an offender to whom a mandatory minimum term of imprisonment applies in accordance with the existing parole framework.

The Government believes that sentences for child sexual offences should clearly denounce the abhorrent sexual abuse of children and appropriately punish offenders of sexual violence against children.

The mandatory minimum sentence scheme contained in this bill will provide Tasmania's children with protection and, where sexual abuse has occurred, ensure that victims receive appropriate justice for the atrocious crimes perpetrated against them.

I commend the bill to the House.

[12.19 p.m.]

**Ms HADDAD** (Clark) - Madam Speaker, much has been said about this bill over the last couple of days. I entirely agree with the Attorney-General about a zero-tolerance approach to child sex abuse and a zero-tolerance approach to sexual offences against children. The Labor Party absolutely and utterly abhors child sex abuse of all types, particularly when the victim is a child and when there are circumstances of aggravation surrounding the offence. The Labor Party has never resiled from the fact that we support Tasmania's children. We will do the things that work to protect Tasmania's children, particularly to protect Tasmania's children when sexual offences are concerned.

Yesterday, in a Dorothy Dixier question in question time, the Premier said he wanted to seek sentences commensurate with community expectations. The Attorney-General referred to a similar hope in her second reading contribution, that sentences should be commensurate with community expectations. I agree with that - not that I speak on behalf of the judiciary, I would never be so bold. I suspect they would expect that sentences are commensurate with community expectations regarding child sex abuse. No-one in this community, no-one in the Labor Party, believes paedophiles should not go to prison. Everybody in this place would agree that those who perpetrate these heinous crimes against children deserve and should receive custodial sentences. They do receive custodial sentences. Recent research released by the Sentencing Advisory Council shows they are receiving custodial sentences much higher than the mandatory minimum suggested in the bill, on average. The Attorney-General says I do not understand the law. I do.

**Ms ARCHER** - Point of order, Madam Speaker. I ask that the member withdraw that comment. I did not make that comment. Nobody made that comment. It is grossly misleading.

**Ms HADDAD** - I will clarify my comment rather than withdraw it. It was during question time yesterday, when the Premier was answering his Dorothy Dix question.

**Ms Archer** - Were you quoting from *Hansard*? Unless you are quoting from *Hansard*, I ask you to withdraw.

**Ms HADDAD** - It was by interjection. I withdraw the statement because I am aware it did not make it into *Hansard*. When the Premier spoke yesterday, he spoke about Labor's position, to equip the judiciary with the ability to sentence a child sex offender to a maximum of life in prison. In respect of that, there was an implication that we did not understand how the Criminal Code works. We do understand how the Criminal Code works and we understand how parliament works.

**Ms ARCHER** - Madam Speaker, the member refuses to withdraw that comment. I am happy for you to keep explaining what you mean but I did not say that.

**Ms HADDAD** - I withdraw the comment that the Attorney-General said on the record that I do not understand the law. What I do understand about the law and how parliament works is this: there are several ways that parliament can send messages to the community, including messages to the community that represents our judiciary. One of those ways to send a message to the judiciary about how the parliament feels about the severity of a particular offence or set of offences is to increase the maximum available sentence for the judiciary to apply. That is what Labor is suggesting. We would allow the judiciary the discretion to apply a life sentence to people who commit sex offences against children. It is not only me who believes it is a way for parliaments to send messages to the judiciary.

Yesterday, the Law Society said, when asked for comment in regard to Labor's proposition, sending that message would be a vast improvement on the implementation of mandatory sentencing. He said the court, when a maximum penalty is increased, sees that as an indication that the crime is to be treated more seriously than previously. The courts are already imposing heavier sentences, based on the Sentencing Advisory Council's statistics. There is no need for mandatory sentencing, and making higher sentences available to the courts is a recognised way of parliament communicating to the courts that certain crimes need to be treated more seriously and sentenced more severely.

These crimes are to be treated more seriously than other crimes under the code. Crimes of sex offences against children are to be treated more seriously and should be sentenced more severely than other crimes under the code. That is why Labor's policy has been amended to include the ability for the court to apply a maximum life sentence rather than forcing their hand and forcing them to apply a minimum sentence, which is lower. The minimums proposed in this bill are lower than the sentences currently being issued by the courts.

My comments were in response to the comments made over the last two days. I have said that paedophiles and people who perform these heinous crimes against children should go to jail and they are going to jail. The sentencing trends in the Tasmanian Court of Criminal Appeal shows that the sentences are up for sex offences against children, in some cases by 200 per cent.

This Government attempted to pass this exact legislation in 2017 and it was rejected by the upper House of this parliament. The Government has reintroduced exactly the same legislation without any additional consultation, without further research, and without a single change aside from the date on the top of the document. In doing so, they have provided no further evidence to the parliament or the community about why this is necessary, or why they are re-prosecuting failed law. There is no evidence that offending has increased, no evidence that sentences have weakened, no evidence other than that they made an election commitment. They did so for political reasons.

A cynic would say it is no surprise this bill has been tabled, which was tabled almost a year ago, has not been brought on for debate until now - four days ahead of three upper House elections. The Government has manufactured this as a campaign issue for the candidates they are running in those seats. All three of those candidates have apparently independently nominated this bill as one of their top issues. This issue, those three Liberal candidates running in elections this Saturday tell us, is a bigger issue for them and bigger issue for their electorates than health. It is a bigger issue for them than ambulances ramping at hospitals and all the issues and the terrible stories we heard about individuals going through our public health system yesterday. Those three Liberal candidates are telling us this issue is more important than homeless people sleeping rough, housing, housing affordability, job security; any of the other business of government. This is in the top three for those Liberal candidates.

The Liberal Party is treating Tasmanians like fools. They are playing politics with the very serious issue of child sex abuse. Tasmanians will be able to see through that thin veneer of Liberal politicking because they have sat on these bills for a year before bringing them on before an election. We were ready to debate these bills at the conclusion of the no-confidence motion yesterday. I was ready to go to the Orders of the Day.

**Ms Archer** - I would not reflect on how the House concluded last night, if I were you.

**Ms HADDAD** - I am not attempting to reflect on the Chair. I would not do that. But, thank you.

I am glad they are on today. I know the Government wants them on early today so that the media and journalists can be here to hear our comments. I am glad that the journalists are here listening to this debate, listening to my comments. I believe people are getting sick of that type of politics in Australia and around the world, where governments drag out law and order issues ahead of an election, making stuff up as they go along - I was accused of making stuff up yesterday - knowing that a big stick approach to law and order wins votes.

Madam Speaker, we do have a big stick approach to sex offenders. We would never defend them in any way. We want them to go to jail for long periods. That is why we would offer the courts the ability to impose a life sentence.

On to the content of this bill. This bill does one thing: it sends a message from the parliament to the court that we do not trust the work they do, that they do not know how to get sentences right, and that they are not doing their job properly. For the Chamber's interest, the Sentencing Advisory Council did release a report a few short months ago where they looked at the sentencing trends for the offences involved in the bill. They said that sentencing for sexual offences involving children in the Supreme Court overall has clearly increased, but in the case of rape involving a young person the minimum sentence has remained steady, the maximum sentence has increased by 25 per cent from 12 to 15 years and the median sentence has increased by 55 per cent to seven years. Sentencing for maintaining a sexual relationship with a young person has increased substantially. The minimum sentences for this offence have increased 200 per cent and the maximum sentences have increased from 12 years to 14.5 years, an increase of 21 per cent, and the median sentences have doubled. Sentencing for sexual intercourse with a young person has increased, with the longest sentence doubling to four years and the median sentence increasing to 19.5 months, a 178 per cent increase on the median sentence for that offence. Finally, the lowest sentence for this offence has increased by 350 per cent.

Let us break down those statistics and look just at the increases in the minimum sentencing for those three offences. For rape, the minimum has remained the same and the median is up by 55 per cent. For maintaining a sexual relationship with a young person, the minimum is up by 200 per cent. For sexual intercourse with a young person, the minimum is up by 350 per cent. The minimums are up, in two instances by 200 per cent and 350 per cent, and in the case of rape the minimum has remained steady and the median is up by 55 per cent.

The Attorney-General may still say that the sentences themselves are manifestly inadequate, and she did mention that in question time today, but some of the sentences that have been handed by the court are grossly inadequate. If that is the case there are other ways for us to send that message to the courts. One of those ways is by increasing the maximum sentences available to the courts. That is the established way that parliaments send that message to the courts, by increasing

maximums, not imposing minimums, and where minimums have been imposed in other jurisdictions in Australia and around the world, they are quickly being rolled back because they just do not work. They do not deter crime. I will get to more on that later.

What does this increase in minimum tell us? We have already seen an increase in the average sentences imposed by the Court of Criminal Appeal to those sexual offences where the victim is a child. It tells us that the judiciary is doing its job. They are already sending people to prison for longer and longer periods for these abhorrent crimes. It tells us that the courts are listening to community concerns and are sentencing accordingly, taking the appalling crimes of sexual offences against children seriously, as we all do. It tells us that the sentences currently being handed down in the courts are in fact higher than the sentences suggested in the bill.

This is a fundamentally important point and proves that the Liberals are not introducing this bill to further protect Tasmanian children. They are not introducing this bill to send a legally cogent message to the judiciary. They are introducing this bill for no reason other than politics. That is not good leadership or good governance. Right now in Tasmania the average minimum sentence is greater than the mandatory minimum in the bill.

**Ms Archer** - That is offensive.

**Ms HADDAD** - The Attorney-General says that what I have just said is offensive. What I have just said is that right now in Tasmania the average minimum sentence is greater than the mandatory minimum intended to be introduced in this bill. If that is offensive that is a worry because that is the fact. The minimum sentences currently being imposed by the courts are higher than the minimum sentences proposed in the bill.

Many in the community may agree with what the Attorney-General has said that some of the sentences that have been imposed are grossly inadequate. I may agree if I read those individual cases that some of those sentences may have been grossly inadequate, but when a parliament wants to send that message to the courts the blunt instrument of minimum mandatory sentencing is not the tool to use. That is backed up not just by Labor's change of policy and the comments of the Law Society and others yesterday, it is backed up by decades and, in some cases, centuries of experience which my colleague, Dr Broad, will speak about in his contribution, showing that mandatory sentences do not deter people from offending and in the case of child sex offences, would put children through the trauma of a trial which otherwise might not occur.

Not only is mandatory sentencing a flawed concept in and of itself, but this bill is flawed even in attempting to implement mandatory sentences because of the fact that the minimums are lower than what the courts are already giving now.

We have talked a lot about evidence in the last couple of days and the health reports that were denied existence or were hidden by the Health minister. No-one likes to talk about evidence when they do not agree with it in this Government. For the record, it is worth going through the history of research and evidence in Tasmania in recent years, from 2015. It is important to go through that history so people understand where this bill comes from.

In 2015 the Sentencing Advisory Council delivered a report to Government on sex offending generally, not specific to child sex offending. In that report the council went through substantial evidence that mandatory sentencing does not reduce crime, is dangerous to victims and tells the courts that the parliament does not trust the judiciary. They are not my words, they are theirs.



Not happy with that result because they had made an election commitment about mandatory minimums, the Government commissioned a second report with extremely limited terms of reference, specifically asking the council for advice on how to implement a mandatory sentencing scheme for child sex offences, notwithstanding that the council had already clearly said in their 2015 report that they do not support mandatory minimums and do not recommend that Tasmania introduce them. Regardless of that, the Government set very narrow terms of reference for the council to perform more research and issue a second report specifically on how to introduce a scheme, notwithstanding the fact that they had already said they do not support one.

With their hands tied, the council wrote a scheme and that is the scheme upon which this bill is based, but in delivering that second report in 2016, the one with the narrow terms of reference, they took the unprecedented step of including a disclaimer of sorts at the start of the report. I will read an extract from that now. The SAC said:

The Council has previously indicated that it does not recommend the introduction of mandatory sentencing in Tasmania.

...

However, to respond to the Government's stated introduction to introduce a mandatory sentencing scheme, Part B of the paper sets out a model for a mandatory minimum sentencing scheme in Tasmania. The proposed elements of this scheme should be understood as the Council's 'preliminary advice' as requested in its terms of reference, and should not be taken as an endorsement of such a scheme.

Most importantly, they then went on to say:

Part B should be read in the light of its views expressed in Part A.

As part of its consideration of the implementation of a mandatory minimum sentencing scheme as requested by the terms of reference, the Council has identified objections to the implementation of the scheme ...

- (1) mandatory minimum sentences provide an incomplete guidance system to the courts;
- (2) ... may lead to unrealistic expectations in the community that changes to sentencing policy with deter potential offenders when there is no evidence ... that increased penalty levels act as a deterrent;
- (3) ... reduce the incentive to enter a plea of guilty;
- (4) ... reduce transparency and consistency because discretion is transferred from judges to prosecutors;
- (5) mandatory minimum sentences will result in significant financial costs; and
- (6) that it may be prudent to wait until the Supreme Court has had an opportunity to respond ...

As I have outlined, we have now waited for the Supreme Court to have an opportunity to respond to the messages from Parliament and to the community sentiment around child sex offences, and the result of having waited to see how the Supreme Court would respond between 2015 and now is that minimum sentences for child sex offenders are up across the board.

I continue to quote from the first part of the Sentencing Advisory Council's 2016 report -

After consideration of these concerns, and as a result of the processes of conceptualising the principles that should guide the introduction of a mandatory minimum sentencing scheme, the Council's view remains that mandatory sentencing is inherently flawed. The Council has grave concerns that the introduction of mandatory minimum sentencing for sexual offences in Tasmania will create injustice by unduly fettering judicial discretion.

I am not sure that the Attorney-General's intention is to create injustice. She does need to explain to the Chamber her response to the disclaimer that was put at the beginning of the Sentencing Advisory Council's 2016 report, particularly their views on why mandatory sentencing schemes do not work but also on their view about unduly fettering judicial discretion.

They go on, and this part they have put in bold -

**Accordingly, the Council reiterates its previous recommendation that mandatory sentencing not be introduced in Tasmania.**

They finish by saying -

This should not be taken to mean Council considers that sexual offences committed against children are not serious or that serious sex offenders ought not to receive appropriate sentences. Instead, the Council's view is that the introduction of mandatory minimum sentences will create unjustified unfairness without achieving its stated aims of deterring offenders and increasing transparency.

Surely, what we are on about is deterring offenders and protecting children from child sex offences.

That is what this parliament should be trying to do, if we see child sex offending as a serious issue, which the community does.

**Ms Archer** - What is the reason for your change then?

**Madam SPEAKER** - Order, Ms Archer.

**Ms HADDAD** - Why would we be introducing something that all the evidence tells us is not the way to fix that problem?

**Ms Archer** - Why the recent announcement? The evidence tells you increasing the maximum does nothing.

**Madam SPEAKER** - Order, Ms Archer.

**Ms HADDAD** - I do not like to be cynical, but it does make me very cynical that this is being brought on three or four days out from three upper House elections where they have made law and order an issue. It is so transparent. You could do a straw poll right now in the street and ask 10 people, 'Do you think paedophiles should go to jail?' They will say yes. 'Did you know the Labor Party does not think so?' They would say, 'Really? We had better vote Liberal'. How long before people see through those approaches to politics? Are people really going to keep believing that kind of guff when it comes from Liberal candidates, or from candidates from any conservative party?

Labor wants child sex offenders to go to jail. Labor wants the option for the courts to send them to jail for life if they see fit. That is the court's job, that is not parliament's job.

Back to the Sentencing Advisory Council's report. They gave that really long disclaimer at the beginning that said please do not introduce mandatory sentencing. We have done hundreds of pages of research on it, we have consulted widely on it, we know the history, we know how they work elsewhere. Dear Tasmanian Government, please do not introduce it. However, you have told us to write a scheme, so here is your scheme. They write a suggested scheme for how mandatory minimums might work in Tasmania. That is the scheme upon which this bill is based. To be fair, the Sentencing Advisory Council is just one stakeholder. Not everyone is going to agree with an independent body like that. It important to look at what other stakeholders say.

In response to the 2017 bill, the Law Society said it was opposed to mandatory sentencing. They agree with the Sentencing Advisory Council's recommendations that mandatory sentencing wrongly undermines the community's confidence in the judiciary. The Law Society said it believes that mandatory sentencing creates unjust outcomes and does not reduce offending. In response to the re-tabled bill in 2018, the Law Society said -

The Government had not put forward any cogent reason for the bill.

Specifically, it said -

Repeating slogans such as 'soft on crime' or ignoring community expectations or alleging that the Labor Party is happy to see paedophiles back on the street, does not provide a basis to reconsider the bill.

Yesterday, the Law Society said mandatory minimum sentencing is not required. It argued that the court, when a maximum penalty is increased sees that as an indication that the crime should be treated more seriously than previously. To send the message to the courts via a maximum sentence increase would be a vast improvement on the implementation of mandatory sentencing.

The Australian Lawyers Alliance last year said that mandatory sentences discourage early pleas of guilty and in turn that means more trials and more victims of abuse needing to be cross-examined. Discretion allows for courts to sentence in accordance with the justice of the case.

That is not highlighted by Government members when they talk about this policy in the community. They are talking about the policy in the community for votes. When they ask people, 'Do you think paedophiles should go to jail?', the answer is, 'Yes'. They are not asking those same people what they think about child victims having to go through a trial, or the ability to decide what offence somebody is charged with shifting to police prosecution and the other inherent problems with the way that mandatory sentencing works in practice.

The Tasmanian Bar Association in 2018, in response to the re-tabled bill, said that mandatory sentences do not work. They are fundamentally wrong in principle and the risk of injustice can never be removed. I recognised that the Bar Association has recently gone through an election process.

The Sexual Assault Support Services, SASS, in Tasmania said they do not support mandatory minimum sentences for sexual offences committed against young people, but that they did support further exploration of alternative options outlined in a Sentencing Advisory Council's report.

In 2017, in response to the first attempt at this legislation, the Children's Commissioner at the time, Mark Morrissey, was opposed to the 2017 bill. He described the trauma for child victims of sexual assault when required to testify at trial. He described the negative and long-lasting impact of having to relive their experiences in an intimidating and sometimes hostile environment and recognised that the introduction of mandatory minimum sentencing schemes in Tasmania would ensure this trauma would be forced on many people who have been victim to sexual offences.

The commissioner's job is to represent the needs of children and young people. It is not a political position, it is a statutory officer position. I respect that office as being able to give very well informed and researched advice about how best to protect the rights of children and young people. The effect on children should be the real focus of parliamentarians when considering laws like this.

When the upper House debated the bill in 2017 no member posed an argument in support or defence of perpetrators of sexual assault. I do not think anybody in this Chamber would either. The defeat of that bill was in no way a defence of those perpetrators. Rather, the majority of the upper House were not convinced at the time that the bill was the best possible outcome for children. That is the argument they made.

It is disingenuous to continue to say that Labor has anything other than the best interests of children when we form our positions on Government legislation including this bill. We are fundamentally opposed to the legal construct of minimum sentencing. It does not work and we do not support it. We have a long history of not supporting it. Not supporting a legal mechanism of sentencing does not mean not supporting children. It is not the same thing. I hope members of the community who might be hearing this debate or the journalists who are interested in this story and are following it closely, understand that. Opposing a legal construct, a way of delivering courts an ability to sentence, is not the same as opposing the rights of children. We support the best evidence to protect children, particularly from such heinous offences as these.

That is the evidence and the Government does not like it. That is why they have persisted with drafting this bill. They do not like that evidence and they are happy to ignore it. They are happy to pick the bits of the Sentencing Advisory Council's advice and the quotes from stakeholders here and there that suit their needs, but they are very happy to overlook the fact that mandatory sentencing, with years of research, has proven not to deter crime and protect young people. These arguments can be made when mandatory minimum sentences are imposed for any crime or any offence but when we are talking about something as serious as child sex offences, they take on a different hue.

I had a constituent come into my office recently, an elderly gentleman and really lovely man. I have met him a number of times; he has come and chatted to me at street stalls a few times. He is a stoic member of the community but he was in tears in my office. I will not name him because it

is a very personal story. He told me about his now adult daughter, she is my age, having been abused by his brother-in-law back when she was a teenager when she was my daughter's age. He said, 'What would you do if it was your daughter?' He came to talk to me in support of mandatory sentencing. I said, 'Honestly, I am a parent and I would want to bash his head in. I wouldn't stand up and defend that person for one second, no way.' Your parental instinct would take over or your guardian instinct or your grandmotherly or your aunty instinct would take over. For this bloke it ruined his family. It ruined his daughter. I explained the evidence around mandatory sentencing and why it does not deter crime. I explained that the sentences are already on the increase and there are other ways for parliaments to send that message to the courts that we want these crimes sentenced more severely, and we do. He was surprised at my response. I think he expected me to come back with something a bit more academic and esoteric than just saying it does not work.

When you are talking mandatory sentencing in the context of crimes as abhorrent as this it does take on a different hue and a more emotional hue. That is why I have tried in my contribution today to do my best to make it clear to the public that Labor absolutely abhors these crimes and would give judges the option of sending an offender to life if that is what the judge saw fit in the circumstances of the case.

The other parts of Labor's policy are reflected in the Sentencing Council's 2015 report, that is guideline judgments which are basically template judgments written by practising members of the judiciary usually, or in some instances they can be written by a body such as the Sentencing Advisory Council. They provide guidance on a particular set of offences with the aim of increasing severity, providing deterrents, protecting the community and increasing confidence in the criminal justice system. We would support guideline judgments, particularly for these offences.

We would also support presumptive non-parole periods where the parliament directs that a sentenced offender must not be deemed eligible for parole until they have served a particular percentage of their sentence. For example, the parliament could direct that when sentencing an offender to a particular crime, that offender should not be eligible to seek parole until they have served, for example, 30, 50, 70 or 80 per cent of their sentence and that the sentence is handed down by the judge. We would also support the creation of two new offences as recommended by the council. They are aggravated sexual intercourse with a young person and maintaining a sexual relationship with a young person in circumstances of aggravation.

Finally, our intention with this bill, as I indicated yesterday, is not to amend the bill but to amend the motion before the House in the following words.

Madam Speaker, I move -

That all the words after the word 'bill' be omitted and the following words be inserted -

- (1) The bill be referred to a Select Committee with power to send for persons and papers to inquire into and report upon -
  - (a) The provisions of the bill in relation to the following matters:
    - (i) sentencing options for child sex offences

- (ii) current and recent sentencing trends in Tasmanian courts for sex offences against children
  - (b) Alternative sentencing options to those provided in the bill
  - (c) Other matters incidental thereto.
- (2) That the following members be appointed to serve on the committee -
    - (a) Three members nominated by the Leader of the Liberal Party;
    - (b) Two members nominated by the Leader of the Labor Party; and
    - (c) One member nominated by the Leader of the Tasmanian Greens.
  - (3) That a quorum for any meeting of the committee shall be three, one of whom is the Chair of the Committee or the Deputy Chair.
  - (4) That the committee report by 28 November 2019.
  - (5) That should the House not be sitting, a report may be presented to the Speaker of the House, or in their absence, the Clerk of the House, and any report so presented is taken to have been published by order of the House of Assembly.

The reason I have moved that motion is that the Government has not done its research and has again presented a bill that has already failed this parliament. It is a political stunt done in the last week of an election campaign and should be seen for what it is. Labor will support measures to strengthen the law to protect our children and we call on the Government to adopt our suggestion. The evidence from experts support Labor's position. The evidence from experts does not support the Government's position.

We have seen this Government in countless portfolios be quite happy to ignore and reject the advice of experts. They were happy to ignore the advice of the Sentencing Advisory Council. They were happy to ignore the advice of other legal groups and they were happy to ignore the advice of several others. I heard the Attorney-General say earlier that this has been to two elections. This has been to two elections but it was presented in the way that I described earlier in my contribution, presented in a way that is not true and implies that Labor wants to see paedophiles on the street, which will never be true. It was presented in a way that is not fair or truthful.

This would allow the parliament to better interrogate all of the evidence around how child sex offenders should be sentenced. Much of that work has been done by the Sentencing Advisory Council but most of that work is not included in this bill. The opportunity for a committee of this House to be able to hear and assess that evidence for ourselves as members of parliament would in fact lead to better laws, which is why I am not amending the bill on the floor of the House. It is much more appropriate for members of this House to be able to listen to the views of the community by way of a parliamentary committee and listen to the views of experts and come to our own informed decisions on how best to proceed with legislation to correctly sentence offenders.

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

## **WAIVER OF GOVERNMENT PRIVATE MEMBERS' TIME**

[2.31 p.m.]

**Mrs RYLAH** (Braddon) - Madam Speaker, I move -

That the Government's private member's business for this day be waived.

**Motion agreed to.**

## **SENTENCING AMENDMENT (MANDATORY SENTENCING FOR SERIOUS SEXUAL OFFENCES AGAINST CHILDREN) BILL 2018 (No. 5)**

### **Second Reading**

**Resumed from above.**

[2.33 p.m.]

**Ms HADDAD** (Clark) - Madam Speaker, I will move the amendment to the question again.

I move -

That the question be amended by removing all the words after the word 'That', and instead inserting the following -

- (1) The Bill be referred to a Select Committee with power to send persons and papers, to inquire into and report upon:
  - (a) The provisions of the Bill in relation to the following matters:
    - (i) sentencing options for child sex offences; and
    - (ii) current and recent sentencing trends in Tasmanian courts for sex offences against children.
  - (b) Alternative sentencing options to those provided in the Bill.
  - (c) Other matters incidental thereto.
- (2) That the following Members be appointed to serve on the committee -
  - (a) three Members nominated by the Premier;
  - (b) two Members nominated by the Leader of the Opposition; and
  - (c) one Member nominated by the Leader of the Tasmanian Greens.
- (3) A quorum for any meeting of the committee shall be three, one of whom is the Chair of the Committee or the Deputy Chair.
- (4) That the committee report by 28 November 2019.

- (5) That should the House not be sitting, a report may be presented to the Speaker of the House, or in their absence, the Clerk of the House, and any report so presented is taken to have been published by order of the House of Assembly.

I apologise that I did not have the wording with me before the break.

As I explained in my contribution on the second reading, it is my firm view that not all the evidence around mandatory sentencing has been considered and included in the bill before us. There are innumerable instances of evidence from the Sentencing Advisory Council and several other sources that tell us that mandatory sentencing does not have the effect the Government argues it may in the instance of this bill. For example, it is well established that mandatory sentencing does not reduce crime and it is damaging to victims. It is the case that, by introducing a mandatory sentencing scheme, this parliament is giving a direct message to the courts of Tasmania that the parliament did not trust the judiciary to do their job and to apply sentences that are commensurate with community expectations.

What the Government wants and what the Opposition is arguing for is not so different. We are all talking about the safety children. We are all talking about the absolute abhorrence we have to child sex offences. We are all talking about making sure those individuals and communities around the state who perpetrate such heinous, despicable crimes against those most vulnerable face the full force of the law and suggesting that they receive custodial sentences. Nobody is arguing anything other than that.

However, the Government and the Opposition differ on how to achieve this. The Labor Party in Tasmania has a long history of opposing mandatory sentencing for any crime. When we start talking about a crime as sensitive as this it pulls on everybody's emotions and heartstrings, including my own. Nobody in the parliament or in the community likes talking about crimes such as this. We condemn those who commit them. The aim of both sides of the Chamber here is not that far apart. We all want to see child sex offenders serve prison terms.

**Ms Archer** - You told me I didn't care, before.

**Ms HADDAD** - I withdraw that if that is what I said before.

**Ms Archer** - You did.

**Ms HADDAD** - I do withdraw that, if that is what I said before, that the Attorney-General does not care about children.

**Ms Archer** - You said we were doing this purely as a matter of politics, which is nonsense.

**Ms HADDAD** - That I do stand by. I stand by my claims that this is being done for political purposes. I stand by those claims, Madam Speaker, that this is being done in this form and at this time for political purposes.

If I did imply earlier that I thought the Attorney-General does not care about the children of Tasmania, I withdraw that. I know the Attorney-General cares about the safety of Tasmanian children, as does everyone in this Chamber. We all want to make sure that people who offend against children through these crimes of depravity are punished and punished severely. Where we



do differ is not in the care for those children, where we differ is how we get there. How we get there is not through establishing a mandatory minimum scheme as I have outlined with the evidence from the Sentencing Advisory Council and countless others. There is plenty of evidence to show this is not the way to send that message to the courts. There are other mechanisms through which parliament can send the message to the courts that we expect these offenders to be sentenced more severely and to custodial sentences.

Not all that evidence has been included in this bill. The bill is well written and well researched because it is based on the scheme advised by the Sentencing Advisory Council. However, I am not satisfied that all the evidence available to parliament in order to put forward law which truly protects children and ensures the punishment of offenders is included in this bill.

That is why I have suggested that parliament establish a committee to see what that evidence is, what the experts say and what the community says. In hearing that evidence we will hear widely different views. We will probably hear from members of the public who want to bring back the death penalty. We will hear views that will go much further than it would be reasonable for the parliament to go. We will hear from others at all points along that broad spectrum of what is believed. In gathering that evidence and reporting it back to this parliament ourselves, we would end up with legislation that better protects children, which sends a more well-researched message to the courts about what our sentencing expectations are.

The Government is happy to ignore advice when the advice they hear is not advice they like. We saw that yesterday in the long debate we had on the motion before the House. We heard of multiple reports into the health system telling the minister what he did not want to hear. New reports into the health system were commissioned to be ignored again and again.

I am not satisfied that has not also occurred here. The evidence given to the Government in two reports from the Sentencing Advisory Council, one in 2015 and one in 2016, tells the Government mandatory sentencing should not be introduced in Tasmania. It is not unreasonable for us to ask the Attorney-General and the Government why they are happy to present legislation to parliament that goes directly against the advice they have received from their own advisory body. I see members of the Government shaking their heads -

**Ms Archer** - Because you are cherry picking out of a report. It is all right, I will cover it.

**Ms HADDAD** - You have said I am cherry picking out of the report. I cannot be clear enough in explaining what the Sentencing Advisory Council said. If the Government wants to say to the Sentencing Advisory Council and to the experts who make up that council that they do not know what they are doing well then let that be the debate we are having today. We are not just cherry picking in the way the Government sometimes does, when it has a range of 20 recommendations and they choose to implement six of those 20; or where they have a series of reports and cobble together something that suits its needs, means and message.

I understand when governments do that. That is not what we are talking about here. This is unprecedented behaviour from the Sentencing Advisory Council to include pages of a disclaimer before setting out the scheme that they did not want to write. The Government made it very difficult for them not to write it because of the narrow terms of reference. In doing that they said the council has previously indicated that it does not recommend the introduction of mandatory sentencing in Tasmania.

The council basically said, 'The Government told us to write a scheme so here is the scheme'. The council said that as part of its consideration in writing that scheme it found out about mandatory minimum sentences -

They provide an incomplete guidance system to the courts;

They may lead to unrealistic expectations in the community that changes to sentencing policy will deter potential offenders when there is no evidence to suggest that increased penalty levels act as a deterrent.

They may reduce the incentive to enter a plea of guilty;

They reduce transparency and consistency because discretion is transferred from judges to prosecutors; and

They will result in significant financial costs and it may be prudent to wait until the Supreme Court has had an opportunity to respond ...

They go on to say mandatory sentencing is inherently flawed and they finish by saying -

The Council reiterates its previous recommendation that mandatory sentencing not be introduced in Tasmania.

That is not cherry picking. That is what the writers of that report said before writing the scheme the Government insisted was written for them to turn into this bill. That is not cherry picking. If that hit anyone else's desk I doubt that they would proceed with legislation that goes against all the evidence. The Government should not be proud of going down this path. The Government members who are prosecuting this bill know as well as I do why it is being prosecuted. It is not to protect children.

**Ms Archer** - We know why you are doing this too. Purely political.

**Ms HADDAD** - I am responding to the bill that has been brought on by the Government in Government business time. How is that playing politics? I do not have the capacity to dictate what happens in Government business time. We respond to the bills when you -

**Ms Archer** - You want to delay something until the end of the year. You want to send something off to committee. Something you oppose.

**Ms HADDAD** - Okay, let us talk about delay. Some months ago, I cannot quite recall when it was, but last year we dealt with the reintroduced bill to remove remissions. We were told it was urgent Government legislation. I cannot quite remember the flow of business on the day, but I remember there had to be a change in Government business.

**Ms Archer** - Why don't we talk about what has intervened in the interim because there has been a lot that the Government has had to deal with as urgent matters, as we always do.

**Ms HADDAD** - I am happy to hear what those factors were. We were told that it was urgent Government business. There needed to be a change in order of business for the day in order for the lower House to debate that bill. The upper House was also sitting that week. The bill to remove

remissions was being debated in the lower House at the time that a man was being sentenced for an horrific murder - a man who was out on parole, not on remission, but please correct me if I am wrong on that. I believe he was out on parole and committed an horrific murder, for which he was being sentenced that week.

I mentioned that in my second reading contribution and I was howled down by members of the Government for having played politics by raising the fact that that legislation was being debated at that time. Pure coincidence, it was said, that it was being debated when this horrific murder was on the front pages of the papers. It was just coincidence. This was urgent Government legislation that must be passed. Fair enough, I thought, I will respond to the Government legislation and according to the orders of the day. The Legislative Council sat the next day. It sat the day after that. It sat the following week and it did not get presented to the upper House.

There were no intervening factors and items of business that the Legislative Council so urgently needed to deal with that week that the bill could not be brought on in the upper House. My upper House colleagues were waiting for it to be introduced. I was not the spokesperson for corrections at that time for the Labor Party. I am now, but at that time my colleague, the honourable Josh Willie, was the shadow minister for corrections. He, for one, was very much anticipating the introduction of that bill in his Chamber so that he could have his say as the shadow spokesperson. He still has not had that break. That bill has still not hit the upper House. It had the capacity to hit the upper House the very next day, after we dealt with it here, or perhaps the day after that, if it had to mature for a day; I am still learning these time lines. It could certainly have been dealt with in the upper House before now.

That brings us back to this bill and the pure coincidence that we are talking about mandatory sentencing for child sex offenders three days out from an upper House election. It has been manufactured into an election issue for all three of those campaigns. The very first thing the Labor candidate in Montgomery was asked when she established her Facebook page as a newly-endorsed candidate was, 'Where do you stand on this issue?' That was not a coincidence. This has been manufactured into a campaign issue by the Liberal Party to win votes.

They did not need to do it this way because we do not disagree with the Government that sex offenders should go to prison for lengthy periods. How we get there is where we differ. That is why I have moved a motion, absolutely not for political purposes, but to allow the parliament to better interrogate the issues around mandatory sentencing and other alternative options, such as those in Labor's policy, including guideline judgments, the introduction of two new offences and presumptive non-parole periods, all of which are not necessarily going to be popular in the community either. Many will not attract the support of the legal fraternity or civil libertarians or others, but that is Labor's policy - guideline judgments, two new offences to be introduced according to the advice of the council, also presumptive non-parole periods, preferably the type that dictates the percentage of sentence that must be served before parole can be applied for. That is the way for parliament to send a message to the courts, not this blunt instrument.

I will conclude my comments there and ask for support for this amendment, ask members of the Government to see past the party divides on this issue and see that this is coming to the parliament for a good reason and allow themselves the opportunity to be better informed about the issues surrounding this bill and the evidence around mandatory sentencing as a legal construct.

[2.52 p.m.]

**Dr WOODRUFF** (Franklin) - Madam Speaker, what a surprise that we are here today with exactly the same bill that we debated in 2017 - same Government, same bill, same populist tough-

on-crime agenda, same complete denial of the evidence that is widely available in Tasmania, same complete denial of the lockstep position of the legal profession, legal researchers, everybody in the field of civil liberties, and same complete denial of the long-held principle of the separation between parliament and the judiciary, the very important principle that underpins our Westminster democracy. It is one of the fundamental democratic principles that keeps us separate from authoritarian regimes. They make sure that incoming governments, incoming prime ministers and premiers, do not get to stick their grubby little paws into what is happening in the justice system and impose sentencing on people for a whole range of populist and personal motivations.

I will get to the amendment from the Labor Party, but because I have not given my second reading contribution, I believe it is important to read in some of the basics, I suppose, of our argument for why we do not support this bill.

The Sentencing Advisory Council has provided a range of reports. I believe there are three reports specifically on this particular issue of mandatory sentencing for serious sexual offences against children.

Before I go any further, I want to say that the Greens strongly believe that the approach taken by this Government is not what is required to safeguard the interests of children, to act in their best welfare, and do the things that the evidence shows are the most effective in reducing trauma, providing justice and allowing for healing and closure - all of the things that children who have suffered horrific abuse need so they can come back into their lives and have justice done, be supported to move on in their lives and be healed in the way they are able to, and the way we can support them in that process.

Unfortunately, this bill is not about making the community safer. It is a cynical move to bring it on again. Clearly the timing is all about politics. It is shameful that the Government would play a game like that with such a serious issue. If the Government was serious about doing everything they could they would have provided in the first instance in 2016 a broad mandate for the Tasmanian Law Reform Institute to explore ways to reduce offending against children. Instead, when the then Minister for Justice, Vanessa Goodwin, approached the Sentencing Advisory Council, she gave them highly restricted terms of reference on the matter of mandatory sentencing for serious sexual offences against children and asked them how minimum mandatory sentences should be implemented. They were attempting to railroad the Sentencing Advisory Council into providing a particular type of advice, rather than enabling them to provide the best evidence and their frank advice on how we should look at the issue of mandatory minimum sentences in this instance.

I want to inform the Chamber about who the Sentencing Advisory Council is, because it is worth recording it for *Hansard*. It was a body established in 2010 by then Attorney-General and Minister for Justice, the Honourable Lara Giddings MP, as an advisory body to the Attorney-General. Other functions are to bridge the gap between the community, the courts and government by informing, educating and advising on sentencing issues in Tasmania.

For the particular work they were asked to do by the Government on mandatory sentencing for serious sexual offences against children - their final report produced in September 2016 - they undertook consultations in arriving at their decisions with the President of the Tasmanian Bar, Darryl Coates; the Director of Public Prosecutions; Greg Barns and Jennifer White from the Prisoners Legal Service; Luke Rheinberger from the Law Society; other members of the Criminal Law Committee; members of the Victims Support Service; and Chief Justice Alan Blow from the

Supreme Court. They also received advice from Tasmania Police. By any measure, it was a very wide group of stakeholders and the legal profession, and also the Victims Support Service.

The terms of reference for that report were highly restricted but, in their wisdom and commitment to the evidence, the Sentencing Advisory Council found a way to make it abundantly clear to anybody who read the report that they in no way support the premise that mandatory minimum sentences are the best approach to providing justice, the best and most effective mechanism for ensuring that convictions are achieved or of providing justice for victims. They said -

... the Council has identified objections to the implementation of the scheme. These are that:

- (1) mandatory minimum sentences provide an incomplete guidance system to the courts;
- (2) mandatory minimum sentences may lead to unrealistic expectations in the community that changes to sentencing policy will deter potential offenders when there is no evidence to suggest that increased penalty levels act as a deterrent;
- (3) mandatory minimum sentences may reduce the incentive to enter a plea of guilty;
- (4) mandatory minimum sentences reduce transparency and consistency because discretion is transferred from judges to prosecutors;
- (5) mandatory minimum sentences will result in significant financial costs; and
- (6) that it may be prudent to wait until the Supreme Court has had an opportunity to respond to the significant changes in sentencing practice resulting from the government's proposed sentencing reforms.

Further on, the report states that -

**Accordingly, the Council reiterates its previous recommendation that mandatory sentencing not be introduced in Tasmania.**

This should not be taken to mean that Council considers that sexual offences committed against children are not serious or that serious sex offenders ought not to receive appropriate sentences. Instead, the Council's view is that the introduction of mandatory minimum sentences will create unjustified unfairness without achieving its stated aims of deterring offenders and increasing transparency. Further, any attempt to ameliorate the injustices of a mandatory sentencing scheme by restricting its operation to deserving cases ... creates difficulties and introduces undue complexity in the sentencing process.

The concept of mandatory minimum sentences in general, but mandatory minimum sentences for serious sex offences against children specifically, was ridiculed by judges, state and national law societies, the Australian and state law reform and sentencing advisory bodies and various bodies representing community legal centres. Essentially, they are an affront to the rule of law. They

breach the doctrine of a separation of powers and reflect an attempt by this Government to intrude on the role of judges through removing their discretion in passing sentences.

The action of Government, and of the executive specifically, intervening in this legislative way into the role of judges in making these sorts of decisions, was specifically identified by the honourable Gillian Triggs when she was in Tasmania a couple of years ago. She was amazing and spoke for about an hour and 20 minutes, and for not one minute of that time did I feel I was doing anything other than listening alertly. She is an extraordinary person and her knowledge of human rights law is phenomenal. She is particularly concerned at the move progressing in western democracies of the executive intervening through a legislative framework and eroding our democratic principles by intruding into the ability of courts to make decisions in the way it has always been done.

Nothing has changed since this bill came through in 2017, except that we have further strengthened the evidence. In November last year, the Sentencing Advisory Council produced Research Paper 3, 'Sentencing for Serious Sex Offences Against Children'. We find that courts are listening and the sentences being handed out have been gradually increasing in length. I will come back to this.

I will read some extra comments made in 2017 by then premier, Lara Giddings, who has been a passionate advocate, resisting mandatory minimum sentences across the board. She has been the champion for the Labor Party and she and I, in our respective roles in these shadow portfolios, have spent many an hour here standing, arguing for the importance of the separation of powers and the evidence as to why bills such as this are so inherently damaging and ineffective.

Lara Giddings made a couple of points in her 23 May 2017 address. One of the examples she cited was the research conducted for the Tasmanian jury sentencing study in their 2015 report, which was research of jurors to identify their sentencing tendencies. Jurors were asked to specify the sentence that should be imposed on the offender. That was compared with the sentence ultimately imposed by the judge. Jurors were evenly split between more lenient and more severe sentencing suggestions, with about 48 per cent wanting a sentence that was more lenient and 48 per cent wanting a harsher sentence.

In the second stage of the Tasmanian jury sentencing study, jurors were given details of the sentence after the judge had imposed it and were asked if it was appropriate. Nearly 90 per cent, 87.8 per cent, of the jurors considered the sentence appropriate. The vast majority, almost 90 per cent of people who participated in that process, said the courts had it right. I am quoting now from Lara Giddings -

... yet here we are in this House debating more mandatory sentencing and taking discretion away from the courts. We are giving a vote of no confidence in our judges. We are saying, 'You keep getting it wrong and therefore we are going to take your discretion away from you and give it to the police and the DPP'. They will have the power to determine what charges are laid and whether they think a crime is suitable to be under one of these charges that will lead to a mandatory sentence. If they are a bit doubtful about it, they will not charge someone under the crime of rape, they will find a lesser sentence because they do not believe the facts of the case before them warrant four years in prison. The DPP will make that decision, not the courts. The victim will not get their justice on the issue of rape; it will be a lesser charge if the DPP believes four years is too harsh a

sentence and that the facts do not fit that form of sentence. You are shifting justice out of the courts and into the hands of faceless men and women in the police department and the Office of the Department of Public Prosecutions. That is what you do with mandatory sentencing.

Madam Speaker, Lara Giddings makes that point very well. There is nothing that is going to benefit the people we are most concerned about looking after, children who have suffered terrible sexual abuse.

Everything about this bill is rotten. The Greens have always opposed the trampling of the judicial system by governments and parliaments on the matter of sentencing. We do not support this bill and bringing it on today in an identical form at this time is clearly all about populist politics and that is absolutely the point.

I have more I would like to say about the basis of our concerns for mandatory minimum sentencing. Labor has moved to refer this to a select committee with power to inquire into the provisions of the bill and in relation to specific matters and alternative sentencing options to those provided in the bill. We are not supporting the bill for mandatory minimum sentencing more broadly. We are more than satisfied with the substantial evidence that has been prepared over years repeatedly across august bodies such as the Sentencing Advisory Council. The Governor, Kate Warner, has been involved in research in this area, as have community organisations, the Law Society, the Lawyers Alliance, and all are in agreement on this issue. We stand with them. We do not support this bill.

The amendment has been presented by Labor as a way of looking at the evidence, but it is quite clear that this Government is incapable of looking at the evidence. I am not persuaded that anything will make a change to that situation because they made a pre-election commitment - and this is really what it is all about - in 2014 to impose mandatory minimum sentences. The minister said that herself.

**Ms Archer** - We told them to do that.

**Dr WOODRUFF** - Absolutely. That is what you stood to do. The Greens stand for the separation of powers, science and evidence, and listening to the experts rather than populist politics. That is why we will never support this sort of bill, including this particular bill, but equally we cannot support this motion by Labor because it gives legitimacy to the bill because it is premised on the notion that the bill has credibility and a basis for investigation. We utterly reject that because all the evidence has been prepared by the Sentencing Advisory Council numerous times.

I am not persuaded by Ms Haddad's plea to establish a select committee inquiry so that the evidence can be listened to and taken on board because I believe there is a fundamental inability of this Government to listen to the evidence. On many examples, the Government has shown itself to be anti-science - just look at fish farms. They are not interested in the evidence. They are interested in a range of other things. In this instance, they are interested in a tough-on-crime narrative and there is a federal election and an upper House election coming up. That is what this is all about.

The Greens stand along with all Tasmanians who utterly despise this way of playing politics. This is not a game. These are people's lives. These are children who have suffered serious sexual abuse. This should not be a political football. Taking this to a select committee inquiry is not going to improve the situation. We do not agree that we need to hear more evidence on this.

We just had the Sentencing Advisory Council in November last year. I am not persuaded by the unintended consequences of opening up a select committee inquiry with a range of people coming through the doors in a very populist, media-oriented space that is highly politically charged. I am not persuaded that it will provide the best outcomes for children, because this is really who we are talking about, going to court and getting justice. I am not persuaded that that space is going to produce the best outcomes. We have had more than enough of this conversation in parliament. We need to support children and we need to support the judiciary to do their job.

I had a range of conversations with members of the Labor Party about this and I was led to understand that they had had conversations and presented this to members of the legal profession and groups and that there was support. In the conversations I had over the lunch break it is quite clear that the Australian Lawyers Alliance and the Prisoners Legal Service do not support going to a select committee inquiry on this bill.

**Ms HADDAD** - Point of order, Madam Speaker. I indicated that there was support from some for our change of policy. I did not indicate that I consulted.

**Dr WOODRUFF** - I hear that point of order but my understanding was that there had been consultation not about the bill but about the proposed change.

**Ms Haddad** - No.

**Dr WOODRUFF** - You did not talk to anyone about it?

**Ms Haddad** - It is a misrepresentation to say that they disagree with it.

**Dr WOODRUFF** - No, but did you talk to anyone about it?

**Ms Haddad** - No.

**Dr WOODRUFF** - Well, you told me you did.

**Ms Haddad** - I didn't tell you I had consulted on the amendment. I told you I had consulted on our policy.

**Dr WOODRUFF** - Okay, all right.

**Ms Haddad** - You are misrepresenting what I said.

**Dr WOODRUFF** - All right, just to go back to the record, I understand from Ms Haddad that therefore you did not consult with those groups about this proposal of yours that we are discussing, the motion of going to a select committee inquiry. I will say for the record that I did consult with those groups and they have told me that they do not support doing this for the same reasons I have stated - because it gives succour to a bill which is rotten. It gives legitimacy to an approach which is utterly wrong.

Let us be clear, the motion says that the select committee will inquire into the provisions of the bill for mandatory minimum sentencing for serious sexual offences against children and -

**Ms Haddad** - It is the advice of the Clerk actually.



**Dr WOODRUFF** - alternative sentencing options to those provided in the bill.

**Ms Haddad** - That is right.

**Dr WOODRUFF** - In no way do either of those things give legitimacy to the weight of evidence and the authority of bodies such as the Sentencing Advisory Council because essentially this is saying that all those positions can be interrogated, assessed and investigated as if they are not legitimate or credible. Let us be honest here. Look what happened with the gambling inquiry. It went on for years. It had an amazing quantity of evidence from people interstate, who spoke about the great harm from gambling. The evidence is that gambling addiction kills people, leads to misery, social deprivation, family break-up and suicide. All manner of harm is being facilitated by this Government for decades longer. It is a blight on our state. What does the committee find? Go ahead, good on you, keep going.

We have no confidence that an inquiry on a matter like this would produce the result which I believe the Labor Party wants to achieve, which is to knock this off. I will, on behalf of the Greens, vote with the long-held position of our party, and have nothing to do with -

**Ms Archer** - At least you have the guts to do it.

**Dr WOODRUFF** - You can trust the Greens to be consistent on its position. We have a clearly articulated view. On the basis of that I would not support something I fear would be a kangaroo inquiry. Although Labor's intentions might be to try to facilitate an outcome, some things just cannot be fixed. This is one of them. We will not be supporting this motion.

[3.22 p.m.]

**Mrs RYLAH** (Braddon) - Madam Speaker, I rise to strongly support the bill. I do not support the talkfest committee motion and thought bubble, which has been proposed.

Sexual crimes against children are utterly abhorrent. There should be a zero-tolerance approach to perpetrators. The impact of the crime can be profound and catastrophic, with victims suffering significant psychological difficulties throughout their lives. The Government has long held the position that increased sentences, specifically prescribed minimum sentences, are needed for serious sexual offences against children. It is a commitment that we have taken to two elections, which we have won on both occasions.

The Hodgman Liberal Government remains absolutely committed to this election commitment, to introduce minimum mandatory sentences for those who commit serious sexual offences against children. The outcry from the community when our reforms were blocked by Labor in 2017 makes it clear that such laws should be supported by the parliament. Polling indicates that 75 per cent of Tasmanians surveyed supported mandatory minimums for those who commit serious sexual assaults on children. It is time Labor respected the will of the people and supported our reforms.

Sexual crimes against children are particularly heinous and must be condemned in the strongest terms. We believe a guaranteed jail sentence must be prescribed, because this is what the community expects today. As I said, 75 per cent of Tasmanians surveyed indicated they wanted tougher sentencing outcomes. What this means is that convicted offenders go to jail, that no other sentencing option, like suspended sentences, home detention, or any of the others now available be available to them, and that we are making this clear to the judiciary.

It is time Labor respected the will of the majority of Tasmanians on this matter. Therefore, it is imperative that sentences imposed by the courts in relation to this type of offence accurately reflect the reprehensible nature of the crime committed, and reflect the strong condemnation felt by the Tasmanian community. A sentencing outcome that is considered to be a slap on the wrist is no longer acceptable to Tasmanians. I quote from the letter from Beyond Abuse:

Unfortunately, our community and, indeed, our wider global society is presently hampered by a lack of education on certain longstanding social issues. Among the most serious of these is sexual abuse. The current preoccupation with analysing the nature of physical abuse inherent in sex crimes has come at the expense of thorough understanding of the key characteristic components of psychological manipulation and the abuse of power, which are arguably the most important and most indicative of evil. This is made powerfully evident by ... the leniency of the current system of punishment.

They go on:

We are baffled as to how anyone could possibly argue that a four-year floor for any sexual offence committed against an innocent child, regardless of whether or not it does indeed include the crime of rape, could be considered too harsh a penalty, especially considering that the exponential impact of sexual trauma equates to a life sentence.

**Dr Broad** - You do not support a life sentence.

**Ms Archer** - Excuse me, every code offence has a maximum penalty already.

**Madam SPEAKER** - Order.

**Mrs RYLAH** - Hearings conducted by the Royal Commission into Institutional Responses to Child Sexual Abuse have brought to the public's attention the harrowing details of child sexual abuse. It is the duty of any responsible government to ensure such victims can achieve a sense of justice. This scheme proposed by this Government will help achieve just that and is consistent with this Government's record of protecting vulnerable Tasmanians.

Labor is letting down every Tasmanian who expects strong penalties for serious sexual crimes against children by their opposition and their faux tough stance, because under their model there is no stronger outcome for every convicted sexual offender. They are happy if the average statistics are improved. We are not. Every convicted offender must go to jail.

**Ms Haddad** - They are.

**Ms Archer** - They are not guaranteed.

**Dr Broad** - They are going to jail.

**Ms Archer** - Don't misrepresent. It is not guaranteed under the Sentencing Act. You don't understand.

**Madam SPEAKER** - Order, please.

**Mrs RYLAH** - It is poorly thought through to make the maximum sentence longer. What difference does an unused maximum make? As the Premier pointed out yesterday the current maximum has not been used. The current Labor proposal is out of line with other sentencing arrangements. Labor's proposal seeks to solve the wrong problem, not the problem this bill is targeting. That is that every convicted child sexual offender needs to go to jail.

We will look at their proposal. In light of the review of other issues in regard to the Criminal Code, sentencing and remissions, we will look at all options. I turn to what the Sentencing Advisory Council had to say on this matter:

As the Council has previously acknowledged, public perception of the sentences imposed for sexual offences provides an important measure of the appropriateness of sentencing for sex offenders.

...

The Council's views are that these mandatory minimum levels -  
that were adopted in the bill -

reflect the objective seriousness of the offence and provide a clear indication that this conduct is not acceptable to the community.

The Chair of the Sentencing Advisory Council has said that crimes against children are amongst the most serious offences committed and serious sex offenders must receive appropriately severe sentences.

Putting aside ideology, the SAC recognised that:

... when measured against others, it appears that Tasmanian sentence lengths for sexual offences are lower than sentences imposed for sex offences in other jurisdictions.

It is not appropriate that child sex offenders are treated with leniency in Tasmania. We value our children and these victims. Our laws must change. I implore Labor to think of these victims and the SAC's assessment of the pattern of inadequate sentencing in Tasmania.

**Debate adjourned.**

## **MOTION**

### **Select Committee on Housing Affordability - Appointment**

[3.30 p.m.]

**Ms STANDEN** (Franklin - Motion) - Madam Speaker, I move -

That -

- (1) A Select Committee be appointed, with power to send for persons and papers and records, to inquire into and report upon housing affordability in Tasmania with particular reference to -
  - (a) the experiences of Tasmanians in housing stress or homelessness;
  - (b) the management of social housing and delivery of new stock by Housing Tasmania and community housing providers;
  - (c) the impact of a lack of affordable housing on the broader economic and social wellbeing of the Tasmanian community;
  - (d) the impact of a lack of affordable housing on the implementation and outcomes of other state Government programs;
  - (e) the effectiveness and limitations of current State and Federal Government strategies and services to alleviate the impact of poor housing affordability in the Tasmanian community;
  - (f) the impact of historic housing debt on the management and delivery of social housing;
  - (g) strategies to address the \$73 million maintenance liability of Housing Tasmania and community housing providers;
  - (h) the impact of population growth on housing supply;
  - (i) the relationship between housing, health and education;
  - (j) successful strategies in other Australian states that could be effective in improving affordability in Tasmania; and
  - (k) any other matters incidental thereto.
- (2) The Committee shall consist of five members, being two from the Government nominated by the Leader of the House, two from the Opposition nominated by the Leader of the Opposition and one from the Tasmanian Greens nominated by the Leader of the Greens.
- (3) The Committee report by 15 October next.

The reason for this important deadline is this Government inherited a decade-long public low housing waiting list, which it has managed to almost treble in the five years hence, with waitlists for priority applicants to the Housing Registrar blowing out commensurately from some 20 weeks to 56 weeks on average. The current minister inherited a situation in which the public housing supply was particularly poor.

Over the past year, this minister, on his watch, made commitments to this House and on the public record to achieve the Government's own target of 900 new homes by 30 June this year. As of the Government's most recent quarterly housing report, at best, its current trajectory is only

30 per cent of those targets in the first half of this Government's Affordable Housing Strategy over five years. This parliament has no choice but to have no confidence that this minister will achieve his Government's targets. As a result of increasing panic over this situation, the minister has changed his language, he has changed his targets and he has changed his reporting in order to try to confuse the situation for the Tasmanian general public.

There has been a perfect storm around rental and housing affordability within Tasmania as a whole and greater Hobart in particular, resulting in low-income Tasmanians and a new class of working poor emerging. It is threatening the very lifestyle we hold so dear in this place. This parliament needs to understand, as all Tasmanians need to understand, how it is that we got into this mess and how it is that we are going to fix it.

Twelve months or so ago, this minister hosted a Housing Summit, a very cynical attempt to wallpaper over a dire situation and buy some time. He met with stakeholders for mere hours in order to supposedly come up with a comprehensive solution to fast-track affordable housing supply in this state. Only a few months later it was there for all to see that this minister had recommitted to a target of not 900, but 941 new homes, a high proportion of which would be in the greater Hobart area. It is there for all to see in the most recent housing quarterly update that this Government is on track to fall woefully short of those targets. He released a glossy document outlining the supposed outcomes from the Housing Summit. He has released a further action plan, so-called stage 2 action plan of its Affordable Housing Strategy, which goes further in extending the targets to reach those in need.

It is Labor's position that there is nothing wrong with these targets. In and of themselves, there is nothing wrong with the plans, the strategy, the action plans that underpin that strategy, if only this Government would achieve those targets; its own targets. That is not the case. Today, we move to establish this committee to report by 15 October next because we do want to enter into a further extended talkfest such as the Housing Summit. We aim to have a comprehensive, deep dive into the situation creating housing stress and homelessness in Tasmania, to put a line under this woeful chapter of history in this state in order to understand what it will take to address the issues that have become worse and worse on this minister's watch.

It is easier to hit your targets if you move the goalposts. The housing crisis has deepened across Tasmania and it is abundantly clear that this Government has no real solution. Let there be no doubt that this Government has failed to adequately plan, resource and/or to accurately forecast the complex range of issues impacting housing and homelessness. I would be the first to admit and agree with the minister, whom I have heard say on the public record in the past that there is no single silver bullet. The problem is that, like his colleague, the minister for Health, this minister seems to be taking on some poor habits of developing a tin ear, of believing his own rhetoric that the strategy is set, the plans are on course and all things are rosy and we are headed in the right direction. Plainly, that is not so.

Tasmania's Affordable Housing Strategy 2015-25 - the decade-long strategy written in September 2015 - is underpinned by two action plans. The one most recently released seeks to achieve two key outcomes to measure the success of the Government's strategies over the course of the decade to improve housing affordability in Tasmania, and they are a decrease in the proportion of low-income Tasmanians experiencing housing stress and a decrease in the proportion of Tasmanians experiencing homelessness.

At the halfway mark of this decade-long strategy, the Government can show no real progress on its own key outcomes. Housing affordability stress has become worse, not better, and homelessness remains a visible problem with an estimated 1600 Tasmanians experiencing homelessness every night. That is not counting the number of people I know every person in this place would have heard from in terms of their constituent work, and that is the people who are living in tents, in cars in their driveways, in caravans, couch surfing, or staying with friends and family in order to survive and put a roof over their family's heads.

I recently heard the heartbreaking situation of a family who had moved here from interstate and were staying with the mother-in-law on the outskirts of Hobart, a husband, wife and two children. They came for his work but unfortunately soon after moving here and settling the children into local schools, he lost the job. What became a desperate search on a relatively modest income to secure a mortgage in order to permanently house his family in this state became an even more desperate search for private rental, and after some 12 months or so this family has gradually lost hope of even that becoming a reality in the near future. Unfortunately, the stress of that situation has impacted his family situation very badly indeed. You can understand the dysfunction that would be within that family - the stress of not being able to find a home, having very little income and a host family being unable in the long term to adequately house that family.

Couch surfing is not just an elegant term that has been dreamt up in the last little while. This is the reality for some families: not just young people, sometimes middle-aged people and in fact, people of any age, desperate for a roof over their head and literally moving from home to home, gradually stretching those relationships. It does not take much imagination to appreciate that that provides very little stability for children in that situation attending school. Sometimes it results in kids having to move around schools many times and not settling in one place - a very undesirable situation indeed.

When the Hodgman Liberal Party came to Government in 2010, it inherited, as I said earlier, a public housing wait list that was the lowest in a decade. The latest figures show that the applications have since tripled - as at the end of December 2018 - to more than 3200 on the Housing Register with around 75 per cent of those, I believe, high-priority families escaping domestic violence, at risk of homelessness for a range of reasons, mental health issues, drug and alcohol dependency, and the list goes on, with many of those coexisting factors impacting the situation. You would think under those situations it would be desirable to house those people in days, perhaps weeks, but not months and certainly not years. Unfortunately the average time to house those priority applicants has now blown out from 20 weeks, the situation that this Government inherited, to now 56 weeks, which is clearly heading in the wrong direction. This is more than a year for some of the most vulnerable Tasmanians in our community. This minister recently had the gall to say that at least the situation had stabilised. If I were Housing minister there is no way I would accept that this was anything like an acceptable situation. This demands urgent action now.

The latest CoreLogic capital city rental figures released in March 2019 show that the average rents in Hobart are now ahead of Brisbane, Perth and Adelaide, on a par with Melbourne and Darwin, and only surpassed by Sydney and Canberra. Once Hobart was an affordable city but with rising costs of living, including rent or mortgage, this situation has now outstripped our historic average low wages. Rents in the Greater Hobart area are now clearly unaffordable for up to half of all rental households, with increases of 15 per cent to 20 per cent. I have spoken with families who have had increases of 20 per cent to 50 per cent or more over a year. This is unsustainable in anybody's imagination.

Just this week Anglicare's report on rental affordability clearly illustrated the desperation of people falling through the housing cracks. Pensioners are sharing rental homes and are forced to choose between paying their electricity bill or putting food on the table in order to make ends meet. The number of listed properties for rent in the past 70 years, according to their snapshot, has decreased by 3000 statewide or a startling 60 per cent reduction over that time.

The report provides sobering reading, with half a dozen snapshots of people in some of the most vulnerable situations. Georgie, on Youth Allowance in Launceston, could find no properties anywhere in Tasmania that were affordable for a person on Youth Allowance. Josie, a single mum on Newstart with one child in Launceston, found just eight properties across Tasmania that were affordable and appropriate for a single mum with one child, but here is the kicker - all of them were on the west coast. Spare a thought for that situation of a child particularly from single-parent background on a lower income. We know the outcomes for education attainment in this state are poor and these are some of the reasons why.

Paul is on the Disability Support Pension in Hobart. All 30 properties that were affordable for Paul were in the north and north-west of the state where he has no family or supports. It is all well and good to think this person should just up stumps and move to the north or north-west but for a person on DSP obviously the social supports around them are critical in terms of meaningful engagement in the community, let alone workforce participation. No wonder that Paul was one of the people highlighted in the Anglicare report as a person who had resorted to sharing with another pensioner in order to make ends meet.

That is okay for some, but I do not know that it would be a desirable situation in many people's language. Perhaps when I was a uni student, share houses were all right. As a long-term thing in order to form a permanent home of my own I am not sure.

For Terry, an aged pensioner in southern Tasmania, there were just 122 properties across the state that were affordable for a single person on an aged pension. For Mel and Jack, both on Newstart, with two children in Launceston, just 44 properties were affordable and appropriate anywhere in Tasmania. For Michael and Ashley, both on the minimum wage with two children in Burnie, across the state there were 293 properties that were affordable and appropriate for this family. However, only 30 were in the greater Burnie area where they work.

We tend to see media headlines capturing the urgency of the housing situation for people in the greater Hobart area. As you can see, these families are right across the state, areas where much is said about short-stay accommodation. This is a deepening problem that is affecting some of Tasmania's most vulnerable right across the state.

The community should be able to put its trust in community leaders, including our elected politicians. As this situation has spiralled out of control over the past year, we have seen the level of spin and the number of glossy documents coming from this minister's desk climb to new highs. Increasingly desperate, the minister has changed his language and even moved the goalposts in order to defend what progress has been made on his watch. But it is smoke and mirrors.

I consider myself a well-educated and reasonably numerate person. In this shadow portfolio, I have studied the quarterly housing reports released over the past year or so. After many hours of analysis, I have come to some conclusions, but it is not a straightforward read. The inescapable conclusion is that the measures have changed. The statistics have been deliberately manipulated in order to tell the most favourable story.

The projected demand for affordable housing across Tasmania is estimated to be at least 11 000 additional homes by 2036. This is based on housing and homelessness peak body, Shelter Tasmania's call for at least 10 per cent of housing to be not-for-profit social housing. Estimates from the Australian Housing and Urban Research Institute's report *Social Housing as Infrastructure: an Investment Pathway* in November 2018 showed the demand is as high as 14 000.

It is important to understand whether the target of 900 in the first action plan will go close to meeting the estimated level of demand that experts have highlighted over this period. The Government's *Affordable Housing Strategy 2015-2025* stated that a minimum of 656 affordable homes every year were required to 2031. That is nearly 10 000 homes over 15 years in order to meet demand.

From the very outset, the Government's target to deliver 900 homes over four years would manifestly fall well short of need. Even so, the Government has compounded this disappointment by falling a long way short of its own target. In the area of new affordable housing supply, the Hodgman Liberal Government is firmly on the public record in its *Affordable Housing Action Plan 2015-2019*, released in September 2015, promising to deliver at least 900 new social housing homes over four years by the end of June 2019.

More recently, as I highlighted earlier, in a cynical attempt to block a pause on short-stay accommodation, in a motion to regulate the short-stay accommodation market in June 2018, the same promise was repeated when the minister, Mr Jaensch, promised to the Tasmanian Parliament that the Government would -

Commit to the delivery of 900 new homes by the end of June 2019, with over half of that supply to be delivered in the greater Hobart region.

Let the minister stand in this place and defend his words at this point. Three days later, presumably as the reality began to sink in and the advisers were in the minister's ear, the minister suddenly and dramatically qualified his language to start talking about instead of homes or dwellings, that is roofs over people's heads, he started to talk about lots of land and homes. A block of land is not a home. The accepted definition of a home is 'the place where one lives permanently, especially as a member of a family or a household'. The minister will no doubt talk about the range of initiatives within his action plan that is assisting households. This is another weapon in his arsenal.

Anglicare has accepted, as I accept, that it appears the Government is at least on track to support the number of households it set as its target by the end of June this year. That in no way addresses the gaping hole in the 941 new homes he promised by the end of June this year. The Government's latest quarterly housing report, January to March 2019, reported the delivery of only 281 new housing dwellings, 28 or 29 per cent of that original target. Here is another kicker. This figure included 29 refurbishments. While a refurbishment is welcome, the refurbishment of a home that already existed does not meet the definition of new supply. I would be pleased if the minister would like to disabuse this house of this notion.

Even including those refurbishments within the target, only 30 per cent of the Government's own target is being met in the area of new housing supply with only three months to deadline.

You would think the minister, starting to come under attack from me, the community sector and academics at the university, would have a quiet word with the Premier to ensure that his speech



in March was careful in its language. However, the Premier repeated the commitment he made in the Affordable Housing Strategy and the Affordable Housing Action Plan stage 1 and went further saying that -

... our second action plan will provide an additional 1500 new affordable homes,  
... increasing the number of new affordable homes to 2400 over eight years.

That is still way short of the nearly 10 000 estimated as the level of demand over that period. If only he would meet that target, that would be a good thing.

The Labor Opposition understands the Government is not the only actor in this space. There is also the private sector. It is not entirely his own responsibility but the area of public housing supply is his and only his. He is the only actor in this. He set his own goal of 2400 new affordable homes over eight years. He is at 30 per cent of his stage 1 target of 900 as at the end of June this year.

We are faced with a housing crisis across the board, from affordable housing, private rental, social housing, community housing to emergency shelter accommodation. As I came into this shadow portfolio earlier this year, I visited a number of the excellent emergency shelter accommodation facilities we have operating across the state. Even so, it is very clear that on any given night, demand is outstripping what can be supplied toward supporting some of Tasmania's most vulnerable people. It was heartbreaking to see the number of people with a range of circumstances and from all walks of life. It was clear to me that any one of us, in a change of circumstances, could find ourselves dependent on these very services. It was heartbreaking to see unaccompanied minors living in these circumstances, sometimes coming in for a weekend but all too often there for months and months on end. Emergency shelters, as valuable as they are, as pleasant as they are in some instances as places for temporary accommodation, are not homes. A home is a permanent roof over a person's head, providing stability in order for people to attend school, to be clean and presentable in order to start looking for meaningful employment, to engage in society and so on.

Access to stable, safe and affordable housing is a vital first step toward personal health and wellbeing. Having a home is about having a roof over your head and it is essential to everything we value in life. It is the foundation that provides a base in which to build or, for too many of Tasmania's most vulnerable people, to rebuild their lives. Housing is a basic human right and it is time that this minister and this Premier deliver on what they promised.

I return to the scope of the motion before the House. I have spoken about housing stress, I have spoken about homelessness and some 3200 people are on the public housing waiting list. Up to an estimated 50 per cent of households in private rental accommodation are experiencing housing stress, unable to afford to keep those roofs over their heads, making choices about whether to pay the electricity bill or put food on the table.

There are questions to be asked about the management of social housing and the delivery of the new stock by Housing Tasmania. Let us remember that there are valued community housing providers operating after the divestment of the management of social housing to those providers some years ago. They have considerable experience, having embedded themselves within some of Tasmania's most vulnerable communities. I am sure, being at the coalface, having talked with their clients and having experience of management of the stock within these communities, they would have valuable insight and expertise to bring to the table to inform a select committee of what further

solutions there are in order to drive an increase in social housing supply and a range of other support initiatives. I am open to the possibility that the range of initiatives sitting behind the Government's own action plans will be affirmed, but let us look at some of those.

I have talked at length about social housing, the original target being 900 new dwellings. I talked about the change of language to 941 lots and homes and the target for new social housing dwellings changing from 430 to 372 in the April-June 2018 report. These targets, these figures, flip around report to report in order to deliberately mislead the stakeholders and the people of Tasmania as to exactly how far this Government is falling behind on its original target of around 30 per cent.

In the area of home ownership, the quarterly reports revised down the target of 12.5 per cent from the January-March 2018 report. They highlighted that they assisted 73 households on low to moderate incomes into home ownership through Streets Ahead and HomeShare since March 2018, adding in those components in order to cloud the data. The quarterly reports talk about land release, which is another area highlighted within these regular reports. Over the last year, two more areas, Glenorchy and Clarendon Vale, were added to the original reports to suddenly boost progress from 65 in the January-March 2018 report to 194 in the March-June report. I do not understand why that is, but I know those figures are very big. The reports talk about releasing 46 affordable land lots since March 2018; not a big figure.

In the area of private rental access in the April-June 2018 report, the target was revised down, from 315 to 300. Why is there a 5 per cent reduction in the target, all of a sudden from report to report? It also started showing the original target of 550; why is that? Progress of 260 was reported in the January-March 2019 report but that is less than 50 per cent, only 40 per cent, of the original target.

In the area of homelessness accommodation there has been no progress this financial year whatsoever on providing additional units of accommodation for people who are homeless or at risk of homelessness, despite revising the target up, from 35 to 150.

This is woeful story, a story of obfuscation, of trying to mislead stakeholders within the housing sector, frustrating efforts for bodies like Shelter Tasmania and so on to understand what it is this Government is going to deliver.

We are clear on this: 900 new homes or new dwellings were promised by the end of June this year. There can be no doubt of that. Let the minister try to talk his way around that if he likes, but let a select committee look at that afresh. If there are good reasons for that then let us be honest about it. This place ought to be about good governance, accountability and transparency in reporting; consistency in the use of data in order to build an understanding of what is clearly a complex picture. But let us understand and be in no doubt of the Government's responsibilities and their actions in order to achieve the targets that it has set for itself because, as this motion talks about, there is a range of issues at stake here. We understand there has been some significant changes in economic and public population growth on housing supply. We understand there are deep relationships between housing, health and education, but there are other lessons that we can learn from other places also and that is all within scope here.

There are deep questions about the issue of the public housing historic debt of some \$157 million, of which roughly half the annual payments are returned directly in interest repayments. Why is that the case? If we can renew a case for that to be expunged then let us explore that. If there are ways to spread that debt across other areas of the state Government Budget

then let us help the Housing minister to explore those options, and if the housing maintenance liability of \$73 million is out of reach then let us explore ways to address this situation and once and for all improve the lot of housing stress and homelessness for the most vulnerable people in this state.

[4.11 p.m.]

**Mr JAENSCH** (Braddon - Minister for Human Services) - Madam Speaker, I thank the member for the opportunity to speak on this motion. I have been on the record to say that I as minister and we as the Government do not support but will not oppose the establishment of this inquiry on the basis that if it is the will of this place to have an inquiry into the matter of housing affordability, which is a significant issue, we will not stand in the way of that.

We do not support having it for three main reasons. First, it substantially duplicates work already and recently done with and supported by key stakeholders in the housing and social services sector, as recently as November and December last year, that comprehensively reviewed the trajectory of our Affordable Housing Strategy, progress with our Affordable Housing Action Plan 1 and setting priorities and new initiatives to be dealt with in Affordable Housing Action Plan 2, which has since been published.

Ms Standen said in her introduction that the Labor Party does not not support or disagree with the initiatives and the targets in those action plans. That work on affordable housing and how to respond to it by Government in these strategies has been recently done and the Opposition would appear to support the work that has been done. Therefore, why do it again?

Second, the motion in part duplicates other processes for the scrutiny of government operations including the Estimates process, particularly line items like the maintenance budget and the performance of Housing Tasmania or that part of the Department of Communities Tasmania in delivering programs and policies. There are other mechanisms within this parliament. Historic housing debt and the impact of that debt on management and delivery of social housing are all matters that there are mechanisms for dealing with and in some cases the answer is a number which may not require an inquiry to get to the bottom of. We can provide those quite easily and doubtless we will be doing so across the table in the Estimates process in a few weeks' time.

Third, and perhaps most importantly, at a time when everyone agrees that the overwhelming need is for urgent action to deliver the initiatives, stock and services outlined in the Affordable Housing Strategy, a several months-long committee process is not necessarily the best use of government resources and will not in itself deliver more housing for Tasmanians. I manage a department with a very tight operating budget. We have a lot of work to do urgently to deliver on our action plans to address what we all agree is a very urgent situation, and I am anxious that I am going to have to take some of those people offline for significant periods of time to provide information and answer questions for a committee over the next four, five or six months. I have had to prioritise with the department what we do so we can meet the needs of Tasmanians in housing stress and I have not factored this in. I do not think it is a particularly productive use of their time. However, if it is established by this House, we will not obstruct it. We will make people available and we will provide information, but it will be at the cost of other aspects of their work.

Madam Speaker, on those bases I was prepared, and still am, to not support but not oppose this inquiry being established, but then Ms Standen gave her rationale for why it is necessary. I work very hard in this place to ensure that I always play the ball and not the man. But the opening statements from Ms Standen sounded like the introduction to a motion of no confidence in me and

questioning my motives and capabilities as a minister in doing this. She then went on to say a number of things that were factually incorrect and misleading. I need to correct those now. This is not an attack on her, although I believe she impugned me, but I need to correct a few of these things for the record.

First, Ms Standen referred to the housing summit that was held in March last year as something that I convened to buy myself some time and to be a smokescreen. I held a talk-fest which ran for four hours, whereas this inquiry for four months is not going to be a talk-fest, which is a distinction she also made. I find that amusing. I was elected on the day the housing summit was held and I was not minister for another 10 or 11 days after that. The housing summit was held before I was minister; I was not there.

**Ms Standen** - You do understand it is your responsibility?

**Mr JAENSCH** - Ms Standen's leader was there and agreed with the actions which have all been acted on since then. So the cynicism Ms Standen lays on that event she has to account to her leader who supported that event, along with the Leader of the Greens and 36 community organisations. I just need to correct that; I was not there.

I also need to pick up on the fact that the member who is proposing this motion referred to changes in statistics regarding housing and waiting lists, et cetera, since the Hodgman Liberal Government came to power in 2010 - that is four years before the Hodgman Liberal Government formed. Ms Standen said there is nothing wrong with the targets and plans we have set up in our Affordable Housing Strategy and our Affordable Housing Action Plan 1 but she had no confidence that the targets were being met albeit acknowledging that the targets she has referred to are not due to be met until the end of June, so there has not been a target not met yet. The lack of confidence is either in me - in which case that should be said more plainly - or this is premature as a judgment on our ability to deliver that plan which Ms Standen agrees with.

The premise for this inquiry is becoming more and more flimsy. Not only is it duplicating work that has already been done, not only will it not result in any more houses for Tasmanians, it has also had to be brought on because we have not met our targets, which are not due yet.

Ms Standen could have made a much stronger case for why this inquiry is needed. I am not going to obstruct it because I do not want to create the theatre of having a fight over scrutiny in this place. On this matter of urgency and importance we need to be careful that we are using our resources well and for the best interests of Tasmanians who need us to work for them.

**Ms Standen** - Will you stand here and say that you will reach that social housing target?

**Madam SPEAKER** - Ms Standen, could I remind you of your good manners.

**Mr JAENSCH** - Madam Speaker, I want to address a couple of other inaccuracies, or questions raised or asserted by Ms Standen in her introduction. There was a comment regarding my statement that the social housing register has stabilised and that I somehow thought that that was a happy outcome. It is just a comment. It is not growing any more at a time when we understand that the number of people coming on to the social housing register is growing. It is an indication that we are moving them through the register.

We are delivering housing for people who have been in application for social housing. Over 1000 people in the last 12 months have moved through the social housing register. More are following them. But the number as a whole is not growing. I am not saying this is solved, but I am saying that as an indicator, as one of the numbers we look at to gauge whether we are meeting demand, we are at least holding our place, which is better. The assertions that the list continues to grow are not correct.

There was reference to spin in our documents and moving goalposts. The figure of 941 affordable lots of homes is drawn from the original Affordable Housing Action Plan list of supply initiatives, which include a range of things delivered such as land and houses and places for people to live and homes as opposed to services provided to people, or grants or subsidies provided. At Estimates last year we were questioned on the targets for delivery of those supply initiatives, which includes 372 social housing dwellings.

During the Estimates the Director of Housing provided an update on what our projected delivery would be, which is above the 372 target. A figure of 444 was quoted and has since been used by various people, including the *Mercury*, and Josh Willie and other members of Labor as the new target. When we have been providing our quarterly reporting, we have been showing progress and our target and our projection. Depending on what your motivations are, when you read that report you can pick which one of those you want and claim that I am being tricky. The targets that were the targets at the beginning, of 941 affordable lots of homes stand. The component of social housing dwellings at 372 still stands. I am still confident we are going to exceed that. We have delivered, as at the end of March, 717 affordable lots and homes against those same targets since 2015. We have around 250 houses under construction and due for completion before 30 June.

We will not be providing a weekly update on how many houses are being built. To give you a way of understanding it, when there are contracts for provision of a large number of homes through a community housing provider working with a suite of contractors to deliver tens or hundreds of homes, those contracts are for a period. Those periods are generally blocks of time. In this case a lot of those contracts finish on 30 June.

We are tracking carefully how many have been delivered and at what stages the others are at so we know when to expect housing to be delivered within those contract periods. You contract to deliver a number of homes within a block of time. It is quite reasonable to expect that because it can take a couple of years to acquire a block of land and prepare it and build houses, you get the majority of those houses at the end.

It is quite realistic to have a large chunk of that supply target being delivered in the last parts of the period. We are managing that on a weekly basis. Ms Standen's lack of confidence is not founded and I am confident we are going to meet our targets.

There is angst over the definition of homes. Labor asserts that we are being tricky. Ms Standen chooses a definition of a home as something she recognises, such as a home perhaps like hers -

**Mr O'Byrne** - A roof over their head.

**Mr JAENSCH** - A roof over their head. In the numbers that Ms Standen recognises as what equals a home, she does not include one of the supported accommodation facilities or youth foyers that we are building and have built in different parts of the state.

If you are a 16-year-old person who has no family to live with, who may have been in the Youth Justice system, has no support around them and needs somewhere to stay where they are a tenant, where they are supervised and supported to maintain their tenancy, to do their washing, get food and education and the opportunity of a career or a job outside of that, is that not a home for that person if they are there for a couple of years? If not, what is? They do not want a house with a garden, a driveway and a garage. We count that as a home. That is what is in our numbers.

**Ms Standen** - I am talking about the definition of social housing supply.

**Madam SPEAKER** - Order, Ms Standen.

**Mr JAENSCH** - If you are one of the families profiled in Anglicare's report where there are a couple, or a family with two jobs, a car and an income, able to rent a house in a place that meets their needs, then their rent goes up and their mortgage savings get drawn down to pay for their extra housing costs and their costs of living and housing rise above 30 per cent of their combined income, they are in housing stress. They are running out of options and assets to pay for that.

If we can find them a well serviced and located block of land and a house and land package with a first homeowner's grant and a home share mortgage share arrangement that gets them into a house of their own where they can afford the repayments, they do not want to be a social housing tenant. They do not want to live in the car. That is their dream and we can help them get it. That is a home for them.

If we listen to the commentators on what is happening in housing affordability, this inquiry will hear, as we heard from 100 different participants in the consultation for our Affordable Housing Action Plan, the new kids on the block, the new people entering housing stress at the moment are not the people who have always been in public and social housing who are buffered from changes in the market because we only charge them an affordable portion of their income. The new people who are coming into stress are people with jobs who were in the private market, saving for a house and have lost that dream and are now in need of help. Those people right now in this market are the new ones we need to help avoid putting on the social housing register competing with all of the other people who will never have a house of their own for various reasons, and then being able to selectively and preferentially offer them discounted land, a way and help to build a house of their own. That is the best sort of home for them because they do not want to be allocated to a social housing property somewhere.

Our Affordable Housing Strategy and Affordable Housing Action Plans need to be as diverse, complex and personalised as the very complex situations of the Tasmanians who find themselves in housing stress right now. It cannot be any simpler or we will miss people. We must be able to deal with homeless older Tasmanians who really need supported aged care accommodation that meets their needs. We need to be able to deal with homeless unaccompanied minors. We need to be able to deal with people leaving the corrections system or fleeing family violence who need an address to go to to be able to be released from prison or to get away from an abusive partner somewhere where they cannot be chased down, and it is not all the same house. We need to be able to cover the whole spectrum of need and I believe we are.

Our targets are built around a collection of things that are, on one hand assistance, on the other hand supply. The number for supply is 941 and we are 717 towards it. We have 250 in the pipeline. We are going to meet our target by the end of June and then some. If having this inquiry is

predicated on us not meeting that target and that is the trigger, it should be withdrawn. It is not valid. We are not there yet and we are going to get there.

**Ms Standen** - That 717 is a new number. How is that broken down?

**Mr JAENSCH** - Read the report.

**Ms Standen** - Come on, I've read it cover to cover.

**Mr JAENSCH** - At the point that we meet our target, will the inquiry be called off because there is no longer a reason for it? I do not think it will.

The other thing I wanted to point to is -

**Dr Woodruff** - Minister, I am just looking at the time and I hope there will be an opportunity for us to make a contribution as well.

**Mr JAENSCH** - I am looking to the Speaker to manage our time.

**Madam SPEAKER** - I am looking to the Clerk to manage our time; my Apple watch is not working. You have 40 minutes to speak, but if you would like to be kind to Dr Woodruff.

**Mr JAENSCH** - I will make sure.

**Dr Woodruff** - I have amendments.

**Mr JAENSCH** - Just a few more minutes. There is an area I want to go into that is germane to this as well. Ms Standen talked about housing affordability on a range of factors such as rising population, et cetera. Her critique of me or the Government has been limited to the action plans that she supports and the targets that we haven't not met.

The other area of activity that is incredibly important if it is the Anglicare snapshot you are looking at as a gauge of what the problem is that we are trying to solve, is all the other things this Government is doing to change that market and to push it in the right direction to improve affordability in the broader market. Most Tasmanians do not live in the social housing market, in the public and the community housing area. They live in the private market. The pressures we are getting at the moment are being experienced in the private market and they are driving people into the social housing sector. The Government does not set rent and property prices in the private market. Some people say we should but I do not believe that is what we need to do. What we can do is create incentives that drive that market in certain directions.

In the time that we have been in government we have introduced initiatives such as the \$20 000 first home owner grant for newly constructed homes, contracts to build your own home or to buy existing homes; stamp duty discounts for first home buyers as well on top of the first home owner grant; stamp duty discounts for pensioners downsizing their homes, freeing up a larger home for a family to live in; land tax exemptions for newly built rental properties; and a land tax holiday for newly listed rental properties. We have also introduced legislation which allows us to rapidly rezone surplus government-owned land for affordable housing development and release to market. We are introducing new planning rules to encourage medium-density infill housing in our cities for the first time. We have streamlined the building approvals processes so it is quicker and cheaper to

get a house built, and our new planning system will do more of that on the planning side of permit ledger, not just the building side.

The combination of all of those things has contributed to Tasmania recording positive growth in new building approvals, commencements and completions for the last couple of years and over 20 per cent in the last 12 months when the rest of Australia is going backwards. We have created an environment in which there has been unprecedented growth in investment in new housing stock, which is what is driving the whole affordability equation that this inquiry wants to look at.

Ms Standen has mentioned none of these things but that is some of the most important work we are doing as a Government. The people who were in social housing before the prices started to rise are not affected by any of that or only will be if more people are competing with them for the houses they need in the social housing sector. My job is to keep them out, keep them in the market and help our housing system and the prices to stabilise so that new people are not entering housing stress.

That is an indication of how well we understand, accept, grasp and take responsibility for the housing situation that everybody here cares a lot about, and in that context I find that this inquiry is built on a feeble premise and will achieve nothing. We will not oppose it but we do not believe it is necessary and we will not be supporting it.

[4.38 p.m.]

**Dr WOODRUFF** (Franklin) - Madam Speaker, they are not very strong words from a minister who should be supporting every possible constructive move he can to find ways to resolve the unmitigated crisis in housing that people across Tasmania are experiencing, especially in southern Tasmania.

We will be supporting the Labor Party's motion to establish a select committee for this purpose. It is important that we use every tool we have in the box. There is so much more we need to know about practical solutions. We need to bring every possible stakeholder together in as many different fora as possible to work on solutions. Some of them are legislative, some are financial, some are structural marketplace interventions, and some are beyond our control and therefore require a response at government, community and household levels.

It should be all hands on deck because what we are hearing is that one year on from the housing summit that was held by this Government after the last election, there has been desperately little change and in fact the indicators in some areas unbelievably are getting worse.

**Mr Shelton** - You think you can click your fingers and end up with a whole lot of houses around the place.

**Madam SPEAKER** - Mr Shelton, order.

**Dr WOODRUFF** - Mr Shelton seems to ignore that this Government promised that houses would be delivered and has failed. Let us talk about promises and failure to deliver. In this instance yes, we are expecting the Government to click its fingers and put every bit of effort and budgetary attention toward understanding the reality of people's lives.



Can I talk about the people? Can I bring us back to the issue at hand? Mr Shelton, I know you are a kind person. I know that to be the case. You are a compassionate person. I want to read some of the experiences of people who are in dire situations.

Fiona volunteers at a food charity but she has now become one of its beneficiaries. She said that she has done a degree, she is a professional in what she does, she is in her late 40s but she has to work harder than she did when she was younger. She said she had no idea she would be on the poverty line. She had no idea she would have to move twice in the past 12 months. She is paying an extra \$120 a week rent.

The Hobart City Mission; let us acknowledge the people working the hardest on the front line in trying to find solutions. Let us talk about people who spend their time trying to click their fingers, as you say, every day. I am reading from a report in the ABC on 10 March 2019. They interviewed Tara and Amanda, who both work at the Hobart City Mission. Their client load has almost doubled in the past 18 months but they refuse to turn people away. Tara said -

There have been times when it's been a quarter to five and there'll be three workers on the phone finding anywhere that we possibly can.

Let us talk about clicking our fingers. People turn up and they have nowhere to go. We can piffle on about deciding what is a house, what is a home, and throw numbers around but we really have to understand that winter is coming. People are still couch surfing. Ben Bartl from the Tenant's Union has made the statement that there are thousands of people looking for accommodation. They are currently sleeping on people's couches, in people's sheds, and they are living in cars.

Hobart remains in an acute housing crisis. There is a photo of Tara in the March ABC report. I look into her eyes and I see kind eyes but I also see really tired eyes. This is an exhausted woman. She has suffered verbal abuse when dealing with people who are desperate to find a roof to put over their heads. She understands their frustration but she is up against it, trying to do everything she can to find people homes.

The Housing Tasmania waiting list in March was down from 3412 to 3249. It is good that it is going down but we still have 3249 desperate people who need a home. The wait for public housing has come down from 72 weeks but it is still 56 weeks. That is more than a year. The profile of people who need access to housing is totally different now, which is a huge shock for the community and a big shock to groups of people. One-third of people on the housing waiting list are under 25. That is an extraordinarily high percentage.

There is a story of a young woman, Hayley Oakley, who left home. She is from a large family of 10 and struggled to concentrate at school because it was a very disruptive environment. She was only 16 and her only option was to go to a women's shelter. There are so many young people who are studying and cannot find accommodation. They are couch surfing.

The situation with rental affordability is dire. The median rental household income in the greater Hobart region is only \$61 300. We have the least affordable metropolitan area in Australia and we are seeing the face of that. I know, Madam Speaker, that you made a special effort to speak to people who are sleeping in tents or in terribly substandard accommodation.

**Ms Standen** - With cockroaches.

**Dr WOODRUFF** - Cockroaches, that is right. I would like to make amendments to this motion. I am speaking in my capacity of standing in for the Leader of the Greens, Cassy O'Connor, in her shadow portfolio. She is passionate about this issue, having previously been the Greens minister for housing. She knows how hard it is for people who do not have a house and how much it means to have one.

A gentleman, Michael Prestage, also makes a really important point; we have to look at each case on a case-by-case basis and include flexibility for people's needs in housing and Housing Tasmania housing. He has suffered a lot of hardship in his life and has found comfort in the company of some very close pet dogs. As Housing Tasmania has a limit of two dogs for its rental properties and Michael has three, he has not been able to access a rental property with Housing Tasmania. He suffered the death of his wife and has overcome an ice addiction. The dogs have kept him from severe depression and have stopped him from committing suicide.

There are so many stories of people in Tasmania, thousands and thousands of people couch surfing and living without accommodation. We support every opportunity to find constructive solutions. We hope that this select committee can be constructive in addressing all the matters on the terms of reference in as much detail as time allows.

I want to propose three amendments. I circulated copies of these amendments to both Ms Standen and Mr Jaensch. I will move them as a block to allow time for us to wind up.

Madam Speaker, I move -

- (1) That paragraph (1)(h) be amended by inserting the words 'and market developments' after the word 'growth'.
- (2) That paragraph (1) be amended by inserting the following new paragraph after subparagraph (i) -  
  
'changes to Tasmania's residential tenancy laws that could improve housing affordability, security and living standards in Tasmania;'
- (3) That paragraph (1)(j) be amended by deleting the words 'Australian states' and inserting instead 'jurisdictions'.

Madam Speaker, the first amendment is to subparagraph (h), 'the impact of population growth on housing supply'. Our proposal is to add 'market developments' after 'growth'. The subparagraph would then read, 'the impact of population growth and market developments on housing supply'. This has been a key driver of the housing crisis. It is not stated in here and needs to be explicitly included.

The third amendment of subparagraph (j) adds a totally new subparagraph -

changes to Tasmania's residential tenancy laws that could improve housing affordability, security and living standards in Tasmania;

There is nothing in the terms of reference at the moment which talks about residential tenancy laws. The case made by Ben Bartl from the Tenants' Union is that tenancy laws, insecurity of tenancy, standard of tenancy and security around tenancy are important to people's wellbeing and

to giving them knowledge about how long they will be able to stay in a place. There is a huge amount of stress when it is coming up to the end of a lease and people do not have confidence in their situation. These are the matters that need to be investigated and how we can improve the situation for tenants in residential properties.

The amendment to subparagraph (j) is to remove the words 'Australian states' and replace with 'jurisdictions'. If we are looking at successful strategies to improve affordability in Tasmania, we do not want to limit ourselves to Australian states but to any jurisdictions that have successful strategies.

I will leave this now on the amendment for discussion from Ms Standen and give her time to wrap up. Ms O'Connor will look forward to participating in this select committee inquiry. The Greens will be involving itself in the most constructive way possible.

[4.52 p.m.]

**Ms STANDEN** (Franklin) - Madam Speaker, I can indicate Labor's agreement to the three amendments to the motion that have been put forward by Dr Woodruff on behalf of the Greens. I thank Mr Jaensch for speaking to the motion and for the most part outlining his concerns, although it was confusing to hear that he 'will not not support the motion'. I do not understand what that means, Madam Speaker, but I thank him for passionately outlining his take on the situation.

I accept this minister is doing his best. I accept that he has inherited a very difficult situation. I even go so far as to accept that this is a situation not just of this Government's making but potentially from things outside of his control. Some of the situation is a result of under-investment in social housing in this state for many years, including the burden of an historic housing debt that has hampered new supply as well as maintenance and other things.

The intent of this select committee is to help the minister accelerate through these problems, to learn from other stakeholders, not just in this state but interstate and even overseas. Time is of the essence, as the minister has indicated.

He compounds his own argument by introducing this new figure of 717. I have read the figure of 717 in his report. Once again, it is lots and homes and he knows this. Let us not quibble over language. The Premier and the former minister have committed in the foreword of the 2015-2025 strategy and I quote -

The Government's target is to increase supply by around 900 new homes as well as funding a range of supports ...

We have begun an unfortunate argument over definitions of homes. Social housing supply is the critical issue at the front of our minds in initiating this select committee. I urge the House to give its full support.

Tasmanians deserve to understand how we got into this mess and how we can get out of it, to support the minister around his cabinet table. If it takes more resourcing, lobbying of Commonwealth colleagues in order to move forward in this state, let us work together in a bipartisan way to support the endeavour, which is to improve the experiences of Tasmanians regarding housing stress and homelessness in this state.

**Amendments agreed to.**

**Motion, as amended, agreed to.**

## MOTION

### Support for Fish Farm Operations

[4.57 p.m.]

**Dr WOODRUFF** (Franklin - Motion) - Madam Speaker, I move -

That the House -

- (1) Acknowledges that the Hodgman Liberal Government has supported -
  - (a) current stocking levels of salmon in Macquarie Harbour;
  - (b) expansion of fish farm operations into Okehampton Bay;
  - (c) enlivening of a decade old fish farm lease in Norfolk Bay;
  - (d) exploration of fish farm expansion off King Island; and
  - (e) large scale expansion of salmon farming into Storm Bay.
- (2) Calls on the Labor Opposition, ahead of the Federal Election, to articulate their policy on, and support for, the aforementioned.

The Greens have stood here many times in private members' time over the years talking about how we stand for the community, how we stand for a vision for Tasmania which supports the clean green brand, which was originated by the great work and visionary thinking of Christine Milne, the previous Leader of the Greens.

The community wants to be able to live in their environment and fundamentally make decisions about the land they live on, the waters they live next to, and the marine environment they love so much. They want to have a say in what happens to the place they live in, the place their children will inherit and the place their children's children's children will live in and hopefully love living in because it is a functioning environment, a community which is full of harmony and a place which provides people with work which is sustainable and in harmony with both the community and the environment that nurtures the very basis of community and life on the planet.

We are here today because it is pretty clear to everyone in Tasmania that this Government has put the interests of big development by privately owned share-listed corporations first and foremost. Those corporations are required under Australian law to put the interests of their shareholders first, which they do very successfully. This Government has for the last five years been quite transparent in flying a flag and championing the interests of the salmon industry.

The Greens have no truck with salmon farming. We have always courted sustainable salmon farming, just like we support sustainable pig farming, sustainable agriculture and sustainable industry of all sorts. The problem is that we have had, for five years, this Liberal Government championing the interests of three private share-listed companies and failing to protect the marine environment, failing to listen to the communities affected and failing to give a voice to the other commercial industries and businesses, the other livelihoods that are affected by their hell-bent support for the expansion of the salmon industry.

The salmon industry in Tasmania has been in freefall and has suffered a series of catastrophic collapses. Let us go back to Macquarie Harbour because that was the crucible, I suppose, of what could have been a sustainable salmon industry and it shows where it went wrong. Where it went

wrong was it decided to grow to double, and then double and double, and it is this idea that the Liberals brought to government when they came in in 2014 of doubling the salmon industry as though a notional figure of doubling is based on something that is possible without having unintended consequences.

The problem for the community and other commercial interests and the problem fundamentally for the marine environment is that those unintended consequences have never been investigated properly and there is no process, legislative framework or opportunity for independent scientific assessment to make sure that the unintended consequences of the doubling and then doubling and now further doubling of the salmon farm industry are investigated and that the industry is checked to make sure that the resources, the publicly owned waterways that salmon farms have been exploiting around this state, can sustain the level of nutrients, the marine debris and all the other activities and outputs of marine farming in waterways.

The motion that we have before us today acknowledges that the Hodgman Liberal Government has supported -

- (a) current stocking levels of salmon in Macquarie Harbour;
- (b) the expansion of fish farm operations into Okehampton Bay;
- (c) the enlivening of a decade-old fish farm lease in Norfolk Bay;
- (d) the exploration of fish farm expansions off King Island; and
- (e) the large-scale expansion of salmon farming into Storm Bay.

We do not have anything like a sustainable salmon industry in Tasmania. The problem is we have an industry that is promoted by the Government, the same Government that is responsible for protecting the marine environment, providing opportunities for consultation with communities and for allegedly providing scientific assessment. Instead we have a lot of money spent on expensive spin and marketing and it is a fairytale of a sustainable salmon industry. We know it is a fairytale because the chickens are coming home to roost and unfortunately this is going to have a devastating impact on people's livelihoods. We know it is already having a devastating impact on the marine environment.

Organisations such as the Australian Marine Conservation Society have now done a formal red-listing of the salmon industry which means they have effectively now told consumers through the *Australian Sustainable Seafood Guide* the truth about salmon farming in Tasmania. On the one hand we have Government spin that is talking about sustainable salmon farming, and on the other we have independent organisations telling the truth - independent from Tasmania because it is not possible in Tasmania to be able to access the information and have processes that are robust and free from the influence of an industry which is too close to government in the decisions it is making.

Sustained harm has been inflicted on the marine environment, including the dead zones in Macquarie Harbour and the damage to the World Heritage Area values in Macquarie Harbour from the intensive stocking from Tassal and its refusal to remove fish from pens, even when it was directed to do so by the EPA. We have a Government that would rather allow a company to set up on the east coast of Tasmania, one of the driest places in the state, and farm salmon in Okehampton Bay which has never had salmon farming there before. It is a beautiful place right next to the Mercury Passage. That farm was never supported by the community. On top of that, we hear today that the construction of the pipeline along the Prosser River is going ahead. It will be drawing water in the first instance from Hobbs Lagoon and the water supply for east coast residents, part of which will be drawing through that pipeline to bathe fish for Tassal as part of their farming operations.

This is a Government that, at every step, puts the needs of the industry before the needs of the community and there is no opportunity for the community to have engagement in the process.

People try to engage in good faith with the EPA, the marine farming branch and the Marine Farming Planning Review Panel on the massive expansion that is occurring in Storm Bay. That massive expansion is wrapping a plastic curtain of fish farms and the nutrients that come out of them around Storm Bay, from the east coast to Bruny to the south of Betsy Island, around Wedge Island and all the way around parts of the Tasman Peninsula. Even areas that have never had salmon farms have been opened up for salmon farming, without any community consultation.

**Dr Broad** - Come on.

**Dr WOODRUFF** - What do you mean, come on? That is exactly what happened in Norfolk Bay. There was no consultation in Norfolk Bay. Dr Broad says, yes, that is right.

Do you remember Norfolk Bay? Do you remember all the residents at Carlton River, Dodges Ferry, Primrose Sands, all the people on the Tasmanian Peninsula who did not have their say about Norfolk Bay? There have never been salmon farms there, on top of an area known to have red hand fish. It is a beautiful marine sanctuary. It is an area that is restocking with fish naturally because they have been protecting the area to allow fish stocks to establish again. This is the place that had a massive community flotilla on the water, only last year, because Huon Aquaculture decided that would be a good spot for them to dump their diseased fish into. That was a biosecurity measure.

That comment made by Dr Broad exactly articulates the problem. We have a Liberal Government that has given succour to the industry for the last five years and has facilitated their massive expansion into Storm Bay, up into King Island, to the east coast of Tasmania and back into areas that the industry, with their own spin, had promised they would be leaving.

The very argument, the basis for the massive salmon expansion now starting in Storm Bay in southern Tasmania, was that the industry had recognised they would move out to deep ocean areas and leave inshore areas. However, we now have Tassal going back to Brabazon Point, right up into the upper reaches of the Huon River, a very shallow area and an area they promised to vacate. This is not an industry that is prepared to stop. This is not an industry that is prepared to listen and this is not a Government that is going to stand for the community. We have flabby, useless laws that do not protect the interests of the industry and they certainly do not protect the marine environment.

The Marine Farming Planning Review Panel hearings for Storm Bay were a farce, which was cruelly shown to the community, the people who turned up and made an effort to present their views and their concerns, the impact on their livelihoods, the impact on their businesses, and their deep concern about that huge amount of marine debris that is all around the state, causing great damage to the marine environment with the amount of microplastic from fish farm detritus going into the marine environment every single day and washing up onto the beaches.

People are so concerned about all the plastic from marine farm equipment that is in the bottom of the waterways. That cannot all wash up. After the May storms last year, we had Huon Aquaculture's farms, so-called fortress farms in Storm Bay, break up. This is the equipment the industry tells us is designed for storm conditions. At the very first major storm they break up, hundreds of thousands of fish disappear and floating debris is left all around Bruny Island and Storm Bay. It is dangerous for boaters and people on the river.

This is an industry on steroids. It is a complete lie to say that this is about looking after the interests of workers in regional communities. It is a complete lie to say that the industry puts the interests of workers in regional communities first. We know, from the leaked document from Tassal Group Limited, from the CIO in April 2017, that they are looking at reduction in labour - and by that, they mean jobs. They are looking at calculated savings in labour, reducing labour costs through reducing the reduction in number of feeders required, to save money between 2017 and 2025. They are looking at saving \$45 million. These are people's jobs. Industries are doing that, and this is the point.

We have a Government backing a resource-extractive industry, which is what this is because it is using our public waterways for a private business that is not putting anything into communities and is not protecting the clean, green brand, which is the basis of sustainable seafood and our sustainable agriculture.

If you have a government not doing that, we really want to understand whether the Labor Party supports that position as well. The Labor Party has done everything it can to make sure it ducks and weaves on this matter. Now we are getting to the pointy end of things. There is a federal election coming and we are sick of the Labor Party running for cover on this issue. It was the Labor Party that brought in the change to the Living Marine Resources Management Act, that gutted the Marine Farming Planning Review Panel and made it impossible for scientific assessment to occur and independent science to be given weight.

We have scientists, like Ms Louise Cherry and Professor Barbara Novak, who were forced to resign in protest from the Marine Farming Planning Review Panel last year, in disgust and to maintain their professional integrity. They could no longer stand by and be used to prop up a sham panel. This panel has an internal loop; it is not possible for that panel to make a recommendation not to approve an expansion. It is not possible for that to happen. The only way the panel can come to a conclusion is when they agree with what is being proposed by the industry and supported by the minister.

The Marine Farming Planning Review Panel needs to be outed for what it is. It is a sham and a corrupted process. It has been designed to rubber-stamp the expansion of the industry, on the industry's terms. In 2004, the Labor minister, Bryan Green, changed the law because a woman scientist on the Marine Farming Planning Review Panel dared to reject a proposal by Tassal to go into Soldiers Point. The Labor Party understood they had a choice of supporting science, supporting community, supporting a sustainable marine environment or doing what the industry wanted, so they changed the law, gutted the panel and made sure that would never happen again. Ever since then, 15 years later here we are now with an industry on steroids, we clearly have a Liberal government that has jumped in and kept it all steamrolling ahead, but we want to hear where Labor stands on this now. Is Labor a party of opposition? Is Labor a party that stands up for the marine environment? Is Labor a party that stands up for the community?

This is a party that says it puts the community first, puts regional communities first and puts the welfare of people first. If the Labor Party supports the people and want to give them a voice then the people have spoken in Tasmania. The people think this stinks. Once people actually understand that there is no process that can be used to stop the expansion of the salmon farming industry wherever it wants to go, there is actually no proper process that is left. This Government has effectively killed it off. There is no way to hold industry to account for marine debris and there is essentially no enforcement. I think there has been \$4000 in fines for companies that make \$30 million, \$40 million, \$50 million a year profit. It is not even like having five cents in the bottom

of your bag. It is just absolutely nothing. There is no pushback at all on the industry. That is the position of the Liberals.

What is the position of Labor? Does Labor stand up for the community? Does Labor care about process? Does Labor care about corrupted processes? Does Labor want to give people a voice? Does Labor care about science? Does the scientist, Dr Broad, put science first? We would like to hear whether the Liberal Party and the Labor Party agree that the current stocking levels of salmon in Macquarie Harbour, the expansion of fish farming operations into Okehampton Bay, the enlivening of the decade-old fish farming lease in Norfolk Bay, the exploration of fish farm expansions off King Island and the large expansions of salmon farming into Storm Bay should be supported. Is this their position? We would like to hear it.

[5.23 p.m.]

**Dr BROAD** (Braddon) - Mr Deputy Speaker, honestly, I find it farcical. I am not sure if the member who brought this motion, Dr Woodruff, understands that we are not in government. We did not win the last election. If we had there would be different regulation in the salmon industry. Dr Woodruff asked us to detail our policy. If she cares to look, our policy has been freely available since prior to the election. It goes through most of the stuff that you have been talking about. It is farcical -

**Dr Woodruff** - I just want you to talk about the matter at hand.

**Mr DEPUTY SPEAKER** - Order, Ms Woodruff.

**Dr BROAD** - that you have made this call for us to outline our policy as if we are in government. We are not in government. What is the purpose of this motion? I do not quite understand. I have articulated in the past many of these issues as well but obviously the member for Franklin has not been listening. We heard today in question time a massive ramble from the minister, Mr Barnett, about Labor not supporting the salmon industry, which is a complete farce as well. There is no doubt that the Labor Party has always been a supporter of the salmon industry. If the minister cares to keep repeating a blatant untruth in the hope that eventually people will believe it, that is politics I suppose, but that is all it is. The unfortunate thing about parliament is that you actually have to listen if you want answers.

There is no doubt that aquaculture is a significant provider of full-time jobs in regional Tasmania at a time when we desperately need full-time employment. The Liberal Government has eroded community trust in what is an important industry by failing to provide leadership and this lack of action has led to a lack of certainty in the industry.

The member for Franklin, Dr Woodruff, used the word 'sustainable'. I lectured in sustainable resource management at university; I might have mentioned that in the past. Sustainable resource management is about the triple bottom line. It is about managing the environment but also social and economic - it is a three-legged stool. It is not purely all about the environment. It is about a balance. You have to strike a balance between economics, social values and the environment.

We have a vision for the salmon industry to be recognised as the world's best environmental and economic performer with overwhelming public support. We are definitely supporters of the salmon industry and we want it to grow and produce sustainable salmon into the world market. To achieve this vision, our policy continues to support jobs in the salmon industry and allow companies to grow sustainably by improving the regulatory framework within which they operate while



minimising environmental impacts and ensuring the industry is meeting the high expectations that Tasmanians have for any industry doing business in the state.

That is why our signature piece of salmon policy during the election campaign, and we stand by it, is to increase the scope of the Marine Farm Planning Review Panel by creating a new body which we would call the Independent Aquaculture Advisory Panel. That panel would be tasked with requesting and reviewing monitoring data, assessing compliance and providing independent expert advice to the EPA director while continuing to assess new lease proposals previously undertaken by the Marine Farm Planning Review Panel.

The panel would include two independent aquaculture scientists and an independent chair. The expertise of the panel would also include fish farming, biosecurity and fish health. We have publicised this and you should know this if you had done any due diligence. The panel would be responsible for benchmarking the Tasmanian salmon industry against world's best practice to ensure that rules and regulations governing the industry would keep pace with worldwide scientific and technological advancements. This is something you should be cheering instead of trying to score political points. In addition, the Independent Aquaculture Advisory Panel would conduct public consultations independent of industry during the assessment processes for new leases. You should be cheering that one too.

**Dr Woodruff** - Do you support expansion to King Island?

**Mr DEPUTY SPEAKER** - Order. Dr Woodruff, it would look very peculiar if there were no Greens in the Chamber. You have had an opportunity to speak for 25 minutes and I would appreciate it if you would let Dr Broad make his contribution.

**Dr BROAD** - Thank you, Mr Deputy Speaker. In addition, the Independent Aquaculture Advisory Panel would conduct public consultation and monitor lease compliance using a risk-based approach, including the recommendation of appropriate penalties, and new leases and leases with greater risk profiles or poor performance would be subject to greater scrutiny. This would also include compliance in terms of environmental performance, marine debris, boating incidents, noise, fish escapes and mortality.

**Dr Woodruff** - Would you agree with the legislation that Bryan Green brought in then?

**Dr BROAD** - If you listen you might get a few answers here.

We hope to develop a robust biosecurity plan for the salmon industry within 12 months, but this was what we were hoping to do before the election. Obviously, we did not get elected, which the member may not have realised by taking this tack, but we would like to still see a robust biosecurity management plan because I still contend that biosecurity is the greatest risk to the industry. Biosecurity is what has destroyed industries all around the world. This is the greatest risk to our industry and that is why need a robust biosecurity management plan. The Independent Aquaculture Advisory Panel would also review and recommend standards for environmental performance, wildlife management, water temperature, debt, stocking densities and proximity to neighbouring leases. The panel would also have the ability to request additional monitoring if deemed appropriate.

We also have the old straw-man argument that gets brought up every now and then about land-based salmon production being the be-all and end-all. I strongly believe that currently land-based

salmon production is not economically feasible due to issues like early maturation from the hormone imbalances, so the fish cannot be sold, nutrient toxicities and power consumption. There is a lack of scale.

A number of facilities have failed and then shut down around the world. Despite this, there are large facilities proposed and they are attempting to raise capital. They are not a solution at present. In the medium-term, Labor supports the industry's efforts to grow the fish to larger sizes on land, therefore requiring less time in pens at sea, which are increasingly heading further offshore into higher-energy sites.

**Dr Woodruff** - No, they are not. They are going back to Brabazon Point.

**Mr DEPUTY SPEAKER** - Order, Dr Woodruff.

**Dr BROAD** - Long-term, land-based facilities may become a realistic option and those will most likely be built closer to the market than Tasmania. If we go to a land-based salmon production system, it will not be in Tasmania. It will be close to the market, even on the outskirts of Melbourne or Sydney. Labor supports closed-loop hatcheries, where contamination is identified as an issue that needs to be addressed. Under Labor, finfish farms would be required to demonstrate they have undertaken reasonable steps to minimise interactions with seals, either locating pens in areas where there are few seal interactions or installing pens that minimise seal interactions in prescribed areas.

**Dr Woodruff** - So, will you move them out of Okehampton Bay?

**Mr DEPUTY SPEAKER** - Order, Dr Woodruff.

**Dr BROAD** - Labor does not support a moratorium on fish farm expansions and we are committed to assessing each new proposal on its merits, based on a transparent and independent process as outlined above, and consistent with our vision for the industry. The current motion acknowledges the Hodgman Government has supported the current stocking levels in Macquarie Harbour. In saying that, we do support the current stocking levels in Macquarie Harbour. The current levels of stocking in Macquarie Harbour are actually based on evidence. What we saw was -

**Mr DEPUTY SPEAKER** - Through the Chair, Dr Broad, so that you do not incite interjection.

**Dr BROAD** - Thank you, Mr Deputy Speaker. There is no doubt the industry's expansion was going to be based in Macquarie Harbour, based on the idea that the approvals to expand over 30 000 tonnes of biomass a year. The industry was expanding. You do not rocket straight up to the top of the biomass. Fish have to grow and, as the stocking levels increased, it was realised that there were negative impacts on the harbour over time.

The harbour is quite a difficult place to grow fish. It grows fish well, but there are some problems in Macquarie Harbour. It is a big area with historical mining. It has freshwater influxes. It also has a narrow and shallow entrance and it has always had areas of low oxygen, especially at the bottom of the harbour. Even before the salmon industry was in Macquarie Harbour, there were historical records of massive fish kills. If the ocean is going the right way and comes through the heads it can push into the deeper parts of the harbour, pushing up massive plumes of deoxygenated water that kill fish. It is a difficult place to grow fish. The industry has realised with the stocking

levels, and this is certainly what has happened with the current stocking levels, that the expansion plans are not going to be achieved. Therefore, the industry has had to look into other areas.

Many of the inshore areas in the state have now been occupied by salmon leases. The industry has no choice but to go out into deeper waters and that is where we are seeing the expansion and the current approvals out into Storm Bay. We would be using a different system if we were approving Storm Bay. We would be using a system that is based on our vision but also on the independent regulation I have already outlined. We are three years away from government. The industry is growing at around 6 per cent a year and the industry needs some certainty. We cannot unscramble the egg and this is why we are pretty keen on seeing the appropriate monitoring -

**Dr Woodruff** - Is that your approach to industry? 'You cannot unscramble the eggs', which means they get to do whatever they want.

**Mr DEPUTY SPEAKER** - Order, Dr Woodruff.

**Dr BROAD** - I had a briefing from the EPA and the Department of Primary Industries, Parks, Water and Environment some time ago, talking about the approvals in Storm Bay. We will talk about what is actually happening. The Marine Farming Planning Review Panel requested information from experts, including biosecurity experts, proponents, and their vets showed up. They had the opportunity to call any independent experts. There were no constraints on who they could ask information from and they talked to external experts in fish production.

There are approvals for about 30 000 tonnes, combined across three areas with the three different approvals. They are not at that cap. Before that cap could be breached, the EPA would require a model from the CSIRO. A biogeochemical model for Storm Bay has to be put in place before there is even consideration of any further expansions. The way this works is we talk about adaptive management. They cannot rush straight up to 30 000 tonnes in the first instance. It does not happen. The industry does not work that way. They will build up to that level over time. With adaptive management, when you have an identified issue like Macquarie Harbour, you can reduce the biomass. That is exactly what has happened in Macquarie Harbour. We could have a real argument, about the timing of reducing the biomass available in Macquarie Harbour. I contend that it probably did not happen quickly enough but the biomass that has settled in Macquarie Harbour is more or less where it is going to stay.

We hear this rhetoric all the time, especially from the Greens, about the environmental damage as if it is a permanent thing, as if, once fish farms are there, they will never be the same. Fish farming is like any farming. It involves rotation but we will see that the contentious leases in Macquarie Harbour have remediated. I do not think that is something the Greens will accept. The ocean -

**Dr Woodruff** - Have you ever been down the D'Entrecasteaux Channel? The Tinderbox D'Entrecasteaux Channel is dead.

**Mr DEPUTY SPEAKER** - Dr Woodruff, you are officially warned.

**Dr BROAD** - can remediate. We are not talking about permanent environmental damage. We are not talking about digging a mine, removing; we are talking about a farming system. If you remove the influence of the fish then the ocean will remediate. That is a key point that is never acknowledged by the member bringing this motion; the ocean will remediate. What I am very keen

on seeing is appropriate monitoring of the expansion in Storm Bay, so that it is brought to a halt if there are any problems. That is how adaptive management works. If there is an issue, you do have a chance to remove the salmon, reduce the biomass, and the ocean remediates.

The companies want to reach up to 80 000 tonnes over time but they will not go higher than 30 000 tonnes without approval following the biogeochemical modelling that CSIRO is developing. The CSIRO would be an independent organisation that would be very good to develop a biogeochemical model. Having worked with CSIRO in sustainable ecosystems for a number of years, I have every confidence that CSIRO would be the appropriate body to develop this biogeochemical model. I would be very comfortable if this biogeochemical model demonstrated that higher than the 30 000-tonne cap was a good idea or was sustainable. I have every confidence in CSIRO's model.

We have to talk about biomass. Previous to the current approvals, this 30 000-tonne cap, Huon Aquaculture held approvals for 12 000 tonnes in Storm Bay. They are only farming about 6000, from what I understand. Tassal has approval for 4000 tonnes. They had approvals, before any Storm Bay expansion was discussed, for 16 000 tonnes in Storm Bay. The cap is now going to 30 000 tonnes.

**Dr Woodruff** - They are going to 80 000 tonnes.

**Dr BROAD** - No, they are going to 30 000 tonnes. They are not going above 30 000 tonnes -

**Mr DEPUTY SPEAKER** - Dr Woodruff, that is the second time. One more and I am afraid you will be asked to leave. Through the Chair, Dr Broad.

**Dr BROAD** - unless there is a biogeochemical model that will demonstrate that it is sustainable to go above the cap. You can make claims about that, but there is a 30 000-tonne cap. Even without the Storm Bay approvals, if it all went to court and turned to custard, they would still have previous approvals for 16 000 tonnes.

We are not talking about a tripling. We are talking about a little bit less than a doubling. We currently have a cap. We are three years away from a -

**Dr WOODRUFF** - Point of order, Mr Deputy Speaker. I understand you do not want to hear interjections. I draw Dr Broad's attention to the motion. It is quite specific. Does the Labor Party support stocking in Macquarie Harbour, Okehampton Bay, Norfolk Bay, King Island and Storm Bay?

**Mr DEPUTY SPEAKER** - It is not a point of order. Please sit down, Dr Woodruff. You had 25 minutes. Dr Broad has only had 15 minutes and he is allowed to express his view on this issue.

**Dr BROAD** - Thank you, Mr Deputy Speaker. I am going into quite a lot of detail which should be appreciated. I am addressing point (1)(e) at the moment 'large scale expansion of salmon farming in Storm Bay'. That is exactly relevant.

There are existing approvals for 16 000 tonnes. We have to balance things. We have seen the approvals. The industry is growing at the rate of 7 per cent to 10 per cent per annum. Market demand is supply constrained. The domestic market is very strong. The export market is also very positive, although there are many competitors in the world market. Supply is constrained by area.

The industry has been making changes to try to make its process more efficient. One of the changes the industry has made is by growing fish out bigger on land. In the past, the fish were about 100 grams to 150 grams before they put them to sea. Now they are trying to push out to about 400 grams, which means there will be less time at sea. If they continue in that direction, fish will grow at sea for less time so they will be more productive within that biomass cap.

From the briefing I received from the EPA and the department, they advised me that 30 000 tonnes was very conservative, considering how much is grown in the Huon and the Channel. The Huon and the Channel have about 50 000 tonnes. In comparison, 30 000 tonnes into Storm Bay is very conservative. Storm Bay is more open. There are issues in trying to keep the fish in the pens in areas that are exposed.

There is talk about hand fish being at risk. The hand fish is also at risk from the recreational fishing industry.

**Dr Woodruff** - So it is alright. Everybody have a go at the hand fish then.

**Dr BROAD** - No, I am highlighting that there are other issues for the hand fish rather than only the salmon industry. The nearest sites of hand fish are 3 kilometres away. There is no evidence of cause and effect. I have not seen or heard any evidence contrary to that.

From the briefing, the department says that continual escapes will have a regulatory impact outside of force majeure, obviously something that is out of their control. We could argue that that storm was unprecedented and it did create issues.

The industry has no choice but to head off-shore because they have occupied pretty much all the areas close to shore that they can. They have to go to more exposed sites if the industry wants to grow. To do that, the industry has to develop new, world leading technologies, which we should be proud of. The potential for the salmon industry is huge if they can get this right. If they can move further off-shore, the industry will have a great future. We argue that the industry needs better regulation. It needs more transparency in its regulation. That is what our policy was based on.

It is based on greater accountability. That is one of the issues that the Government is failing to grasp. They need to help the industry grow by maintaining community confidence. That will not happen if the industry surprises the public. Surprising the public is what they did when they went to Okehampton Bay. People were not aware that was going to happen.

The reasons why Tassal had to do that was because of what happened in Macquarie Harbour. There have been fish growing in Okehampton Bay for almost two years. I am not aware of environmental impacts. If there were, they would be very heavily publicised. The world has not ended because of salmon farming in Okehampton Bay, although the community was surprised. That is part of the problem.

The Government knew it had a problem leading into Estimates two years ago. What did it do? It came up with the salmon exclusion area, a no-grow zone. It created issues for the industry. Suddenly the Government went down this line of grow and no-grow zones. That highlighted the areas where farming could expand to, that people were unaware of. Another surprise. The community does not like surprises.

The Government needed the jobs announcement. When the Premier went to Smithton, he dragged Petuna there to announce that it was going to farm salmon off the north-west coast. Again,

that surprised the community. This is the issue we have. The community needs to be brought along. Petuna was thrown under the bus. Petuna remains a long way from producing any salmon. However, we have people who are dead set against it before we have seen any evidence, before we have even seen a proposal.

What are you actually against? You are not relying on evidence. The Greens are not relying on any evidence. They are just saying, 'No, we do not want it'. They are not prepared to hear any evidence. They are not saying, 'You should not go there because the area cannot sustain salmon'. They are just saying a definite no. We cannot run a state like that. There has to be - I believe very strongly in evidence-based policy - a process. We have to give the community their time. We have to give the scientists their time to investigate. We have to also give the industry time to do the appropriate study. What are they actually complaining about? What are they actually against? We do not have a proposal. We do not have any locations. We do not know the areas they are considering in any great detail. We have a range of areas. We do not know if it is going to be sustainable or not.

We do not know. Yet, the Greens are fomenting dissent and saying we cannot have it. We do not have any basis for that apart from an objection to any expansion in the salmon industry. We have the consistent calls for moratoria saying we need more evidence, just as the industry is collecting the evidence you need for an expansion. You need evidence. We have to argue on the evidence, not the emotion. The Greens always talk about the emotion, not the evidence. What shocks me about this motion is that the member does not realise that we are not in government. We do not have our hands on the reins here. We do not have the ability, from Opposition, to make the reforms that we are desiring. It would be great if we could.

The minister has probably been listening. Maybe he has some good ideas out of what I said and the reasoning behind it. Maybe he could lead the charge to reform the Marine Farming Planning Review Panel along the lines that I have outlined. I live in hope, but I do not live in hope that the Greens will support the salmon industry in the future. It will go down exactly the same road as a lot of other issues. They will try to use it as a political wedge and not listen to the science, not listen to the community. They will take just a small section and create a protest about it, foment dissent, try to divide the community.

I believe in looking at the evidence. When it comes to King Island and the north-west, I have not seen any evidence. It is still at an early stage. If the evidence can demonstrate that salmon can be grown sustainably in those areas, then the industry should be allowed to. It is a fantastic industry. It grows jobs. It is very good for our state. It is a beautiful product. It is a key part of our brand. Labor is the biggest supporter of the industry. We want an industry that will grow on into the future.

The community has to be brought along. The community cannot be whitewashed and surprised all the time. Labor supports the salmon industry. There is zero evidence to the contrary and will remain so.

[5.50 p.m.]

**Mr BARNETT** (Lyons - Minister for Primary Industries) - Mr Deputy Speaker, the member who just sat down for and on behalf of the Tasmanian Labor Party says that he cannot respond to the motion from the Greens because he is not in government - 'Oh dear, I'm not in government, I cannot respond to such a challenging motion by the Greens member for Franklin'.

**Dr Broad** - I did respond, I went through it point by point.

**Mr BARNETT** - For goodness sake of course you are not in government because you were tied to the Greens at the last election and the Tasmanian people sent a message to the Labor Party. That is why you are in opposition.

He concluded with King Island and the waters around King Island and the position of the Labor Party based on evidence - 'Yes, I support exploration, I support the salmon industry in and around King Island if at all possible', yet it is the Labor Party that has given their preferences to the Greens and Craig Garland, who is opposing salmon industry in and around King Island.

**Dr Broad** - How about your racists? How about your One Nation mates? What about them?

**Mr DEPUTY SPEAKER** - Order.

**Mr BARNETT** - In his full time of 20 to 30 minutes in this Chamber not once did he mention the preferences from the Labor Party and the Greens going directly to the anti-salmon farming candidates. Dr Broad, why did you not mention the word preferences? You are so dodgy -

**Dr Broad** - Where is the word 'preferences' in the motion, you fool?

**Mr BARNETT** - You are so dodgy and duplicitous. You are speaking with a forked tongue, Dr Broad, for and on behalf of the Labor Party. On the one hand you stand in here and say you support the salmon industry, and then on the other hand the Labor Party is preferencing the Greens and the anti-salmon farming candidates.

I say thank you to Dr Woodruff for putting forward this motion and say that the Government will be supporting it because we would like to have very clearly expressed the position of the Labor Opposition because they were not able to demonstrate that today. What we heard today was an outline from the Labor shadow spokesman with respect to the salmon industry. He is happy to go into the detail. He says, 'Look, there is a lack of certainty, we are not in government so I can't really respond but this is our position.' On the other hand, there is no reference to the fact that Labor is tied at the hip with the Greens yet again. With the federal election less than three weeks away they are tied at the hip. That is what we know to be the truth.

**Dr Woodruff** - Mr Barnett, not on salmon.

**Mr BARNETT** - It is in the public domain. Vote Labor, vote the Greens, vote Labor, vote anti-salmon campaigner Craig Garland, who lives not far from Dr Broad on the north-west coast. That is what we know. You stand up here and say you support the salmon industry.

**Dr Broad** - I do support the salmon industry.

**Mr BARNETT** - What did you do to express your views with respect to Labor being tied at the hip with the Greens?

**Dr Broad** - What about you being tied to One Nation? How do you feel about that? Maybe you are very comfortable with One Nation.

**Mr BARNETT** - Your credibility is shot through. Not one shred of credibility is left in Dr Broad. You speak with a forked tongue, because you speak for and on behalf of the Labor Opposition and you are not able to say that you have a different view from the Greens. You might

have a different view, you might express that, but we know because the facts speak for themselves. I have said it before, *res ipsa loquitur*, and we know you have been caught out.

Let me just give you evidence of that. What did Labor Senator Carol Brown say in this television interview? It was most awkward. Labor Senator Carol Brown revealed that she has had discussions with Craig Garland, the anti-salmon campaigner from the north-west coast, just a few weeks ago. The journalist said:

Carol Brown said she met with Craig Garland last month but didn't discuss a preference deal.

Senator Carol Brown says:

That was a meeting about a policy exchange.

The journalist:

A policy exchange? What policy exchange have you done with Craig Garland?

Senator Carol Brown:

No, I haven't done any policy exchange with Craig Garland. Essentially he wanted to come and talk about some of his policies and we had a chat.

Senator Carol Brown, in a most awkward interview for and on behalf of the federal Labor Party, has clearly been caught out doing a deal behind closed doors. We have seen it all before with the Labor Party and the Greens with respect to forestry and a host of other productive industries - they have done deals behind closed doors.

What we know on the facts, because it is evidence based, is that the Hodgman Liberal Government is the biggest supporter of the salmon industry, uphill, down dale and all around Tasmania. We are an island state and proud of it and it is supporting all those thousands of jobs in rural and regional Tasmania and we are proud of that fact. Labor has done a very fishy backroom deal that is selling out Tasmanian workers. It is as simple as that and every single Labor member on the other side of this Chamber should be ashamed of themselves for that preference deal with the Greens and the anti-salmon campaigners.

I would like to say, in the few moments remaining, a few things about the salmon industry and what we have done. I have released publicly, it is on the public record, a one-year review of the growth plan that demonstrates what we are delivering, which is improved fish health, improved transparency and advanced industry biosecurity planning. In that regard, I have already said publicly that very soon I will be releasing and bringing in our biosecurity bill. We are very pleased and proud of the consultation and support of the relevant stakeholders. We are also delivering increased regulatory compliance and monitoring.

In addition to all this we have taken a zero-tolerance approach to marine debris. We have doubled the number of authorised officers who can issue marine debris infringement notices and we have issued five infringement notices so far this year. I acknowledge the Tasmanian Salmonid Growers Association, the TSGA, and note the recent establishment of a mobile application for reporting marine debris in the state's waterways in addition to a phone hotline. I say thank you to



the industry for their efforts to be proactive and out there having a go promoting the industry. I acknowledge their community education efforts, particularly in recent weeks, and their plans for the future to tell more about the importance of the industry, the contribution economically, socially, environmentally to Tasmania and say thank you for their leadership in that regard. They are being proactive in their approach to biosecurity.

I must correct the member for Franklin when she said they are all public companies. They are not all public companies but certainly they have made a big contribution. They are signatories to that, they support biosecurity and they have further plans to roll out later this year in terms of biosecurity, so we are pleased about that.

The Blue Economy CRC, or Cooperative Research Council, for Tasmania has been announced by Karen Andrews on behalf of the Morrison Liberal Government. Thank you so much for that \$70 million commitment over a 10-year period. It is nearly a \$330 million contribution to Tasmania. It makes us a centre of excellence for Australia for the southern hemisphere and is fantastic news. It puts us right in the hub in terms of seafood and salmon, renewable energy and marine science and marine engineering. This is fantastic for Tasmania. It is because we have a good track record, we support best practice, we support jobs and the growth and the opportunities going forward. We support sustainable growth and that is why we have been able to secure this CRC for Tasmania.

It is great news and we are proud to back it, so we are supporting this motion. It is for good reason. Clearly the people of Tasmania deserve to know the position of the Labor Party but they have not been able to demonstrate that today because of what we have seen on the public record. What has been said and what is on the public record are entirely contradictory to each other and they have been caught out. It is time this parliament expresses a view on this and we will be supporting this motion put by the Greens.

**Motion agreed to.**

## **SENTENCING AMENDMENT (MANDATORY SENTENCING FOR SERIOUS SEXUAL OFFENCES AGAINST CHILDREN) BILL 2018 (No. 5)**

### **Second Reading**

**Resumed from above.**

**Mrs RYLAH** (Braddon) - Mr Deputy Speaker, specifically, the SAC identified that the crimes included in the bill were subject to a pattern of inadequate sentencing. Further, the council noted in its report that public opinion research has found that child sexual offending by adults is viewed as a particularly abhorrent offence, particularly where young children are involved or the offender has engaged in predatory conduct to pressure or manipulate the young person to consent or has been in a position of trust.

This bill seeks to deal with the most serious crimes against children and, as well as providing for minimum terms of imprisonment, provides a range of safeguards. I believe it has the right balance. In its interim report, the royal commission notes that there are short-term and long-term effects and many may be lifelong. Children and adolescents face emotional, physical and social impacts. These impacts often extend into adulthood, affect life choices and mental health and may

lead to victims committing suicide. The nature and severity of the impacts vary between survivors. The impacts extend beyond the immediate victim, affecting parents, colleagues, friends, family and the community. Victims suffer significant psychological difficulties throughout their adult life as a result of the conduct. The victims describe the consequences of the crime against them as 'profound and catastrophic', having had extreme impacts on the victims' self-image and relationships with spouses, children, parents and friends.

Labor came to office in 1998 promising to become a 'world leader in reducing the incidence of child abuse', as Jim Bacon said on 19 August 1998. Yet, after 17 years in government, Labor failed to listen to the calls of the community for urgent action to protect our children. It is the Hodgman Liberal Government that is taking action. We will ensure justice is served while sending a strong message that these types of crimes against children will not be tolerated in Tasmania. I commend the bill to the House.

[6.03 p.m.]

**Dr BROAD** (Braddon) - Mr Deputy Speaker, I support our amendments. The Government is clinging to the flawed idea that is mandatory sentencing. I agree with everything the member, Mrs Rylah, said of the impacts of child sexual abuse. There is no doubt it is a serious issue and I agree with the impacts. The only thing I do not agree with is mandatory sentencing because we know that mandatory sentences do not work. There is a ream of evidence to show that mandatory sentences do not work. Having heard what Mrs Rylah had to say, I cannot believe she does not support life sentences for paedophiles. We also have an Attorney-General of Tasmania talking about protecting children who does not support life sentences for paedophiles.

We would like a policy discussion rather than a political discussion because that is what this is. This is a political discussion. The whole reasoning, which Ms Haddad highlighted clearly, the motivations here and the timing. It is very suspicious. We have come up with an alternative and we have talked about it in the past. Every time they keep bringing up mandatory sentencing, we say the same things. Mandatory sentences are completely flawed, they do not work and there are reams of evidence as to why it does not work. We have come up with a proposal and we want to talk about guideline sentencing, presumptive non-parole periods and we want to talk about the expansion to life sentences; giving judges the ability to give life sentences to convicted criminals for serious sexual advances against children.

What evidence do we have that this would work? According to Evan Hughes from the Law Society of Tasmania, when maximum penalties increase, the courts see that as an indication that the crime is to be treated more seriously than previously. He said -

There is no need for mandatory sentencing ... and making higher sentences available to the courts is a recognised way of Parliament communicating to the courts that certain crimes need to be treated more seriously and to be sentenced more severely.

That is why I do not understand why the Attorney-General does not support life sentences for paedophiles. She argued that life sentences for paedophiles was a bad idea. Let us see the contrast.

**Ms ARCHER** - Point of order, Mr Deputy Speaker. I am being verballed on that point. If the member would like to directly quote me at any stage, I am quite happy for him to correctly quote me. When he has not heard our complete position on the amendment, he might be jumping the gun.

**Mr DEPUTY SPEAKER** - It is not a point of order but a point.

**Dr BROAD** - I am looking forward to hearing that. What we have been given as an alternative is mandatory sentencing. That is why we would like a policy discussion rather than a political discussion.

I will give the reasons as to why we need to have a committee. We continually see the Government bringing up mandatory sentences - you want a mandatory sentence for everything. If mandatory sentences worked, the United States would be the safest place on earth because they are the world leaders in mandatory sentencing. However, since 2000, 29 states in the United States of America have been repealing mandatory sentences. Twenty-nine out of the 50 states in the US have been repealing mandatory sentences, yet the Government is hell bent on imposing mandatory sentences for a number of offences.

I was interested to hear in the second reading speech but I did not hear the Attorney-General, correct me if I am wrong, mention that mandatory sentences were an effective deterrent. I heard something like 'strong message', but I did not hear 'effective deterrent'. The reason is because it is not an effective deterrent. This paper is by Michael Tonry and it has been cited over 129 times and counting. It is from the Crime and Justice Journal 2009, so you can look at it yourself. It is titled, 'The Mostly Unintended Effects of Mandatory Penalties: Two Centuries of Consistent Findings'.

**Ms Archer** - It might be helpful if you say that it is from America and not this jurisdiction.

**Dr BROAD** - Yes, it is America, but America is the home of mandatory sentencing and they are walking away from it. I will directly quote so that we can have some of the evidence on *Hansard* -

There is no credible evidence that the enactment or implementation of such sentences has significant deterrent effects, but there is massive evidence, which has accumulated for two centuries, that mandatory minimums foster circumvention by judges, juries and prosecutors; reduce accountability and transparency; produce injustices ... and result in wide, unwarranted disparities ... If policy makers took account of research evidence (and informed practitioners' views) existing laws would be repealed and no new ones would be enacted.

It goes on to say -

Experienced practitioners, policy analysts, and researchers have long agreed that mandatory penalties in all forms ... are a bad idea. That is why the U.S. Congress in 1970, at the urging of Texas Congressman George H Bush, ...

Yes, that this the former President of the United States -

repealed most of the mandatory minimum sentence provisions then contained in federal law ... It is why nearly every authoritative nonpartisan law reform organization that has considered the subject, including the American Law Institute ... the American Bar Association ... the Federal Courts Study Committee ..., and the U.S. Sentencing Commission ... have opposed enactment, and favoured repeal, of mandatory penalties.

We can add this to the evidence that Ms Haddad very capably outlined about the evidence against mandatory sentencing. This is why we need a policy discussion, not a political discussion. It continues:

In 2004, an American Bar Association commission headed by conservative Justice Anthony Kennedy of the U.S. Supreme Court, called upon states, territories and the federal government to repeal mandatory minimum sentence statutes ...

...

Policy makers promoting mandatory penalties usually offer three justifications. Mandatory penalties are said to assure evenhandedness; every offender who does the crime will do the time. They are said to be transparent ... prevent crime ... the certainty of punishment will deter would-be offenders. The insuperable difficulty with all these claims is that centuries of evidence show them to be untrue.

...

Their enactment is said to acknowledge public anxiety and assuage victims' anger.

We have heard that argument. It is about the victims.

They are a sign that policy makers are listening, and care, and are prepared to take action.

However, this view is fundamentally flawed.

This is quite an instructive quote -

Nor does the evidence show that mandatory penalties provide effective deterrents to crime. From the accounts of pockets being picked at the hanging of pickpockets in eighteenth century England ...

When there were mandatory death penalties for pickpocketing and we had public events where the pickpockets were being hung, the ultimate penalty, people's pockets were being picked.

Laws like this do not constitute a deterrent. That is why we would like to hear a policy debate where we have a contest of ideas because we believe we have a policy position that will act as a deterrent. That is backed up by Mr Hughes in the previously mentioned quote.

The clear weight of evidence is that the marginal deterrents hypothesis cannot be confirmed. No-one who has lived in the United States, however, can be unaware that conservative politicians for three decades consistently promoted the passage of more and more harsh mandatory sentencing laws. The reason that has occurred is because, whether we like it or not, the legal system in the United States is politicised. They have elections for prosecutors, district attorneys and so on, so there is this electoral focus on law and order. As a result, we have seen the rollout of mandatory sentences over time.

Now we are seeing the United States has turned the corner and 29 states are actively repealing the mandatory sentences that are on the statutes. The United States has realised the error of their ways and all the evidence stacks up, as I am outlining here. Two centuries of evidence say it does not work. The United States is repealing its laws and yet here we are today talking about a flawed policy. Mandatory sentences do not work.

This is why we have a problem with this. We want the same thing. We want paedophiles locked up and we want them to have the maximum sentence available. That is why our policy is on the table.

Foreseeable problems in implementing mandatory penalties have been known for over 200 years and many of these have already been outlined by Ms Haddad. The death penalty debate in the 18th and 19th centuries is strikingly similar to contemporary American debates about mandatory penalties, but we will not go into that. We know that mandatory penalties increase trial rates and therefore increase the workloads of case and case processing times. We have also heard today that if we have mandatory sentencing in place then we have victims put on the stand virtually every time because that is what the evidence shows and that is not necessarily the best thing.

Mandatory sentencing is bad and does not act as a deterrent. The most recent and comprehensive report is by the Sentencing Advisory Council of Victoria, so it has not only happened in Tasmania, it has also happened in Victoria. Their conclusions are in line with every other major analysis. Ultimately, current research in this area indicates that there is a very low likelihood that a mandatory sentencing regime will deliver on its deterrent aim. It is not a deterrent. We have seen laws enacted in Western Australia that have not worked. That is around the three strikes model, mandatory sentencing, and in the Northern Territory as well.

**Ms Archer** - The Labor Government in Victoria has them.

**Mr DEPUTY SPEAKER** - Order.

**Dr BROAD** - We are not arguing that Victoria is right either. However hard it is for rational folks to conceive of it, there are some people who simply do not respond to whatever threat is presented to them. This is one issue that was actively canvassed in the thesis. I have taken the time to read quite an instructive thesis called *Residential Burglary and Repeat Burglary Victimisation in Tasmania*, by Vanessa Goodwin, in June 2006. Vanessa Goodwin looked at burglary and explored the extent that burglars are rational decision-makers. One of the key parts of the mandatory sentencing idea is that criminals are rational decision-makers and we know they are not. If they were, they would not be offending. This is a quote from Vanessa Goodwin's thesis:

Overall the findings seemed to suggest that most burglars do not think about getting caught, or if they think about being caught, they rate the risk of detection as low.

That is probably a fairly accurate assessment in this case in terms of burglaries and so on. How do these repeat burglars justify their actions? Thirty-seven per cent believed they had no chance of getting caught, while six burglars interviewed said they welcomed the prospect of being caught, which is quite an unusual thing. They probably relished being in prison. Vanessa Goodwin added quite a lot. It is a very good thesis that resulted in some good outcomes and added to the knowledge. She talks about some of the ways criminals rationalise their behaviour -

Finally, the fourth technique of neutralisation used by 63 per cent of the sample was to simply vanish all thoughts of negative consequences from their mind.

She is quoting Tonry here, which concludes that offenders knew that their criminal actions were wrong but neither rationalised their feelings on the basis of desire or necessity, or just put the thought of any wrongdoing out of their mind. This is the whole crux of it. Criminals are not rational decision-makers. That is why mandatory sentencing does not work as a deterrent - they do not think they are going to get caught. This is the fundamental problem.

What we need is the judges to have all the tools at their discretion. That is why we believe the message we need to send to the courts is that the penalty should be increased to the maximum possible.

The message is not getting across. We have made this argument many times in a number of different ways as these bills have arisen and been defeated and knocked off by the independents in the upper House. We are seeing it again. We think the Government will continue to do this irrespective of evidence and two centuries of research which show it is a bad idea, but we are at a bit of an impasse. We know that this is about politics. I am sure that the media releases are already written and are going to say, 'Labor supports paedophiles' or something like that. Now, that is base politics because it is not true. You know that is a lie. Labor wants to see paedophiles and child sex offenders put in jail for the longest possible terms. We want every tool available, but we do not want ineffective tools.

Mandatory sentences are ineffective tools. They do not work as a deterrent. That is why we need to have a proper inquiry where we can have a policy debate, not a political debate. That is what this is about. This move was telegraphed a long time ago. As soon as we started seeing the ramp-up for the upper House elections which are currently on foot on Saturday, we saw the printed material of the Liberal candidates raising this as an issue. This play has been telegraphed. The media releases are already written.

We want to see evidence-based policy. We do not want ineffective policies based purely on politics. That is exactly what this is. We have an ineffective deterrent that the Government is proposing here. Our alternative will work. That is in terms of guideline sentencing, presumptive non-parole periods and the availability of life sentences. That would be an effective strategy. We have agreement. The Government has no support on an evidentiary basis. It is all about the emotion; it is never about the evidence. We want to see these people put in jail. They do the crime they should do the time. They are getting put in jail. They are getting put in jail for longer periods than what is proposed, but we need to give judges the right thing. That is why I cannot believe that Mrs Rylah spoke against life sentences for paedophiles.

The Attorney-General has hinted that there might have been a backflip on that. They might have realised that we are on the right idea. Maybe they read this article where the Law Society was quoted as saying that what we are proposing is a good idea. What we need is a policy debate not a political debate.

[6.21 p.m.]

**Ms ARCHER** (Clark - Attorney-General) - Madam Speaker, goodness me, that is taking verballing to the next level so I will do my best to explain yet again our position.

I am not philosophically opposed to life sentences. Can I make it very clear? I will outline to the House why it is dangerous to increase the maximum penalty in isolation on just one particular category of offences.

The Criminal Code is the Holy Grail of criminal law in this state. That is why it is called a code. To do that on the fly without considering the ramifications, without seeking legal expert advice on that, without consulting with the Chief Justice, the Chief Magistrate and the long list - I am talking to the shadow attorney-general while the shadow minister for police interjects because she seems genuinely interested in what I am saying - the long list of legal stakeholders that we usually consult on these matters.

We are dealing with an amendment to our amendment bill dealing with the Sentencing Act 1997. Alternative sentences and the whole raft of sentences that are available to the courts are contained in the sentencing act. The Criminal Code deals with crimes, that is indictable offences as opposed to summary offences that are dealt with in the Magistrates Court, which is the lower court division that deals with less serious offences. The code has a maximum sentence ceiling of 21 years. To change maximum sentences it would be advisable that the Criminal Code be looked at holistically and whether there are other offences that need to raise that ceiling.

To say that I am, or that this Government is, opposed to life sentences is wrong. We are always prepared to look at strengthening our sentencing laws. I will explain what work has already been done in relation to that maximum sentence under the Criminal Code by the experts in relation to that and what they have to say about why it is set at 21 years.

There are very good fundamental legal principles for why that has not been tampered with. The types of offences we are dealing with are heinous, hence the reason this bill is before the House and why the Government wants to ensure that child sex offenders with serious sexual offences against children have guaranteed jail time, aside from the fact that there is or may be a trend towards a sentence of imprisonment. At the moment we are seeing wholly or partly suspended sentences. We are seeing some offenders get six months only. Our bill ensures that they spend a minimum period that is well above that.

I am very happy to clarify some of the percentages that were selectively quoted by Ms Haddad from the Sentencing Advisory Council report and what they equate to in length of sentence terms. Then we can see that mandatory minimum sentences such as four years for raping a child is far better than receiving three years, or two years, or six months in the case of a stepfather raping his stepchild. There are some cases out there that have enormous community concern.

If we are not elected to this place based on policies we take to the election, if we are not community representatives in this place and act on behalf of those who represent us then I do not know what we are all doing here. We are members of parliament. It is politics. At least the Greens have the guts today to get this matter dealt with and to call out what Labor is trying to do today, which is to delay a vote to the end of this year.

**Dr Woodruff** - I did not say that, Ms Archer.

**Ms ARCHER** - Sorry, I am not quoting Dr Woodruff, but I am congratulating her for having the guts to basically state their position. Obviously they are elected into this place on a platform of opposing mandatory sentences. So are you, so why send it off to a committee? It would come back and you would still oppose it and we would still be for it.

**Ms Haddad** - That is why I am asking a committee to look at alternatives. Have you had a look at all the evidence?

**Ms ARCHER** - We have gone to two state elections and twice the people have elected a Hodgman Liberal Government and twice they have expected us to honour our promises. The community gets cynical when a government is elected and does not see through its promises. And guess what? An opposition criticises a government for not delivering on its promises. We are here to deliver on our promise and our commitment to Tasmanians and victims.

**Dr Broad** - You are here to ignore evidence.

**Ms ARCHER** - Dr Broad just said that this is all based on emotion.

**Dr Broad** - Where is your evidence?

**Ms ARCHER** - Victims. We have consulted with victims and members opposite, the Labor Opposition, could not point to who they have consulted in relation to their recently dreamt up change in policy position. The Government will not be supporting this amendment.

The policy behind this bill has been taken to two elections. We have received support at both elections, on both occasions to progress our position on this. Polling has shown that 75 per cent of Tasmanians want these reforms. During the last parliament a similar bill was debated by this House and passed.

There was also criticism of us not changing the bill. There is nothing wrong with reintroducing a bill in this place because there are different members in this place from last term. There may also be different members after next week in the other place. There is nothing wrong with a government reintroducing a bill that is substantially the same or the same. You just cannot do it twice in one term. I am not going to risk bringing on a bill if I do not think I can get it through.

So much has been said about the timing of the bill. A government deals with a number of different urgent bills at different times. They become urgent at different times. We have brought this on. This is an important issue and it is important for me and my colleagues to get through this House.

The decision to implement the mandatory minimum scheme in this bill is a policy decision for the Government. The bill has been carefully considered. It is based on recommendations by the Sentencing Advisory Council and this motion is just a delaying tactic and the Government will be voting against it.

I want to deal with some of the issues that have come up. I know that Ms Haddad in her contribution did not really ask much by way of questions, nor did Dr Woodruff, but both of them made extended commentary. In particular, Ms Haddad seemed to suggest that the current provisions of the Criminal Code are preventing or limiting the courts from imposing higher penalties than they currently are.

**Ms Haddad** - I don't recall saying that.

**Ms ARCHER** - That is certainly what I took away from the contribution. I just want to clarify for the House and *Hansard* that this is not the case. The Sentencing Advisory Council's research



shows that the highest sentence imposed in recent years for a crime covered by this bill is 15 years, well short of the current maximum in the Criminal Code as I have already alluded to. When it comes to changing the current maximum sentencing scheme in the Code, I will quote the Sentencing Advisory Council. They said in their August 2015 Final Report No 4 on Sex Offence Sentencing:

It is unclear whether making changes to the maximum penalties for the various offences under the *Criminal Code (Tas)* will make any significant difference to sentencing practice in Tasmania.

... the experience in other jurisdictions is that sentences rarely increase in the same proportion as an increase in maximum penalty.

Our bill before the House guarantees jail time from the minimums prescribed by this bill to a maximum of 21 years. Labor cannot make that guarantee because whatever sentencing practices are, judges come and go and the make-up of courts changes. Unless we entrench this in legislation we can end up with an offender getting off on a suspended sentence. We can end up with an offender receiving a sentence lower than what the Government's bill prescribes.

The Sentencing Advisory Council's research clearly shows that offenders continue to receive sentences below the levels imposed by this bill.

**Dr Broad** - Every victim will have to take the stand. That's what this does. You haven't addressed that.

**Ms ARCHER** - I am quite happy to take this into Committee if Dr Broad would like to make his interjections and questions when we are in a more informal setting. I would like to clarify these things for the record because I have been verbally, the Government's position has been misrepresented and, quite frankly, I know there are victim survivor groups listening to this debate, watching this closely. I will quote from their various public statements in a minute.

Madam Speaker, I would like to get our position on record.

**Dr Broad** - What about your billboards? Have they been accurate? That was verballing.

**Madam SPEAKER** - Order.

**Ms ARCHER** - The Sentencing Advisory Council's research clearly shows that offenders continue to receive sentences below the levels imposed by this bill and, in fact, in some cases terms of imprisonment are partly or even wholly suspended.

Ms Haddad has made much of increases in minimum penalties through the selective use of SAC's research. However, the 350 per cent increase in the penalty for sexual intercourse with a person under the age of 17 that Ms Haddad spoke of in reality translates to an increase from two months to nine months -

**Ms Haddad** - That's what I said. You can argue that the sentences are too low but there are other ways to send the message to the courts. I have referenced exactly what you just said.

**Ms ARCHER** - and also does not reflect those receiving partially or wholly suspended sentences. To be clear, both of the lowest sentences for the crime of raping a child imposed between

2015 and 2018 were below the minimum imposed by the Government's bill, what we are proposing today.

During her contribution, Ms Haddad also focused on increases in the average penalties. Labor doubled down on that approach with their media release issued this afternoon, which is an interesting release. Clearly Dr Broad has not seen it. I laughed when I was reading it because it prosecuted a case that had not actually been prosecuted at all. It says:

Shadow Attorney-General Ella Haddad today slammed the Liberals and the Greens for opposing Labor's motion to send the government's mandatory sentencing bill to a committee so it can be strengthened.

**Ms Haddad** - It mentions alternatives.

**Ms ARCHER** - I am looking at the motion on the books and it does not mention anything. You have slammed us, apparently, in the debate but I have not been slammed on strengthening.

**Ms Haddad** - You've made sure that we can't consider alternatives. It is this bill or nothing, thanks to you and the Greens.

**Ms ARCHER** - Our bill does strengthen penalties because it ensures that instead of six months or nine months, there is a statutory sentencing floor of four years at least for raping a child.

Much is said about media releases. Labor is not pure in this regard because, quite frankly, going through this is complete rubbish, when the motion does not even address half the issues that are in Labor's media statement. Dr Woodruff will be interested in this -

By indicating they will vote against Labor's motion to send the bill to a committee, the Liberals and the Greens have joined forces to ensure child sex offenders will not go to jail for life.

**Ms Haddad** - That's what it means when you vote together.

**Ms ARCHER** - We have joined forces, Dr Woodruff.

**Members** interjecting.

**Madam SPEAKER** - Order. Ladies, please. I remind everyone that screaming across the Chamber is most unbecoming of the House.

**Ms ARCHER** - Unfortunately I have to speak over the top of the interjections otherwise there would be silence. I will do my best not to have to do that. To suggest that the Government and the Greens who have entirely different positions on this matter have somehow colluded is quite laughable.

It says that the Liberals are desperate to play politics in the lead-up to this week's Legislative Council elections, while in contrast, Labor is committed to putting children's safety first. Seriously, I could go on but it is a complete load of rubbish to act all purist and they are not being political. If I have not read a political media release before, that is a classic case.

I want to refer to Beyond Abuse. They are an organisation that has the catch phrase 'Guiding survivors of child abuse'. The spokesperson for that organisation is Steve Fisher, who is very well known publicly for his significant work in this regard. End Rape on Campus Australia and Let Her Speak as well have also supported our position in this regard.

I will address a few of Dr Woodruff's comments. They were not questions, but I thought I would make some observations in this debate. Dr Woodruff repeated the often-quoted statement that mandatory sentences breach the separation of powers. I want to address that because it is not accurate. The Sentencing Advisory Council wrote in their report on the assaults on emergency service workers and in dealing with the issue of mandatory sentences -

While many sentencing principles derive from case law, Parliament has the power to structure, restrict and guide judicial discretion. Parliament may restrict judicial discretion by enacting mandatory penalties.

I also want to refer to the Tasmanian Supreme Court and Justice Escourt's previous observation that -

It needs to be understood that it is up to the Parliament to set specific penalties for specific crimes, should it wish to do so.

Let us be clear. Parliament's role, as we all know, is to make law. Governments do so based on their own policy positions. They are elected to do that. I have gone through that issue already. The courts apply the law. It is not a breach of the separation of powers. The court recognises it, and research bodies like the Sentencing Advisory Council acknowledge that as well. They may not always endorse the idea in making commentary or whether they support something, but they acknowledge that a parliament has the power to do so. It is our role to do that and the courts have made incremental increases or even decreases in relation to a number of crimes or offences.

The Government is not prepared to wait for incremental increases, in five, 10 or 20 years' time, to reach the point this bill proposes now. We want this now. It is our role as a parliament to enact law. It is the role of the government of the day to see through policies it takes to the election that the community expects and deserves. The High Court has also commented on this issue saying -

The enactment of sentences by the by the legislature, whether as a maxima or minima, involves the resolution of broad issues of policy by the exercise of legislative power ... the legislature may decide that an offence is so serious that consideration of the particular circumstances of the offence and the personal circumstances of the offender should not mitigate the minimum punishment thought to be appropriate to achieve the legislature's objectives ...

This High Court judgment was *Magaming v The Queen* in 2013 High Court Appeal 40, 11 October 2013, per Justice Keane. I wanted to put that on the record because it is an acknowledgement by the court of the parliament's power to do exactly what we are doing here.

I note that Dr Woodruff also reflected on the Sentencing Advisory Council's lack of support for mandatory sentences. The introduction of a mandatory sentencing scheme is a policy decision for the Government and it is a legitimate role for the parliament to enact laws to protect the community. Some specific concerns were raised by the Sentencing Advisory Council. One of them was mandatory minimums provide an incomplete guide system to the courts. Our scheme makes it

clear what minimum sentences the Government considers appropriate. The court will clearly be able to establish the intent of these provisions. There is no concern there, in my view. Also, it is claimed that there is an unrealistic expectation in the community to deterrence. We have made clear that these laws are to denounce the type of conduct and to ensure that offenders are properly sentenced. I note, in Dr Broad's contribution, the claim that we have not addressed the issue of deterrence. I have done so.

What price does a child have to pay before we can ensure that we have tougher sentences? Before today, I expected us to have a debate on whether the safeguards were adequate. I am satisfied they are. I am satisfied that by leaving exceptional circumstances to the court to decide on an individual basis is sufficient. Exceptional circumstances are not defined by the bill and there is a reason for that. That is because there is developed case law on this point and that it is to mean the ordinary meaning of those words. It is to allow the court to determine when a mandatory minimum sentence should not apply. You might have a case of mental impairment, as long as that did not relate to the causal link. You might have a case where there are exceptional circumstances, and we are talking about relating to the offender's characteristics or personal circumstances that are so unique that they need to be taken into account. When this bill was last before the House, Ms Giddings made some observations that I do not accept because exceptional circumstances cover the circumstances raised in many debates.

Although it is not defined in the act, it has been interpreted many times by Australian courts. It potentially encompasses a broad range of circumstances. The word exceptional describes something out of the ordinary course of events or unusual or special or uncommon. It does not need to be unique, unprecedented or very rare but it cannot be a circumstance that is routinely or normally encountered. In other words, the court will take into account all of the circumstances of the case in determining whether there are exceptional circumstances, and all of the circumstances of a case will always include the circumstances of the offending. For example, whether there is premeditation, whether there is the use of a weapon, the type of weapon used, the degree of harm caused to the victim and things like that. They also take into account the circumstances of the offender and any other matter the court considers relevant. There is a broad scope of things a court can consider.

I need to make it clear at the outset that this does not apply to offenders who are under the age of 18 years. The code nearly always deals with adult offenders because offenders who are not adults are sentenced under the Youth Justices act. That act is specifically there for that purpose and it is a rare case that a court would consider it appropriate for a child to be sentenced under the Sentencing Act.

I note some of the things Labor proposed, as this bill already deals with parole. I need not go into that matter. With mandatory minimum sentences, if someone receives that period of sentence of imprisonment, parole cannot apply during that period but anything over and above that, it will. This is a true sentencing floor. This is guaranteeing jail time.

Turning to Beyond Abuse. I know all members of parliament will have received a document on 29 April this year from Beyond Abuse, Steven Fisher and Nina Funnell, End Rape On Campus Australia. I want to read this out because I want to get this on the record and they have advised that it is okay to do this. They consider this to be a public document in any event.

We are writing today to express our firm support for the Bill introduced today regarding Mandatory Sentencing for Child Sex Offenders and would warmly welcome your support on this Bill too.

Beyond Abuse and End Rape On Campus Australia both advocate for the realisation of the rights of sexual assault survivors and others impacted by sexual assault and abuse in Tasmania.

As you would no doubt know, sexual offences against children are arguably some of the most abhorrent crimes that can be committed, and the impacts of these crimes can last a lifetime.

Yet, until recently, the impacts of this kind of offending have often been misunderstood or minimized due to poor community attitudes and a lack of understanding regarding complex trauma.

As a result, sentences for offenders have often failed to reflect the severity of the crime in Tasmania and other Australian jurisdictions, and in many cases perpetrators - including serial offenders - have been given highly lenient sentences.

Beyond Abuse and End Rape On Campus Australia therefore strongly support law reform to introduce minimum mandatory sentences, so as to reflect the severity of the crimes, to serve as a deterrent (both specific deterrence and general deterrence) and to protect the safety of the community.

Bipartisan support of this Law Reform is supported by approximately 72 per cent of Tasmanians.

Thank you for your consideration of this issue and please don't hesitate to contact us if you have any questions.

In relation to that particular first statement the Government followed up in light of Labor's revelation of this new policy of theirs. We contacted these organisations to see if their position had changed from what I just read out and they remain unwavering in their support of our bill, seeing it as the best way to address sentences at the lower end of the scale.

We have consulted in this regard. It has just come to light that there is a further statement by Steve Fisher from Beyond Abuse, who has just issued this to media outlets. I want to get this on the record, because he would appreciate that.

Beyond Abuse spokesman Steve Fisher today said how bitterly disappointed survivors are that Labor attempted to delay and the Greens do not support the Bill for Mandatory Sentencing of Sex Offenders.

'We were very surprised that the labor opposition would ask that this crucial bill be put before a committee which will delay it for one year', Spokesman Steve Fisher said.

'Seventy-two per cent of Tasmanians support Mandatory sentencing in Tasmania, so we are quite shocked that the Labor' -

He says 'government' I think he means 'opposition':

'would attempt to delay a bill which is so important in the protection of our children.'

The opposition have stated in parliament they do not support Mandatory Sentencing of any kind in Tasmania.

'If that is their view why would they send it to a committee when they have already made up their minds not to support it?'

We believe the tide is turning and survivors are recognising more than ever their voice is important and should be listened to. We have come to a time in Tasmania where politicians must start to realise that we will never let survivors lose that voice again.

It is important to finish on that note and to state that on this side of the House the Government is steadfast in its support for giving victims a voice. This is a reason, a main driving reason, why we have taken it to two elections.

I hope we can get this through this parliament. This is one of the bills I feel most strongly and passionately about, particularly in light of the Royal Commission. That has shone a light on the issue of child sexual abuse. That was an institutional setting but the stories are harrowing and they are no different to what survivors experience outside of an institutional setting.

For that reason, the Government cannot support Labor's amendment.

The House divided -

AYES 9

Mr Bacon  
Dr Broad  
Ms Butler  
Ms Dow (Teller)  
Ms Haddad  
Ms Houston  
Mr O'Byrne  
Ms Standen  
Ms White

NOES 13

Ms Archer  
Mr Barnett  
Ms Courtney  
Mr Ferguson  
Mr Gutwein  
Mr Hodgman  
Mr Jaensch  
Mrs Petrusma  
Mrs Rylah  
Mr Rockliff  
Mr Shelton (Teller)  
Mr Tucker  
Dr Woodruff

PAIR

Ms O'Byrne

Ms O'Connor

**Amendment negatived.**

[7.03 p.m.]

**Ms HADDAD** (Clark) - Madam Speaker, I believe I have three minutes so I am going to be very quick in my response.

The Attorney-General in her summing up explained that the Criminal Code had a ceiling of 21 years and that in order to increase a maximum sentence for any of the offences under the code would require looking at the whole code. So having a review of the code, if you like, and said that it would not be possible to pick and choose which offences might attract a higher sentence.

I would argue that this Government is picking and choosing when it comes to imposing mandatories. At the moment we are discussing mandatory sentences on fixed offences. We already have them for police on duty, we are discussing them for police off duty, and other workers. What next for mandatory? If we are going to review the code, then let us review the code. We are picking and choosing in this Parliament in what we apply mandatories to.

Back to the ceiling of 21 years. There are in fact two sections of the code which already attract a possible life sentence, so it was not a thought bubble. It was not something I thought up overnight, it was something that I consulted on - and I will get to that if I get time. Section 158, which deals with murder, and section 56, treason, both allow for a judge to impose imprisonment for the term of the person's natural life, or such other terms as the court determines. So it is not a thought bubble. There are already two offences - treason and murder - which already can attract a life sentence under the code as it currently stands so that ceiling of 21 years does not apply to every offence.

I wanted to touch on consultation because both the Attorney-General and member for Franklin talked about whether I had consulted on this policy - yes, I did. I consulted on our substantive policy, guideline judgments, two new offences and also the presumptive non-parole period, and we were supported by all those stakeholders on those three.

As to life - no, I did not get unanimous support and I would not pretend I did. Understanding the life sentence option that I was trying to discuss, the Law Society was supportive, as were Bravehearts, a survivors' organisation, and Community Legal Centres Tasmania. Civil Liberties Tasmania was a little lukewarm but they could understand what I was doing. Beyond Abuse was not supportive. I spoke to Steve Fisher today and we had a very respectful conversation and I hope we will have another very soon and I respect the fact that he was not supportive, and neither was the Prisoners Legal Service's Greg Barns. Greg was supportive of the other parts of our policy, the three that I just mentioned, but not of the life sentence because he does not believe that these offences warrant a life sentence in the way murder does. I respect that.

I will finish by trying to rebut a little bit that the Government says they are not playing politics with this. The billboards they had in Launceston for six to 12 months of Rebecca White saying she supports paedophiles were hurtful and I was suggesting using a function of the parliament which is a committee.

[7.07 p.m.]

**Ms ARCHER** (Clark - Minister for Justice) - Madam Speaker, I took the opportunity of speaking to the amendment we have just dealt with in my summing up so we could all not be too repetitive, so I am not going to make the same arguments I made before. Suffice it to say I just want to pick up on something Ms Haddad raised and clarify something which I meant to do before.

Ms Haddad has quite rightly pointed out that life imprisonment only exists currently for the crimes of murder and treason and people would rightly acknowledge that. Treason includes the murder of certain persons and is rarely invoked these days, but we are all familiar with the crime of murder. As I have already stated, all other crimes are currently punishable by up to 21 years imprisonment.

It is also important to point out that in the context of this debate offenders can also be declared dangerous criminals. At the moment, we are undertaking work and will be producing before the House our dangerous criminal declaration reform which has come about because of comments by the courts of the difficulty in making declarations and indeed getting people off declarations as well, because currently they are very restrictive and onerous and there is a number of different reforms that need to take place. I am not going to talk too much about it today, but suffice it to say that that is another mechanism when you have someone who can be held indefinitely beyond what the usual term of imprisonment would be because of the nature of their offending and the nature of the offender.

The 21 years I have referred to prescribed in the Criminal Code 1924 is by design. In its previous work, the Sentencing Advisory Council found that that system was supported by the Chief Justice as well as a forum that included the Director of Public Prosecutions, the Legal Aid Commission and the Tasmanian Bar. We are talking about the 21 years imprisonment which Labor has proposed by this policy without looking at this holistically in terms of a select few cases and want to change that. Labor's policy risks inconsistent outcomes. I want to make this very clear because sexual offences against children, as we have all made very clear today, are abhorrent. We all note that.

**Dr Broad** - I am glad you can see that.

**Ms ARCHER** - I would never allege that any member would not classify it as abhorrent. I have never said that. Dr Broad is looking at me like this is some sort of revelation.

**Dr Broad** - There were billboards saying Rebecca White supports paedophiles. What was that?

**Ms ARCHER** - I am not even going to entertain those appalling interjections because all members of this House consider child sexual abuse as abhorrent, but so is causing grievous bodily harm to a child.

**Ms Haddad** - So have the committee.

**Ms ARCHER** - No, a committee is not required for that purpose. As I have said, the crimes that are punishable at the moment for 21 years imprisonment are there by design. So is causing the death of a child through manslaughter or through dangerous driving. I certainly would not like to verbal anyone Ms Haddad has said she has consulted with, but that would be the concern when you cherry-pick offences to be dealt with in a different manner. I have already made it very clear that I am not opposed to life sentences, as Labor has tried to allege, but when we have life sentences for particular crimes we have to look at this holistically. We have to look at the Criminal Code as a whole because that is the code of all our crimes in this state.

There are a few jurisdictions who have a code. Not every state and territory in Australia has a code. Tasmania, Western Australia, Queensland has a Criminal Code and in those states our crimes are dealt with specifically in that document.

By not changing the maximum penalties for these other types of crimes which are equally abhorrent, is Labor willing to send the message that these are less serious crimes? I do not think that is the intent but that would be the consequence of this. We would have inconsistent perverse outcomes if we did not look at that.



I want to refer to work and the support of the current situation by the Chief Justice, the DPP, Legal Aid and the Tasmanian Bar in relation to that specific issue. In the context of differing maximum penalties that would be created by a graduated maximum scheme, and that is what the impact would be, whether Labor realise it or not, of what they are seeking to create in an ad hoc fashion without giving this proper consideration by experts, not by parliamentarians based on policy but when we look at maximum sentences. The Sentencing Advisory Council observed that it would be inconsistent to include graduated maximum penalties for sex offences and no other offences under the act. In my previous contribution in the debate to Labor's motion to amend I directly quoted from SAC's comments in that regard.

SAC also stated that it would be difficult under the present sentencing structure in Tasmania to provide guidance to courts about the appropriate penalty for sexual offences through changes in the maximum penalties without major reform of the maximum penalty structure in the code. Although Ms Haddad says they have given consideration to this, that statement by the Sentencing Advisory Council clearly refutes that that approach is not the correct one.

The legal forum I referred to before, convened by the Sentencing Advisory Council, expressed the view that maximum sentences are problematic as they give expression to the relativity of offences but they do not reflect the penalty that an offender is likely to receive in reality.

As I have referred to, between 2015 and 2018, when we are looking at these types of sexual offences against children, the maximum that has ever been applied is 15 years and, by raising the maximum penalty, that is not going to change. Labor's policy is meaningless. It is a smokescreen. It has been adopted to try to remove any heat on them in the lead-up to this weekend. Labor have continually tried to walk both sides of the street and that is exactly what they have tried to do in this regard.

The bill guarantees jail time, it lifts the lower-end-of-the-scale type of sentences that are currently being imposed. This side of the House will always stand up for the victims. We will always deliver on community expectations and that is what we are here to do. As members of parliament, that is what we are here to do. Madam Speaker, I commend this bill to the House.

### **The House divided -**

AYES 11

Ms Archer  
Mr Barnett  
Ms Courtney  
Mr Ferguson  
Mr Gutwein  
Mr Hodgman  
Mr Jaensch  
Mrs Petrusma  
Mr Rockliff  
Mrs Rylah  
Mr Shelton (Teller)

NOES 11

Mr Bacon  
Dr Broad  
Ms Butler  
Ms Dow (Teller)  
Ms Haddad  
Ms Houston  
Mr O'Byrne  
Ms O'Byrne  
Ms Standen  
Ms White  
Dr Woodruff

PAIR

Mr Tucker

Ms O'Connor

**Madam SPEAKER** - The result of the division is 11 Ayes and 11 Noes. I therefore have to use a casting vote pursuant to standing order 167.

This has been an extremely interesting and informative debate and I congratulate everybody on both sides for doing their best to pursue their views.

I have given this matter much thought, have read the briefing papers, and followed the debate. I was very surprised to see a bill, already defeated in the Legislative Council, presented again to parliament without any changes. There are significant concerns from those in the legal profession who do not support this removal of authority from the judges. It is the judges who understand the complexity of the case before them.

In this regard, I take the view of the legal professionals who know a lot more about the law and who believe this is bad law that does not give effect to desired outcomes of better ends. It may have those unintended consequences to the detriment of the victims.

Every single person in this parliament wants the best laws to punish those who offend against our vulnerable children. I sincerely would have liked to have seen the committee put in place. This bill could have been investigated, amended if necessary, and given strength.

Parliament should never make laws based on popular opinion. Whilst we have these statistics of how many people think this is a great idea, it should only ever be made law on informed advice. It would have been so much easier for me to support a popular choice, but it is braver and truer to my own conscience not to support this bill in its current form.

In accordance with standing order 167, I therefore cast my vote with the Noes.

**Question - That the bill be read a second time - negatived.**

## **SHORT STAY ACCOMMODATION BILL 2018 (No. 66)**

### **Second Reading**

**Resumed from 11 April 2018 (page 91)**

[7.26 p.m.]

**Ms DOW** (Braddon) - Madam Speaker, currently we do not have enough supply of affordable and adequate accommodation in Tasmania. The Housing Summit held 15 March 2018 highlighted many recommendations for implementation. This bill is just one of those.

Examples of other initiatives from the summit include rezoning of surplus government land and the private rental incentive scheme. There are other issues relating to the health and wellbeing of our people that may also affect homelessness. This is symptomatic of the disadvantage, which many Tasmanians live with every day and a product of increasingly complex need and the inability of our essential service providers to provide the level of service required across decentralised populations and the requirement for additional funding and new models of service delivery.

There are issues in regional Tasmania where there is affordable housing stock, but less access to services, including health, social services and public transport. This presents challenges for those communities and essential service delivery to these communities. Perhaps there is a better way to provide these services, including housing support to those communities. This highlights again the limitations associated with relocating displaced Tasmanians to these regional Tasmanian communities, as has been discussed in the past.

While much of the public debate regarding short stay accommodation has been centred on the south of the state with regard to shortages in affordable rentals and the affordable housing market, there are significant issues across regional Tasmania, particularly where the sharing economy has enabled increased accommodation options in these centres. Places like the Central Coast have benefited from the introduction of short-stay accommodation. The mayor, Jan Bond, talks about that.

There is the opposing argument from established, traditional accommodation providers that the sharing economy has impacted on their businesses in regions where our tourism growth has not reached the peaks of the south. I have had conversations with members of our Circular Head community about that.

I recently visited King Island with my colleagues, Rebecca White and Shane Broad. King Island is on the cusp of major economic growth. The Local Government Association of Tasmania in its recent presentation to the Select Committee on Short Stay Accommodation said:

Relative to the market size on the island, King Island has seen a dramatic growth in the number of SSVA beds available since the development of Cape Wickham Links and Ocean Dune golf courses in 2015 and 2016 respectively. For example, in January 2016 there were approximately 12 properties listed on Airbnb on King Island - today there are over 40. This increase can be partially attributed to a growing acceptance by established accommodation businesses that visitors increasingly book their accommodation online, but there are also a number of new entrants to the market that have until recently been used as residential accommodation. This shift is easily explained, as it is faster to convert residential accommodation to short-stay visitor accommodation than it is to build new short-stay visitor accommodation.

King Island Airport is the only point of entry and exit for any visitor to, or resident of, King Island. The number of passengers coming to and from the island is therefore a strong indicator of movements in the visitor market, with the increase in visitor numbers over the last four years having been significant. In 2012 to 2015, between 33 000 and 34 000 passengers travelled through King Island Airport each year. In 2016 this increase is almost 38 000 and reached over 43 000 in 2017.

The increasing options available to accommodation providers to advertise their properties and take bookings online has made it easier for individuals to benefit from the growth of tourism on King Island. While this is particularly important in an economy like King Island where a majority of the workforce requires more than one source of income to meet the island's high cost of living, the island is also currently experiencing a shortfall of rental accommodation. There are two accepted services for finding available residential accommodation on King

Island: Harcourts, the only real estate agent providing residential rental management and the community's Facebook page. When checked on Monday 6 August there were no rental properties advertised on either of these media. This has been the case for a number of years. It was documented in a report commissioned by the Officer of the Coordinator-General in 2016, which noted that:

*Current development and project pipeline projects could create 180 to 250 new jobs plus jobs in the construction phase ... however, the accommodation for workers is not likely to meet demand.*

While the availability of rental housing has always been a problem on King Island, the situation has been exacerbated by a number of residential rentals being withdrawn from the market and repurposed for SSVA in what is a very small market. The lack of rental housing has seen existing local businesses experiencing difficulty in recruiting the staff needed to meet growing demand across the island.

That is all I need to read to highlight the context of what I was saying about regional Tasmania and different circumstances in different communities.

This example highlights the need for a holistic and collaborative approach to planning for future accommodation requirements in this state, whether that be worker accommodation, tourism, affordable or social housing accommodation, public and aged care accommodation. It must be planned for and consulted upon with comprehensive settlement strategies and planning policies that are underpinned by good data. You cannot wait and see. You need to plan appropriately and access to good data will inform this decision-making process.

I want to understand better how this bill enables those not involved in government to have access to the data collected to inform the good work they are doing in policy making and program setting across Tasmania.

In my local government days, I met with Richard Colbeck to discuss the deregulation of the short-stay accommodation sector and recall the challenge he presented at that time to local government regarding monitoring, data collection and ensuring quality and safety. In reviewing the submissions, feedback from local government and other stakeholders suggest that self-reporting is still not working and that there is still confusion about when one has to apply for a permit.

This is why a community education campaign about compliance, which accompanies any legislative change, is important. I call on the Government to support such a campaign. I would like the minister to outline the time line accompanying the comprehensive implementation plan referred to within the bill which will outline the range of information that will be provided to support the operation of the bill.

It is worth putting on the record the potential amendments highlighted in the submissions by a number of key stakeholders. The merit of these being included as amendments will no doubt be discussed by our colleagues in the upper House as they further examine short-stay accommodation across Tasmania through the select committee process. They include capping numbers of nights, pausing permit allocations and the introduction of an annual charge by local government as a way of introducing limits and addressing local needs.

We are planning on moving into committee as part of our deliberations on this bill today and we intend to propose a couple of amendments. I have discussed those with the minister and I am hopeful he will be able to elaborate on his position on those during committee. I have a number of outstanding questions I will put on the record. I refer the minister to the TasCOSS submission. I have a couple of questions on that -

- was consideration given to an oversight committee to assess data and make recommendations to planning and policy development?
- how do we regulate those properties not on all of these platforms?
- will any additional resource be provided to local government in their regulatory role for education and administration as there may be a surge in permit applications as a result of this legislation?
- was consideration given to LGAT's suggestion of three strikes and you are out approach as mentioned in their submission? and
- why is short-stay not defined in the bill?

A number of submissions raised the importance of the data being collected being able to be shared for policy development and further research and analysis. Those are entities such as the university and other key stakeholders such as Anglicare and TasCOSS.

On page 15 of the bill under section 8, there is reference to the use of information by the Crown. I refer to clause 2. Would this exclude third parties and if so, why? In clause 3(c) what does 'any other prescribed purpose' mean? How is that defined? Would these clauses enable information sharing to third parties such as universities? If not, is the Government willing to include this in the legislation and where is the best place for that to be inserted? I will be guided by you on that. My final question is about formal reporting to the parliament on the data collected and whether that would be made available?

I will raise my amendments once we are in Committee, but there is another upper House select committee inquiry underway at present and there may be further amendments from that process. This is why the suggestion by some stakeholders to periodically review this bill is very sensible and should be acknowledged by the Government, and we would support that approach.

This is the first step in addressing some of the ongoing issues with the availability of data to inform decision-making and future policy development. It is an important component of addressing the challenges in the housing system in Tasmania. Of equal importance it is the opportunity to plan for the economic and social wellbeing of communities across Tasmania.

[7.36 p.m.]

**Ms STANDEN** (Franklin) - Madam Speaker, I support the comments made by my colleague, Ms Dow, in relation to the Short Stay Accommodation Bill 2018. From the point of view of the shadow housing minister, I place some additional comments on the record. In this place today, I have had quite a bit to say about the pressure on the affordable housing sector and short-stay accommodation is one aspect impacting this.

Members would be aware that Labor has moved to urge the Government, as one of its levers for immediate urgent action, to address affordable housing in this state, in particular the south of the state, to pause permits for short-stay accommodation hosts, in particular for entire listings. Unfortunately, that has not been adopted by the Government. Tasmanian Labor accepts that the current compliance with permit requirements under the current planning scheme is poor. This bill appears to have measures with potential to ensure compliance with short-stay accommodation planning permit requirements, to support enforcement by planning authorities and to allow better understanding of the impact of short-stay accommodation on the broader housing market. I commend the Government on those measures.

I maintain - and I have a different perspective from some of my former colleagues in the community sector when I say this - that last year, when the Opposition was keen on seeing a pause as the emerging situation unravelled, a number of commentators stood with the Government, saying there was no point in a pause when there was an ineffective permit and compliance system. My view was then and it remains now, even if only a small proportion of those entire listings had been returned to the long-term private rental market, knowing that approximately 6 per cent of such properties had been removed from the market, that would have been good.

However, that is history and this is now. There is an unprecedented crisis in housing and homelessness in Tasmania and that is in part attributable to the Government's failure to properly plan for the future and/or to accurately forecast the range of complex factors impacting on the housing market.

Dr Louise Grimmer, a UTAS academic, on 24 January this year in the annals of tourism research, described the Tasmanian Government's approach to short-term accommodation as 'laissez-faire' as a policy option, or a wait-and-see approach where, 'short-term hosted accommodation (fewer than four rooms) is effectively deregulated and unlimited in duration'. She went on to say that, 'regulation cannot be universal'. She highlights that there are options for regulatory approaches across the globe, ranging from hosting, solely from primary residences in places like Reykjavik in Iceland, through to blanket bans in places like New York in the United States. The housing inquiry that has been supported today may have some capacity to look into some of those cases.

I note that TasCOSS regards the short-stay accommodation discussion as being about more than housing and we agree. The broader issues of displacement from communities and therefore access to services, education and jobs are also at stake here. We agree with the Local Government Association that there is little doubt that peer-to-peer short-stay accommodation models will continue to exist in Tasmania and the interest in them all from host and user perspectives will continue to increase, as it has done in all other countries.

Issues such as planning, consumer welfare, housing availability and neighbourhood immunity all need to be considered on an ongoing basis after analysis of the best available data. It is critical that this place and other policy makers monitor the data collected through this bill at statewide level and, where necessary, policy responses are adapted over time. This is why I am so keen to support the amendments moved by my colleague relating to data sharing, so that independent authorities like the university and community sector agencies are able to independently assess and comment upon the situation as it continues and provide measures to report to parliament. I note comments from the Tourism Industry Council of Tasmania about a need to level the playing field for traditional accommodation operators compared with new entrants into the markets. All of these things are on my mind as we consider this bill. In relation to the impact on affordable housing sector, I would

say this. The short-stay accommodation industry has a significant impact on the homelessness and affordable housing sector in Tasmania and there is potential for its impact to increase over time.

Research, statistical analysis and feedback from stakeholders shows that increase in short-stay accommodation displaces long-term rental properties from the housing market. The UTAS Institute for the Study of Social Change notes that short-stay accommodation listings are particularly concentrated near popular holiday destinations and in inner Hobart. Sharing as a principal place of residence is a declining segment in that sector also. There is no evidence that peak Airbnb, so-called, has been reached in Tasmania. I note that Airbnb is one of a number of providers we are talking about in scope for this bill. The point they are making is that, unlike in some mainland cities, we are unsure what the ceiling will be in the impact on the affordable housing market in Tasmania. At this point, over 2000 entire homes are currently listed on one of the major provider's sites, and there is mounting evidence that the conversion rate in inner-city markets is likely around 75 per cent. In the context of an absolute shortage of housing of around 5000 properties, according to Tony Collidge of REIT, we have historically low vacancy rates in rental housing of 1 per cent or thereabouts in southern Tasmania and not enough new supply. This loss of rental properties has substantial impact on housing and homelessness services and the low income and vulnerable Tasmanians they assist.

The regulation of the short-stay accommodation sector and support for the tourism sector need to take account of the needs of local Tasmanians, especially low-income Tasmanians for whom rental availability and affordability are primary concerns. Labor will always act to support the interest of those Tasmanians. The flip side of the booming tourism economy are the increasing negative impacts on people who cannot find affordable homes to rent. There is ongoing need for a well-planned and flexible regulatory system that will protect our community's values of diversity and inclusion, ensuring that Tasmania remains a place for everyone.

The comments made by Ms Dow regarding definitions of concepts like short-stay, dwelling, and permits would augment the bill, but the measures around ensuring an effective regulatory system with meaningful data and appropriate penalties will all be for the good. I generally commend flip side the Government for taking this step. I believe it is a step in the right direction.

[7.45 p.m.]

**Dr WOODRUFF** (Franklin) - Madam Speaker, I am very pleased to speak on behalf of the Leader of the Tasmanian Greens, Ms O'Connor, who has been very passionate on the issue of housing and everything that can be done to mitigate the housing crisis in Tasmania. We have been in the grips of a crisis for some years now but it has in part been because of the impact of the rapid and unchecked growth in the short-stay market.

The most research on this matter was released yesterday. Anglicare produces an annual snapshot of the rental market focusing on people who earn the least. This year, the snapshot found fewer properties were listed statewide than were listed in the south in 2013. There has been a 60 per cent reduction in listed properties over the last seven years and there is increased competition. Clients are reporting competing against at least 40 applications per property and I have personally heard examples of more than 80 people turning up. It must be the most disheartening experience you could ever have to desperately need a house and find that you have 40 to 80 other desperate people standing there with you all fighting for one single property.

The snapshot Anglicare has done found that a single parent could only afford eight of the listed properties, all of which were located on the west coast. Only roughly 10 per cent of properties listed were affordable for a single person on the aged pension and most of those were shared houses.

The Human Services Dashboard data shows that it is still taking over a year to house priority applicants on the Housing waiting list. I think it is 56 weeks. The number of households assisted through the private rental assistance scheme has trended down since the last state budget. There is no doubt that Tasmania is suffering from a housing crisis of an alarming magnitude and there is no evidence of this easing at the moment.

Specifically, on the subject of short-stay accommodation, in 2018 the University of Tasmania's Institute for the Study of Social Change released a report titled *A Blueprint for Improving Housing Outcomes in Tasmania*. It showed Airbnb listings had grown from 1827 in July 2016 to 4552 in January 2018 and 76 per cent of these properties were entire properties. That data was taken from the analysis website, Inside Airbnb. The same website shows that a year later in January 2019 there were 5245 listings and 76.9 per cent of those were whole properties. This data is from Airbnb alone and given there are other short-stay providers in the market, the numbers could be much higher. This data shows that growth in Airbnb listings is still growing and the proportion of properties that are whole properties is not declining.

The 2018 Institute for Social Change Report made a number of recommendations. Most of those recommendations have not been adopted and the rest of them have not been meaningfully addressed. One of those recommendations was 'to regulate the number of entire properties that are converted from long-term rental to short-term holiday letting in key inner-city markets'. The Government has refused so far to consider regulating to cap or reduce the number of whole properties converted to short-stay accommodation.

In 2018 the Government had a chance with their Private Rental Incentive Scheme to pursue a neoliberal approach to reduce short-stay listings which would have been inefficient and small scale, but nonetheless the Greens believe it would have been better than nothing. Unfortunately, that approach was completely mismanaged and instead, what appears to have happened is a scheme to shift private rental into affordable rentals, perhaps to make public housing waiting lists look better.

This bill is perhaps the first positive step to address the impact of the rapid growth of the short-stay market that this Government has taken. It is unfortunate that it is a relatively small step that has taken so long.

The Government has referred to the housing crisis as well as various other failures under their watch as 'growing pains', a gross mischaracterisation that suggests that, for example, in this instance the housing crisis is primarily driven by population growth. But the Institute for Social Change's August housing update estimates that between 2016 and 2018 the Greater Hobart housing stock was 98 properties in surplus above the demand increase from migration. It also estimates that, conservatively, 697 properties were lost from the rental market in the Greater Hobart area from Airbnb listings alone, leading to a net shortage of properties of 599. That is 599 homes that are no longer available for a Tasmanian person in need to live in. These are really stark and quick changes that have happened. Calling them growing pains makes it sound as though we are moving out of some dark space into a positive space. It is hard to see any positive trajectory here at all.

Despite the Government's love of pretending it is getting the balance right, which the minister commonly states, it consistently favours making the wealthy wealthier over supporting the people



who are missing out. The Government's assumption that economic growth will lead to better outcomes for everyone in the community is obviously flawed because the evidence before us is that is not working. That is why the concept of the triple bottom line that emerged many years ago was established through the understanding that economic growth is simply not a catch-all that is going to produce social and environmental outcomes as well. Economic growth certainly does produce economic benefits to the parties involved in the market - for example, the companies involved - but it does not ensure, as we see in so many areas across Tasmania, that social and environmental outcomes follow. We were just looking at the north-west today; we are looking at salmon farming - there are clear gaps here, and this speaks volumes about the need for governments to step in and regulate.

Putting aside the well-evidenced and longstanding discrediting of trickle-down economics and comparing the gross domestic product per capita and the Gini coefficient of various countries shows us just how unrelated overall wealth and access to wealth is in countries across the world. The Gini coefficient measures the ratio of income equality to income inequality. Zero is complete equality and 1 is complete inequality. The United States' warning level is at 0.4. In 2017 Australia's GDP per capita was \$US53 799 and the Gini coefficient for Australia overall was 0.33, which is within what is called the 'adequate equality scale'. Canada had a Gini coefficient of 0.32; the United States had a higher Gini coefficient at 0.4. Scandinavian countries have a Gini coefficient of 0.28 and Norway has a Gini coefficient of 0.26. This demonstrates that ramping economic output alone is not a guaranteed way to ensure the equitable and fair ability to participate for all members of society. Those people who have the capital required to benefit from the short-stay market have been reaping returns.

Let us also reflect on the fact that this is a generational issue. People who are old enough were fortunate to live in an era when it was possible to purchase a house and pay it off with a mortgage that could be paid by a single family member's wage. They are reaping the benefits of the luck of their generation. Unfortunately, it is not the luck that my children, in their early 20s, are growing into. They do not have that luck because it is not possible for a family to afford to pay a mortgage on an average income level, with only one person in the family working.

The failure to regulate the rapid growth of the short-stay market is a perfect example of Government policy stimulating overall economic growth as well as growth in inequality. It is time for the Government to begin, 'getting the balance right'. As it stands, the Government does not do the balancing needed and they have been focusing their efforts on exclusively servicing wealthy property owners at the expense of other people, who do not own property.

While we support this bill, it does not go far enough. The Greens are calling on the Minister for Housing to take much more serious steps to address the impact of the short-stay market on Tasmanians, to create a regulatory framework that allows placing of a freeze on a conversion of new properties into short-stay properties in tight rental markets.

I look forward to the minister's response to those particularly constructive suggestions from the Greens, which have been here for a couple of years, to create the regulatory framework to freeze conversion of new properties into short-stay properties in tight rental markets and to properly address the impact of the short-stay market on Tasmanians. We look forward to hearing the amendments from Ms Dow during the Committee stage. We will look at them and consider our response. We are pleased to support this bill.

[7.57 p.m.]

**Mr JAENSCH** (Braddon - Minister for Planning) - Madam Speaker, I thank my colleagues for their contributions and their support for this bill. I will attempt to run through responses to the substantive issues raised as they relate specifically to the bill. There has been some other general commentary, which we will rehearse again in various discussions, but let us focus on this bill.

The point has been made a couple of times that this is a small step that has taken a while to achieve. First, technically, I thank the people who have been involved and who have created legislation on this topic from scratch in six months. We are the first jurisdiction in Australia to have reached this stage of considering legislation that will require all booking platforms to submit data that we can use for policy and planning.

Second, all the other issues that have been -

**Ms Standen** - You could have regulated it as a condition of point of entry to the market.

**Mr JAENSCH** - No-one else has done this.

**Ms Standen** - If you had been stronger in the terms of entry to the market in the first instance, you wouldn't have needed it, would you?

**Mr JAENSCH** - That would have been an Australian first, too. We are still leading. The good news is that all the other issues raised by Dr Woodruff, Ms Dow and Ms Standen about how we understand and manage the short-stay accommodation sector in the context of planning and policy, housing availability, et cetera, all requires real data and that is what this does. That is why it is a short bill. That is why many of the other topics raised and some of the suggestions of what could be added to this bill, here or in the other place, need to refocus on the purpose of this bill, which is to provide the data on the basis of which so many other things can be done and that no-one has ever had before. It is a very powerful thing to have this information. So much of what has been said and projected about the impact of short-stay accommodation and what to do about it is based on partial information, which will frustrate good policy-making.

**Ms Standen** - Yes, but you could have paused or had a moratorium 12 months ago and still worked on the bill, couldn't you?

**Mr JAENSCH** - We could have done lots of things 12 months ago, or nothing. What we did instead was to agree at the summit to obtain data. We tried a range of means to do so. We found a way to gain all of the data from all of the platforms in a legislative way, which is far more powerful than what was anticipated; even at that summit, which I did not attend.

I will step through and I will ask Ms Dow, because she put most of them down, to pick up if I have jumped over some of them. First, Ms Dow referred to the implementation time frame and plan. The critical time frame is six months from this bill passing. That is the point at which the first release of data is due. We have already had contact from booking platforms that want to set up their data management systems to be ready to give us that data when it is due. Between now and then, there is a period in which there is a fair bit of work to do, communication in particular.

I will give you some lines here specifically on that implementation process. Implementation of the bill will be accompanied by comprehensive education material. Fact sheets and tailored information packages will clearly outline the purpose of the bill, the applicable short-stay

accommodation, the obligations of both the short-stay premises providers and the booking platform providers. The existing planning requirements will also be reiterated by reference to the existing fact sheets and information packages relating to planning directive number 6 on the Tasmanian Planning Reform website. The Government will work with the booking platform providers during the transition period to assist with the distribution of information to existing and prospective short-stay premises providers and ensure that all parties are aware of their obligations under the bill.

The Government will also work with local government to distribute the information received from the booking platform providers and establish appropriate reporting on enforcement through the Department of Premier and Cabinet's Local Government Division. Data on enforcement and analysis of information received will be reported to Parliament at appropriate intervals following the six-month transition period.

A closely related matter was the definition of short-stay accommodation, Ms Dow. The bill does not specifically define short-stay accommodation. Instead, it defines at section 3 a combination of terms that describe certain short-stay premises that are the subject of the bill. It uses various terms but it characterises short-stay premises for the purposes of the bill and capture of this data. It does identify them as applicable premises, which the owner or occupier or an agent acting on their behalf enters into or seeks to enter into a short-stay booking service arrangement with a booking platform provider. There are definitions of all those things.

The purpose is not to try to identify short stay but rather the target of this bill which the data collection applies to. That relates to it being in one of the five residential zones in the planning scheme and having a booking mechanism enabled by an online third-party booking provider. In broad, that characterises what we are talking about, we believe, across a number of smaller and larger operators.

There was reference made to matters raised in the upper House. I believe there was an inference that further amendments might be sought up there based on matters arising. Again, it will be important for us to be communicating with the Legislative Council the central purpose of this, which is to get the data, and to do that narrowly within the confines of this bill because it is not designed to do any of the other regulatory activity. It is here to document and enable enforcement of and compliance with the PD6 regulations that are already there and that is all, and to remit that information so that it can be used for policy and planning purposes.

Most of the context I have been hearing about the discussion is what you will do with the data, rather than necessarily what this bill should have added into it as possible amendments. We will need to be very clear about that in our briefing and discussion with upper House members as well.

My concern is also that we would have liked to have this data by now. It would be good to have the data. Delays whilst considering further layers of functionality in this bill will slow us down and might need to be consulted again in some ways, because the bill has changed from its original intent. It is quite simple in its current form to give us the data to do the other stuff with and we need to do that as expeditiously as we can.

Ms Dow raised a range of things that were in the TasCOSS submission and I am not quite sure I got them all.

**Ms Dow** - There was only one about the oversight committee. There were a number of questions after that, but they were not related specifically to TasCOSS.

**Mr JAENSCH** - I do not believe that an oversight committee for this is anticipated.

**Madam SPEAKER** - I draw your attention to the fact that there are no backbenchers in the House and I sent a message to the Chief of Staff at least eight minutes ago asking to be replaced.

**Mr JAENSCH** - For you to be relieved in the Chair?

**Madam SPEAKER** - Yes, thank you. If someone could fix that.

**Quorum formed.**

**Mr JAENSCH** - Regarding questions on the oversight committee, et cetera, again as per the previous discussion, there are very few moving parts in the mechanisms that are created by this bill. The compliance with the booking and listing process is a fairly straightforward administrative one. It will have oversight from the Director of Building Control. The receipt and analysis of data following that will be the responsibility of the Planning Policy Unit and local issues and impacts can be dealt with at local council level.

This goes to a matter Ms Dow raised earlier in her contribution about how the footprint and the context of the short-stay sector is different in different parts of the state. The dynamics are different. Providing councils with the data lets them work out what that means for their area and gives them the ability to exercise their powers as a planning authority locally to set policy in response to that. At the moment an overarching oversight committee is not envisaged because this is about the extraction of data and then providing it to people who have existing responsibilities for policy at different levels.

Sharing of data was raised and I draw your attention to section 8 of the bill. The critical matter here is that the data being collected is subject to the Personal Information Protection Act and there has been very careful drafting to ensure that people's names and addresses and the details of their properties and when they are vacant, et cetera, is protected very closely.

**Ms Standen** - De-identified data is fine.

**Mr JAENSCH** - Yes. Section 8 provides for the parties who can use the data and what they can use it for. They include the Director of Building Control, a planning authority, a State Service officer, a State Service employee, or a person acting pursuant to a contract or arrangement with the Crown or a planning authority, and they may only use it for the required purpose. A person acting pursuant to a contract or an arrangement with the Crown could be provided with the data - and this could be University of Tasmania or TasCOSS or somebody else - to undertake analysis, but it would be within the confines of a contract which protects that data from being used for other purposes and protects the people who have volunteered it and who have provided it on behalf of third parties.

**Ms Standen** - That could be a fairly straightforward data-sharing agreement, for example.

**Mr JAENSCH** - It could be but it would need to comply with the PPIP Act to ensure we are not in breach of the undertaking that has been given. Therefore what the public sees is more likely to be information derived from data than the data itself. The data itself is going to be lots of lines and numbers. The insight is the important thing.

**Ms Standen** - It's the independent analysis and the capacity for that that we're interested in.

**Mr JAENSCH** - Then that sort of reporting can be shared.

As to resources for local government to conduct enforcement, my understanding is that local government already has obligations under LUPAA to pursue compliance and enforcement with PD6 and other regulations. To that extent, this data is a resource for local government to do its job.

**Ms Dow** - In LGAT's submission it was more around administration and the increase in permits that may be coming across councils front counters, and whether there would be additional resources provided to the sector for that.

**Mr JAENSCH** - It would be a very good thing if we see a lot more permits coming in, which is what we are doing this for. The issue at the moment is that local government has a responsibility to process those permits under the regulations as they are right now. This will give them the ability to assess compliance without having to invest in trawling through listings. Therefore it should be seen as a resource for councils and there should be mechanisms by which they can match data. Because it is going to be held in an electronic format, they should be able to match data without too much extra labour and generate lists of non-compliant or potentially non-compliant properties.

I see this as a resource for local government in order to do its job and then remit back to the Director of Building Control instances of apparent non-compliance for follow-up under this act, as distinct from the existing obligations that local governments have as planning authorities under LUPAA.

**Ms Standen** - This would have been one of those issues for that oversight committee to monitor and review.

**Mr JAENSCH** - Potentially, yes. It is envisaged that there will be reporting to parliament on a regular cycle, and it would make sense for that information to be publicly available if it is going to be presented here.

**Ms Dow** - Excellent, thank you.

**Mr JAENSCH** - Ms Standen made reference to the need to take account of local residents and local circumstances, which also goes to the point Ms Dow raised about the differing contexts in different communities - central Hobart, King Island, Ulverstone, St Helens, all different stories and different competing land uses effectively. Again, equipping those councils with real data gives them the ability to make informed local decisions and exercise their planning controls locally, as some already have done here.

Dr Woodruff, in the majority of cases the points you raised were more about what you can do when you have the data to manage, plan or develop policies around the place of short-stay accommodation in the mix of housing in different zones through existing policy and planning capabilities that local government has and other levels of government have as well.

**Dr Woodruff** - Our view is that this is a crisis and we need to take action. Collect the data sure, but do not wait. Balancing the risks at the moment - who is winning? Property owners. Who is losing? People who do not have a house. For us the balance and the action are not in the right direction. Yes, collect the data, but act first.

**Mr JAENSCH** - When you talk about who is winning and how many of them there are and all the rest, this will enable you to know.

**Dr Woodruff** - Sure. Meanwhile people don't have a house; they are homeless or in severe rental stress. Five hundred and ninety-nine houses gone in a year is a huge lot.

**Mr JAENSCH** - Yes, I hear you. They are the questions I had listed. Are there others I have missed?

**Ms Dow** - The only other one I had within the body of my presentation to the House was around a periodic review of the bill.

**Mr JAENSCH** - A review of the act?

**Ms Dow** - Yes, and I guess the effectiveness of what it purports to do like the collection of the data and whether it is effective in what it sets out to do.

**Mr JAENSCH** - My advice is that with regular reporting to the parliament the parliament is in a position to determine if it considers the bill has been effective.

**Ms Dow** - I accept that, minister, thank you.

**Mr JAENSCH** - You were good enough to share with me your proposed amendments earlier. Is that something we could discuss here, or would you prefer to take it into Committee and go through the clauses?

**Ms Dow** - Maybe if you speak to them now I can decide whether that has addressed them.

**Mr JAENSCH** - Are you happy for me to do this, Mr Deputy Speaker?

**Mr DEPUTY SPEAKER** - If you can answer some of the questions that have been put to you and save the House going into Committee, then yes. But I will not allow too much interjection from the Opposition.

**Ms Dow** - Could we move into Committee? There are only two and we can just move to those clauses and talk about it.

**Mr JAENSCH** - Can I move that from here?

**Mr DEPUTY SPEAKER** - You need to pass the second reading first. You need to finish your second reading in order to have that passed. Then the House can go into Committee if it wishes. If you have an indication of what the questions are then you can attempt to answer them.

**Mr JAENSCH** - Shall I proceed now to try to answer those questions and then you can determine if we want to go into Committee? Thank you very much for your advice, Mr Deputy Speaker.

The proposed amendments shared with me by the Labor speaker were regarding the nature of the data collected and the suggestion that the data collected could include the number of nights and beds booked in the short-stay accommodation. My advice is that this bill is not interested in the occupancy, rather the purpose of use of the dwelling and therefore its availability or otherwise for

rental or other use. The principle is that if a property is listed on a short-stay booking platform and the period it is listed for, it is out of the housing market. It is not available for other people to rent, and if that is the principle motivation for doing this we are not looking for anything else. Because we are doing this in the context of PD6 and those planning land use regulations we are staying with that classification of the use rather than any other insights into occupancy or how much money people made from it, or its potential impacts on other accommodation businesses or the tourism economy in the area. This is very much -

**Ms Standen** - I appreciate that motivation, but you are straddling two portfolios here. As a planning bill I understand that fulfils the purpose. However, as Minister for Housing you must appreciate that the additional information would be helpful for deeper analysis on the affordable housing sector.

**Mr JAENSCH** - No, sorry, this is a planning bill for a housing purpose. For affordable housing tenants if a property is listed for short-stay it is not available for long-term rental. Regardless of whether they were successful in getting bookings or not, I do not care. It is not available for rental as a house for someone to live in. That is the distinction we are drawing.

If we were getting into understanding the working dynamics on the visitor economy we would be doing this a different way and building other things into it.

**Ms Standen** - Yes, but it is the impacts on the working poor that puts downward pressure on public housing, which would be my interest in having the occupancy information.

**Mr JAENSCH** - I can understand that, but if it is available for short-term it is not available for long-term is the distinction that we drew. It enables there to be a yes/no inclusion.

**Ms Dow** - Is that information not of interest to Government, if you look at it in the context?

**Mr JAENSCH** - It may be and there may be potential to add other layers to this in the future. However, the exercise has been embarked upon in the residential zones only with a view to understanding the footprint of short-stay accommodation and its impacts on housing availability. It has been quite tightly prescribed around that. Section 7(2)(b) in the bill also notes that it is the period for which the property is listed for short-stay that is important. So that it is not available and for what period of time, regardless again of whether there are active bookings in that period of time, how many or how much they paid or any of those things. The number of bedrooms, though, I think is captured in the data, because it decides which category of no permit required, permit required, discretionary or otherwise the property falls into, so we know the form of permit it might be expected to have if it is compliant.

A second matter raised was the sharing of data, which we have discussed in section 8. The third amendment mooted was a clause regarding how revenue from penalties could be hypothecated to research analysis and planning for affordable housing and housing solutions in the areas most affected by short-stay accommodation in Tasmania. I have sought advice on this. There is no precedent we are aware of for a bill or an act to create a capacity to fine for non-compliance and to direct that revenue to any specific purpose other than into consolidated fund. The desired outcome is that there is no fine in the first place, but even if there is not we are getting data to do that research and analysis that the revenue under that proposal would be directed to.

If we were raking in heaps of fines and that was passing into consolidated revenue and we clearly had a further compliance issue there would be the additional capacity in the consolidated fund for us to make application to do that job. As I understand it, there is no mechanism we could easily insert here that would redirect fine revenue for a specific use. In some other legislation, say, parks passes, the revenue from them is redirected into management at a local level. It is not like a fine. Ideally, there is no fine received because compliance is achieved.

**Ms Dow** - We will have a good understanding of that by the reporting mechanism to the parliament to understand how much revenue is being gleaned.

**Mr JAENSCH** - That is the sort of thing which we could easily report on. It will be a fair question to ask under parliamentary scrutiny.

They are the three matters raised. If there is nothing more to add or to ask, I might wrap up.

**Ms Dow** - We accept your further explanation of each of those proposed changes. It has been good to put on the record. We will not be moving into Committee but there may be the opportunity to address those further in the upper House. We will pursue that. Thank you.

**Mr JAENSCH** - Thank you. With those comments, Mr Deputy Speaker, if there is no more advice forthcoming I would like, before we wrap up, to thank the people who have put this nation-leading bill together. In particular, Brian Risby and Sean McPhail from the Planning Policy Unit; Dale Webster, Director of Building Control; Rowena Gilbertson and Anthony Reid; Lauren Smith from my office. This has been a remarkable piece of work turned around in a very short period of time, with lots of consultation and changes and good support along the way and good input from many organisations across the whole spectrum - people who want this, people who are going to be affected by it, and others who have lobbied for it. I thank all of those people.

**Ms Standen** - Hear, hear. Thank you for the excellent briefings we were provided by some of those officers.

**Mr JAENSCH** - Thank you. We will pass that back directly. With that, Mr Deputy Speaker, I commend the bill to the House.

**Bill read the second time.**

**Bill read the third time.**

**Quorum formed.**

## **SENTENCING AMENDMENT (ASSAULTS ON OFF-DUTY POLICE) BILL 2018 (No. 6)**

### **Second Reading**

[8.36 p.m.]

**Mr FERGUSON** (Bass - Minister for Police, Fire and Emergency Management - 2R) - Mr Deputy Speaker, I move -



That the bill be now read the second time.

The Government made clear before the last election that we would reintroduce legislation to ensure that off-duty police officers have the same legal protections as on-duty police officers. This bill, prepared by our Attorney-General which I am taking carriage of today by prior agreement, such is our shared commitment to our sworn police officers, fulfils that election commitment.

It is unacceptable that police officers are subject to violence. Violence against police officers shows contempt for the law, for their authority as law enforcers, and for the norms of our society. Police officers do a vital, difficult and dangerous job. They support us by ensuring that we are a society ruled by law and order and, in turn, the law must support them.

We must do all that we can to support the safety and welfare of our police officers, including when officers are not on duty. In fact, off-duty police officers may be more vulnerable to violence because they are not as well equipped and do not have the same support as they have when on duty.

Nobody should be assaulted at work and nobody should be targeted when they have finished work because of what they have done during the course of their work. Violence has serious effects, whether the violence is directed against police officers or members of the public. It can and does undermine health and wellbeing, and negatively impacts our sense of safety and security. It can result in temporary or permanent injury, disability and death.

Victims of violence are at an increased risk of psychological harms including depression, post-traumatic stress disorder, anxiety and substance abuse. There are financial costs associated with violence - health costs, court costs and costs to workplaces that must replace absent workers.

The proposed amendments contained in this bill will help to vindicate the dignity of police officers subject to violence, express the community's disapproval of such offending, and provide as much protection as possible to off-duty police officers who are vulnerable to violence.

This bill amends section 16A of the Sentencing Act 1997. Section 16A provides for mandatory minimum terms of six months imprisonment for offenders convicted of offences committed in relation to an on-duty police officer, where the police officer suffers serious bodily harm caused by, or arising from, the offence. The bill amends section 16A by extending the existing mandatory minimum sentencing provision to police officers who are not on duty when the offence is committed, providing the offence was committed solely or partly because the police officer was a police officer.

It is entirely reasonable and consistent in principle that off-duty police officers should have the same protection that exists for on-duty police officers. There are no circumstances in which police officers should be targeted and assaulted because of their job without punishment being effected.

Courts will retain a discretion not to impose the mandatory minimum term of imprisonment where there are exceptional circumstances.

The Government is determined to do all we can to support and protect police officers, whether they are on or off duty.

I commend the bill to the House.

[8.40 p.m.]

**Ms HADDAD** (Clark) - Mr Deputy Speaker, similar to the legislation that we debated earlier this evening, this legislation was also previously attempted in the last parliament. It is an attempt to extend the 2014 changes to the law which implemented mandatory six-month sentences for assaults on police who were on duty to those who are off duty. It was attempted in 2017 and rejected by the upper House for similar reasons to the bill we debated earlier this evening.

I do not intend to re-prosecute my arguments around why I and the Labor Party opposes the legal construct of mandatory sentencing; that has been done well and truly this evening and I do not intend to put the Chamber back through those arguments. Suffice it to say that it is well established in legal commentary that mandatory sentencing as a legal construct is problematic and does not lead to a deterrence in crime. Indeed, it provides an incomplete guidance system to courts and can lead to unrealistic expectations in the community that there will be a deterrent in crime as a result of mandatory minimums being implemented into law. Indeed, they also often reduce the incentive for offenders to plead guilty. I have prosecuted those arguments in relation to the previous mandatory sentencing bill we discussed so I will not touch on those further.

I will touch on the difficulties I have which are unique to this bill. What is unique to this bill is that it extends the mandatory minimum to assaults on police who are off duty. I appreciate that much work has gone into drafting this, but I need to be given some more comfort from the minister representing the Attorney-General taking through this bill about how those bars set in the bill would be met in practice.

I concur with the minister's comments in the second reading speech that no-one should be injured at work and everyone should be safe at work. In fact, just last weekend I attended a small vigil held on Hobart's Parliament Lawns for International Worker's Memorial Day, small not because it was not well supported but because the weather unfortunately was very unkind to us on Saturday. Regardless of that, a small group of committed people gathered together on Parliament Lawns on Saturday morning to recognise and pay their respects to those who have been injured or have lost their lives at work. I am sure I am not the only one in this place who would argue that one death at work is one death too many. Everybody deserves to work in an environment that is safe.

Policing is an inherently dangerous profession. That is acknowledged and appreciated. The Labor Party supports those people who put their hand up for what is one of the toughest jobs in Tasmania. I also have no doubt that there are risks associated with policing which means you could be targeted for assault while off duty, because people know you are a police officer. Tasmania has small communities all around the state and it is not inconceivable that people could target a policewoman or policeman while off duty because of the fact that person is a police officer. We condemn such a decision from an offender to act in that way and hope people are not targeted in that way. It would be silly of me to argue that is not a possibility.

What I am worried about in this bill is that by introducing a new method of sentencing to the courts, the ability to establish that the potential assault was related to the person's profession as a police officer would be really difficult. I have different arguments associated with people who are on duty, but I would like to be given some more information about how a prosecutor might establish that in the court. It is worth reflecting upon the 2014 mandatory minimum sentence passed into law for on-duty police. I ask the minister in his summing up if he could inform me and the House as to how many attempts there have been to use that provision rather than the general assault provision.

**Mr Ferguson** - On duty or off duty?

**Ms HADDAD** - It would be on duty. I believe that law has been in place since 2014. There may be one case, and I am genuinely asking for this guidance from the minister, of somebody who was imprisoned under that mandatory sentencing regime as a result of an assault on an on-duty police officer. My understanding is that these provisions have not been applied for the remainder of assaults committed on police officers since 2014. The reason is that nobody wants to live in a society where assaults on anybody are encouraged, but I have a certain amount scepticism as to whether these provisions would be used to sentence and how easily they would come into effect to sentence offenders for assault, as opposed to simply charging and sentencing an offender for an assault under the general assault provisions that exist in legislation. I raise both questions with the minister in good faith because I want to be sure we work in a parliament that brings laws in for the right reasons and that will have the desired effect.

Returning to the debate on this legislation as it was attempted in 2017, I reflect on what our upper House colleagues said. It is well-known in the community that the independent-dominated upper House rejected this bill. While it is by no means unparliamentary to re-prosecute failed laws, it is a little unusual to see laws that failed a previous parliament to be reintroduced in exactly the same terms. I wonder how our upper House colleagues might be feeling, that their views are being re-tested on laws they have already assessed. In recognising that this bill was attempted in 2017 and failed the upper House at that time, could the minister please advise whether there has been any further consultation with independent upper House members since? Could he also advise whether any of the issues raised by independent Legislative Councillors in that debate have been considered by Government, and whether any of those arguments made by independent upper House members were considered for inclusion in a revised version of this bill?

In her comments on this bill in 2017, my colleague, the member for Rumney, reflected on the debate of the House in 2014, when the mandatory minimums for on-duty police were introduced. She noted at that time, the then police minister, Mr Hidding, member for Lyons, was the sponsor of the bill in the lower House. Mr Hidding made it clear to the House in introducing the mandatory minimums for on-duty police that the reasons for having the words on-duty -

The purpose of having the words 'on-duty' in there are to stop any nonsense of a police officer off duty without his badge later claiming that person should have known or he knows I am a police officer.

I am not suggesting a police officer would act in that way. These were Mr Hidding's words. It was important to reflect on those words in the context of this bill being re-prosecuted. I want to know how something under these provisions would be achieved, when the Liberal minister at the time of introducing the mandatory minimums for on-duty police recognised that introducing mandatory minimums for off-duty police was a much more difficult task for the parliament.

I do not need to say a great deal more about Labor's opposition of this bill. I put it clearly on the record that Labor does not condone assault in any way upon anybody in the community or elsewhere and supports the rights of all workers to be safe at work. Labor recognises some of the inherent dangers in some of the jobs we put our hands up for as Tasmanians. Politicians, doctors, nurses, judges or others who are known in their community for their profession, could be at risk of assault by virtue that they hold that job. I would be horrified to think that is the case.

What we know of mandatory sentencing is that offenders do not check the statute books to see what the sentence is or what the likely sanction is before committing an offence. Offenders do not do that. Other than for political reasons, why is this necessary? The existing assault provisions in Tasmanian law already cover the kinds of assaults we are talking about. I understand this sentencing option would be available to judges only if serious bodily harm had been suffered by the off-duty police officer. It is understood that term is not defined, but it is recognised at common law as somewhere between bodily harm and grievous bodily harm. How would a prosecutor make out that injury that, under the act, needs to have been suffered because of that person's job? The serious bodily harm needs to be directly related to the offending behaviour, to the assault. How much value would this add to the existing assault provisions that exist in the act?

I note the comments of then minister, Mr Hidding, member for Lyons, on the difficulty the government saw in trying to introduce such a scheme when the on-duty police - which is an entirely different argument - provisions were included in the act in 2014.

With those comments, Mr Deputy Speaker, I will conclude and welcome some clarification to my questions from the minister.

[8.55 p.m.]

**Dr WOODRUFF** (Franklin) - Mr Deputy Speaker, I will not go into a lengthy discourse about the position of the Greens on mandatory sentencing, irrespective of the category of people for whom it seeks to improve justice.

We have a long-held position based on the evidence of effectiveness, the views of the legal profession and the long-held views of Westminster parliaments that it is not appropriate to set legislation in parliament about mandatory sentencing levels. It does not improve justice outcomes in the community; it often has a counter-productive effect in terms of bringing people to court and getting convictions. Rather than encouraging that, people may not seek convictions because the mandatory term that would need to be imposed by the judge is viewed by the police, the DPP or anyone else involved in the case to be manifestly unfair in a particular circumstance.

That is not the best way to advance justice and seek healing for people who have suffered violence. That is the position that we have long-held and I will not go into more details.

We support concerns about violence against police, frontline workers, doctors, nurses and paramedics, who are particularly vulnerable. There are many attacks on paramedics and ambulance staff as well as police officers in situations where people are drug affected, or they are having to intervene in a violent situation. They are also at risk because people hold them personally responsible. They do not separate the person from the profession and they hold a particular officer or frontline worker personally responsible for an outcome that might have happened in a court case or a sentence that has been imposed. They seek revenge. We support police officers.

We believe there has been a serious lack of consideration about how this bill interacts with the Sentencing Amendment (Assault of Certain Frontline Workers) Bill 2019. I would like the minister to respond to what I am about to read into the House. He would be interested to know my position. I will spend more time talking about mandatory sentencing.

Two bills have been tabled. The bill before us was tabled last year. There is also the Sentencing Amendment (Assault of Certain Frontline Workers) Bill 2019. The Greens believe there has been a lack of consideration about how these two bills interact. They both seek to amend section 16A(1)(a) of the Sentencing Act 1997. This bill amends that section by extending it to apply to off-

duty police. It also provides a clarifying provision (2A) that the application to off-duty police officers only applies if the perpetrators knew the police officer was a police officer and committed the offence because of this. The Sentencing Amendment (Assault of Certain Frontline Workers) Bill 2019 also amends Section 16A(1)(a) of the Sentencing Act by applying it to all on-duty frontline workers. Together these two bills amend this provision by applying it to on-duty and off-duty frontline workers. If both bills were passed the provision in the Sentencing Act would read,

A. A person who is convicted of an offence against a provision of an Act committed in relation to a frontline worker while the frontline worker was on duty or was not on duty.

The Sentencing Act as twice amended would then provide the following clarifier in 2A -

For the purposes of this section an offence is to be taken to be committed in relation to a police officer who is not on duty only if the person who committed the offence committed the offence solely or partly because the police officer was a police officer at the time of the offence.

However, there would be no clarifying position like that for other frontline workers as defined in the Sentencing Amendment (Assault of Certain Frontline Workers) Bill, including correctional service officers, ambulance officers and medical or social services officers. The twice amended Sentencing Act would effectively provide then that mandatory minimum sentences would apply to offences against correctional service officers, ambulance officers and medical or social services officers whether or not the offender committed the offence because of the victim's profession.

These two bills as they have been drafted are incompatible. The Greens do not support either bill, let us be clear about that, and we will vote against both bills, but this is a matter of an unintended consequence, we believe, which we would encourage the Government to look at and see whether there is unintended consequence here because I do not believe it is the Government's policy to apply the current mandatory minimum provisions they desire to off-duty frontline workers other than police. This bill is about off-duty police workers and we have another bill before us of assaults on frontline workers, not on assaults to off-duty frontline workers.

We believe this would be the effect of combining the two bills and we suggest it needs to be properly articulated before parliament is asked to vote on either bill. We suggest that good process requires the Government to withdraw this bill and redraft it, containing both provisions so that they avoid an unintended clash. Certainly, at a bare minimum, the Sentencing Amendment (Assault of Certain Frontline Workers) Bill would need to be amended to deal with what is clearly unintended interactions between these two bills. As we see it, we have before us the option of the Government withdrawing this bill and redrafting it, or in the future amending the now tabled - it could be amended by the Government - Assault of Certain Frontline Workers Bill before it comes on for debate.

I hope the minister understood that and is able to provide some clarification and is clear that what we are seeking is some guidance on whether you think it would be better in process terms to withdraw this bill and bring the two bills together, or to amend the already tabled Assaults of Certain Frontline Workers Bill. To be clear, we do not support this bill and will not be voting for it.

[9.08 p.m.]

**Mr FERGUSON** (Bass - Minister for Police, Fire and Emergency Management) - Madam Speaker, I acknowledge previous speakers who have addressed this bill and thank them for their

thoughts and contributions. I am pleased to be able to welcome a clear statement - not that I thought it was in doubt, by the way - that nobody here tolerates violence against any of our employees, whether they work for the Government or not. I have heard that loud and clear. You did not need to say it, I already knew it, but I welcome the comments. Equally for our police, and I can tell you they strongly support this bill. Their representative organisation, the Tasmania Police Association, made it crystal-clear to me that this bill is very important to them, and I will have more to say to that in a short while.

We place great respect in our Tasmania Police service and our sworn police officers. Nobody has to say this, I know we would all take the view, that regardless of whether a police officer is assaulted on duty or off duty, it is unacceptable, so we can agree on that.

The question arises, though, that we have a mandate. The Government took this to the people. We were very clear about the importance of this and we ask people to consider this before voting. The second is that we have a significant technical inconsistency, or I might call it a loophole, in our current law. This parliament saw fit to introduce mandatory sentencing on one occasion prior to today and that was when the original mandatory sentencing bill for on-duty police serious assaults was passed by this House, I believe in 2014. It was agreed to by the Legislative Council and the very clear policy intent at that time, which was endorsed by our parliament, was to recognise that in the case of police they are there to enforce the law and are subject to a significantly greater risk of physical harm or a serious assault and that is, by the way, the daily reality for our serving police officers. They have been assaulted in the course of their duty. You could imagine the scuffles that might break out, the family violence situations that a police officer will walk into, the violent armed offender situations. Somebody calls 000 - 'Quick, we need the police.' The police get there within seconds or minutes and walk into scenarios where they do not fully know what they are going to find behind the door.

There is a memorial at Rokeby for police who have been killed in the line of duty and there are way too many names on that memorial, including Tasmanians' names. You do not have to be wearing the blue shirt to be targeted because of your profession. Police officers around Australia have been targeted and singled out for serious assaults, common assaults and even targeted kills, murders of police while they are not in their uniform, while they are not on duty. I say that as a technical expression; they are not technically on duty but they are targeted in their role as a law enforcer, somebody sworn to keep the public peace.

The Government in the previous term of parliament took on board clear feedback that we had received from Tasmania Police, Tasmania Police Association and a specific example which I will come to soon. Parliament made an important piece of law reform around protecting our police who are at significant increased risk. By the way, I have never personally in my 45 years come into the personal vicinity of somebody who is an armed offender but I will guarantee any police officer who has served for any small number of years will have. How about that for a different pace of life, a different walk of life? It will not take you long to find experienced police officers being able to reel them off case by case. It would be very terrifying and those incidents do not always end peacefully. We are living in a different walk of life to police. They walk into dangerous situations when others are told to leave, get out and protect their personal safety. When those people have left a dangerous situation, police are told to stay there more often than not, particularly when somebody's life is in danger. We have seen it recently.

The specific example arose in 2017. I am perfectly able to tell the story exactly how it was reported in the *Examiner* newspaper and I have spoken to this police officer who is more than happy

for me to dwell on his example. I hope it will serve as a reminder to those of us who usually live our lives pretty free and feeling quite safe and away from the underbelly of society that will do the wrong thing. This was the experience of Tasmanian Police Constable Matthew Dunstone, who I have just spoken to not 10 minutes ago in the hallway outside and had been good enough to call me back. He is happy for me to bring this up in public and I have the Police Commissioner's permission also. The question was raised in *The Examiner* -

But what protection is offered to the state's frontline workers when they are not in uniform?

The question has been raised after a Longford officer was coward punched at the Carrick Inn last year, 'because he was a cop'.

This is a report from *The Examiner* by the way of 12 July 2017 -

Constable Mathew Dunstone was out for a quiet drink when two men approached him and began 'sledging' him.

Constable Dunstone did not know the men personally and he had not spoken to them previously.

They made it clear, however, that they knew he was an officer.

'One of the guys saw me going outside and he said to me "you go and enjoy a cigarette, there's blokes down in Risdon who don't even get to have a cigarette anymore so you go and enjoy yourself",' Constable Dunstone said.

It was not long after that Constable Dunstone was punched to his face, without warning.

I deviate here for a moment to point out that coward punches can happen between any two people and one of them is doing the wrong thing. This was an incident not caused because of aggression, intimidation, jealousy or fighting over a girlfriend or whatever. This happened because the man was a police officer and they knew it and they singled him out. The evidence of witnesses and from Constable Dunstone testifies that he was singled out and attacked because he is a police officer, having a quiet one at his local. He was not in uniform, quite appropriately.

The story goes on, 'A struggle between the three followed and as a result of the altercation, Constable Dunstone suffered bruising and scratches to his face as well as pain in his ribs'. While he said the injuries were not major, as the bill would require for mandatory sentencing, he described the incident as disappointing.

'I was off-duty, minding my own business, having a quiet drink and watching the football,' he said.

'I don't think it was because of me as an individual, it was because I am a police officer and I wear a uniform every day and I stand for something ... which they may have had some views on.'

The father-of-three said the incident also affected his family, particularly his wife, Erin Dunstone.

'Being the wife of a police officer has its own worries, without having to wonder if he's going to be safe when he's off duty and we're out in public,' Mrs Dunstone said.

The matter was before the court on Tuesday. Supporting Constable Dunstone in court was Acting Sergeant Sam Lloyd, who said it was sometimes a bigger issue in smaller communities.

'You're socialising in the same community you're policing in,' he said.

That is very Tasmanian. The story goes on -

It's not the first time a Tasmania Police officer has been the victim of a targeted attack.

In 2013, an explosive device was attached to a police officer's car outside of his home in Devonport. In 2007, a marked police car outside an officer's home on the North-West was fire-bombed.

**Ms Haddad** - None of these would come into the scope of the bill, minister, with respect.

**Mr FERGUSON** - I am quite happy to take that interjection because it helps the debate. In this case, I make no suggestion that the level of harm would meet the threshold of serious injury as required under this bill, in attracting a mandatory sentence of six months imprisonment. I am setting up the structure of the debate for us to appreciate from our privileged position of these green leather chairs in one of the safest buildings in the country, that we have to see it how it is for our 1254 sworn police officers, who are out there looking after us.

If there was an incident here tonight, who would the Sergeant-at-Arms call? The Sergeant-at-Arms would call the police, probably the same number any other member of the public would call and who would we expect to come? We would expect the police to come and we would be feeling very confident. We know that they would come and, with whatever fears they may have, they would enter this building and protect us. That is what they would do. That is what they are trained for and that is what they are sworn to do.

To Ms Haddad, I welcome the interjection. The same story could well have ended very differently. It could have ended in tragedy. We know even a single punch can kill. It could have ended in a targeted but more brutal attack. We would absolutely be asking, what would be the appropriate penalty? The level of seriousness of the assault is one of the protections of this bill. I hate to use the word minor, but in more of a common assault and a minor offence, even against a police officer, the bill does not attempt to capture that for the purposes of a mandatory jail term. We need to be reminded that we have today, in our law, protection for our serving police officers while they are on-duty; mandatory sentencing of six months at least for a serious assault.

I am making an argument that, whether the uniform is on, if the offender has targeted that individual person on the basis of their work as a sworn police officer, this House should not cast an opinion about one being worse than the other in the penalty it should be attracting. We have an



inconsistency in the law that this bill specifically seeks to address. I hope I have made that point clearly. I spoke in the hallway with Constable Dunstone and I asked him what he would like me to say. He said that if people knew that attacking a police officer attracted a mandatory, guaranteed jail term, he does not think he would have been assaulted at all. His opinion is worth more than mine because he is living it and he has also experienced it. I invite members of this House to also choose that opinion as valid.

In putting this bill forward, the Government is not seeking to do anything new for police officers. We are seeking to take out an inconsistency. That may provide some comfort for people on the other side who are not usually supporters of mandatory sentencing. We have mandatory sentencing for serious assaults against police officers. That is good. Thank you to the parliament. The problem is that it is inconsistent. Police officers are sworn, when they are on-duty and off-duty. They can be targeted whether they are on-duty or off-duty. When you think about the case I read earlier, from 2007, that police officer was targeted at their family home. I do not know the circumstances more deeply but you can imagine how that is so aligned to the nature of being off-duty.

Ms Haddad, you asked me if there have been any examples of the present act being applied or if the present protection for mandatory sentencing for a serious assault against police officers has been applied? Before I tell you answer, if you will forgive me for tantalising you on this, it would not worry me if the answer was zero. It probably would not worry you either, because we would always be wondering; maybe it is because the law has had a deterrent effect.

**Ms Haddad** - That is not impossible.

**Mr FERGUSON** - If it was a small number, you would say they received their due punishment and maybe we have avoided it being a bigger number. The number is one. The court has considered it four times, indeed, five. There were four in total, therefore the prosecutors have attempted to run the argument four times. On one occasion it has been accepted by the court and that is the McCabe case from November 2017. This was an instance in which one of our Tasmanian Police sworn officers suffered a hit to the head with a baseball bat. That person went to jail, having been convicted first because sentencing is not considered until after the conviction, right? Having been convicted of the offence, it became then a question of what the penalty should be. In that case, if that police officer who had been targeted, hit and attacked with a baseball bat around the head - and, by the way, had to also meet the threshold of serious bodily harm - had not been on duty then that sentencing provision could not have been used.

Ms Haddad, the answer is one. I would like it to be zero in future but I suspect it will not be. I want the same protection to be offered to off-duty police officers like Constable Dunstone and the future Constable Dunstones.

There was also a question from Ms Haddad as to how the prosecutor would establish that the offender knew that the off-duty person was a police officer.

**Ms Haddad** - And whether it was linked to the offending.

**Mr FERGUSON** - Yes. This would be a matter for the court to determine, not us. We do not have to worry about that ourselves as we make this law. The bill has been drafted professionally by OPC and it is the usual case that the prosecutor would need to establish beyond reasonable doubt, which is a very high threshold of proof, that a victim was assaulted because he or she was a police officer.

Having established a conviction earlier, if it is not proved beyond reasonable doubt that the victim was assaulted because he or she was a police officer, it would be sentenced under existing principles that apply beyond police. This would be established on ordinary principles of evidence. The accused would be interviewed and witness statements would be obtained. It would be a question of whether or not the evidence to establish the intent existed. If it does not exist then clearly you cannot make a case. If it does exist but you cannot prove it, then the principles could not be applied - you have to be able to prove it beyond reasonable doubt. Again, it is one of the implicit - not in this particular bill - guarantees of protection that exists in all cases of criminal law that it needs to be established beyond reasonable doubt, so again this has so many protections in it.

Dr Woodruff, you have done your homework; I tip my hat to you. The bill, together with the other bill which is not mature or ready for debate in this House - the bill that was tabled that deals with other frontline workers - the Government has been advised of this through the drafting process, through OPC, and we are aware that depending on which bill was presented to the Legislative Council and in which order, it would require a Government amendment that would be prepared by OPC to ensure that the two bills are able to coexist. That is something the Department of Justice and OPC are very aware of. I have already been briefed on it prior to coming in here today to prepare for this passage of this legislation.

One of the principles that sits here is that in bringing these bills to our House we do not presume anything. It is unclear whether the bills pass and in what order they will pass and the Government must respect also the Legislative Council and its processes, and the order in which the bills are brought to the Legislative Council will dictate the way in which the two bills will work together based on the order they are presented.

I can assure you the Government has been aware of this conflict for months. It is not a conflict that is a problem. It is a drafting convention and will be addressed in that way, and hopefully this bill is passed by this House with your support, Dr Woodruff, I hope.

**Dr Woodruff** - It's probably a drafting stuff-up, not a drafting convention. Surely that's more accurate.

**Mr FERGUSON** - I am not going to talk to you about what happens in Cabinet. I would never do that, but I can assure you that this is not a stuff-up. It is a known fact that depending on the order in which the bills are presented in the Legislative Council, it will be a simple process of facilitating an amendment to one of the bills, depending on which one goes first.

**Dr Woodruff** - Was there a reason why you didn't package the bills together?

**Mr FERGUSON** - They are different policies. It is as simple as that.

**Dr Woodruff** - Perhaps trying to get more mileage out of populist mandatory minimum sentences and being tough on crime rather than really looking at the best legislative approach.

**Mr FERGUSON** - I can assure you that this has been prepared by the very best drafters we have.

**Dr Woodruff** - Directed by you. I would expect nothing less.

**Mr FERGUSON** - I invite you not to reflect on their work as a stuff-up because it is not. It is a known reality and it will depend on it passing this House. It will depend on the other bill passing this House in future and the matter will be resolved based on in what order they will be presented to the Legislative Council.

**Dr Woodruff** - For the record, I was not impugning the OPC; I was probably referring more to the directions they received.

**Mr FERGUSON** - I think it was a political shot. I have made the case, I hope, that police are targeted because of their work.

**Ms Haddad** - Minister, by interjection there was another question I asked, but I admit it was when you were speaking to advisers.

**Mr FERGUSON** - What was that?

**Ms Haddad** - Recognising that the bill went through a thorough debate in the upper House in 2017, I wondered whether there had been any consultation with upper House members or any consideration by the Government of the issues that were raised by independent upper House members in the drafting of this.

**Mr FERGUSON** - I am aware of conversations but I am not prepared to divulge confidential discussions between members of parliament.

**Ms Haddad** - I would not ask for that. I wanted to know whether their concerns were considered by Government?

**Mr FERGUSON** - We have considered the arguments that were made during the debate, yes. I want to assure the House that the Government feels this is important. We know that police are targeted today because they are police officers. We need to protect our police because they are the ones who are the last men and women standing in a conflict, in a dangerous situation. The reality is it is happening now. Police are being targeted, they are aware of that risk and they are advocating through their professional association for law reform. We owe it to them. We promised them that we would do this. Arguments around the merits or otherwise of mandatory sentencing should be set aside today, because the law already provides for it. It is already in place. We already have six months jail minimum for somebody who is convicted of a serious assault against a police officer who is on duty. It is inconsistent because police do not stop being police when they finish their shift.

I strongly commend this bill to the House. I particularly thank the Department of Police, Fire and Emergency Management and the Department of Justice for their work in preparing this legislation. I particularly thank Constable Dunstone, who was good enough to allow me to share his story in the way that I have. I hope those words will resonate with members of our House.

I commend this bill for the purpose of sending a clear message of support and delivering a practical support to those who protect us.

**Bill read the second time.**

**Madam SPEAKER** - The question is that the bill be read the third time. Those of that opinion say Aye, those to the contrary, No.

**Dr Woodruff** - Divide.

**Madam SPEAKER** - Sorry, I have a call for a division.

**Dr Woodruff** - I said divide.

**Madam SPEAKER** - Yes, she said 'divide' just as the Clerk stood.

**Ms Haddad** - Yes, she said 'divide'.

**Mr FERGUSON** - On a point of order, Madam Speaker. I concentrated very carefully on what just transpired. You called for the ayes and the noes, you gave it to the ayes and nobody called divide in the time, so the Clerk then read the bill a second time. The bill has been read a second time and it would be wrong to attempt to call a divide and revisit the matter again.

**Dr WOODRUFF** - Point of order, Madam Speaker. I absolutely dispute that event. That is not what happened. The Clerk stood up and I said 'divide'. I made it very clear.

**Ms Haddad** - She did. It is late and voices are soft. She said divide. I heard it clearly.

**Madam SPEAKER** - I am in a very difficult position because I did proceed and say divide as the Clerk was standing. To me it was spot-on timing. I am not trying to be difficult here but can we check on *Hansard* and ask the Clerk. He said he does not think so. That is how close it was from my point of view. I need to seek advice as to what to do here.

**Dr WOODRUFF** - Madam Speaker, point of clarification. Let us be clear that the point of this exercise is to record for Tasmanians the activity of the House and the vote of the House. The Greens want it to be recorded formally. We have requested a division. I do not understand what the problem is.

**Mr FERGUSON** - Madam Speaker, far be it from us to not want the wishes of each member to be heard. It is usual in this House that many votes are carried without a division being called. It has happened at least once today already. I did not hear it, but I have heard the Clerk read the bill. I am put in an awkward position because I am not prepared to agree to going through that process again when the bill has now been read.

**Dr WOODRUFF** - Point of order, Madam Speaker. It is pretty clear, and *Hansard* will show, that on every bill of this type, which is highly controversial, the Greens always request a division. This is not any different and we request a division.

**Ms O'BYRNE** - Point of order, Madam Speaker. I am sure nobody wants to see the will of the House frustrated. In order to progress this matter, there have been occasions when ministers have made errors and not called and allowed votes to go through. They have asked for those votes to be recommitted to the House because they have made an error. The minister would agree with that. There have been times when there is clearly a will of the House to resolve the matter. Those things have occurred and the House has been able to recommit the question to ensure that the will of the House is not frustrated.

It would be appropriate for you to re-put the question. If you call it for the ayes and nobody calls for a division, then obviously we can move on. At this stage it seems very clear that there is a concern that the will of the House will be frustrated. We do not want to end the day that way.

I suggest, Madam Speaker, that the House re-put the question to ensure no-one feels it has not been dealt with appropriately.

Given this circumstance, when Dr Woodruff is absolutely clear that she called for a division, and speaking to other members of the House they believe she called for one, it would be appropriate to re-put the question.

**Mr FERGUSON** - Madam Speaker, I thought it was my lucky day to get the bill passed with the Labor Party and the Greens opposing it. Maybe seeing the practicality of not calling for a division, on the basis I did not hear Dr Woodruff call for a division, but that she says she did, I take that on trust, and am happy for the question to be recommitted.

**Madam SPEAKER** - I did see you say it. It is my fault for not delineating that time line. I take full responsibility for it. We will recommit it if that is okay with everyone.

The Clerk does make a point: in future whoever wants a divide or any other quorum call or anything else, to speak out loudly so we do not get this happening again.

#### **The House divided -**

##### **AYES 11**

Ms Archer  
Mr Barnett  
Ms Courtney  
Mr Ferguson  
Mr Gutwein  
Mr Hodgman  
Mr Jaensch  
Mrs Petrusma  
Mr Rockliff  
Mrs Rylah  
Mr Shelton (Teller)

##### **NOES 11**

Mr Bacon  
Dr Broad  
Ms Butler  
Ms Dow (Teller)  
Ms Haddad  
Ms Houston  
Mr O'Byrne  
Ms O'Byrne  
Ms Standen  
Ms White  
Dr Woodruff

##### **PAIR**

Mr Tucker

Ms O'Connor

**Madam SPEAKER** - The result of the division is 11 Ayes and 11 Noes. Therefore, I have to use my casting vote pursuant to Standing Order 167. Again, I am heavily conflicted because this is another case of mandatory sentencing which I do not agree with. However, I have had numerous requests from the police force and ex-policemen begging for support on this because it adds to their PTSD and secondary wounding when they are identified for something that was in the line of their duty.

While I do have reservations, I am called upon to make a decision. In this case, it is a technical loophole in the existing bill so I will be casting my vote with the Ayes.

**Third reading agreed to.**

**Bill read the third time.**

## **GREATER HOBART BILL 2019 (No. 11)**

### **Second Reading**

[9.45 p.m.]

**Mr GUTWEIN** (Bass - Minister for State Growth - 2R) - Madam Speaker, I move -

That the bill be now read the second time.

The Greater Hobart Bill has been developed to provide a framework to support collaborative decision-making between the Clarence, Glenorchy, Hobart and Kingborough councils and the Tasmanian Government. The legislation is a key commitment identified in the Hobart City Deal, signed on Sunday 24 February 2019.

The focus on the central Hobart area builds on the vision identified in that partnership and will support the development of an urban overlay to complement the Southern Regional Land Use Strategy, which captures a broader range of drivers and considerations.

The Greater Hobart Bill will further the vision in the Hobart City Deal by:

- prescribing objectives that identify priority areas for collaboration;
- requiring the establishment of a work program to identify actions to achieve those prescribed objectives, and
- creating governance arrangements to support the development and implementation of the work program.

The prescribed objectives will apply a whole-of-area lens across the four municipal boundaries to:

- strategic planning decisions;
- facilitating the efficient flow of transport;
- management of existing, and planning and development of new cultural, sporting, recreational and community facilities;
- encouraging urban renewal and affordable housing that enhances amenity, liveability and links to passenger transport systems;
- encouraging the development of hubs and precincts such as for science, sport, recreation, social activity, economic activity, industry, education and the arts; and

- integration of the above objectives to provide for co-location, with transport and service infrastructure.

While the bill has been prepared with a focus on central Hobart, it also specifically includes an opt-in mechanism. This will enable any council in the southern region to be invited to be part of the work program and support the implementation of specific actions. Importantly, this will be at the discretion of the invited council.

The process to develop this bill has been collaborative. At the end of 2017, the then Lord Mayor, now Madam Speaker, wrote to the Premier on behalf the Clarence, Glenorchy, Hobart and Kingborough councils proposing the establishment of a legislative framework to support collaboration. The Premier supported this suggestion, noting the Government's intent to pursue the proposal as part of the suite of initiatives being progressed through the development of the Hobart City Deal. This commitment was reflected in the final Hobart City Deal, signed on Sunday 24 February 2019. However, work to develop a Greater Hobart Bill commenced shortly after the Heads of Agreement to progress a City Deal for Hobart was signed with the Australian Government in January 2018.

A dedicated working group was established in early 2018 comprising the secretary of the Department of State Growth (Chair), the CEO of Infrastructure Tasmania, the general managers of the four councils, and Australian Government representatives.

Supported by this forum, the Greater Hobart Bill has been collaboratively drafted at all stages. This includes from the early scoping to determine the approach and structure of the bill to throughout the drafting process. Those meetings are continuing to support the development of regulations that will help guide the Greater Hobart Committee and Greater Hobart Advisory Group established through the bill, and to prepare material to support the development of the work program.

This work undertaken by senior officers was also supported by formal engagement with councils. Following the resolution of the October 2018 local government elections, I wrote to the Lord Mayor and mayors of the twelve southern councils to provide a copy of the draft bill and to seek feedback. Nearly seven weeks was provided to ensure all councils had time to consider the bill.

The feedback received through this process was considered by the joint Australian, Tasmanian and local government working group, which informed my further amendments to the legislation. The final bill was provided back to the working group for a final review before my subsequent tabling of the bill in this House.

Madam Speaker, this legislation provides a shared way forward. It has been collaboratively drafted and will provide a forward-looking work program to support a shared approach to strategic decision-making and planning in the central Hobart area. I commend the bill to the House.

[9.49 p.m.]

**Ms DOW (Braddon)** - Madam Speaker, it is my great pleasure to speak on the Greater Hobart Bill 2019. I thank the minister and Anne and Michael for their briefing on Monday. I will say from the outset that we will be supporting this bill but I have a number of questions that I intend to ask the minister about its contents.

I understand the purpose of the bill is strategic collaboration between four councils - Clarence City Council, Hobart City Council, Kingborough Council and Glenorchy City Council, and that it is an important governance framework for the Hobart City Deal. It is important to take a moment, as the Minister for State Growth has done, to reflect on the history of the bill.

At the end of 2017 the previous Lord Mayor, now Speaker of the House, the honourable Sue Hickey, wrote to the Premier following the completion of the local government reform feasibility study and the subsequent production of the SGS Economics Report - Greater Hobart Local Government Reform and its recommendations seeking the development of a legislative framework for strategic collaboration across the four local government areas in the Greater Hobart region. Strategic impacts and the benefits of working together were the major outcomes of this study.

I want to read from the introduction of this study because I think it sets the context well around the background of this report.

**The analysis in this report clearly shows that these strategic impacts overwhelmingly dominate.**

For the Greater Hobart councils, the case for strategic opportunities is especially strong. Planning for future growth, i.e. where people are going to live, and where they will work and how they will travel, is most effective at the appropriate geographic scale, i.e., the metropolitan level. Capital city regions like Auckland, Brisbane, Toronto and Vancouver have been able to capitalise on the benefits of integrated planning and governance of metropolitan affairs.

Better planning and decision making across greater Hobart can deliver:

- a more sustainable metropolitan area through the progression of a more compact, multi-nodal spatial form of urban development
- a more efficient transportation system which better supports urban development and reduces car dependency and congestion costs
- a more productive economic base given the agglomeration economies that result from the above-mentioned benefits
- a more effective tourism promotion and development strategy, resulting in increased visitation and tourism spending
- a more resilient pattern of urban development, as natural hazard areas are better managed and damages as a result of extreme events are reduced, and
- a better coordination and sequencing of social infrastructure and social services delivery.

I then go to the next page, which says:

For all reform options, it is assumed that a Hobart Capital City Act is introduced that recognises the relationship between the city government and the state government, and the associated responsibilities of being a capital city. Tasmania is currently the only Australian state without a Capital City Act and its usual



accompaniments, i.e. a metropolitan-wide and integrated land use and transport strategy, and an economic development strategy.

I note also from this page in the report:

For any form of collaboration to succeed in the future there is a need a) to involve the state government b) to ensure there are clear roles and responsibilities for member councils and the State c) to have specific requirements on what the Act must deliver and d) to ensure outcomes support the interests of the wider community by removing the opt out option of single members.

I think the introductory few paragraphs in that report are important.

The reference to the Capital City Act is particularly important, given the absence of one in Tasmania but not in other states around the country. There is a need for a capital city lens when planning for tertiary services and activity centres in the greater Hobart area but it is also important that the implications for regional Tasmanians and closely located outlying population centres are given due consideration. This will inform the strategic growth that the Government is so committed to ensuring and the inclusive growth which is fundamentally required across the state. This needs to be a very important component of the Hobart City Deal also.

I am personally very interested in the outcomes of the local government reform this Government rolled out when it came to government in 2014 and the progress of those feasibility studies around the state. This legislation is a by-product of this Government's ad hoc reform process. I commend the local government mayors and general managers who have worked collaboratively and very hard to get this legislation right and who initiated its development.

I reiterate to the House tonight the importance - as I did in my state-of-the-state reply - of a government constructively working together to achieve the objectives of this bill and the Hobart City Deal. Let us be honest, this state Government does not have a good track record of working with local government. I am pleased they have taken a different approach to working constructively with local government through their tabling of this bill in the House. In the past we have instances like the failed TasWater takeover where the state Government has had quite an aggressive approach to working with local government and it is so pleasing to see that there has been a change in the way in which the state Government wants to work with local government.

I also note the importance of Part 4 in the bill regarding adjunct councils. It is very important that outlying councils are given the opportunity to be involved in this strategic planning and work plan development. The reality is they are very much part of what happens in Hobart. They are very important in planning for traffic management, future settlement patterns and subsequent activity centre development. Can councils seek inclusion to be part of that working group or do they have to be invited?

This also reinforces the importance of the STA framework for regional councils and the continuation of this governance framework. I will look at city deals while I have a chance because we have not had the opportunity to fully examine that in the parliament. In 2017, I attended a meeting with the City of Cambridge on their city deal. Madam Speaker was part of that meeting, as part of the delegation that travelled to the UK with the University of Tasmania and local government representatives. That deal was titled the Greater Cambridge City Deal. I will look at how that compares to the Hobart City Deal because I found that interesting.

The Greater Cambridge City Deal aims to enable a new wave of innovation-led growth by investing in the infrastructure, housing and skills that will facilitate the continued growth of the Cambridge phenomenon. It acknowledges the region's strong track record of delivering growth and seeks to support those existing and new businesses in achieving their full potential. The deal agreed between government and Greater Cambridge allows Greater Cambridge to maintain and grow its status as a prosperous economic area. Our deal will create an infrastructure investment fund, accelerate delivery of planned homes, enable delivery of extra new homes on rural exception sites, deliver 400 new apprenticeships for young people, provide national and local public sector investment that will leverage private sector investment, and create a government arrangement for joint decision making between the local councils.

The point I refer to because they were not included in the Hobart City Deal but could have been, are skills and training. There is inclusion of the STEM proposal for the University of Tasmania. We visited an outstanding STEM facility on our tour of Cambridge. I believe the University of Tasmania would like to see something of a similar nature built here in Hobart. There is a real opportunity when we look at skills shortages across Tasmania to look more collaboratively across levels of government about how we address some of those skills shortages across our state. That was an anomaly from the City Deal. The skills system was supporting employers to increase training, enhancing information advice and guidance in both sectors and increasing the uptake of apprenticeships in growing sectors. If we look at the Hobart City Deal, we will see that there is a major focus around Antarctic and science precinct development and there is also a reference to education around the STEM facility. It would be very interesting to understand how that will evolve and what opportunities there will be for further education and training for people in the city's capital as part of that development.

I have consulted with member councils and my understanding is that this is an initiative they support wholeheartedly and want to be involved in. They have worked hard toward a really good deal for local government as part of this process and I commend them on that.

I have a series of questions in relation to the bill that I would like to put on the record and seek responses for from the minister. The first is around Part 2 in the bill, administration, and that being clause 6, the Great Hobart Committee. Is the minister satisfied that the composition of the Greater Hobart Committee rules out a conflict of interest for those ministers who hold the dual responsibility of local government and state growth and planning and housing? Arguably, these ministers have an important role in this legislation and they have dual roles.

Clause 7 is around the Greater Hobart Advisory Group. We raised this in the briefing we received but I would also like to better understand if consideration was given to widening the scope of the membership of the representatives to those from the social service sector, education and the like, toward a more collaborative approach to the advisory committee.

Part 3 refers to the work program and review of the work program. I would like the minister to explain the review process and how that works. Is it flexible and will it be a fluid and flexible working document that can be amended from time to time, rather than at certain points outlined in this legislation?

Part 4 addresses the adjunct councils. It is important that outlying councils are given the opportunity to be involved in this strategic planning and work plan development. The reality is that they are much part of what happens in Hobart. They are important in planning for traffic management, future settlement patterns and subsequent activity centre development. I would like

to better understand if councils can seek to be included at certain times in the working group or whether they have to be invited by the committee.

In part 5, I seek clarification from the minister that the regulations will be tabled in the Parliament. I am interested in the expectation on councils' budgets and the development of inter-governmental funding agreements. I refer to the governance section in the Hobart City Deal, which notes that -

The Tasmanian Government will provide secretariat and project management services for implementation of the Act and work program at an estimated cost of \$4 million over the term of the City Deal.

Could the minister break down that \$4 million and what will be delivered as part of that, whether that is purely around administrative function or how funding will be allocated for the projects determined through the work plan of the group?

[10.01 p.m.]

**Dr WOODRUFF** (Franklin) - Madam Speaker, the Greens are pleased to support this bill. All great cities around the world have removed the artificial boundaries of municipal areas and have some mechanism that enables planning connectivity across municipal boundaries because that is the way we move in society. We do not stop at the border of Clarence and start at Hobart as a different person in a different car in a different way. We need seamless transport routes and we need green spaces that move between councils and make connections between wild places like kunanyi. Hopefully in future we will make the connection between kunanyi, the Domain and through to the Derwent River. That is the sort of beautiful city that Hobart could be looking toward in the future. We could be looking toward a city that has truly liveable outdoor areas, where we have removed the gnarled traffic-congested roads those of us who live in or travel through Hobart have to endure during peak hours; those long periods stuck behind diesel and petrol cars with fumes and all of the other dangers and unpleasant aspects of the modern car environment.

This bill enables us as a city to look toward a future, because infrastructure planning has to be with the long-term in mind. In 10 years' time, the planet has to be using about 50 per cent to 60 per cent less fossil fuel. We have to move away from the level of carbon dioxide emissions we are currently emitting, which is so damaging to the planet's biosphere. This is a step in that direction. We believe it will enable the councils to work on the things they have already had conversations about but have been, as I understand it, hamstrung by the lack of a legislative mechanism to move forward with formal connections between council areas. Funding can be applied for with confidence and plans can be made in the knowledge the project is not going to fall over on a whim. It will transcend electoral cycles or minor changes between councils and allow us to look at the city as a whole unit.

We are very happy to support this bill. There are some missed opportunities. It is disappointing to see the absence of the University of Tasmania, for example, in the conversation and in the structure of the advisory committee. I believe that whether you agree or not, whether you like it or not, the University of Tasmania has made a strong stand and a public decision that they will move to the centre of Hobart. This is going to be a massive change and it has been signalled as such for a long time. It will be a massive change to transport movements, pedestrian movements, commercial life and social activity in the middle of Hobart. It will also mean people, hopefully, coming in from Sorell, New Norfolk and the southern parts of the state. It is moving into the middle of Hobart so that students will be more attracted because of the shorter transit time to come from

those regional parts of Tasmania and attend university. There is obviously going to be a big shift in transport patterns because of the university moving into the middle of Hobart.

I thank the department, Michael Kerschbaum and Anne for the briefing they provided the Greens on the Greater Hobart Bill; it was very helpful. One of the things I raised was a question about the make-up of the advisory group. As it stands, the Greater Hobart Advisory Group is the body that does essentially the busy work on behalf of the committee. The advisory group will comprise the general managers from each of the four councils, Clarence, Kingborough, Hobart and Glenorchy, the secretaries of the four ministerial departments of Infrastructure, Housing, Community Development and Economic Development, and the CEO of Infrastructure Tasmania.

The addition of the CEO of Infrastructure Tasmania can be argued as an important person to be on an advisory group but in the function of providing advice I would argue that there are other groups that ought to have been represented. If we are going to expand the group out from just the GMs of councils and departmental heads of ministerial bodies that are on the committee, which this is what the bill does, then I would argue it would be appropriate to consider advisors from the community development and social services sector, given that the objectives of the bill include:

Promoting, encouraging and providing affordable housing, urban renewal, liveability and ease of access to places and facilities.

That is one of the objectives of the bill in clause 5(d). In order to do that you really need to be in touch with the communities who are affected - social services, the providing services, understanding the impacts on the local communities and all of the different groups involved in providing support and services for community groups. I would put to the committee that when they are developing the regulations for the meetings and procedures of the committee they may consider drafting in as a member of the advisory group, to co-opt, effectively, a person like the CEO of TasCOSS. A person who represents such a large grouping of the social service sector agencies is the sort of person I would have thought would be a useful addition to the advisory group. It might be from time to time that the formal inclusion of a relevant person from the University of Tasmania might also be an important person to have co-opted onto the advisory group to provide the best advice for the Greater Hobart work program.

My other comments about the bill relate to what I see as a missed opportunity. I have had a conversation with the minister about this and I understand that the minister sees this as a mechanism to bring the councils together and provide the legislative framework for them to cooperate on the work program that they collectively develop. However the state Government has a responsibility for the whole of Tasmania. The state Government has a responsibility to make sure we are looking to the future with an eye to the issues that all councils need to attend to. Fundamentally the Government is voted in to take carriage of the big issues and the planning for the state.

It is not sufficient to simply devolve all those things down to the lower levels of the planning scheme and say they will get worked out on a case-by-case basis. The whole point of this bill is to come up to a much higher level to enable strategic planning. In that regard there is a missed opportunity here to not make any mention of climate change in this bill at all, given that will be a substantial pressure on coastlines, the transport routes around coastlines, the quality of the roads, the inundation of roads - we have a lot of low-lying areas in Kingborough and Clarence; Clarence City Council has lots of them.

There is also the effect of the importance of active transport. We know we have to become more active as a population. It is better for everybody's health. On an individual level, it is better for our budget. At a health level, we should be making an effort to encourage a cityscape that promotes people walking or riding, not using the roads. From the mayors I have spoken to in relation to this bill, it is the intention to put active transport in there but those words are not in this bill. That is a missed opportunity and we have an opportunity now to make some changes.

I flagged I would like to go into Committee briefly. I understand it is not what members want to hear but this is an opportunity which only comes once. I have two small amendments that I proposed and circulated to the parties. They aim to do essentially what all councils in Tasmania are rushing to do. That is to get cars off the road, increase active transport, make our roads much safer, reduce transport emissions both from a health point of view, reducing diesel and petrol emissions and reducing the carbon dioxide emissions. These are the small additions we are seeking to have made in the Committee stage.

I look forward to hearing the outcomes of the Greater Hobart work program. This bill prescribes that maps must be made. It is good to get away from words and put lines on paper. That is when we start tying ourselves down. We must be brave and fearless and start saying, 'We're going to go this way'. That means making decisions and doing what we can to bring the community along with us.

We would love to get rid of as much hard surface as possible in the middle of Hobart. It is better for us with a warming planet to have more trees, more vegetation, more porous surfaces, less concrete and less asphalt. They are not healthy places to be in when there is an extreme rainfall event like there was last May - water rushing down the streets of Hobart, barging into buildings, knocking over cars. We can do something about that. I hope they are the sorts of things the councils will work together on. I commend the bill to the House.

[10.17 p.m.]

**Mr GUTWEIN** (Bass - Minister for State Growth) - Madam Speaker, I thank members for their contributions on the bill. There were a number of matters that were raised.

One question was, is the Government satisfied that conflicts of interest will be managed? The working group responsible for forming development of the bill will continue to work to develop the regulations. It was important in the implementation of this bill. This includes the operational guidance for the Greater Hobart Committee to confirm that work will include a requirement to declare conflicts of interest which will be managed by that committee.

In terms of the advisory group: why does this not include representation from social services and the education sector? The bill does not preclude the councils or the Government from consulting as part of its work to develop a work program. As members would understand, this has been a very consultative process in terms of the way this bill has been put together. It will provide a forum structure to enable discussion and to test in their role as decision makers, the development that they are encouraging to ensure it complements rather than competes with the other activities being undertaken and planned.

The composition of the advisory group representation reflects the four councils and the state government. It is my intention that they would consult with a range of stakeholders, including the social services and education sector, depending on what aspects of the work program they were

considering. I would think that, for example TasCOSS, would have a very wide interest in a range of matters and would be able to engage as and when they felt it was necessary.

How will the work program be reviewed - will it be flexible? The bill requires the work program to be reviewed at least three yearly. This is a minimum. It could be updated as required.

Some of the projects that will be managed through the work program will, by their nature, be infrastructure or built infrastructure. Those programs, generally, will run longer than three years but from a review point of view, the councils can engage via the committee at any stage.

In terms of the adjacent councils, the bill works on an invitation basis. Practically, any interested council could approach the committee and request involvement on any matter.

**Ms Dow** - If this passes will you then let those councils know that or what sort of mechanism is in place so that they know?

**Mr GUTWEIN** - I believe they would understand that already in terms of the engagement that we have had. Mayor Foster from Brighton, who has a very real interest in this bill and is an adjacent council, I am certain he will have an interest in a range of matters further up and over the bridge, through Glenorchy and into Hobart on any of those matters he can engage. It is my view that the committee would welcome that involvement. It would only be sensible.

Will the regulations be tabled in parliament? Yes, normal process regulations will be followed, including tabling in parliament.

The funding commitment to the Hobart City Deal provides \$4 million over 10 years. It is \$400 000 a year. This provides for the resourcing over the life of the deal for the three staff to support the City Deal and Greater Hobart Act. There is also an additional \$100 000 initially to support the development of the work program.

Dr Woodruff's contribution, in terms of active transport, infrastructure has been defined in the bill to provide clarity. This includes the physical infrastructure required to support development. It includes any built infrastructure and therefore would include pedestrian and cycle modes of transport. However, I note that you have an intent to move some amendments. At first glance I am not violently opposed to what you are proposing. The bill has been developed collaboratively with the working group over a long period of time. What I would like to do is to be able to consult back with the councils. If you were comforted by that we would consult, engage with you in the process between here and the upper House and then subject to advice move amendments that were in line with what you have brought forward subject to the councils' input. If you want to make a point tonight you will obviously have the opportunity through the forms of the House to move the amendments. I cannot support these tonight until I have had the opportunity to consult with the group that has worked collaboratively with the Government and with the Australian Government through this process.

I thank members for their support of the bill. I also acknowledge Madam Speaker's role in bringing this concept forward with the support of the other mayors. The outcome of that initial contact by Madam Speaker in her role as Lord Mayor of Hobart and the subsequent collaborative way that we have been able to work with the four councils and engage for some period of time we have arrived at a bill that will serve the Greater Hobart area and the City of Hobart well into the future.

**Ms Dow** - Would you be of the view to adjourn the House and undertake that consultation with councils in the interim and then bring the bill back on tomorrow. That would clear that up and we could address those.

**Mr O'Byrne** - It is not a major amendment. You might give them a call in the morning and we can bring it back on tomorrow and deal with it. If you are not violently opposed I suppose that is the trigger point.

**Mr GUTWEIN** - That is an interesting offer.

**Mr O'Byrne** - It is not like a radical change. It is few words, so we could consult in the morning and then bring it back on.

**Mr GUTWEIN** - Let me seek some advice.

If we can get feedback from councils in that time - what concerns me is we will not be back. If councils cannot respond or want to seek further advice, the bill will need to come back to the lower House before returning to the upper House. We lose at least another -

**Mr O'Byrne** - You can bring it on tomorrow with that position. The Greens, or Rosalie, can still put that amendment tomorrow.

**Dr Woodruff** - I can guarantee to be quick. It would probably only take 10 minutes.

**Mr GUTWEIN** - I will seek some advice from the Clerk.

**Debate adjourned.**

## **ADJOURNMENT**

### **Longford Cricket Club - Presentation Dinner**

[10.26 p.m.]

**Ms BUTLER** (Lyons) - Madam Speaker, I rise this evening on the adjournment to talk about an event I attended on 13 April with 100 other attendees at the Longford Cricket Club for their presentation dinner at the Happy Chef Restaurant in Longford. It was a great night with celebrations going into the very early hours of the morning.

I would like to run through the names of the award recipients beginning with the Award for Life Membership for Great Service to the Longford Cricket Club awarded to Phil Dodd, Rob Moore and Ben Dodd. Phil Dodd has been the president for the last nine seasons. The Ken Williams Club Champion Medal was awarded to Jackson Blair, who capped off a great year winning the award for a second time. Second was Dilan Sandagirigoda, third was Josh Adams, fourth was Dion Blair and fifth was Max Magann.

Outstanding Service to the Longford Cricket Club was awarded to the Humphries family. The Daikin Refrigerator Most Valuable Women's Player was awarded to Stacey Norton-Smith. The Dial-Before-You-Dig Captain's Award Best and Fairest was awarded to Trent Spencer with 17 votes. Second place was awarded to Kyle Blair with 16 votes. The A Reserve Most Valuable Player was awarded to Kyle Blair with 54 points. The B Grade Most Valuable Player was awarded

to Phil Dodd. The C Grade Most Valuable Player was awarded to Darren Davis. The Female Coach Award was awarded to Emma Humphries. The Queens Arms T20 Player of the Year was awarded to Jackson Blair. Best Team Player Awards were awarded to Matthew Stringer, Tyler Bennett, Andy Bassett and Denis Jones. Best Club Person was awarded to Simon Humphries and Ashley Holloway. The Best Under-21 Player of the Year went to Alex Jordan and the Best First Year Player went to Max Magann.

I am super proud to be a sponsor of the Longford Women's Cricket team and I am delighted that they won the grand final this year against rivals, Bracknell. I will continue to support the team and look forward to watching the careers of young women such as Stacey Norton-Smith, a 17-year-old with a massive future. I believe that one day - but I do not want to put the hecklers on her - she will be playing for Australia.

The culture at the club is one of the best I have ever seen and the Labor Party pledged \$550 000 toward the Longford Recreation Ground Master Plan in the last election. We will continue to pledge to support the Longford Cricket Club. I thank the members of the Longford Cricket Club for inviting me along. It was a terrific night and wonderful to experience some Longford Cricket Club culture. I look forward to continuing my involvement next season.

**The House adjourned at 10.30 p.m.**