

THURSDAY 30 APRIL 2020

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

MESSAGE FROM THE GOVERNOR

Proclamation

The Clerk read the following Message:

WHEREAS the sittings of the House of Assembly and of the Legislative Council of the Parliament of Tasmania now stand adjourned until 18 August 2020 And whereas it is desirable that the said Parliament should be called together for the despatch of business before the expiration of such adjournment: Now therefore I, PROFESSOR THE HONOURABLE KATE WARNER, Companion of the Order of Australia, Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, in pursuance of the power and authority vested in me by the *Constitution Act 1934*, do declare that the said Parliament shall meet for the despatch of business on 30 April 2020, at 10:00 am in the House of Assembly of the said Parliament, and at 2:30 pm in the Legislative Council of the said Parliament, situated in the City of Hobart, in Tasmania, and the Members of the said Parliament are hereby required to give their attendance at the time and place accordingly.

GIVEN under my hand at Hobart in Tasmania on 21 April 2020.

C. WARNER, Governor.

By Her Excellency's Command,
PETER GUTWEIN, Premier.

QUESTIONS

COVID-19 - North-West Outbreak - Preparedness of Hospital System

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.04 a.m.]

The preliminary report into the north-west COVID-19 outbreak paints a concerning picture of a hospital system that was underprepared and under-resourced to deal with the pandemic.

On 17 March the Director of Public Health declared a public health emergency and stated that preparations for coronavirus began in early January. Yet, nearly three weeks later on 3 April, day 18 of the public health emergency, the first case in a staff member was detected at the North West Regional Hospital. To date, 146 people have contracted the virus linked to the north-west outbreak and, sadly, 11 of the 12 deaths in Tasmania have been linked to the north-west.

It is clear that there were multiple systemic failures that led to this outbreak, including patients being transferred between the North West Regional Hospital and the Mersey Community Hospital

despite the declaration by the health minister on 1 April that safeguards were in place to keep the Mersey free of COVID-19.

Can you explain why hospitals in the north-west were unprepared and appear not to have activated their pandemic plan 18 days after the declaration of the public health emergency?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for that question. I welcome all members back to the parliament. It is good to see everyone again.

Regarding where you started with your question, one of my first acts as Treasurer was to bring down the mid-year financial report. As you will understand in that report, more than \$600 million worth of additional funding was placed into Health. I outlined at that time that significantly more than 1000 people, in total about 1400 more people, have been employed over the term of this Government and both the previous terms as well.

Regarding the health system, I reject the fact that it was not resourced or ready for this.

Concerning the report that is being released this morning, I place very clearly on the record both mine and this parliament's sympathies to the 12 people who have lost their lives. Any life lost is a tragedy. I admit it has given me no pleasure each day to stand up and deliver that news. Behind every one of those deaths is a family who has been grieving. It has been difficult and I have not taken any pleasure at all from it.

Regarding the report this morning, I committed to release the report in full at the earliest opportunity, which is what I have done. You need to be very cautious regarding the interpretation of this. At a high level, this report indicates that most likely the root cause, ground zero, of the outbreak on the north-west coast was the *Ruby Princess*. That is very clear in the report.

I also made the point today that this is an incredibly infectious disease. It is an insidious disease and unfortunately it is lethal for older people. Concerning the circumstances the report outlines, I ask members to resist the opportunity to apportion blame to anyone as a result of this.

The one thing that the report does indicate is that for many of the staff who were infectious, they would not have known about it. There was a small cohort of staff who actually turned up to work with some symptoms, and I suspect probably very mild symptoms. The salient message from this is that, regardless of what workplace you are in, this very infectious disease needs to be treated with the highest degree of caution; the highest degree of effort that can be made to protect yourself and other people around you.

My understanding about our hospitals is that, with the declaration of the health emergency, they took all the necessary steps to ensure that they were ready to deal with the pandemic. However, what this demonstrates and I was very cautious this morning in the way I stepped through this, it appears we have had two cases from the *Ruby Princess*, staff who have been going about their work with an infectious disease and unfortunately, something has happened; not by design but by accident. Nobody would risk themselves to this disease. This very unfortunate set of circumstances has occurred where staff, doing their best for their patients have then, through their interactions with other health workers, allowed this outbreak to develop - all unbeknownst to them.

We need to learn from this. What was said this morning - Dr Lawler said it and I am not certain whether after we had left Dr Veitch was asked a similar question - but my understanding is that it was not demonstrated that there was any failure of PPE. Both Dr Lawler and Dr Veitch made the point in their contributions that to actually pinpoint where this has occurred and the starting point of this, apart from the fact that we know we had two COVID-19 positive patients from the *Ruby Princess* in there, may never be possible. It might be that somebody sneezed onto a well-fitted mask and when taking that mask off perhaps their skin brushed against it. It may be that somebody scratched their eye or touched their forehead when they should not have done.

We should be really cautious as to how we step through this because we are not the first place in the world that has an outbreak in a hospital and we will not be the last. As a government, when faced with recommendations by both Public Health and the THS, we supported extraordinary steps to quarantine, to close hospitals, and to do whatever we could to get on top of this and control it. I note that on the weekend a psychiatric hospital in Victoria was faced with a similar set of challenges. You only have to look at what has occurred in other parts of the world with some of the outbreaks and some of the unfortunate deaths of healthcare workers. This is an insidious, highly infectious disease.

In terms of your question, my view would be that appropriate steps had been taken in the declaration of that health emergency and it is unfortunate that this circumstance has arisen. Whether we will ever be able to accurately point to where that transmission actually occurred, I think is highly unlikely.

COVID-19 - North-West Outbreak - Preparedness of Hospital System

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.12 a.m.]

Ruby Princess passengers disembarked and went all over Australia, many spreading the virus with them. However, in Tasmania, we were the only place where two hospitals had to shut and the military had to be called in. There can be no doubt that Tasmania's ability to respond to the *Ruby Princess* cases put the healthcare setting under pressure, with the report identifying failures across infection control, movement of patients and staff. While the *Ruby Princess* could be linked to the Tasmanian outbreak, we agree that no-one should use this report to ascribe blame to any passenger or any health worker. However, will you and your Government take responsibility for the apparent lack of preparedness across the regional healthcare setting to adequately respond to this virus, which has had devastating consequences in the north-west, with 11 deaths linked to the region and widespread economic impacts?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for that question. After my comments this morning regarding the unfortunate circumstances that have led to the outbreak in the north-west, it has taken you only one question to get to a point where you want to ascribe blame. It has taken one question to get there.

As I have just outlined in my first answer, my understanding is that, upon the declaration of the health emergency, all appropriate steps were taken. In terms of the level of preparedness and the funding that was provided prior to even getting to the pandemic, in terms of the money that the state

Government had put into our healthcare system and the significant increase in staff - nurses, doctors and allied health professionals, as a government our health system now employs more people than it has ever done before and has more funding than it has ever had before.

Regarding the preparedness of our health system, I believe we were as prepared as anywhere else in the country. This is a highly infectious disease. Medical professionals, let alone me and this parliament, are learning more every day of how this disease operates. That is something we have to recognise: at the moment the best health experts in the world are not able to grasp this and fully understand it.

In terms of our response to this, I am the Premier and it is my responsibility to ensure we roll out a response that is able to suppress the virus. I have to thank both yourself and Ms O'Connor, Ms Ogilvie and others, and the Speaker has at times raised this, for the support you have provided me, my Cabinet and my team here for making some of those decisions. It has been important as a parliament that we do that.

However, I do not accept your assertion that steps were not taken or that we were not prepared. What has happened here, as I have said, is that it appears somebody might have scratched their eye or their forehead, or somebody may have taken off some PPE and brushed it with their skin and, as a result, we have an outbreak. I suspect this is exactly what has happened in other hospitals and healthcare settings around this country and the world. There are learnings and that is what is important here. What Tasmanians want to know is that we will take those learnings and embed them into the health system as we go forward.

This is a disease like nothing we have ever had to face in this country before. We are well placed to start stepping out of this. But, as you well understand, my view is that we should do that very cautiously. We have an older and more vulnerable population and unfortunately our death rate is high. That more vulnerable population, that older population, has guided every decision I have taken through this because we have needed to act early and hard. As we come out of this we are going to need to step out of it solely with an eye to protecting those people again.

Regarding our response to this, I am the Premier and I will take responsibility. It is a responsibility that I have to say, in terms of the 12 deaths, is an enormous weight and one I wish I did not have to carry, but ultimately it is my obligation and responsibility to carry that.

COVID-19 - North-West Outbreak - *Ruby Princess* and Actions of Border Force

Ms O'CONNOR question to PREMIER, Mr GUTWEIN

[10.18 a.m.]

You said in your briefing this morning that nobody should use the report into the north-west outbreak to blame anyone. We agree that neither the *Ruby Princess* passengers nor health workers should carry blame at all and we are not blaming you or your Government, yet in a Westminster system somebody must be held accountable. You started this morning's briefing pointing your finger directly at the *Ruby Princess* as the very likely cause of this devastating and deadly outbreak. Do you agree that the decision by Peter Dutton's Border Force to allow the *Ruby Princess* to dock and disembark passengers after the ban on cruise ships was put in place without testing is in fact very likely to blame for this outbreak and the subsequent deaths of 11 Tasmanians on the north-west coast? Are you going to take this matter up with the responsible minister, Peter Dutton?

ANSWER

Madam Speaker, I thank the Leader of the Greens for that question. Like her, I do not believe that blame should be ascribed for this. The point I was making this morning was not ascribing blame to the *Ruby Princess*. It was pointing to a statement of fact that the very likely starting point of this was those two unfortunate *Ruby Princess* passengers in the north-west who were COVID-19 positive. The circumstance regarding the *Ruby Princess* is now obviously being considered by an inquiry in New South Wales. I believe it will be best to allow that inquiry to take its course so that all of the facts are understood and, at the end of the day, findings and recommendations can be made through that inquiry.

It is a leap to immediately be pointing at Peter Dutton, or any particular minister whether it be one in the New South Wales government or one in the federal government. There will be an outcome from that inquiry. We should wait sensibly until we can see what is actually uncovered and, importantly, that we have all the facts to hand.

COVID-19 - Business Recovery

Ms OGILVIE question to PREMIER, Mr GUTWEIN

[10.20 a.m.]

I again note the very difficult circumstances in which we meet today for the first time in quite some time.

Premier, I believe that as a state we have the capacity to manage both the health crisis and also to be doing the work to build a pathway to economic recovery. I wrote to you proposing an economic recovery taskforce model to engage with business. Business has told me, and continues to tell me, that it needs to include government through the public service, parliament, but importantly, be driven by the private sector. We want to activate and support the private sector to lead the recovery work in our bill. Will you establish a taskforce with an independent chair to begin the work that needs to be done to ensure Tasmania can recover as quickly and as strongly as possible?

ANSWER

Madam Speaker, I thank Ms Ogilvie, the Independent member for Clark for that question, her interest in this matter, and for the volumes of correspondence she has sent me on a range of matters in relation to this.

I will have more to say later today about this matter. Those who have an understanding of the State Emergency Act would be aware that there is a recovery adviser appointed under it. The Recovery Adviser is currently a deputy secretary from DPAC and is doing work on the immediate steps that need to be taken looking at COVID-19-ready business plans and engaging in that space. There is also the opportunity to establish a recovery council and a recovery coordinator at a later date. The State Emergency Act is fit for purpose for dealing with a pandemic, but only just. It is ideal and has been utilised in the past for dealing with bushfires and floods. The mechanisms are well understood. I will have more to say about the appointment of a recovery council or an advisory council later today.

We need to take steps down that path to consider both in an economic and in a social sense what we need to do because we are dealing with not just one crisis - a health crisis - but we are dealing with an economic crisis. That is having a very significant social impact on Tasmania at the moment. It is important that we put in place steps to enable us to step ourselves out of this and to bring Tasmanians with us and, importantly, to get those 20 000 to 30 000 people, the total number of people who were engaged with our workforce only five to six weeks ago, back into work meaningfully as quickly as possible. We will have clearer numbers once this month's ABS data is released in the next month.

I will have more to say about the question later today. It is important that we take the necessary steps and that we start to consider how we rebuild a stronger Tasmania as a result of this.

I have noted that, as we have worked through this, people under extraordinarily difficult circumstances have demonstrated the very best of what is Tasmanian. I talk to people who have lost their jobs, who have lost their businesses, and families who have lost lives. What has been almost overpowering at times has been the fact that they just want us to get through this and get out of it, and they are prepared to work to do so.

I have never been prouder to be a Tasmanian. I grew up, as did many people here, through those decades where if you went to the mainland you might not identify yourself as being Tasmanian as quickly as you would have done in previous years but I can tell you, we are a proud people, we are a good people. In the very difficult circumstances that people face, they have stood up to the challenge and they have been sensationally good. We owe it to them to ensure that we all work together to have a pathway out of this - a pathway out of this to a stronger Tasmania.

COVID-19 - Planning for Recovery

Mrs RYLAH question to PREMIER, Mr GUTWEIN

[10.26 a.m.]

Can you please update the House on the Government's strong action to keep Tasmanians safe and secure from coronavirus and, something important to my constituents in the electorate of Braddon, how is the Government planning for recovery?

ANSWER

Madam Speaker, I thank Mrs Rylah for the question and for her hard work and dedication to the people of the north-west coast, especially through these recent months. Thank you, Joan.

It has only been a matter of four weeks since we were first here but I must admit that it feels like it has been four years at times. I am looking at the Leader of the Opposition. I think that for all of us time has moved very quickly on a day-by-day basis. So much has happened. The impact and how tough it has been for our state is like nothing in anyone's memory.

In the last question I touched on how good Tasmanians have been. They have made great sacrifices in their lifestyles and their working lives. They have been magnificent. We have had the odd case where the Commissioner has had to be quite firm but, in the main, the vast majority of Tasmanians have done the right thing.

I again place all our condolences and sorrow on the record for those people who have lost their lives. It is a very difficult for so many families. All of us are thinking of them.

In terms of stepping out of this and what we need to do: one of the very strong foundations that we had going into this was the fact that we did have a strong balance sheet. However you want to argue about the budget and whatever you want to say about the state's fiscal position, we were the only state that went into this without carrying net debt. Everybody else's balance sheet carried net debt. We were in a position where we actually had net cash and investments. We had balance sheet strength to move into this.

The other thing is that we have a very engaged business sector that really does want to get on with working out how they can bring some life back to their businesses in a sensible way that is going to be safe.

It is going to be important that we step back into this very, very carefully. I place on the record very clearly that I do not believe that we should rush into this. For the same reasons that we acted quickly and took hard decisions early, we need to ensure that the same overarching reason, our vulnerable population, is first and foremost in our thinking as we step out of this. That will be hard.

I know that already there will be calls for more to be done, more restrictions to be lifted. People are wanting to get on with things, but we need to ensure that we have an eye to our health, first and foremost.

Regarding where we head, as I said a moment ago, there are two distinct areas of recovery we need to work on: economic recovery and social support during the recovery. If we are to build a stronger Tasmania, we are going to need to have an eye to both of those areas.

Later today, I will be announcing that I am establishing the Premier's Economic and Social Recovery Advisory Council, PESRAC, to assist us in the task. The recovery council will be established to provide advice to the Government on strategies and initiatives to support the short, medium, and longer-term recovery from the COVID-19 pandemic. The council will be made up of leaders from across the business and community sectors and I will have more to say this afternoon. We will harness their experience to identify opportunities for economic and social initiatives to build a stronger and more resilient Tasmanian community.

The recovery adviser, under the act, continues working out the COVID-19 ready business plans to ensure we have the processes in place so that as we start to step back into this businesses are ready and working with ministers and their agencies to ensure that occurs.

The very first task I will be asking this new council to take on board in the very short term is to be able to provide additional advice on what those initial additional initiatives we need to take are going to be and from a timing point of view, looking for that work to be conducted over the next two months. I will then be asking the council to provide an interim report by the end of the September quarter so we can utilise that report to enable us to frame the October-November budget, then a final report early in 2021. The timing of that final report will be determined by where we are in the cycle of this pandemic, but with a view to being able to frame-up the 2021-22 budget and to draw initiatives from that.

It will be important that everybody has an opportunity to engage and, with the terms of reference, we have certainly allowed for members of parliament and all stakeholder groups to have

an opportunity to feed directly into this council. The council will be supported by a secretariat to ensure that the process can be followed with a view that everybody gets an opportunity to have their say and input, but importantly that we can progress this work quickly and arrive at a set of agreed initiatives we can implement to take us that next step forward.

I say again, regarding the way Tasmanians have reacted, some of them in the most dreadful of circumstances, they have done themselves and this state proud. I have never been prouder to be a Tasmanian but we will all need to work together to rebuild a stronger Tasmania.

COVID-19 - Call for a Royal Commission

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.34 a.m.]

Last time this parliament met, we all hoped that the tough measures that have been implemented in Tasmania would give us the best chance of avoiding the worst impacts of COVID-19. Since then, we have seen one of the worst outbreaks in the country at the North West Regional Hospital. One-third of Tasmania's hospitals were closed, the military was called in, and nearly 5000 people were forced into quarantine and the north-west was locked down.

Many healthcare workers and patients have contracted the illness and tragically 12 people have died to date. Nearly 20 000 Tasmanians have lost their jobs. There is not a single aspect of Tasmanian life that has not been impacted by COVID-19 and this is no ordinary event.

While the report you released today will form part of the picture, the unprecedented scale of this issue requires a royal commission that can delve into all aspects of the crisis - be they economic, social or health-related - and examine matters in a transparent way, allowing input from the public. The families of loved ones lost to this crisis deserve nothing less.

Will you commit to a royal commission to inquire into Tasmania's COVID-19 crisis, how it began, the response and other related matters so that we can learn from this devastating event in a way that respects the high degree of public interest and the public's desperation to understand how this happened?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for that question.

Regarding the north-west, I have announced that we will have an independent inquiry and that an expert or experts will be appointed. Terms of reference will be released and we will do that in draft form to enable people to be comfortable with what will take place there. I made this point yesterday in terms of any inquiry into the north-west as a starting point: if this were a bushfire you would not want to take your fire chief away from what they were doing at the moment whilst the fire was still burning.

I have said to you in other conversations that it is my view that the north-west inquiry will occur at the earliest time but at an appropriate time so that we can actually ensure that the inquiry can do its work and, importantly, that the people who are focused on the front line can continue to be focused on the front line, keeping Tasmanians safe.

I must admit I think you are taking a great leap in wanting a royal commission at this stage. As I have indicated today, my view again and released today is that we should take this one step at a time. An initial report has been provided on the north-west outbreak. There will be an independent report to look at where matters are at and then at a later date if there needs to be a further inquiry - and I am certain that there will be parliamentary inquiries that will take place at some stage throughout all of this - then let those take their course. Jumping straight to a royal commission is a big leap and it surprises me that you have gone there.

Regarding our response, those 12 deaths are very unfortunate. It has been well understood in Tasmania, and certainly by me, in regard to the steps that we have taken that we have an older and more vulnerable population and that we were always going to be at higher risk. When you consider the death rate that is occurring in America, Italy, Spain or New York or any number of countries around the world, even though ours is high in the Australian context, we are so far in front of those other jurisdictions because of the actions that have been taken both by the federal government and by this state government of its own volition in moving early.

I caution you in respect of that call. I would allow the processes that we have put in place to take their course. There will be learnings that will come out of this - of that I have no doubt. As with any state emergency there will be a time when a broader review to look for learnings will occur. That happens when we have floods or fires but I urge you to allow our best people to get on with their jobs right now and, importantly, enable us to work together to find a pathway out of this.

COVID-19 - Access to Schools and Return of Students

Mr STREET question to MINISTER for EDUCATION and TRAINING, Mr ROCKLIFF

[10.39 a.m.]

Can you please update the House on access to school sites and the forward planning for the return of students once the current advice from Public Health changes?

ANSWER

Madam Speaker, I thank the member for his question. Throughout this COVID-19 crisis, the health and safety of students and staff has been our absolute number one priority. It is important to point out that public health advice has always been that our school sites are safe. The key reason we have asked our students to learn from home if they can is to limit people movement so we can try to get on top of this insidious disease. Until public health advice changes around the need to limit people's movements, students will, in most cases, continue to learn from home.

An equally important part of responding to COVID-19 is the recovery stage, of which a key consideration is determining the best way to return our students to the classroom at such a time that public health advice does change. We need to be prepared.

The Department of Education has already undertaken a large amount of work to consider this very important action. A recovery team has been established, including principals, who are considering a range of options for the return of students to face-to-face learning. This work will ensure that the return of students is appropriate and the transition is managed in a way that best supports students, staff, families and small communities.

A key focus for the team includes considering how best to support the needs of priority areas such as years 11 and 12 and of course the early years, as members would appreciate. In planning for the physical return of students to school sites the department will ensure provisions are made for those staff and students who are vulnerable.

I am also very well aware of a need to ensure that any transition is well communicated and that there is sufficient lead-in time allowed for teachers, students, parents and school communities to prepare for that change.

I reiterate that current advice remains: the best place for students is at home, if they can be supervised and supported to learn at home. The Department of Education will continue to work closely with Public Health Tasmania and the Australian Government to monitor and respond to COVID-19 developments in the community and how and when we return education to physical school sites.

Learning at home is different. Much thought has gone into how we monitor student wellbeing during what is a very challenging time for everyone. This includes the introduction of a new wellbeing check-in tool so teachers can receive real-time data and evidence of how our students are going.

Just as important is the wellbeing of staff. I am very pleased that as part of the Principal Wellbeing Action Plan, a principal personal support and mentoring pilot has started with 20 principal mentors having undertaken that mentor training. Next week, the Department of Education will be releasing WorkWell, an online wellbeing assessment tool, which will provide principals with the valuable insight into the key factors influencing their wellbeing. These initiatives reaffirm our ongoing commitment to student and principal wellbeing, particularly during this time of constant change and challenge with a new learning environment.

I pay tribute to all our educators: our principals; our support staff; teacher assistants; and our cleaners within our school sites for the work they have been doing. It is important to repeat it because our teachers are very much at the frontline. Their focus is to ensure, as it is for the Government and all members, that due to this incredible period of disruption in young people's learning in our community, that we leave no child behind in the provision of education. As all members would appreciate, equity remains a fundamental core principle. Irrespective of your circumstances or background, you have that fundamental right to a quality education. Even though it is disruptive at this particular time, those principles of equity still very much apply.

I commend the other sectors of education for engaging regularly with me and for the work they are doing, and the Department of Education secretary, the Catholic and independent sectors for the work they are doing, and all the people who work within our school sites here, irrespective of sector. Also, I thank the Australian Education Union for their work in being very much in constant contact, not only for their advocacy but also the very collaborative way that they have been ensuring that their members and their colleagues are working in a safe and supportive environment with the number one game of ensuring that the education provision for all our students across Tasmania continues.

COVID-19 - North West Regional Hospital Resourcing

Dr WOODRUFF question to MINISTER for HEALTH, Ms COURTNEY

[10.44 a.m.]

The Chief Medical Officer's recommendations to prevent another major COVID-19 outbreak were to fix the structure and resourcing, the process and the culture of hospitals. The Director of Public Health's top two recommendations relate to the resourcing and management of infection control needed to create a culture of safety. Culture is set by management, by the THS and ultimately by the minister. It was clear before the outbreak that this hospital was under-resourced. The Auditor General's report on the performance of the four major hospitals in 2018-19 also found the THS urgently needed to implement a cultural improvement program.

Today's front page of *The Advocate* shows staff at the North West Regional Hospital are afraid to return to work. They need reassurance. While Tasmanians wait for a vaccine, will you take responsibility for inoculating the state's hospital system to prevent such COVID-19 outbreaks in future?

ANSWER

Madam Speaker, I thank the member for her question. I will go to the end of your question first.

As Health minister, I always take absolute responsibility for the actions within the health system. I thank the hardworking staff for what they have done. On the ground, the nurses, the clinical staff, the admin and the cleaners have all been working incredibly hard. Ambulance Tasmania over the preceding few weeks, particularly on the north-west coast transporting patients to the LGH, has been standing up again to take those patients. We are seeing the Mersey Community Hospital taking onboard more patients as well as staff being deployed from the south. I thank those staff members for what they are doing. They are working incredibly hard not only to deal with this outbreak but also ensure that we have maximum preparedness across our entire health care system during this pandemic.

With regard to the North West Regional Hospital, as with other areas of our hospitals we have been implementing pandemic escalation plans over the past weeks and months. This has been part of our planning to ensure that resourcing is deployed to different areas to ensure that they have maximum preparedness. This work is continuing. We are ensuring that additional capacity is applied around the entire state to ensure that they are supported.

With regard to the north-west in particular, since coming to government we have seen 50 more nurses deployed there, eight new beds and capital investment across the North West Regional site as well as the Mersey site. We have also employed more paramedics across the north-west. We have been responding to need across our entire health care system since coming to government. Since we raised a public health emergency - it was only last month - we have put additional resources in the emergency management structure, on the ground in terms of resourcing, but importantly as was raised by you infection control, and PPEs. So, at those sites we have implemented the measures to support staff to make sure they fully understand and have the support to be able to use PPE appropriately and feel safe about coming back to work.

It is also why in our coming-back-to-work procedures we have initiated a training program so that the staff are retrained in PPE. This provides confidence for the further support staff who will

be helping with that and the buddy system that we have. We are also testing all staff before they come back. Also, over the past two weeks, we have been conducting a deep clean of those sites.

I want our staff to feel confident and I want them to feel supported. The entire health care system is working to be able to support them. We have seen that over the last two to three weeks as those measures have been taken at those hospital sites. I thank those staff. I know it has been incredibly stressful on them, their families, the patients and the broader community, as well as those other hospitals that have taken an extra burden because of this. I reassure all Tasmanians, but particularly those on the north-west coast, that I will take whatever measures I can as a health minister to ensure your safety.

COVID-19 - Comments about North-West Healthcare Workers

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.49 a.m.]

The morale of health care workers in the north-west has been severely impacted by ill-informed and irresponsible comments made by both the Prime Minister and the Chief Medical Officer. First, Dr Brendan Murphy made the extraordinary claim in a briefing to New Zealand politicians that the north-west outbreak was a result of an illegal dinner party of health professionals. This claim was wrong and Dr Murphy has now apologised.

Then Prime Minister, Scott Morrison, claimed on radio that a health worker who worked in aged care facilities and at the North West Regional Hospital lied to Public Health officials about their symptoms and their movements. The Director of Public Health in Tasmania, Dr Mark Veitch, clearly stated that Public Health had not briefed the Prime Minister on that matter.

On behalf of the health workers of the north-west coast who deserve an explanation for how this happened, can you explain how the Prime Minister and the CMO got this information and why they felt confident enough to spread it nationally and internationally?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for her question but to be frank, I think you are down in the weeds.

Ms White - Tell that to the health workers who have been vilified and made to feel awful.

Madam SPEAKER - Order.

Mr GUTWEIN - Regarding the north-west healthcare workers themselves, I say very clearly today that this Government stands behind them. They have been through a very difficult period.

It has been four weeks since we have been in this place and the fact we have been through this pandemic and are working through it, but we get to question four or five, whatever it might be, and you want to go to that? I honestly -

Ms White - Do you think the Prime Minister should apologise?

Mr GUTWEIN - Why are you playing politics with this?

Ms White - Because the healthcare workers are scared and they have been blamed.

Mr GUTWEIN - I said that day when the matter was raised that we would work through this cautiously and sensibly, that I would not ascribe blame to anybody and we would work through this.

Ms White - The Prime Minister did. Do you think he should apologise?

Madam SPEAKER - Order.

Mr GUTWEIN - Madam Speaker, to go to that question today at a time when we are in the midst of a pandemic, with all the issues and challenges that we face, just staggers me. You can sit there and shake your head -

Ms White - We have no other option; we only get one day of parliament.

Mr GUTWEIN - You can sit there and shake your head, Ms White, but whilst you have been gently nudging me this morning, you have been wanting to play politics with this. I have been very pleased that you have been prepared through this to work with me and back the decisions I have taken. I have kept you informed every step of the way, as I have with Ms O'Connor, but we arrive back in parliament and you want to get down in the weeds and deal with politics.

Ms White - The health workers who go back to work today still have not received an apology from the Prime Minister.

Madam SPEAKER - Order, Leader of the Opposition.

Mr GUTWEIN - As I said that day regarding Brendan Murphy, under extraordinary circumstances and pressure, and likewise with the Prime Minister as well, they together - and when you consider where Australia is at the moment and where we could have been, and the fear that we all had in this place four weeks ago about what might be in front of us - what we have done, and we have done this together because I have kept you informed of what we are doing, is systematically taken difficult decisions for which I am more than happy to bear responsibility. We have worked our way through this, and the rest of the world now looks at Australia.

We are not Italy, Spain, New York or Britain. We are in a very strong position whilst we face a pandemic of this scale that on our soil we have never had to face before. The fact that you want to get into politics really disappoints me, to be frank.

Ms White - You don't think the health workers deserve an explanation?

Madam SPEAKER - Order, Leader of the Opposition.

Mr GUTWEIN - It really disappoints me that you want to play petty politics with this. On this side of the House, I am concerned about doing my damndest to save lives. That is what I am interested in and, to be frank, that question you asked does not do one bit to save lives.

COVID-19 - Payments for Casual Workers

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.54 a.m.]

Sadly, Aveo Starter tells us that nearly 20 000 Tasmanians have already lost their jobs as a result of COVID-19 and those numbers are likely only to get worse. Many of those people are casual employees who do not qualify for the JobKeeper payment. The denial of this support has had a devastating impact on those workers but also affects businesses that will find it difficult to retain those workers through this downturn in preparation for when the economy does recover. In most cases employers will have no other option but to let these workers go, some of whom have been working for many years.

These workers now face extreme economic hardship. These are full-time employees who have worked across a number of employment places as casuals and now find themselves ineligible for JobKeeper. Student casual workers are particular hard hit, as those aged under 22 in most cases are ineligible for JobSeeker too.

What have you done to advocate for these casual workers to ensure that they do not miss out on crucial support? If the federal government does not extend these payments to these groups who are currently excluded, will you look to provide additional state support?

ANSWER

Madam Speaker, regarding visa holders, we have offered additional state support, which I think you welcomed. In terms of JobKeeper I will make this point: across the world JobKeeper is being held up as the most outstanding package that has been provided by any government in any country to support its workers. That is what I am reading. That is what I understand.

In terms of the federal government's decisions regarding JobKeeper, they doubled the JobSeeker payment, as you are well aware, for the period of the emergency. If an employee has worked across a number of employers they needed to have been with one employer for a certain period of time and if they are not eligible then they fall back onto JobSeeker and that payment was doubled.

Ms White - They become unemployed.

Mr GUTWEIN - I would like no-one to have lost their job. I would like no business to have to shut but unfortunately in this place we had to do that. When you look at the support that has been provided by the federal government and the state Government we have exercised our state balance sheet and done everything we possibly can. No doubt when we get to a point when the numbers are provided you will want to whinge and complain about that as well.

Ms WHITE - Point of order, Madam Speaker, under standing order 45. I draw the Premier's attention to the fact that this is a federal government payment and there are casual workers who have worked less than 12 months who are ineligible. The question was whether he would advocate for them to become eligible because they are currently excluded.

Madam SPEAKER - That is not a point of order.

Mr GUTWEIN - The federal government has provided support of around \$300 billion through JobKeeper, which I understand to be the most significant package of support. Those workers not eligible for JobKeeper can receive a JobSeeker payment, which is double what it was.

With visa holders they made it perfectly clear, and I did not agree with that particular position so we have provided more support at a state Government level.

The one point I think you were correct on is that when we see the numbers next month I believe we will see more than 20 000 people in Tasmania out of work unfortunately. It is going to take a herculean effort to rebuild and get to a point where we have a stronger Tasmania and I hope through the period that we could continue to work together. I am starting to doubt that in terms of your performance today, because it appears to me that your last two questions really just wanted to go to the politics of things. As I have said clearly, we will do what we can and at the moment we are doing a significant amount in the way that we are leveraging our balance sheet.

Yesterday: \$4 million to support those without a roof over their head, to support rough sleepers. Madam Speaker has had a real interest in this and I hope we have taken some steps towards providing those people with an opportunity to be cared for whilst they in the midst of a pandemic. I think we have taken those steps. We dealt with and provided a package for those who are homeless. We have done what we can reasonably do.

JobKeeper and JobSeeker are dealt with by the federal parliament. I believe Mr Albanese even supported it and voted for it in the end.

Members interjecting.

Madam SPEAKER - Order, please.

Mr GUTWEIN - Governments are doing what they can and I thought you might come into this place and acknowledge that governments - both federal and state - are leveraging their balance sheets. We are the only balance sheets in town that can do this through this and so we are and they will be covered in red ink when we finish. Businesses cannot go out and do what we are doing at the moment so we have to.

Federal government, state government and I hope, eventually, local government will start to exercise its balance sheet in a significant meaningful way as well. All three levels of government that have a balance sheet that they can leverage need to be doing so at this time because we need to support those businesses and those workers and our community as best we can.

COVID-19 - Support for Tasmanian Businesses

Mr TUCKER question to MINISTER for FINANCE, Mr FERGUSON

[11.02 a.m.]

Can you please provide the House with an update on what the Tasmanian Government is doing to support Tasmanian businesses during this difficult period?

ANSWER

Madam Speaker, I thank the member for Lyons for his question. These are very difficult times for business and business is the predominant employer of Tasmanians. The state and federal

governments have both been working very closely with our business and industry sector to save the lives of Australians, protect their livelihoods but also look after our economic potential going forward. Ministers and the government departments have been staying very engaged with industry and business so that we can really understand on a day-to-day basis the very real impacts they are experiencing and, importantly, the impacts on jobs.

In support of business and industry, and the jobs they provide, our Government has been rolling out our \$985 million social and economic support package which I will further update the House on right now.

This is a very significant support package. It is historic because of the nature of this pandemic. The stimulus package has already supported more than 12 300 businesses through grants with more than \$29 million of payments made to Tasmanian businesses. That is a direct support. This is in addition to the federal government's \$130 billion package designed specifically to protect jobs.

The JobKeeper package, together with a range of other measures implemented by both governments, is about helping to sustain business through the pandemic where necessary to help businesses to hibernate but most importantly to assist them to resume again once the pandemic emergency has past. I thank Tasmanian businesses for the responsibility and the compassion that they have shown during this very difficult time. We could all agree that Tasmanian businesses have a great compassion for their families and the workers and their families who are provided for by that business enterprise.

Sadly, many businesses have been forced to close or to restrict their trade and to stand down employees since March as they have responded responsibly to measures to limit transmission of the COVID-19 virus. Under normal circumstances those employees would have seen themselves needing to turn to savings or other leave entitlements to be used up or social supports just to meet their day to day living expenses and their commitments. We do applaud the JobKeeper program that is providing a lifeline to jobs and businesses but there is more to do.

With eligible businesses receiving \$1500 per fortnight for each of their eligible employees you would see ordinarily employers with national group wages above the threshold of \$1.25 million being subject to state government payroll tax on the amount of JobKeeper payments made to their Tasmanian employees.

I am very pleased to advise the House that effective today, the Gutwein Liberal Government is waiving payroll tax on those JobKeeper payments to Tasmanian employees. Why would we do that? We want to maximise the benefit of that JobKeeper stimulus measure in keeping the full amount of funds in the hands of those eligible businesses and their employees and to take away any concern for potential for a disincentive to happen in the system. It is a further contribution that we are making. We hope and expect that it will help. It is also incredibly important in helping to position businesses that are in hibernation to re-emerge as COVID-19 restrictions are relaxed.

I will spend a moment on the loans programs that we are offering as a part of our economic and social support package. Loans of up to \$250 000 have been opened up. We are working through a process and that is available to eligible Tasmanian majority-owned businesses for up to five years. The first three of those five years would be interest free. To update the House, I am pleased to report that as of last night we had received 275 loan applications under the scheme. An assessment of those applications is now well underway in the Department of State Growth. They

are working really hard for Tasmania right now and are putting on extra resources just to target and assess those applications.

Briefly, the Government has also implemented a range of grant programs which are designed to be targeted to some specific areas of need, particularly businesses which have suffered really significant downturns. One of those is the Small Business Emergency Support Grants which my colleague, Ms Courtney, has been working through. They have provided much needed assistance to more than 10 300 businesses. They have received a \$2500 grant, a total of \$25 million directly into our local economy. Apart from business support, there is an element of stimulus there as well. These grants are intended to buy precious time as businesses adapt these incredibly challenging circumstances and to enable them to have the best chance of keeping jobs online and re-open when restrictions can be lifted.

Finally, the Government has also been concerned for businesses that might need extra support in terms of advice in working through and planning their business's changing needs. We have been providing grants of \$750 and I can advise the House today that we have supported 1857 grants to businesses. This is a direct way of supporting businesses in navigating these difficult times.

The Government's focus has been, and continues to be, not just the health and wellbeing of Tasmanians but also the health and wellbeing of Tasmanian businesses and jobs. I thank the Premier and my colleagues in the Cabinet and across the party and across the Chamber as well for their support for these initiatives. They are making a difference and we will continue to remain engaged with the real and daily needs of business and industry.

COVID-19 - Social Support

Mrs RYLAH question to MINISTER for HUMAN SERVICES, Mr JAENSCH

[11.09 a.m.]

Can you please update the House on how the Government is providing additional social supports for Tasmanians during COVID-19?

ANSWER

Madam Speaker, I thank the member, Mrs Rylah, for her question and for her strong advocacy and hard work for people in our north-west community in this emergency. Thank you, Joan.

The Tasmanian Government's number one priority is to keep Tasmanians safe from coronavirus, especially those in our community who are most vulnerable and least able to protect themselves. As we are all aware, a number of social supports were outlined in previous stimulus and relief packages to help Tasmanians at this difficult time. The initial \$5 million community support fund continues to provide support to Tasmanians who need it most through assistance grants, food relief, emergency accommodation, essential transport and mental and other health services.

Yesterday I was pleased to announce a significant expansion of services to help Tasmanians experiencing homelessness. This \$4.3 million package includes extending the successful Safe Night Space pilot program from an overnight service into a 24/7 wrap-around support for Tasmanians who are sleeping rough, and with additional resources for that service to expand into

the north and the north-west of our state. This expansion means a total of 46 places will be available through the program around the state on any given day and night and the capacity to assist hundreds of people experiencing primary homelessness over coming months. Importantly, this program also provides access to other health and housing services which assist clients to secure and sustain longer-term accommodation that meets their needs.

Extra funds have also been provided to expand Housing Connect's capacity to provide emergency accommodation in hotels, motels and cabins statewide. As part of this, we have committed increased resources for mental and primary health support services for clients in brokered accommodation who need them. This package delivers on recommendations from the under-16 youth taskforce convened last year by funding additional services in the north, south and north west of the state to better support young people at the risk of homelessness, including intensive case management, outreach support and family mediation services.

These measures further complement actions that have already been taken in response to coronavirus such as capping increases to rents in social housing and the private rental market, restricting evictions across the state and funding almost 100 new places in our private rental incentive and rapid rehousing programs. This is specific to Housing during the last five weeks.

In early March, we announced an extension to our agreements for community housing providers and the transfer of the management of a further 2000 Housing Tasmania properties to their management. Over the past few months, we have announced a total of \$34 million in new community housing grants to deliver new social housing over and above the targets in our Affordable Housing Strategy.

We are seeing some fantastic outcomes being delivered, with the 18 Bethlehem House pods completed last week, a further 10 units currently being installed at the Hobart Women's Shelter, and the Waratah Hotel conversion to supported accommodation progressing as we speak. This is just the support in the housing and homelessness space. More broadly, the Government is funding services to deliver food relief. We are funding our network of neighbourhood houses to operate as outreach services, ensuring they can continue to support communities in isolation who need their contact and support more than ever. We are supporting Men's Sheds, community transport services, and community sector peak organisations to ensure that the whole sector remains intact and actively responding to its clients' needs during this difficult time.

As those needs change, as we move further through this uncharted territory, our support will change too so that we continue to keep Tasmanian communities safe. I thank our community organisations, our service providers and peak bodies for their cooperation and communication, and our departmental staff for the extra and extraordinary work they have done and are doing in response to this emergency so far. I thank all those Tasmanians who have put their liberties and their livelihoods temporarily on hold for the benefit of their broader community. I thank the House for this opportunity to provide an update on these important matters.

COVID-19 - Education and Federal Government Intervention

Ms WHITE question to PREMIER, Mr GUTWEIN

[11.14 a.m.]

On Monday the state Education minister, Jeremy Rockliff, was quoted in *The Examiner* in relation to schools as saying -

The arrangements that are in place will be in place for the entire term 2 but we will be monitoring the situation.

You have also said it is your expectation that most students will continue to learn at home during term 2. On Tuesday, federal Education minister, Dan Tehan, contacted independent and religious schools offering to bring forward \$3 billion in funding if they could get students back into the classroom by June. The federal government is clearly challenging the authority of states and your control over schools, as well as undermining the public health message for people to stay at home if they can to prevent the spread of the virus.

Do you agree that the federal government's interventions have been unhelpful and confusing students, parents and schools? What is your position on getting students back in the classroom by June?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for her question. I have made my position perfectly clear regarding our students in schools. In term 2, they will be taught at home. If they cannot be taught at home, they will be taught in our schools. I explained that on Monday and the Education minister has made that point as well. How the federal government wants to deal with private schools is a matter for them.

In terms of public schools and the way we will continue to manage them, we provided clarity before Easter when we said that parents should keep their children at home but if they could not support them, or if they were working, our schools would be open. Our schools are open. Unfortunately, they are not on the north-west coast but I expect them to open next week. We will be guided by public health advice on that.

Both independent and Catholic schools, at the end of the day, are in the private sector. That is a matter for them. They will engage with the federal government. Our position on our public schools is very clear.

Ms White - Would you have an expectation about those private schools?

Mr GUTWEIN - Our position is very clear. Whether independent and Catholic schools change their arrangements is a matter for them, but I do not believe they will. I believe we will have consistency across the sectors. I understand that the federal government has dangled a carrot in bringing forward funding. That is a matter for independent and Catholic schools to work through. We have said that we will keep our circumstance under review - as we should. We provided clarity before Easter. That same clarity exists post-Easter. We know how difficult this is for our schools, our teachers, and our parents and we want to support them as best we can.

I made the point on Tuesday about the efforts of Riverside Primary School. The principal there is Jane Bovill, whom I have known for a long time. I saw her on television that night. They were providing the learning support and tools for students and parents as they drove through and collected them. This is not ideal though: I want to be clear about that. I have said this on a number of occasions publicly: if the best way to teach children was by distance education then that is what we would have been doing up to this point. We are reacting to a pandemic; we are ensuring that our schools remain open and that parents are supported if they cannot provide support for their children at home for their learning or if they are working.

I understand how challenging this is for teachers. I say to our teaching workforce that I really do thank them for what they do. I know how difficult it is for teachers. Good teachers miss their students. We all acknowledge that. You talk to any teacher - and I have talked to quite a few in recent times - they would dearly love to be back with those kids. They miss the relationship they have with those kids and the very strong bonds that are created between an engaged teacher who has a real interest in the kids and that student cohort. I hope we can get back to school, back to normal, as soon as possible because that is the best learning environment for our children.

In Tasmania we have been clear. Prior to Easter we said parents should keep their children at home; and if they could not support them at home, schools would be open; if they were working parents, their children could go to school as well. We have come out of Easter and that is the same position we have right now.

COVID-19 - Effect on Racing Industry

Mr O'BYRNE question to PREMIER, Mr GUTWEIN

[11.19 a.m.]

The Tasmanian racing industry supports jobs in rural and regional communities, injecting over \$100 million a year into the Tasmanian economy. Over 5000 Tasmanians are either employed or are participants in the industry. On 2 April the racing industry in Tasmania was shut down. This is despite the industry itself banning crowds and enforcing nation-leading restrictions on social distancing in the workplace at the training facilities and racetracks. No other state or territory has put a stop to racing.

The racing industry is on its knees. Jobs have been lost and jockeys, trainers and animals are moving to the mainland, further undermining the future sustainability of the industry. The industry acknowledges and supports necessary measures taken to protect the public health during this health crisis but questions why the decision was made to shut them down when places in retail like Bunnings and K-Mart remain open.

The industry has worked very hard putting a proposal to your Government dealing with the issue of intrastate travel, restricting the location of race meets, strict transport and on-track protocols, and the most stringent of social distancing measures. The industry is in desperate need of a date to work towards for recommencement of race meets.

Given the work the industry has done to propose a method of operation that is in advance of other states still operating and other industries that are still operating, for example, building and construction and freight logistics, will you commit to a date for restarting race meets consistent with the very well-thought-out industry proposal?

ANSWER

Madam Speaker, I thank the shadow treasurer for that question and his interests in this matter. Let me explain, as I understand it, the thinking behind the Public Health advice regarding the closure of racing when it occurred. One thing we have attempted to do is limit people travelling around the state where we can. In fact, contained in your question is one of the things that was concerning Public Health, and I wrote it down. You made the point that many of those in the racing industry come from regional and rural communities. I know many people in the north-east who have an interest in racing and I can assure you that like many people in racing at the moment they are making

their concerns and displeasure at this decision known, so I understand fully where the industry is coming from.

Public Health, taking the view that they wanted to protect Tasmanians, formed the view that having people moving around the state from region to region and bringing people from rural and regional parts of Tasmania to those meetings - and whilst no crowds attend, my understanding is that at most of those meetings there would be maybe 50, 100, 150 people coming together and then going back to those regional and rural areas - was a public health risk. That was why, as I understand it, the decision was made.

I am comforted with that decision being made. In fact, with the north-west coast and the outbreak there, if racing had continued there was a much higher risk that could have occurred with the risk of transference of the disease around the state.

To support the industry, I understand we provided around \$2 million per month, which was what was costed by Tasracing, which I understand is slightly more than the stakes that would be paid to the industry through winnings and racing on a monthly basis. So, in fact, more revenue was going back into the industry, and then we supported the industry in ensuring that animal welfare and appropriate checks and balances were put in place for that.

I can understand the industry's concern and I must admit that every weekend when they watch racing occur in other parts of the country it is difficult for them to understand and accept that they are not able to race, but front and centre of our thinking in protecting Tasmanians has always, and at its very genesis, been the fact that we have an older and more vulnerable population. I know that like me, you know a lot of people in the racing industry and, in the main, many of them are in that older and more vulnerable population, so I support the Public Health decision.

I am aware of the plan that Tasracing has brought forward. I have asked for that to be considered by Public Health because I would like to get to a point where there is a date that racing can work towards because I understand they need to get their animals both track-ready and race-ready. That is a matter for Public Health. They have received the plan and I have had a conversation with them about this matter but they will look through this and make a decision based on public health grounds. I ask the industry to do their very best to work with us through this. This decision was about saving lives, protecting regional and rural communities and in the main it was about protecting their lives as well.

I have read the plan they have put forward and it is detailed, I accept that, but first and foremost we need to deal with the north-west outbreak. I am hopeful that by tomorrow, subject to case numbers remaining low, we can get a positive decision about removing the additional restrictions on the north-west coast. That is the first step and then we can look, based on Public Health advice, at what the timing is of the resumption of racing. I want to make it clear to the racing industry that we will be guided by Public Health advice, as all of us should be, as difficult as it may be.

TABLED PAPERS

Parliamentary Standing Committee on Public Works - Reports

Mrs Rylah presented two reports of the Public Works Committee on the following references:

- (1) Report on Major Redevelopment of the Devonport High School; and
- (2) Report on Major Redevelopment of the Penguin District School,

together with the evidence received and the transcripts of evidence.

Parliamentary Standing Committee on Subordinate Legislation - Report

Mr Tucker presented a report of the Parliamentary Standing Committee on Subordinate Legislation: Scrutiny of Notices issued under the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 - Report 1.

Reports received.

COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) BILL (No. 2) 2020 (No. 17)

First Reading

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

SUPPLY CHAIN (MODERN SLAVERY) BILL 2020 (No. 18)

First Reading

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

SUSPENSION OF STANDING ORDERS

COVID-19 Legislation - Business Arrangements

[11.36 a.m.]

Mr FERGUSON (Bass - Leader of Government Business)(by leave) - Madam Speaker, I move that -

- (1) So much of Standing and Sessional Orders be suspended as would prevent the COVID-19 Disease Emergency (Miscellaneous Provisions) Bill (No. 2) 2020 from proceeding through all stages at this day's sitting; and
- (2) For this day's sitting the House shall not -
 - (a) be suspended at 1 p.m.; and
 - (b) stand adjourned at 5.25 p.m. and that the House continues to sit past 5.25 p.m.

I will make a few comments about our return to parliament and the conduct of the day.

The Premier made recommendation to Her Excellency the Governor to have the parliament recalled today, 30 April. In making that announcement, at the time the Premier made it very clear that the intention of the need for parliament was to allow for this further legislation to be considered, that we will consider through the day. At the time, the Premier was responding to increased calls and the desire that had been expressed by various parties for the opportunity for parliament to meet in order to allow questions to be put to ministers and the Premier.

So here we are. Question time has been conducted. I will speak to the regularity of parliament from here on. I have had good discussions and sharing of ideas with other members of this House outside the Chamber and I appreciate that. The principle remains that we will attempt to continue to have good social distancing, not just in the way we sit in the Chamber but also in the way we manage people coming in and out of the Chamber and who is here during any particular question time. That is working quite well.

Also, that we retain the principle that has been previously discussed and agreed to: that the parliament should sit for the least possible period of time. It is for that reason we have temporarily set aside things like private members' time for each party and the Independent, and MPIs. I will speak to another motion shortly in relation to MPIs and so I will hold my remarks on that for now.

I draw attention to the fact that we need a better way of allowing our time to be managed. With seven days' notice of this sitting, there was no committee business that had been planned for our lunch times, so there are no barriers for us to crack on and use our time wisely and minimise a later sitting that may be needed tonight. This will allow us to give consideration to the bill and allow it to be provided to the Legislative Council without any delay over lunch.

It would be my intention, at the request of the Opposition, to move that the House be suspended for period of time to allow a further period of having a look at that bill, which is totally in order. I think these arrangements allow us to be efficient and professional and support both the sittings of the members of this House, as well as members of the other place. I commend that first motion to the House.

Motion agreed to.

MOTION

COVID-19 - Standing Order 18 and Sessional Order 18A

[11.40 a.m.]

Mr FERGUSON (Bass - Leader of Government Business)(by leave) - Madam Speaker, I move -

That for the remainder of this Session -

- (a) Standing Order 18, paragraphs (d) and (e) be suspended and the following paragraph be inserted instead -

- '(d) When the House adjourns in accordance with paragraph (b) of this Standing Order or the adjournment is moved in accordance with paragraph (c) of this Standing Order:

- (i) the Speaker shall call speakers on the COVID-19 Emergency Matter of Public Importance. Members may speak to such matter for seven minutes each and the debate shall not exceed thirty-five minutes; and
 - (ii) following the conclusion of any debate under subparagraph (i), the Speaker shall then call for adjournment speakers, when any Member may speak to any matter for seven minutes. After these issues have been debated for a maximum period of one hour, the House shall stand adjourned, without Question being put, until the next sitting day.'
- (b) Sessional Order 18A be amended by taking out 'Six o'clock' and inserting instead 'the time prescribed for the adjournment in Standing Order 18(a)'.

Speaking to that, again I thank members for working with me on the housekeeping of this place to allow us to have the best forms of this House to be respected.

A common theme in dealing with members across the Chamber was the desire for a return of the MPI, if I may put it that way, to allow it to be used for an open opportunity for members to be able to discuss and put their views on the record in relation to the COVID-19 emergency, whether it related to how well or how badly the Government might be managing that, and issues from the electorate or the business community. The intention principally of this motion is to allow for that to occur and it will be guaranteed each sitting day during these unusual interim arrangements that we are putting in place through the Sessional Orders, not the Standing Orders. We all look forward to the time when we can get back to the usual management of the House and the way our Standing Orders have usually been working.

It is not the intention of the Government to be fiddling around with questions in question time. I am aware of a motion that has been foreshadowed on that and I will speak to that if and when that motion emerges.

Importantly as well, in moving the sessional order right now the Government has placed on the notice paper the intention to have a ministerial statement. That will allow a noting debate and we will also have the opportunity for the COVID-19 MPI after that, so there will be quite a few opportunities to be shared around the Chamber at your discretion, Madam Speaker.

That is all I need to say, other than to restate the Premier's point on this. The House will meet for one day in each of the sitting weeks that we ordinarily would have sat. We agreed in our last meeting to put off the sittings of the House until 18 August but for the reasons described earlier we are meeting now and we will meet again on one day of each of those sitting weeks that would have been set aside. If the legislation requires it we will sit more than one day in those sitting weeks but we will be guaranteeing there will be that one opportunity each week so that there are frequent opportunities for members to be able to pose their questions to ministers. I thank the House.

[11.44 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, we recognise that we are in extraordinary times as a parliament and we very much appreciate the decision to return parliament, albeit in a very restricted manner. We maintain the view that there should be more than

one sitting day in any given week, given that we are able to have in place appropriate physical distancing and hygiene regimes in order to minimise if not eliminate risk.

We are moving an amendment to this motion without notice which is consistent with a position we have had forever, and that is that question time is a time for scrutiny. It is not a time for self-congratulation. I understand that in other ordinary circumstances there is an argument that the government of the day should allow its backbenchers to ask scrutiny questions but we did not hear a single scrutiny question this morning from the Dorothy Dixers. What we heard was backbenchers getting up and giving ministers an opportunity to congratulate themselves. In an emergency that is impossible to justify.

There are plenty of opportunities for the Premier and Government ministers to get key messages out to engage with the Tasmanian people. I am sure all of us here watch the morning briefing. They are extensive, they are information-rich, and they are an opportunity for the Government to set the agenda for the day, engage with Tasmanians on the issues that they want them to be mindful of, tell Tasmanians what the rules are, and to keep Tasmanians up to date on the situation for example in the north-west. This morning's briefing provided detail on the report into the north-west outbreak. Every morning there is an opportunity for the Government to engage through those briefings.

Today in parliament we will have a ministerial statement again. That is the Government setting the agenda. There has been a lot of take in this past six weeks. We have accepted that parliament needs to change some of its practices in order for us to be able to minimise if not eliminate risk of COVID-19 transition to anyone in this building or anyone we come into contact with.

That take from government has meant we have fewer sittings, we have no matter of public important debate that is brought on by other members on any other issue, and we can accept that to an extent, but we also have no private members' time, so there has been lots of take and not much give. From the Greens' point of view we are absolutely determined to be constructive and cooperative but we will not be a rubber stamp for legislative overreach and we will always advocate for strong scrutiny, accountability and transparency mechanisms. They are not something governments should ever fear and not a government that is clearly doing its best to manage an emergency situation, and I believe this Government and this Premier are doing their best.

No good government should be afraid of scrutiny and accountability. In fact, it improves government decision making. We should have a question time during an emergency that is dedicated only to scrutiny, not to self-congratulations. From the Greens' point of view, what these new arrangements mean is that over this period when parliament will sit a little bit we will have a total of 10 questions. We have asked to be on the Subordinate Legislation Committee and that has not been accepted. We should be on the Subordinate Legislation Committee given that it is the primary mechanism for scrutinising decisions that are made by government, but what we know about that committee is that they are not able to do their job properly because they have been told that they cannot examine notices that are issued under the COVID-19 emergency response. The Subordinate Legislation Committee is not able to scrutinise properly decisions, determinations and notices that have been made by government. Their scope has been unreasonably confined. We should be on that committee. There are three parties in this House -

Ms Ogilvie - And an Independent.

Ms O'CONNOR - And an Independent. You were on that committee before.

Ms Ogilvie - I know quite a lot about the committee.

Ms O'CONNOR - Good on you. We should be on it because we have been cooperative and constructive; we have backed the Government when it has been necessary. I personally appreciate the conversations that the Premier has initiated between himself, the Leader of the Opposition and me. It has been very valuable. It has also been very valuable to the people of Tasmania to see parliamentarians working together at this extraordinarily awful time in our history.

It is one thing to say we appreciate the Greens, we appreciate being able to engage with the Leader of the Greens, but then to exclude us from scrutiny mechanisms. We will be making an amendment to the legislation this afternoon in an effort to make sure that we are on the Subordinate Legislation Committee. The Subordinate Legislation Committee needs to be able to examine notices and directions in real time. What is happening, of course, is they are getting things after the fact, after it has been gazetted and a decision has been made. It is too late. It is valuable to have the conversations with the Premier and it is one part of a broad scrutiny framework. We have open conversations but it is not enough so I move that -

Time expired.

Dr WOODRUFF - Madam Speaker, I move that the member be heard for another 30 seconds.

Madam SPEAKER - The Clerk's advice is that you do not get any extra time when it is a procedural matter.

Ms O'CONNOR - Dr Woodruff will move the amendment for us.

[11.52 a.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, on behalf of the Greens, I move a motion without notice concerning Standing Orders and Sessional Orders. I move that the motion be amended by inserting the following paragraph after paragraph (b) -

'(c) Sessional Order 48A be suspended and the following Sessional Order be inserted instead -

48A Minimum number of Questions

Notwithstanding the provisions of Standing Order 47, the Speaker shall ensure that a minimum of questions without notice to be asked shall be nine by the Opposition, three by Members of the Greens and two by the Independent Member for Clark if such Member seeks the call.'

Mr FERGUSON (Bass - Leader of Government Business) - Madam Speaker, I will make a few considered comments to that motion. I have had the benefit of about an hour to think about what I might say because Ms O'Connor gave me the courtesy of sharing the amendment about an hour ago or just before question time.

The Government will not be supporting this amendment. On face value I could see the appeal in this amendment to the members of the Opposition and perhaps even to Ms Ogilvie. I could see the appeal to any member of those parties that are captured by Ms O'Connor's -

Ms O'Connor - I can see the appeal to the people of Tasmania.

Mr FERGUSON - I would like to be heard. I can see the appeal that has been fashioned here to give the Opposition nine questions, to give the Greens three questions and to give Ms Ogilvie double her questions to two and to strip the Government of any opportunity at all during question time for government members to be able to ask a question. One thing Ms O'Connor has either forgotten or carelessly set aside is that our MPs are MPs of this House also -

Ms O'Connor - We are in an emergency. We are asking scrutiny questions. It would be a different story -

Madam SPEAKER - Order, please.

Mr FERGUSON - It would help the debate if you would listen to my points of view on this. A brief look back will perhaps remind members that the reason we are having this debate at all is because of an agreement that was reached late in the Labor-Greens years between Mr Hidding and I think Ms O'Byrne at the time to put in place standing order 48A -

Ms O'Connor - There was no pandemic happening then.

Mr FERGUSON - The point is that question time was previously a round robin with the guarantee that it will always be up to an hour. Often it was the case that the Opposition might not have got its full quota of questions. Mr Hidding and Ms O'Byrne negotiated six questions at a time. I remember clearly that the Labor-Greens members had six questions - three and three - but they divvied it up. The government had six questions and 48A provides not only will it be an hour but there will be these guaranteed minimum number of questions provided principally for the benefit of the Opposition. That continues today except this Government has lifted the Opposition's questions from six to seven and I have been here like a broken record saying I believe that for all time that the Opposition of the day ought to have seven questions. A future different Opposition perhaps should have seven questions.

The Government has taken its questions from six to four and the Greens who lost party status, we kept you on one and we agreed to give you an extra, a two and then when Ms Ogilvie came in at the expense of a Labor MP, I know that the Greens were worried we would take them back one, and the Labor party were worried we would take them back one. We did not. I ask you directly: have I ever cheated the Greens in my dealings with you? Have I ever?

Members interjecting.

Madam SPEAKER - Order, please.

Mr FERGUSON - I say to the Opposition, have I ever cheated you, Mr O'Byrne, in my dealings with you? This should not be occurring. It is wrong for you to try to deprive members of this party of the opportunity.

Members interjecting.

Madam SPEAKER - Order, I ask you to refrain and remember these are very special times. This must be a dignified debate. Please allow the speaker to heard.

Mr FERGUSON - We make deals about the housekeeping of this House. I have, and this Government has, always honoured those arrangements, every time. I do not support and the Government does not support this motion. It is in bad faith.

Ms O'Connor - It is not in bad faith.

Madam SPEAKER - Excuse me, Ms O'Connor.

Mr FERGUSON - All parties in this House have acted honourably in putting aside their opportunities for private members' time, for MPIs and indeed the sittings of this House. Everybody has given and I believe it is an unreasonable claim to say that it is somehow all take.

I love being in parliament. It is great and it is important and we fight hard at elections to be able to be here. Debate on legislation, for example, you might have moved that members of the Government not be allowed to debate legislation. We have always tried to be fair about committees and if the member for Clark wants to upend members' opportunities to exercise their rights as members of this House I think that is in bad faith.

I will conclude on a point that the question time that we have just had has shown the benefit of Standing Order 48A because for whatever else happened in our question time including the questions that Government members ask of ministers which, by the way, were important opportunities for information and advice provided to the House, none of that came at the expense of the guaranteed questions for you, Ms O'Connor, for the Labor Party or for Ms Ogilvie. Question time went for an hour and a half. None of the Government questions subtracted from any opportunity that had been previously provided for in our dealings.

I will say, it has not been all take -

Dr Woodruff - They were not urgent and they were scrutiny.

Madam SPEAKER - Dr Woodruff, I ask you to be more courteous.

Mr FERGUSON - I would like to have my opportunity to be heard. Every party, every member of this House has given something during these emergency provisions. It is no surprise that members would not want the Government members to be able to ask questions. That is not new.

I would say to you Ms O'Connor, you did not raise this with me in any of our discussions, actually that is not true, you did in the early ones. In my recent discussions you did not foreshadow this and it is wrong to try to deprive another member of their legitimate rights. We do not support the amendment. Again, I remind members that if you want to fiddle with 48A then the alternative is to go back to the tradition and the form for the House, which is round robins and you do not get your guaranteed minimums. I think that is not desirable. That would not be the right way forward where members get the number of questions by proportion to their party, which is the Westminster tradition. I do not support that.

Time expired.

[12.00 p.m.]

Mr O'BYRNE (Franklin) - Madam Speaker, I believe we should also reflect on the fact that people are in the midst of an extraordinary crisis and an extraordinary time. People expect us in a parliamentary democracy to ensure that the foundations of parliamentary democracy are supported. I must admit, with the greatest respect to the member who has resumed his seat, it is probably not the strongest defence of Dorothy Dix questions that I have ever heard. There has been a big question mark about the role of Dorothy Dix questions in question times in a number of state parliaments. A number of parliaments are reviewing their role.

What also concerned me was a comment that the Leader of Government Business made about the number of sitting days that will be scheduled for this parliament during this most unusual of times. He said that if there is legislation required we will come back and we will sit more to deal with the legislation. That is but one element of the role of parliament. A parliament is not just to deal with legislation. It is to deal with the scrutiny of the government of the day. Question time is a fundamental part of that, but it is also about giving the full parliamentary democracy, the full members of this House the opportunity to scrutinise legislation, to argue, to raise matters of public importance, to ask serious questions of the government of the day, to ensure that a probity, level of accountability, transparency and scrutiny is applied to government. Whilst we are in the most extraordinary of times, the people of Tasmania would not expect us to suspend that or to delay that.

Four weeks ago we made the reluctant decision to do that. I went back to the debate. Some criticism was levelled at a number of people in this House - all of us - to say that we rushed to run away from parliament and that we have removed a fundamental tenet of our society in parliamentary democracy in Tasmania. But we did that reluctantly. Members in their contributions said that this is the most extraordinary of times. We are heartened by the actions and the words of the Premier in his consultation with the Opposition parties and with Independent members and that on that basis the next coming time following that decision was very unknown to us and it would not be appropriate for us to commit to come back at a time when we were uncertain about the impact of COVID-19 on our community.

We reluctantly made those decisions at that time. At that time, it was in the best interests of not only workers in this House, and MPs, but also in ensuring that the Government could get on with the job. Time has elapsed. Consideration and reflection has occurred. Community members across the state have raised the question about scrutiny and transparency of Government actions.

The fact that, as a response to those calls, the Premier has called back parliament for today is a sign that it is something that the Government considers important. It is not just about opposition parties; this is in your interest. You need to maintain faith with the Tasmanian community. The actions that you are taking have the support of the community and are the right ones. Checks and balance in the system is a parliamentary process - question time, matters of public importance, debate on legislation. The fact that we are arguing and having an extraordinary day where we push through lunch, that we will sit late tonight, potentially to wait until the upper House does its work, proves the point that we have the forms of the House to deal with this. And that is more sitting days. It actually proves our point that more sitting days should be scheduled. We believe we should be sitting more to allow the Government the time and flexibility to deal with matters in the normal functions and forms of the House.

The fact that there was a bill flagged to be introduced today that has now been pulled in undue haste for whatever reason - we know you need more time to work on it -

Ms Archer - It's very complex.

Mr O'BYRNE - I understand. I am not saying it is not complex. What I am saying is that the fact you said you would bring it in because we have one day sitting and then pulled it, proves that we need more time and flexibility for the House to work through the forms that have existed.

These are extraordinary times. This is a moment for us as mature parliamentarians to reflect the will of the people to ensure that transparency and accountability is applied in this House.

Do not twist our words in terms of the questions. We have stood shoulder to shoulder with you on this with 1.5 metre social distancing, step in, step out. But that does not mean we always agree. We should not be taken for granted. We will support you, but we do not have to agree with everything you do. We have every right to ask questions when we think you may not be making the decisions in the interests of the state. That is parliamentary democracy and that is what we all signed up for.

We will be supporting the amendment from the Greens to give more questions to the Independents, the Greens and the Labor Party to ensure we can ask the questions of the government of the time. There are plenty of opportunities for the Government to raise the issues in Dorothy Dixers. Given the Government are restricting access to this House, an extra level of scrutiny is appropriate at this time. Once we return to normal sittings, we will return to the existing Standing Orders of the House. We support the amendment.

[12.06 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, briefly on the amendment, I will follow up on what the Leader of Government Business said. This amendment is not put forward in bad faith. It is put forward because we are in extraordinary times. The arguments you made, Mr Ferguson, about the rotation, and the agreement between Mr Hidding and Ms O'Byrne at the time, were made when we were not in a pandemic emergency.

Every other aspect of the functioning of this House has been affected by that, so why should Dorothy Dixers be exempt? It is rare for you, Mr Ferguson, but your argument does not stand. It does not pass the sniff test. I absolutely reject that the amendment was made in bad faith. It is entirely consistent with conversations I have had with you and other members of government, and our position going back many years. But, in this instance, when we are talking about the session that we are in now, a confined period of time, it is entirely reasonable that question time be adjusted so you have more opportunities to ask government ministers questions.

Mr Ferguson - It is in bad faith because this motion is about bringing back the MPI. That is what this motion is doing. It is something that you asked for.

Ms O'CONNOR - Yes, that is right and thank you for putting it in there. It was a good idea; you are welcome but it does not take away from the fact that question time still has in this constricted opportunity we have for scrutiny, 20 minutes of every bloody question time is Dorothy Dixers when we are in the middle of a pandemic emergency.

Government has all the tools available to it to communicate to Tasmanians. Yet you want to keep the Dorothy Dixers while Tasmania is in lockdown, people are dying. For heaven's sake, you cannot argue it. It does not pass the sniff test. This is done in good faith for the people of Tasmania.

[12.08 p.m.]

Ms OGILVIE (Clark) - Madam Speaker, on the amendment, it is an interesting debate. Of course, everybody would like to have more questions. I would as well, but I was only made aware of this amendment when I took my seat. There was no previous discussion and I had no idea that this was coming and so I find it a bit interesting because I was part of the conversations around sessional orders.

The people of Tasmania are having an awful, dreadful time at the moment. In my family, my friends have lost businesses, lost lives, lost money, the kids are at home and it is difficult with trying to work. Will we have a job or will we not have a job? This is not the moment for us to be talking about ourselves.

Ms O'Connor - That is pretty rich coming from you, Ms Ogilvie.

Madam SPEAKER - Order, please. Through the Chair. Please proceed, Ms Ogilvie.

Ms OGILVIE - I feel quite emotional about this. I have tried to work constructively with the Greens who have, over many months, been very rude to me in this House. I have had enough of it and I ask them to permanently cease and desist from doing that, Madam Speaker.

In relation to the sessional orders, I was not particularly happy about them. I had my say in the beginning and am not particularly happy about relinquishing my right to speak at the podium, but I did that to facilitate an outcome in this House that was good for health and safety. I believe everybody should be speaking from their seat for that reason. I considered putting forward an amendment to the amendment on that basis because I think that would be fair and it would be hard to argue against that, but I now believe that this conversation needs to be had separately to the Chamber. It is a question of what happens not just in this unusual circumstance that we find ourselves but it is a conversation that needs to be had right across how we run parliament when we are in a more normal circumstance. I am disappointed that there was no effort to reach out to me to let me know this was coming. I might have supported it.

Members interjecting.

Madam SPEAKER - Order, could we please have a bit of discipline?

Ms OGILVIE - What I am talking about is the ability of both Labor and the Greens to enter into proper negotiations on any sort of communication. It does not happen and it is not a good way to do things. You drop things on the desk that have not been discussed -

Mr Ferguson - We've always dealt fairly and squarely with you.

Ms OGILVIE - This is brand-new this morning as far as I am concerned; I have not seen it before. Of course everyone wants more questions and I agree that there is a problem with Dorothy Dixers, but I have alternative proposal that I would like to discuss and I believe we need to do it across parliament as it sits going forward and not just in this unusual circumstance. It is really sad that when Tasmania is in such a state of grief and uncertainty and such a horrible time -

Ms O'Connor - We are asking for more scrutiny opportunities.

Ms OGILVIE - Again the Greens are having a go at me when I am trying to speak. This has been going on since I arrived back here and I do not want to do that anymore. I have had enough of it. If you want to work with me, if you want me to support things, please pick up the phone, please ask me -

Members interjecting.

Madam SPEAKER - Order. This is the most undignified performance since we have come back to parliament. We are all here for the same reason and I expect a bit more respect across the Chamber. Has the member completed her contribution?

Ms Ogilvie - I have and I think on that note I will probably just leave the Chamber.

Madam SPEAKER - You won't be here for the vote?

Ms Ogilvie - No.

The House divided -

AYES 7

Dr Broad (Teller)
Ms Haddad
Mr O'Byrne
Ms O'Connor
Ms Standen
Ms White
Dr Woodruff

NOES 9

Ms Archer
Mr Ferguson
Mr Jaensch
Ms Ogilvie
Mrs Petrusma
Mrs Rylah (Teller)
Mr Shelton
Mr Street
Mr Tucker

PAIRS

Ms Butler
Ms Dow
Ms Houston
Ms O'Byrne

Mr Barnett
Ms Courtney
Mr Gutwein
Mr Rockliff

Amendment negatived.

[12.23 p.m.]

Mr FERGUSON (Bass - Leader of Government Business) - Madam Speaker, I would like to put a full-stop on the previous debate; that has been settled in the House. To bring back the main question, this is about reinserting the MPI opportunity for the emergency arrangements. I want to bring us back to the common purpose, if I may. I appreciate the collaboration with members around the Chamber, Ms Ogilvie, Ms O'Connor and Mr O'Byrne. I hope this is a constructive exercise as well. I think Tasmanians will be looking to this House to continue to have a sense of their own wellbeing that this parliament is acting responsibly and with appropriate combined purpose. Of course there will still be the opportunity to have scrutiny, but this is not just about scrutiny, it is

about that common purpose and backing in the actions that will encourage the right behaviours in the Tasmanian community.

I want to end this debate on that positive. These conversations ought to continue and I appreciate the fact that we have all given up things that are valuable to us as MPs - everyone, Government, Opposition and crossbench - and that is noted and appreciated. It is my and the Government's continued hope that when the circumstances allow it, we get back to the normal parliamentary forms of the House. I commend the motion to members.

Motion agreed to.

SUSPENSION OF SITTING

[12.25 p.m.]

Mr FERGUSON (Bass - Leader of Government Business) - Madam Speaker, at the request of members, and given the urgency of the bill that is next to be called on, together with the fact that it has been prepared rapidly and with briefings that occurred yesterday, the further benefit of some time for members to examine the bill with their advisers is supported by the Government. On that basis, I move -

That the Speaker leave the Chair until the ringing of the Division Bells.

That should not be later than 1.30 p.m.

Mr O'BYRNE (Franklin) - Madam Speaker, we appreciate the assistance of the Government allowing this extra time. Thank you very much for allowing us to do that. This is a very important bill. There are a number of consequential amendments to a number of other bills and the conduct of legislation in Tasmania. We need the time to scrutinise it and we appreciate the willingness of the Government to allow us this extra time.

The House suspended from 12.26 p.m. to 1.36 p.m.

COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) BILL (No. 2) 2020 (No. 17)

Second Reading

[1.36 p.m.]

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

That the bill be now read a second time.

This bill is another step in delivering on our Government's commitment to respond to the COVID-19 disease emergency and to manage the risks associated with the spread of the disease and the financial hardship affecting the community as a result.

The Tasmanian Government is committed to responding quickly to the issues faced by Tasmania as a result of the COVID-19 disease emergency. The COVID-19 Disease Emergency

(Miscellaneous Provisions) Bill (No. 2) of 2020 provides a range of discrete measures to address the effects of the COVID-19 disease in Tasmania by amending or modifying the application of a number of Tasmanian acts.

While most of these changes will be in place for the emergency period, the bill also makes a small number of discrete amendments to the Emergency Management Act 2006 and the Public Health Act 1997 that will continue to apply to public health and other emergencies beyond the current COVID-19 disease emergency.

The bill follows on from the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 which was passed earlier this year and commenced on 27 March 2020. I also intend to table a separate bill to deliver on the Government's commitment under the National Cabinet to implement the mandatory code of conduct for commercial leasing principles during COVID-19.

As the Premier noted, when the first COVID-19 Disease Emergency (Miscellaneous Provisions) bill was introduced to parliament in March there are areas of law in our state that were simply not designed to work in the kinds of circumstances that we are likely to face as this emergency unfolds. The bill before you now builds on the foundations put in place by that act to ensure that the Government and the administration of law can continue to respond and adapt to the COVID-19 disease emergency situation.

The bill makes a number of discrete amendments identified as being necessary at this time in response to the COVID-19 disease emergency by modifying or amending certain provisions of the following acts and, where relevant, associated regulations. The Constitution Act 1934 and the Electoral Act 2004, the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020, the Emergency Management Act 2006, the Public Health Act 1997, the Tasmanian Health Service Act 2018, the Taxi and Hire Vehicle Industries Act 2008 and the Vehicle and Traffic Act 1999.

The bill is set out in a number of discrete parts that deal with how each of these pieces of legislation are either modified or amended by the bill. It also provides for the making of regulations for the purposes of this act and provides for the minister to declare the emergency cessation day with respect to the provisions contained within this bill.

Madam Speaker, I will now turn to the specific provisions of the bill.

Part 2 of the bill deals with the Legislative Council's periodic elections for 2020. These elections for the divisions of Huon and Rosevears are an important part of Tasmania's democratic system and we take the responsibility to conduct these elections in accordance within our current framework very seriously. On 5 April I announced that the Legislative Council elections would be deferred as part of measures to protect Tasmanians against the spread of coronavirus. This decision was based on advice from the Director of Public Health that it is likely that the gathering of people on a polling day in May would be a public health risk and against current directions issued under the Public Health Act 1997. For these reasons it is not considered feasible to hold the Legislative Council periodic elections in May 2020.

A number of steps have been taken to defer the elections. First, the Tasmanian Electoral Commission has resolved not to conduct the Legislative Council periodic election during May 2020. Second, her Excellency the Governor has revoked a proclamation appointing 30 May 2020 as the polling day for the Legislative Council periodic election.

Finally, the Premier has issued a notice under the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 relating to the polling day for Huon and Rosevears. The notice allows a polling day for the elections on a Saturday in either June, July or August 2020. That day can be fixed by proclamation. As I said at the time, while these elections are an important part of our state's democratic process, our advice from the Director of Public Health and in the best interests of the Tasmanian community, the strongest measures must be in place to minimise any risk of transmission or spread of the coronavirus COVID-19 infection.

I also stated at that time that should public health circumstances require a further deferral of the election then a further notice would need to be considered. In addition to these steps already taken to defer the elections, this bill includes provisions to ensure certainty and continued representation for the people of Huon and Rosevears by extending a time within which the Legislative Council periodic election for 2020 can be held and extending the terms of the current members for Huon and Rosevears until the election can be held, and related matters.

Specifically, part two of the bill modifies the application of the Constitution Act 1934 and Electoral Act 2004 to enable the election to be held, so far as possible, on a day on which the holding of the election will not substantially increase the risk of the spread of the disease.

Importantly, the bill modifies the application of these acts with respect to this matter but does not amend the provisions of these acts directly. Rather, it allows for the provisions of the bill to prevail in relation to this matter only to the extent of any inconsistency between a provision of those acts and the provision of the bill.

The Government understands the importance of these elections to the people of Huon and Rosevears and we will continue to take advice from the Director of Public Health to ensure they are conducted safely and in the best interests of the Tasmanian community. The bill provides legislative certainty for various matters relating to the deferral of the election by modifying the application of the Constitution Act 1934 and the Electoral Act 2004.

In light of uncertainty regarding the date in which the periodic election for 2020 may be safely held, the bill provides that the Governor may under section 19 subsection 4 of the Constitution Act 1934 appoint by proclamation to hold the 2020 election on a Saturday in a month before 31 December 2020.

The Governor may only make a proclamation if the Director of Public Health has notified the minister he or she is of the opinion that there is no longer a significant risk to public health that would make it undesirable to hold the 2020 election.

The bill extends the term of the current council members for Huon and Rosevears until an election can be held and provides that if the election cannot be held before December 2020 the election in respect of 2020 will be held at the time of the periodic election of 2021 in a Saturday in a month in May 2021 in accordance with section 19 subsection 4 of the Constitution Act 1934.

The bill also provides that the term of the newly elected members in the council divisions of Huon and Rosevears will end at the time of the new candidates being declared for the next periodic election for those council divisions in May 2026. This will ensure a return to the usual six year term of office provided under the Constitution Act 1934 at the time of the 2026 periodic election.

The provisions in Part 2 reflect the need to modify the provisions of the Constitution Act 1934 and the Electoral Act 2004 in relation to the Legislative Council 2020 periodic elections and are not specifically linked to the emergency cessation day as defined in this bill.

Some of these provisions, such as the provisions allowing for a return in 2026 to the usual six-year fixed term for council members under Section 19 of the Constitution Act 1934 will need to be in place beyond the emergency cessation day.

I turn to Part 3 of the bill which relates to the functions of the Tasmanian Health Service (THS) during the emergency period.

Section 19 of the Tasmanian Health Service Act 2018 sets out the powers and functions of the Tasmanian Health Service in providing health services and health support services where those services are not provided for under that act.

Under the act, the Tasmanian Health Service is not able to act as a service provider in contracts with third parties, such as other health service providers, unless those services are specifically contemplated in the THS Service Plan in place at the time. This may limit the ability of the Tasmanian Health Service to enter into commercial arrangements with a third-party service provider to deliver services to a third party where this arrangement is not specifically set out in the THS Service Plan.

In the context of managing the COVID-19 disease response, it is considered that modifying this requirement during the emergency period would assist in managing the relationships between public and private hospitals where the THS may provide services to support those private facilities.

The bill provides that the Tasmanian Health Service may enter into contracts or arrangements during the emergency period to ensure that functions, hospital services, medical services, health services and health support services that are reasonably required may be performed or provided during the emergency period. It provides that, for the emergency period, such contracts and arrangements may be entered into where it is not consistent with the Ministerial Charter, is not specified in or is inconsistent with the THS Service Plan or it would otherwise not be authorised under the act.

It is critical in the current COVID-19 disease emergency that these services and functions are able to be delivered and that documents and plans may be in place that were not specifically designed to address a disease emergency such as this and may not be adequately responsive to the changing circumstances of the emergency, do not hinder the ability of the Tasmanian Health Service and health providers to deliver critical health services during this time.

Parts 4 and 5 of the bill address specific matters relating to financial hardship during the emergency period.

Part 4 modifies the operation of the Taxi and Hire Vehicle Industries Act 2008 and the Taxi Industry Regulations 2018 in relation to taxi licences and the regulation of ordinary and wheelchair-accessible taxis during the emergency period and also separately modifies the application of section 23(1) of that act in relation to the years 2020, 2021 and 2022.

The bill provides that the requirement under section 23(1) of the Taxi and Hire Vehicle Industries Act 2008 to make available new licences issued does not apply in 2020 and that the

minister may, by notice, declare that this requirement does not apply in 2021 and/or 2022 in relation to any taxi area.

The amendment relates to financial hardship effects of the COVID-19 disease emergency; however, the modification of the operation in section 23(1) is not linked to the emergency period under the act. This modification is broadly consistent with the existing provisions of section 23 of the Taxi and Hire Vehicle Industries Act 2008, which already provides for the minister to declare by notice that the requirement under section 23(1) does not apply in relation to a taxi area in respect of any of the years of 2016, 2017 or 2018.

The Government had originally intended to introduce a bill this year to amend this section of the act in relation to the requirement under section 23(1) to extend the years in which such a notice could be made; however, due to the current COVID-19 emergency situation this has not yet occurred. This provision gives broad effect to that intention for the current year and also for 2021-22.

Part 4 also provides that while this provision is in force the commission may approve vehicles for use and issue or transfer licences for ordinary and wheelchair-accessible taxis to continue to operate where the specific maximum vehicle age and odometer readings set out in the provision which reflects certain provisions in the Taxi and Hire Vehicle Industries Act 2008 and Taxi Industry Regulations 2018 are exceeded.

This amendment, new clause 14, is linked to the emergency period under the act and will cease to be in force on the emergency cessation day or a later day determined by the minister by a notice published in the *Gazette* before the emergency cessation day. This modification of the application of the Taxi and Hire Vehicle Industries Act 2008 and associated regulations applies only to the maximum vehicle age and odometer readings set out in the provision. It does not affect other requirements for ordinary and wheelchair-accessible taxis, including other criteria in Schedule 1 for where the commission may approve a vehicle for use as a wheelchair-accessible taxi.

For example, Schedule 1 of the Taxi and Hire Vehicle Industries Act 2008 includes a range of other criteria for wheelchair-accessible taxis, including that the vehicle must comply with Disability Standards for Accessible Public Transport 2002, formulated under section 31(1) of the Disability Discrimination Act 1992 of the Commonwealth: that the vehicle be fitted with a wheelchair restraint assembly that complies with Australian standard, New Zealand standard 10542.1 of 2009; and that any hoist or ramp fitted to the vehicle complies with Australian standard 3856. These important safety requirements will not be compromised by the changes made by this bill.

Part 5 of the bill modifies the application of the Vehicle and Traffic Act 1999 and associated regulations to allow the registrar to freeze the registration of a vehicle for part or all of the emergency period. Clause 15 of the bill defines the relevant period for this part in relation to a vehicle as the emergency period or a shorter period ending on a day nominated under clause 16(2) by the owner or a registered operator in relation to the vehicle. Once the period ends, either the registration is to be extended for the period for which it was frozen or, where the owner or a registered operator requests, the registration is to be refunded to the person for the period for which the registration was frozen.

The Government has previously announced this financial hardship measure in response to the impact of the COVID-19 disease and emergency and trading restrictions on Tasmanian small businesses. If the registration of a vehicle is frozen under this provision, the bill provides that the

vehicle may not be used on a public street during that period except if otherwise authorised under the act.

Part 6 of the bill makes two minor amendments to the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 that was passed by the parliament earlier this year. The first amendment expands the definition of permit under section 4 of that act to include a relevant licencing act which is defined in the bill as the Conveyancing Act 2004, the Occupational Licensing Act 2005, the Property Agents and Land Transactions Act 2016, the Registration to Work with Vulnerable People Act 2013 and the Security and Investigations Agents Act 2002.

Section 14 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 provides that the minister may make notices to amend, or revoke, for the period specified in the notice a permit, or any permit within a class of permits specified in the notice. The definition of a permit under section 4 of the act allows for further acts, in addition to the Land Use Planning Approvals Act 1993, to be prescribed by regulation. To meet the definition of a permit under section 4 it is expedient to make this amendment at this time as part of this bill rather than to prepare a separate regulation under the act for that purpose.

The bill also makes a minor amendment to expand the wording in section 13 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 in relation to where a notice issued by the minister may amend a statutory period by which an action must be taken under a relevant legislative instrument to include the period where such an action must be or may be taken.

This amendment recognises that in many cases the terminology used in a relevant legislative instrument could either be 'must' or 'may' and the current wording is likely to be too restrictive with regard to the original intention of that provision. It also recognises the definition of the terms 'must' and 'may' as set out in section 10A of the Acts Interpretation Act 1931, where 'must' is to be construed being mandatory and 'may' is to be construed as being discretionary or enabling, as the context requires. The amendment in this bill will address any uncertainty around whether a notice may be made under section 13 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 in relation to the amendment of statutory periods for various legislation by notice under that act. The effect and duration of notices that can be made under the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 and related matters are set out in that act.

I now turn to Part 7 of the bill which makes amendments to the Emergency Management Act 2006 to provide for infringement notices to be issued under that act. These amendments are not restricted to the emergency period and are intended to permanently amend that act to allow for infringement notices to be issued in relation to offences under that act.

The bill inserts a new section 60C in Part 4 of the Emergency Management Act 2006 to allow infringement offences to be prescribed by regulation and for infringement notices to be issued and served by a police officer in relation to these infringement offences. It provides that an infringement notice may not be served on an individual younger than 18 years of age and may not relate to more than three offences. The bill also provides that the regulations may prescribe different penalties for bodies corporates and individuals and that the penalty for an infringement notice for an individual is not to exceed 20 per cent and for a body corporate is not to exceed 30 per cent of the maximum penalty that could be imposed by court in respect of that offence.

This amendment does not create any new offences under the Emergency Management Act 2006; instead it provides an ability for police to issue and serve infringement notices in regard to existing offences under the act.

These amendments are not limited to the emergency period for the COVID-19 emergency. The ability to create infringement offences and for police officers to issue and serve infringement notices in regard to these offences is something that is considered to warrant broader application and will provide a new enforcement option for police under the act.

In relation to emergency circumstances, this may assist police in achieving more immediate compliance where necessary. However, I am also advised the approach police are taking in response to the current emergency is to encourage compliance in the first instance through an educative role by explaining the restrictions that are in place.

Part 8 of the bill makes a number of amendments to the Public Health Act 1997. As I will outline in a moment, some of these amendments relate only to the emergency period for the current COVID-19 emergency, while other amendments are not restricted to the emergency period and will permanently amend that act in regard to public health emergencies.

In relation to the COVID-19 emergency only, the bill extends the periods at section 15 of the act for which a public health emergency declaration made by the director can be made and extended for a maximum period of seven days to a maximum period of 12 weeks. The change put forward in this bill will ease the current requirement for the Director of Public Health to make a declaration extending the public health emergency declaration every seven days. This change recognises the unprecedented and extended period of the current public health emergency for COVID-19 in Tasmania and the likelihood that the disease emergency may continue for some time.

There is a significant administrative burden on the Director of Public Health and government agencies associated with preparing and executing the declarations and extensions of the declarations every seven days in the COVID-19 emergency situation. This also prevents an administrative risk that a declaration may be made invalidly on a technical basis, undermining the integrity of the declaration.

The bill does not make any further changes to the provisions for a public health emergency declaration under section 15 of the Public Health Act 1997 and the director will still be able to declare that the period by which the declaration is extended is a shorter period than the maximum period. The requirement that the director must revoke an emergency declaration as soon as practicable after he or she is satisfied that the situation no longer requires the emergency declaration to be enforced will also remain unchanged.

The bill also inserts a new section 198B in the Public Health Act 1997 to provide that the emergency declaration made under the act on 17 March 2020 has effect for a 12-week period from the day it was made, consistent with the extended period of 12 weeks introduced by this bill, and may be extended under the act. This amendment will also address any possible issues that may arise that would otherwise require the validation on any previous extensions of the declaration made on 17 March 2020.

This amendment is consistent with the amendment to section 40 of the Emergency Management Act 2006 introduced by the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 in force, which provides that in relation to the COVID-19 state of emergency

only, an authorisation by the State Controller of the use of emergency powers may be made to have affect for a maximum period of 12 weeks. The maximum period of seven days for such an authorisation under that act, other than in relation to the COVID-19 state of emergency, remains unchanged.

As I mentioned earlier, the bill also makes a number of permanent amendments to the Public Health Act 1997 which I will now briefly describe. The bill increases the penalty under section 42(2) of the Public Health Act 1997 from the current penalty of a fine not exceeding 50 penalty units, currently set at \$8400, to a new maximum penalty of a fine not exceeding 100 penalty units, currently set at \$16 800, or imprisonment for a term not exceeding six months, or both. This new higher penalty will apply generally and is not restricted to the COVID-19 emergency. This penalty is consistent with the penalty under section 16(3) of the principal act where a person does not comply with a direction of the Director of Public Health under that section and where an emergency declaration is in force.

It is also consistent with the penalty for an offence under section 60 of the Emergency Management Act 2006, which was recently increased from a maximum penalty of a fine not exceeding 100 penalty units or imprisonment for a term not exceeding three months or both, to provide that the maximum period of imprisonment is a term not exceeding six months. This new higher penalty in the Emergency Management Act 2006 was made as a consequential amendment to the Emergency Management Act 2006 in the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 passed by the parliament earlier this year.

Section 42(2) of the Public Health Act 1997 provides a penalty where a person does not comply with a direction given under section 42(1) by the director by notice served on the person who the director is aware, or suspects on reasonable grounds has or may have been exposed to a notifiable disease. These are serious offences and it is appropriate that the maximum penalties in the act reflect this.

The bill also consequentially amends section 169(1) of the Public Health Act 1997 to provide that in addition to an authorised officer or a council, a police officer may serve an infringement notice on a person for a prescribed offence under that act. This amendment recognises that in many cases it may be a police officer who is dealing with an offence under this act. This new higher penalty will apply generally and is not restricted to the COVID-19 disease emergency.

Finally, the bill amends section 194 of the Public Health Act 1997 to provide that in the absence of evidence to the contrary, in any proceedings for an offence of failing to comply with a direction under the act, it is sufficient evidence that a person knew of the requirements of the direction if certain facts set out in the bill are established.

This new higher penalty will apply generally and is not restricted to the COVID-19 disease emergency.

Before I conclude, I indicate to the House that the Government will be making a small amendment to the bill.

The emergency cessation day for this bill is currently when the minister may, by notice, declare the cessation day which is not consistent with the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020, passed by both Houses in the previous sitting week. This is an administrative error made when the Commercial Tenancy Code of Conduct legislation was split from this draft

bill. It is anticipated the economic difficulties arising from the impacts of COVID-19 will go on longer than the public health emergency and therefore a need for temporary commercial tenancy arrangements to extend beyond the emergency period, hence the difference in emergency cessation days. When the two bills were split that provision was not changed, in error.

The Government's amendment will fix this housekeeping error so that emergency cessation day in this bill will have the same meaning as in the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 already passed by parliament.

Ms O'Connor - Excellent, we can ditch our first amendment.

Ms ARCHER - You can, Ms O'Connor.

With that, I commend the bill to the House.

[2.07 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Madam Speaker, I thank the Attorney-General for providing that clarification. That was a very long second reading speech and you probably need that drink of water. Thank you for providing that clarification. I was going to ask you where section 17(1) was.

Ms Archer - These things happen. Our apologies.

Ms WHITE - I have no doubt it has been a very busy time. These are very difficult times, very extraordinary times and the fact we are even debating this bill like we are today, is an example of that. At the outset I will say that throughout this period of uncertainty and difficulty the Tasmanian community is facing, the global world is facing, we have been very happy to strongly support the public health measures the Government has announced and the decisions they have made on behalf of the state and continue to do so. We have always said, the whole way through, that we will continue to back the Government anytime they need to make a tough decision in the interests of public health and that does not change today.

I express the Labor Party's support for all frontline workers who are doing an extraordinary job at this time, particularly in our health care settings. We also recognise the tireless work of many behind the scenes: the drafters of this bill, for instance, others who are administering grants and assistance to small businesses and other businesses across our state; the support that has been provided to workers, the policy work that is no doubt underway right across government at this important time. We recognise that 'frontline workers' takes on a different meaning during a pandemic.

All workers are essential, as so many people have said. Some are playing a much more critical front-facing role, providing support to our community and they are placing themselves in danger when they do that. I acknowledge and thank them on behalf of the Labor Party, whether they are cleaning, working in retail, working in a hospital setting, or they are providing emergency service support. I acknowledge the work they do every day to keep our community running.

I also express our empathy and sorrow to those families who have lost loved ones during this time and convey our sympathies to their communities.

We recognise there are a number of people who are out of work at the moment. Families and individuals have been put through a huge amount as well. There are also a number of people providing support to their young learners at home today which is quite a different experience and we recognise their support and commitment to their families and recognise the work and role of teachers as well.

It has been such a disruptive time for our entire state but I think we have shown support for one another and kindness for one another that we can all be really proud of. I am proud to call myself a Tasmanian and to see how the Tasmanian community has responded at this difficult time. I also recognise the work that the Government has done to support our community, to make the adjustments that have been necessary to cope with this pandemic.

I am pleased that we are back in the parliament and pleased that we are debating this bill and I can indicate at the outset for the benefit of the Government that we will be supporting the bill that is before us. I do have a number of questions and there may be amendments that we will be required to move if the minister is unable to provide satisfactory answers but we will not stand in the way of this sort of legislation being passed to provide the services and the support to the Tasmanian community that we know is necessary.

It does give rise to need for parliament to be in session so that we can have these constructive engagements and so that we can have appropriate oversight of the role of government. Our preference is for parliament to sit not only more frequently during the sessions that have been scheduled across the course of the year - and I recognise the Government intends to come back next Thursday and the following weeks where we have had scheduled parliament sessions for the Thursdays. We would make the point that we need to sit more frequently than that but also not have a winter recess as would ordinarily be the case.

During this emergency without parliament in session with an emergency still underway we believe very strongly that parliament should return during that period so that we can have the opportunity to pass necessary legislation if that is required. Also, there needs to be appropriate accountability and transparency of decision-making as the Tasmanian Parliament deserves so just let the parliament be aware of our intention and expectation that parliament does not have a winter recess this year because of this pandemic. Our requirement should be to work together to collectively support the Tasmanian community at this time and do it in a way that is transparent, and there is no better place to do that than here in this parliament.

I will now speak to elements in the bill. I note that some of these changes are permanent and these are to do with the powers, particularly in changes made to the Emergency Management Act and the Public Health Act that will continue to apply to public health and other emergencies beyond the current COVID-19 disease emergency. We have some questions about why this is the case and I will be seeking some explanations from the minister about that but flagging at the outset that we do not feel that this is appropriate this time. We certainly expect there to be appropriate provisions for the emergency period and we can understand why an extension of powers be granted to enable our services to have those powers during this time but we do not believe the case has been made for why they should be permanent. We expect some explanation from the Government about why they have proposed that before we can feel comfortable with that additional measure.

Part 2 of the bill deals with the Legislative Council periodic election for 2020. It would not come as a surprise to learn that the Labor Party is very supportive of this. It was in mid-March that we first called on the Government to suspend the Legislative Council elections due to be held this

Saturday - this weekend - because we could not imagine a scenario in which it would be safe to hold the election in that time frame. I think we have been proven quite right in flagging that concern at that time given the fact that come Saturday it would not have been appropriate for us to have an election where we are asking people to go to a polling booth to cast a vote in either Rosevears or Huon.

In mid-March, the Labor Party made a public statement and our two excellent candidates, Dr Bastian Seidel for the seat of Huon and Jess Greene for the seat of Rosevears stopped campaigning face to face. They suspended their campaigns effectively in recognition of the public health emergency we are facing here in the state and that people need to focus on their health and that they were not interested in an election.

We proposed at that time that the election be postponed for six months. We are pleased to learn now that the Government has made this decision to change the appropriate act, giving the powers for the Governor to schedule a date before the end of this year if it is appropriate. Otherwise the election will be held on the same day as the May election for the other upper House seats next year. This is sensible; people need to be able to focus on their health, their personal circumstances and their economic security right now.

One of our candidates is a doctor providing direct support to patients in his care and he needs to be able to focus on doing that. Our other candidate is providing support to public sector employees who are delivering critical frontline services. I am sure other candidates are facing similar situations where they are occupied providing care to their own families or looking after their own circumstances. It was always going to be incredibly difficult and hard to understand how an election could have been held this Saturday so of course we support the change in law that has been proposed.

In the briefing we had - and thank you for that - we sought a list of all the contracts that had been entered into by the Tasmanian Health Service during this period. One of the amendments that is being pursued by the Government today deals specifically with this and we were seeking to understand why that particular amendment is required. This is a power that gives the Tasmanian Health Service the ability to enter into private contracts. It was my understanding from that briefing that that information or a list of those contracts would be provided to us. I just indicate that we have not received that and I am sure that is because people are extremely busy, but I would be grateful if the Government could provide a copy of that when you have the opportunity, please.

Parts 4 and 5 of the bill address specific matters related to financial hardship during the emergency period. Our shadow minister for transport, Anita Dow, is not here today. She is in her electorate of Braddon waiting for a test result to come back, which we presume will be negative, but she did not want to travel outside of her electorate until she had the result. On her behalf I will raise some questions she raised in the briefing to do with the consultation the Government was undertaking prior to the emergency period in relation to this sector. We did get some answers but we would like them to be on the record for this particular sector of our community.

I noticed in your second reading speech, Attorney-General, you spoke about how the Government had originally intended to introduce the bill this year to amend this section of the act. It would be very good if you could provide an update on the time frame for when you expect to be able to introduce a more substantive change to the act or whether this is all that is required. There were a number of submissions, I believe, that were made in the consultation period that concluded in February, and the expectation was it would be much broader reaching, so I would be grateful if

you could indicate whether that process is expected to be concluded during this year and whether that bill will be coming to the parliament for debate to give effect to what was consulted with the industry earlier in the year.

Part 5 of the bill modifies the application of the Vehicle and Traffic Act 1999. As the Attorney-General's second reading speech indicates, the Government did previously announce this financial hardship measure in response to the COVID-19 emergency and trading restrictions on Tasmanian small businesses. The question we have is whether or not this is limited to a category of vehicle, for example, light or medium rigid vehicle, or whether it is a provision that is extended to all registered motor vehicles including motorcycles, whether it would extend to registration of trailers; basically anything that is registered under the relevant different acts that are referenced there.

It is important to get clarity on that because, as you can understand, we are getting many inquiries from constituents who are facing financial difficulty about some of the bills they are receiving at this time across a range of those different areas and if we could understand exactly who is eligible for that in terms of what types of vehicles we are talking about and how they might clearly receive that support, that would help us to be able to provide advice to those constituents. I am guessing there will be something made available on the government website with information about how application can be made to receive that particular support but any further information you can give that would assist us to provide that information to our constituents we would very grateful to receive.

Part 6 lists a number of different building construction licensing permits in the bill itself, and I understand through regulation you can add to that but I would be grateful if you could respond to that on the record. Part 6 deals with licensing and permits and it says that the relevant licensing act means at the moment the Conveyancing Act, the Occupational Licensing Act, the Property Agents and Land Transactions Act, the Registration to Work with Vulnerable People Act and the Security Investigations Agents Act. The question I have is whether they are the only acts that would be covered by this or through regulation can you add to that, or would you be required to come back to the parliament to amend this bill to change it in legislation? I am not sure whether you would require the flexibility to do that but it would also help us understand how much more broadly that scope could be expanded if you are able to do it under regulation.

Part 7 brings us to some of the questions I raised in my opening statement about the permanency of some of the measures the Government is seeking to introduce as opposed to just giving effect through the emergency period. It raises a number of questions for us that I am hoping you might be able to answer.

I suppose the first question we have is why the Government believes this is necessary to extend permanently and we ask you to provide examples of what is not working now that gives reasons for you to extend it permanently. We can understand why you need to have this in place during the emergency period but when these provisions are extended for a permanent period of time, we would have to question why and what evidence you are basing that decision on.

The offences in the Emergency Management Act are rightly very serious and they rightly carry severe penalties and fines of no more than \$16 000 and six months jail, but because of the serious nature of this offending we would argue that judicial oversight should be maintained. We do not believe there has been a flood of evidence that police have needed these additional powers. In fact, in our briefing we heard that they have been able to utilise their existing powers to deal with cases that have arisen during this period. We are seeking some information from you, minister, about what evidence the Government has that is compelling them to extend these measures permanently.

We can do this in Committee if necessary but I would also be keen to understand if the police are limited to issuing infringement orders for the offences contained in the Emergency Management Act or could the Government extend this power by regulation to mean they could issue an infringement notice for an offence under any other Tasmanian legislation? For example, one of the offences in the Emergency Management Act is failing to comply with a lawful requirement or direction of an emergency management worker, which is under section 60C. Does the requirement or direction by the police officer have to relate to one of the offences in the Emergency Management Act or is it broader; that is, failure to comply with any other lawful request made by a police officer? Could you please clarify this?

In the briefing room we were told the police are taking an educative approach to this before they charge people with offences relating to COVID-19. We seek your on-the-record advice about how you would expect any new measure to be utilised, whether it would be similar in its approach, for instance, taking an educative approach, giving warnings and cautions before issuing an infringement notice? Also, whether those infringement notices can be graduated in terms of the amount of money that is imposed upon somebody in the same way that speeding offences are, for instance?

We were also informed in the briefing that police would be receiving training on this. The question we have is, when will this training be provided? Who will be providing it and how will it be provided? We want to make sure that anything we pass in this House today, presumably, can be given effect tomorrow or whenever it is to be given effect from, with the appropriate training in place for those officers who are expected to carry out the new functions that they will have under an act.

The bill sets out that fines issued under a police infringement order can be up to 20 per cent of the maximum available. This amounts to around \$3600, which is not an insubstantial fine. In the briefing we were told police could decide on the amount of the fine on the spot and my question is, can they can issue graduated fines? We were informed that this determination would be made under a police practices and procedures document, which we have not seen and I would expect probably nobody has yet because no law has been made. Is the Government going to write a new practice and procedures document to govern how this new power is going to be used by police? If so, how quickly will that be done? Presumably that will guide the training police officers will then receive to be able to give effect to these new powers, consistent with the debate we are having in the parliament today.

We have had a number of representations from civil liberties groups about the permanency of these powers, which we respect. We do not want to impinge on people's civil liberties and it is a genuine issue, but we support the need to have these additional powers through the emergency period. Our question is, can the Government provide evidence for why they need to be maintained permanently? I will listen very carefully to your response on that one.

In this section, because it relates back to the principal act, I seek clarification around the Personal Information Protection Act - the PIP Act. You wrote to my colleague, the shadow attorney-general, Ella Haddad, in relation to section 68 of the principal act. In that letter to my colleague you said:

In times of emergency, urgent and unexpected circumstances can arise where there is a critical need to collect, use and share information to mount a rapid and effective whole-of-government response. The amendment means the PIP Act

does not apply to a very limited range of information in very limited circumstances during a state emergency.

However, the PIP Act will both apply to that information when the state of emergency concludes, and also apply to information during the state of emergency in relation to matters not within the scope of s60A. Section 60A does not permit the disclosure of information for purposes that are not relevant to the emergency or public health legislation.

I ask the Attorney-General if she could clarify in the debate we are having right now, the circumstances around the PIP Act, how the PIP Act is currently used and address some concerns that have been raised with us that the PIP Act has currently been suspended and that suspension is permanent.

From the letter I have read into the *Hansard*, addressed from the Attorney-General to the shadow attorney-general, the Government has indicated that the suspension of the PIP Act has not occurred and it will not be permanent. However, there are sections of it that have been suspended during this, but only a limited range of information in very limited circumstances. I am seeking clarification about that to address some of the questions that have been raised with us, which are genuine and important questions. You can understand the level of interest in this, so can you clarify whether they are permanent and in what circumstances the act is suspended?

Ms Archer - I am sorry. It was only this morning that I said it in about 500 words.

Ms WHITE - For the record that would be good, thank you.

Part 8 of the bill makes a number of amendments to the Public Health Act. The question I have for the Government is in circumstances where there could be an issue in relation to for instance a stop work meeting on a work site.

I will provide to you in full the example I was given: for example, workers identify a safety hazard, possibly in relation to the public health matter in question and decide to stop work to meet to discuss it. Usually these meetings would occur onsite or possibly on the street or somewhere close to the workplace in question. A crafty or overzealous employer could potentially call the police and assert that workers are breaching the public health directives. How would the Public Health Act and the Workplace Health and Safety Act interact in this circumstance, where workers have legal rights to stop work if they feel unsafe under the Workplace Health and Safety Act and have gathered to discuss that, which is typical of how these matters are dealt with? Would they be found to be in breach of the Public Health Act and potentially exposed to a fine if that circumstance arose? How do the Public Health Act and the Workplace Health and Safety Act interact in a circumstance like that one?

I have some questions about section 28, which is in Part 8. At the moment, section 28 is asking the parliament to retrospectively validate all the declarations and directions made so far including at least one that is ultra vires, which means that anyone who has been charged under that declaration who may have been seeking to establish the charges were not supported by law no longer have that defence. First, can you confirm that is the case? Second, can you confirm how many charges have been dropped? We heard in our briefing, for instance, that police had summonsed 104 people and arrested 73. How many of those were then dropped? Further to that, given this additional power under section 28, is it likely that those will be revisited?

I have two further issues. We also note that the bill has far more wide-ranging effects that last beyond the crisis; especially the amendments to the Public Health Emergency Act to establish a more articulated penalty framework, increase the quantum of fines and introduce imprisonment as we have gone over already. These changes are permanent beyond the state of emergency.

This permanent change also involves increasing the penalties in 42(2) of the Public Health Act which is not found in Division 2 so it is therefore not an emergency, just an ordinary power arising whenever the Director, by notice, specifies a disease is to be a notifiable disease. At that point anyone who, for instance, does not subject themselves to clinical assessment, medical treatment or counselling is liable to up to \$16 800 in fines or six month imprisonment, or both. I raise that because it is a significant amendment that you are asking us to agree to in this parliament. You have also indicated as I have just outlined that the new higher penalty required generally is not restricted to the COVID-19 disease emergency. I seek explanation for why that is to be a permanent change and what evidence the Government has to support that decision.

The regulation-making power of section 30 in this bill is very wide ranging and allows any person, including the Premier, the Director, state controller - for instance, police - to make regulations at their discretion about anything, including the power to dispense with the law, give policies the force of law, determine regulations are not to be subject to regulatory impact statements and so on.

We seek your justification for this and what the implications for such a wide-ranging, largely unbridled regulatory power in a short term might be. This is quite an extraordinary regulation-making power that you are seeking to include as Part 9, which is the miscellaneous section of this bill. In clause 30(2)(b)(iv) 'any other person or body specified in the regulations' can make regulations. They can deal with a whole range of things, including reference to amendment of that code standard policy or other document, whether the amendment is published before or after the commencement date. It is a wide-ranging, very broad change and I seek your explanation for the justification for this and what evidence the Government has to support it needing to have that particular power.

As I said at the outset, we have been very happy to work with the Government and support decisions they have made in the interest in protecting public health the whole way through this. We understand how serious this is. We are seeing the impact on our community and we are supporting the community the best we can every single day. We will not stand in the way of the Government seeking to do the things that are necessary to keep our community safe but these are very broad-reaching and far-reaching additional powers the Government is seeking to have the parliament pass today. We ask you to provide evidence to give us the necessary information that we need to have confidence that they are required permanently in some cases so that we can all be satisfied in this place that the bill that I presume will be passed today by this House will be appropriate not just for now but in the long term.

I again make the point that this is why it is so important parliament sits, and not just for one day and not to just deal with one bill, but so there is accountability and scrutiny. If some unintended consequence falls out of legislation like this, we can then come back to this place and fix it or we can ask government about it. That is the role of the parliament: it is to act as the place where we come together to represent our community; it is not just a place for Government to make laws.

We will not be standing in the way of the Government doing what it needs to do to support the community, but we do need to see the proof for why you need to do these particular things and have

the evidence to support you making some of these things permanent provided to the public so they can be confident that what we are debating here today and the proposal of the the Government before this Chamber are not overreach.

[2.40 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, I rise to make a contribution on the COVID-19 Disease Emergency (Miscellaneous Provisions) Bill (No. 2) 2020 and indicate from the outset that we have a range of amendments that we will be putting and we will need to go into Committee in order to do that.

In broad terms we are prepared to support this legislation, as we were prepared to support the first COVID-19 emergency legislation, but we have made clear we will not be a rubber stamp for legislative overreach. Even in a pandemic you need to make sure that legislation is robust, reasonable and properly scrutinised. There is no question that the first piece of legislation that went through this place on 26 March was not properly scrutinised because we did not have time to properly scrutinise it because we received the bill one hour before parliament met for the day, so Dr Woodruff and I are somewhat more wary this time.

In my contribution on that legislation I made it very clear that we are here to be a constructive, cooperative and supportive part of the emergency response. We do stand elbow to elbow with the Premier and Leader of the Opposition and every member of this place in representing our communities, making sure they understand that we are a unity ticket on their future and on the need to save lives, and that has required very significant powers to be given to government.

As I was reading through this second piece of legislation I kept having to remind myself of the promise that the Premier made to the parliament in that last debate when it became clear to him there was a level of legislators' distress about the situation we had been put in and the enormous powers we were giving to government. The Premier said at that time, 'I will not abuse your trust.' We still hold him to that.

These powers that we are giving to government are arguably the most sweeping powers the Tasmanian Parliament has given to any government since World War II. We are giving powers to make regulations without proper scrutiny. We are giving powers to override planning laws and to affect the way courts operate. We already have powers in the Public Health Act that can very significantly impact on the lives, rights and privacy of everyday Tasmanians and that is why it is so important that when we are dealing with legislation like this we run a very careful comb over it. That is what we have done with this bill, which was an opportunity we did not have with the last bill. Just on a personal note, I found that the most difficult legislative process in my nearly 12 years in parliament and since that day have had cause to reflect on how it might have been done differently, but anyway, that was then and this is now.

When the first legislation went through this place I was having a look at the second reading speech delivered by the Premier. He said in that speech that as at 24 March there were 36 confirmed cases of COVID-19. We are now five weeks on from that and there are 219 confirmed cases, 12 people have lost their lives; there has been a significant outbreak in the north-west of Tasmania and this has impacted on the lives of thousands and thousands of people. As we know, there are 12 family and friend groups in our community right now who are utterly heartbroken. Dr Woodruff and I extend our deepest sympathy to those families and acknowledge that because we are such a small island, those deaths will be felt right across Tasmania. One of our own members in this place is related to people who lost their lives in the north-west of Tasmania.

We are in extraordinary times and it has provided the impetus for some sweeping powers to be given to government. I truly believe that those powers right now are being exercised responsibly and Premier Gutwein is being his best self and doing everything within his capacity to keep Tasmanians safe, but it does not mean that we as legislators are a rubber stamp for any legislative overreach.

There are significant parts of the bill with which we have no issue at all. I will ask some questions of the minister on the way through.

The first amendment we have prepared was an issue we raised in the briefing yesterday, and I am pleased to hear that it was unintentional. When I asked at the briefing yesterday about why there were two definitions of an emergency cessation day, I formed the understanding that it was intentional and that one related to the public health emergency and the other related to the devastating economic fallout of this pandemic on the island. I need the Attorney-General to confirm the amendment that she foreshadowed at the end of her second reading speech will be to Part 3, interpretation, where 'emergency cessation day' is described as meaning the day declared under section 17(1) to be the emergency cessation day, and that the amendment will also include removing clause 29 in Part 9, in which the emergency cessation day was going to be very arbitrary. It was to say -

- (1) The Minister, by notice, may declare a day to be the emergency cessation day.
- (2) The Minister may only declare under subsection (1) a day to be the emergency cessation day if he or she is reasonably of the opinion that the risks related to the disease, and the deleterious economic effect of such risks, have sufficiently reduced, so that it is reasonable to declare a day to be the emergency cessation day.

In the act that we passed in haste here towards the end of March, the declaration of an emergency cessation day was contingent on the Director of Public Health advising that the public health emergency was over. There was no reason whatsoever for there to be two definitions of an emergency cessation day. I hope the Attorney-General's foreshadowed amendments correct the interpretation section of the act as well as bring section 29 into line with the first COVID-19 legislation we passed in here.

We recognise the need to not only delay the Legislative Council election but to make sure that the term of Council members is extended and that the term that will be filled by the next members for Huon and Rosevears will be shortened in order to bring it into line with the usual rotation of upper House elections. Dr Woodruff wrote to the Attorney-General about the need to delay the Legislative Council elections and we are pleased this has taken place. There is an obvious question that arises, given that there is a provision in the legislation in clause 8, when the 2020 election is to be held, which says:

- (1) The Governor may, under section 19(4) of the *Constitution Act 1934*, appoint by proclamation in behalf of the 2020 election a Saturday in a month before 31 December 2020.

It is possible that physical distancing requirements will still be necessary in December this year. I am interested in the Attorney-General's thinking on how you might conduct any election if

physical distancing is still required. That is, if those circumstances that we are experiencing now are still in place to some extent which would mean having people attending polling booths and having Tasmanian Electoral Commission staff being in close contact with each other in order to count votes. Would it be possible to have Legislative Council elections in those circumstances, and whether the Government is doing any further thinking on a postal ballot for Legislative Council elections?

It also raises the issue of parliament's ongoing operation. I have written to the Premier and copied it to the Leader of the Opposition with advice that we sought from the Clerk in relation to any impediments that there may be to parliament being able to meet remotely. It did not seem to me that those impediments were insurmountable other than the question over whether, under the Constitution Act, we are in fact present when we are meeting remotely. I urge the Attorney-General to seek advice from Crown Law about that aspect of the advice that I forwarded to the Premier - whether there are any legal impediments to parliament being able to meet remotely, debate remotely and vote remotely. We should have the flexibility to do that.

I understand that in the first COVID-19 act that we passed a provision was made that enabled, for example, local governments or councils and other statutory bodies to meet electronically. My understanding is, that would give the premier of the day some powers potentially to bring parliament to meet electronically. Once you have the Executive directing when parliament can and cannot sit and taking over determining parliament's direction I think you are heading into some dangerous territory and this should be a matter for the parliament itself to resolve.

We have some issues with the amendments that are made to enable the functions of the Tasmanian Health Service and particularly what would appear to be a blank cheque, to some extent, being given to the Tasmanian Health Service to enter into contracts and arrangements with public funds that are not subject to and that are not consistent with the Ministerial Charter that is not specified or is inconsistent with the service plan enforced from time to time.

But for this section, that otherwise not be authorised under the act and presumably that also means those contractual powers that we are talking about giving to the Tasmanian Health Service during the emergency period would also not be subject to the Treasurer's Instructions. It is hard for us to understand why there would need to be this provision in statute and whether there are any constraints on the amount of funding that the THS can enter into a contract or arrangement over. We have an amendment specific to that provision to deal with our concerns and it would simply give the Public Accounts Committee some capacity to oversee large spending decisions being made by a government agency which is funded by the people of Tasmania.

We have no issue with the changes to the Taxi and Hire Vehicles Industry Act and the Vehicle and Traffic Act of 1999. However, when you look at the first page of this legislation which includes those two statutes I just talked about, you can see that this bill amends and, in some cases permanently, eight pieces of legislation in Tasmania and none of these changes have been put through a consultation process or have gone out to stakeholders. That is why an abundance of caution is required despite the circumstances we are in. Again, we are handing to government extraordinary and sweeping powers. When I say 'government', I not only mean the Premier and the ministers but also, for example, the State Controller, the Director of Public Health and other bureaucratic entities who under this legislation would be empowered to make regulations. We find that somewhat problematic.

In Part 6, the extension of statutory time lines, and this relates in part to a question that Ms White asked. The relevant licensing act means, and that is why I think that this list of instruments is the definitive list of instruments that are affected by this clause, but I seek the Attorney-General's assurance that this amendment does not, for example, allow the Treasurer to extend a gaming licence for a gaming operator or a casino. That would be hugely problematic if that were the case given that this is a matter of very significant public interest but also very significant impact on the lives of people of Tasmania to the year 2043.

The changes to the Emergency Management Act have prompted us to draft a couple of amendments. I take this opportunity to acknowledge the integrity, the heart and the work ethic of Commissioner Darren Hine in his role as state controller. As a Tasmanian who loves this island and its people, it has been very reassuring to know that Darren Hine is the state controller. I have a short anecdote here about Mr Hine in senior public service circles. It used to be the case that if there was an ethical dilemma experienced at the upper echelons of the bureaucracy, the question secretaries might ask themselves is, 'what would Darren do?'. I can certainly see why that would be the case.

We had a briefing with Commissioner Hine a few days ago and it was a really open conversation about the role that Tasmania Police is playing in keeping the community safe but also enforcing directions, orders and the rules that have come about as a result of the emergency declaration. As someone who grew up in Joh Bjelke-Petersen's Queensland which was a police state, who has a very innate distrust in some ways of law enforcement, I am really encouraged by the culture and practice of Tasmania Police under Commissioner Hine every day of the week, but I am particularly heartened by his approach in this really difficult time. It does not, however, mean we should hand to Tasmania Police or any law enforcement agency enormous powers without putting some brakes on those powers.

There is an argument for Tasmania Police to be able to hand out on-the-spot fines, but again this is a significant change to police practice and as I recall, one of the permanent changes in the legislation. It is a change that has come about without reference to stakeholder organisations and public consultation, so while we support it during the emergency period, we believe those powers should expire at the expiry of the emergency period. If we need to bring those powers into statute permanently that is something we can do a little further down the track if it is demonstrated that this power we are giving to police is needed in the longer term.

In relation to the amendments to the Public Health Act, we accept that having the Director of Public Health need to renew the emergency declaration every seven days places a significant and arguably unreasonable administrative burden on the director and on that basis we support bringing the declaration into a 12-week period which is in line also with the State Controllers' powers in that area.

I am very interested to explore with the Attorney-General clause 27 in relation to evidence; just wanting to understand exactly what this clause would mean in real-life application in a court process. During the briefing yesterday when I asked if this amendment would have any implications for the Evidence Act the answer was no. If an evidentiary test is being rewritten or potentially changed in response to an emergency I believe the parliament needs to understand why and under what circumstances that new evidentiary test would be used. What is the genesis of this proposed amendment?

I will just move past clause 29, hoping that it will be deleted.

I come now to the enormous power that this legislation would give various authorities in government to make regulations. Parliament decided in the last sitting that we were not going to return until 18 August and the public record shows we all supported that. I am not shying away from that at all. We all supported it and as the Premier said this morning, we were all fearful because we are in the grip of a disease that medical professionals and scientists are still trying to wrap their heads around in order to understand. It is highly contagious, it is lethal and there are a number of people in this building who would be classified as high risk. We made the decision not to return until 18 August, but since then a number of elements of our situation have changed.

To a measure of an extent we understand the outbreak on the north-west coast means there have been strong measures put in place which prevent cruise ships like the *Ruby Princess* from docking and disembarking. We have strong border quarantine measures in place, which I have to say on the evidence will be in place for the foreseeable future. As a parliament we also have found a way to meet effectively. We can practice physical distancing in the Chamber and there are fewer staff in this building, therefore the risk is minimised. I do not believe it is eliminated but it is minimised. Therefore we have agreed as a parliament that we can meet and if the Government wants to bring in extra legislation or regulations as is provided for in this clause, that is what parliament is here for.

I am really uncomfortable, and I believe every member of this place should be really uncomfortable, with giving government ministers, secretaries, the State Controller, the Director of Public Health and any other senior public servants the power to make regulations when parliament may not be sitting. When there are questions over the Subordinate Legislation Committee's capacity to, in real time, examine and advise government on measures it has taken, we should be very wary of giving the Executive and unelected officials the power to make regulations that impact on the lives of the people of Tasmania and in many cases restrict their rights and freedoms. That has been done to this point to save lives. We understand that, but the Attorney-General, with the greatest respect, did not make the case for this clause. We cannot see why it would be necessary to include this in the legislation; to expand the regulatory powers of the Executive and unelected public servants. As excellent human beings and administrators they may be, such as Darren Hine and Mark Veitch, we should not be delegating the power to make regulations to those bodies.

The Director of Public Health has extraordinary powers already and in fact many of the strong powers which are being used in this emergency period did not come from the first COVID-19 bill; they were already there in the Public Health Act and the Emergency Management Act. There is a whole suite of hefty powers already in place and this strikes us as overreach. We are concerned about it and again I want to flag that we have an amendment that would provide for regulations made under this provision to expire at the expiry of the emergency period; that is on the emergency cessation day.

I want to go to another couple of issues. The suspension of the Personal Information Protection Act in the original legislation appears to us to be a permanent suspension. As the Attorney-General said before, everyone in government is no doubt working 20 hours a day, seven days a week. The Office of Parliamentary Counsel has had a huge load on their plate and so there will be unforeseen errors or inconsistencies in the legislation that comes before us at a time like this. Our very clear understanding when the Personal Information Protection Act provisions were suspended during the emergency in the last piece of legislation was that it would only be for the period of the emergency. The problem is, when you have a look at the old legislation, that is not clear.

There are a number of other issues I will raise in Committee. One is the need for the Subordinate Legislation Committee to muscle up a bit and to have the Greens on it but I look forward to the Attorney-General's response to the questions we have raised.

Time expired.

[3.10 p.m.]

Ms OGILVIE (Clark) - Madam Speaker, I believe we are all of like mind that we have managed this crisis and emergency as best we can. I concur with all the speakers and everyone in this House in thanking not only the people at the front line but all Tasmanians who have done the right thing, who have stayed home, managed their households and have restructured. There have been awful impacts that have happened to so many people. I know in my office we have not stopped since the moment parliament went into recess. I particularly thank my staff for their hard work in dealing with some very difficult issues.

I realise we will go into Committee so I will not go into detail as to many of the specifics of the clauses as that has been traversed quite well in previous speeches. I will however lay out some themes around our adaptation strategy because it seems to me that is the point we are at here in this House, specifically in relation to emergency powers. Nobody who has a love of democracy is excited about emergency powers. It is not something that we perhaps ever thought we would need to use although we have emergency powers and a structure in place to do that. We certainly did not anticipate a global pandemic and, further to that, none of us anticipated that emergency powers might be needed for the longer term. That is part of the challenge we have before us today.

I spoke prior to going into recess about what I thought was a fairly sensible approach to meeting electronically and that we could do this. I think we are all in agreement about parliament being the best model for democratic scrutiny. It is not just the parties but every member of every party because in our Hare-Clark system each member of the parliament has people they represent and I know all their offices would have been working around the clock on very difficult issues.

We have reached a fork in the road where we are going to have to think about whether we are going to continue operating in an emergency context and scenario or whether we are going to start talking, as other states and territories have, about our adaptation strategy. What that means in a legislative context is that there are laws we are going to need for the longer term. This virus is not going to be eradicated any time soon. I have done quite a bit of reading on this and it looks like any sort of vaccine is still quite some way away.

In Tasmania we still have an island advantage and if we are able to crush and squash the issue which is the very unfortunate outbreak we have had, we are still in a robust place, particularly with the border controls in place. Breaking it down, if we think about the things we need to stay in place, much of that is very practical stuff. It is about border controls, about funding, getting business back on line and about the new structures and new models of how we socialise and move around as humans in a new socially distanced way.

Whilst the crisis in our hearts is not over, my question is whether we need to start thinking about whether the need for emergency powers per se can be brought to a conclusion. This is not to take away from the fact that I realise and am very aware that the Premier, his team, the senior public servants, everybody at the front line, my local grocery store, those doing the food deliveries, everybody out there is protected by what we currently have structured as emergency powers. We

need to start talking with the community about what our migration strategy will look like. I believe we are already in our new normal to a certain extent. We will be in this scenario for some time.

I support parliament sitting more days. We have shown today that we can do that. I would like to lend my support to thinking around how that can best happen. I also think at a practical level we are dealing with very complex legislation and we have all made some comments around the ability to receive, analyse, synthesise and comment on material we have been presented with in a very short time frame. Again, that is part of the new normal because that is where we are at. We are where we are in that regard, so maybe we need to extend our capacity to have that kind of supervision and scrutiny. I have spoken at length previously in this parliament that we all need to be physically present to do that. In fact, even if you think about today's sitting we have a number of people in the Chamber while everybody else is absorbing parliament digitally. We are already doing these things and we can do more of it, particularly with committees as well.

There is much I could say but my core theme is let us accept that we are living in what is going to be around for a long time. Let us think about what legislation we need to embed in our existing framework of legislation but also in the common law and the way we go about things and the way we relate to people. Let us work out how we can take that forward in the long term and by that I am thinking 18 months to two years. I believe it is unsustainable to be in an emergency power situation for a long time. People have desperately tried to follow the rules and good Tasmanians have really tried to do the right thing. There have been some exceptions and outliers but in the main we have really done the right thing. There has been a great take-up of the COVID-19 app and I do not think that is about technology but about people wanting to say we are in it together and we want to behave as a community. That is the challenge we are dealing with.

When it comes to the Subordinate Legislative Committee, which I was on for a number of years - I used to love being on that committee; it is very legal obviously - I think the Greens should have representation on that committee. It is a reasonable request and I would support that. I am less excited about changing its terms of reference and extending its mandate because the things that are being proposed are part of the framework and forms of this House and if we get that back on deck here properly, that is the more appropriate place.

I will be supporting this bill with the proviso that a road map with an ethical, legal, business and social framework for what we do and how we do it over the next 18 months to two years is the way to go forward. How we do that can only really happen in this place and I would like to see every MP, frontbenchers and backbenchers, on board with that. I would love to hear from every MP as there are so few of us in this House. I would like to hear from the backbenchers about how their experience has been and perhaps we will have a chance to do that this afternoon and because people have been coming down in this House we are actually not all gathered here together as a caucus of parliament. That is what is in my heart.

I have written the requisite letters to the Premier on all of these matters as well but I have felt to date that trust was asked for and trust was given. We can thank the Premier for the work he has done. There certainly has been no stepping back from that trust from my perspective at least but I do think we have a complex framework, a complex set of rules that we have literally had to craft on the fly. A better way forward is to use our existing legislative framework amended as it needs be to help people who are trying to either comply with those rules or apply those rules.

I have a huge amount of energy and respect for our police force who have done an incredible job during this time but I know from their perspective, and also from the perspective of others who

have felt they have been in somewhat desperate situations, that it has not always been clear cut. We have had the big debates: is it okay to continue to do your learner driver training? We just did not know so there are all sorts of questions that needed to be clarified and the Government team that has worked hard to answer all of those questions, I do not know that they could have been any more responsive or sensible. I have certainly had a good experience.

I have had some concerns particularly in the early days around how we were managing the 14 days at the border question and certainly there were a range of experiences. That does seem to have settled and along the way we had some wins. One thing that is very dear to my heart was being able to help Max Quick get home from Argentina. He has a beautiful, wonderful family. He is an amazing fellow who spent quite a lot of time alone in isolation in a foreign country and I know his story is one of many that played out across the nation but that was very good. I was so proud of our Department of Foreign Affairs and the office in Argentina because I know they were going through it all at the same time. It just shows how well Australians can do when we step up and work together and look after each other.

I will wait until we go into Committee to delve into specific clauses. I will reiterate for the minister's benefit that my question is that philosophical overarching question about how long and until when do we actually need emergency powers? At what point do we say, we are actually now adapting to the new normal and that body of work and what that looks like. It is a tricky one, I know. We are on the horns of the dilemma.

I am trying to articulate that it will actually be a decision that needs to come from leadership and not necessarily from one particular realm and it will be that fork-in-the-road question around our adaptation strategy.

Emergency powers, particularly the ones I am thinking about - the capacity of police to provide on-the-spot fines - those sorts of things can actually be embedded in our standard legislation. If we are saying that is the sort of thing that we are going to need long term because we are going to need to be able to quarantine people, control and lockdown and respond very quickly to outbreaks and those sorts of things - I agree with that - but we can do that legislation here and we can do that as part of our standard operating procedure. It does not necessarily need to have emergency powers in place in exchange for what we do here.

That is the comment. I know it is the number one question. It is a difficult one. I will throw it to you, Attorney-General, to hear your thoughts on that. I certainly would like to see our parliament meet as we have asked everybody else to be at work if they can be or at home if they are not essential. The leadership that this House provides is essential in some ways.

Today in this sitting we have shown how well we can manage it. I hope that we will see more of this going forward.

[3.25 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Madam Speaker, I thank all members for their contributions. I will attempt, as always, to address all the questions that have been put. Suffice to say that if there is anything I do miss everybody has indicated that we are going into Committee, not least of all I need to make an amendment for clause 3 as I foreshadowed, which is being circulated. I can always sweep up as we go through if there is anything missed because I know that my advisers are trying to get some answers together as quickly as possible because there have been numerous questions put to us.

Some of these are in my portfolio areas, some of them are not and so the information may not be as readily available in my brain as when I am dealing with my portfolio areas. I apologise for that and will rely heavily on some notes here in this regard. I foreshadow, and I have had a brief conversation with Ms O'Connor, the amendment I will be making to clause 3 with respect to her query specifically about proposed section 29. I can assure her that once the new definition is included at clause 3 that clause will no longer be required but I will explain that as we go through. In the interests of time because we have things to get through today, let us not forget this is an urgent bill and I would like to deal with things as quickly as I can.

Moving to Ms White's questions. Part 3 is obviously the easiest place to start if we do it as sequentially as possible. Bear with me, Part 3 is not the Legislative Council elections. You did not ask a Legislative Council question?

Ms White - No, I did not.

Ms ARCHER - It is the list of all contracts. I will read out what I have in relation to Part 3 and some of the examples. Part 3 of the bill is concerned with the THS being able to provide support to the private sector in order to assist them to keep their doors open, to maintain their capacity to provide medical services to Tasmanians in the circumstances created by the COVID-19 emergency. It is not envisaged that the THS would be providing a service doing a thing that it does not already do within public hospitals. Part 3 of the bill will allow the THS to do those things as a contractor to assist private providers to continue the service delivery.

With respect to a private provider, a clear example that comes to mind is private hospitals but it could be any organisation or persons delivering health services in Tasmania. The purpose is to keep them operating and maintaining their capacity in current circumstances as they are an important support service to our general health system.

I am not sure if we have that list available. I will get that worked on. If I cannot, then we will undertake to provide it to you.

In relation to examples, they will be dictated by need. It might be a health support service such as the sterilisation of medical equipment. Another support service might be pharmacy support. While training is specifically contemplated under section 17 of the act, the act does not necessarily contemplate that the THS could be engaged as a trainer of private staff. It may be a direct medical service, such as providing clinical staff to stabilise patients in private facilities who are undergoing surgery or other treatment where the facility cannot readily provide those services. Another example could be the provision of medical equipment on loan or the provision of consumables. Flowing from that could be the maintenance of equipment by THS staff. Part 3 allows the THS to act outside its ministerial charter and service plan but only where there is a need created by the COVID-19 emergency.

It is critical to note that the legislative framework of the THS and the restrictions on its functions and powers, such as the need for it to only provide those services and the health support services that it is required to provide under its service plan under section 17(b), would not apply to the Crown if public health services were directly delivered through the Crown as opposed to the THS, which is established by the Tasmanian Health Service Act 2018 as a statutory body corporate. It is because the THS is established under a different framework and mechanism there.

Parts 4 and 5; dealing with registration of certain vehicles. Essentially, how would the registration freeze be implemented? If passed, administrative arrangements will be set in place to enable the registrar to assess these on a case-by-case basis or by class, as appropriate. An administrative process will be established with a view to making this as streamlined as possible to enable registered operators to indicate if they would like to have their registration frozen. There will be the option for vehicle owners or operators to choose to reactivate their registration prior to the emergency period, which will end when the emergency cessation day is declared.

As I stated in the second reading speech, they will also have the option to either request a refund for their frozen period, or for their registration to be reactivated when the emergency cessation is declared and to remain in place for the same length of time that it is frozen.

Information will be made available on the Tasmanian Government website for COVID-19 and the Transport website.

As to the scope of registration, the power to freeze registration applies to vehicles as defined in the Vehicle and Traffic Act 1999. This includes motor vehicles, which includes motorbikes, as in the example Ms White gave, and trailers. I know that was not an exhaustive list but they were two examples given, just to show broader-reaching vehicles. The mechanism, in other words, is not limited to a class and type of vehicle.

Ms White - Thank you for explaining that.

Ms ARCHER - Did you ask anything about taxis?

Ms White - Only about the process that began earlier this year with the consultation on the new bill, which has been deferred, and whether there is a time frame for when that might be introduced.

Ms ARCHER - The progression of taxi regulation reforms. The freeze on the release of owner-operator taxi licenses as included in Part 4 was proposed and subsequently supported as a principle through consultation with the taxi industry through a number of iterations, including in 2017 and 2018, and on the draft On-demand Passenger Transport Bill at the end of 2019, which closed in February of this year. So there have been three iterations of quite extensive consultation. The Government had intended to introduce the on-demand passenger transport bill earlier this year; however, it was delayed due to the COVID-19 emergency and parliament rising as well as the legislation drafting and capacity of government being focused on the emergency legislation.

The work on that bill will continue to be progressed and finalised with a view to bringing it before parliament this year. Obviously we are dealing with more urgent matters first, but it is being progressed and finalised I am advised. The bill covers a range of matters outside the taxi-owner operator licence releases and is still being progressed. I am sure Mr Ferguson can provide any specific updates.

I think the question on licensing permits issue was whether it was only by act or can be added to by regulation, whether we need to come back to parliament to amend the legislation. We can do it by regulation is the short answer to that.

Moving onto Part 7 on your next group of questions around these measures regarding police. I will read out this in total because I know some of it was reflected in Ms O'Connor's contribution as well under the question of what training police officers will have on issuing infringement notices.

Although the restrictions resulting from the COVID-19 emergency are unprecedented in terms of the limitations that are imposed on the public, the legal enforcement of restrictions by police is not. Police officers routinely enforce restrictions that require the exercise of judgment and consideration of reasonable excuses. This applies in the law generally. For example, the offence of trespass is only committed when the entry onto land is without reasonable excuse, and restrictions that may be applied under legal authority, including bail conditions, restraint order conditions, family violence order conditions and so on.

Police officers are able to apply their training from the routine enforcement of restrictions to this situation, including the exercise of judgment as to when action should be taken. Police issue infringement notices for many different offences under different Tasmanian legislation already. An infringement notice process under the Emergency Management Act is not any different and therefore there is no need for police officers to undertake specific training on the issuing of COVID-19 infringement notices. They are trying to exercise their judgment and give everybody an opportunity to explain their behaviour and the extent of their knowledge. In most cases people are complying.

In the context of this emergency, daily guidance is provided to police through internal communication channels on the current state of restrictions and the approach to enforcement, which is very pleasing and we want to reassure the public in that regard. This includes through the maintenance of a living COVID-19 response manual, and living means continually being updated, which details information regarding the restrictions, the offences for non-compliance and the enforcement approach. This resource contains links to the actual directions that are currently in place, which are also available to the public on the resources page of the Government's coronavirus website, coronavirus.tas.gov.au for the record of *Hansard*.

Tasmania Police's approach to enforcement of the restrictions has been to prefer education and guidance to enforcement. Ideally, police seek to not charge anyone but rather gain the voluntary cooperation of the community. Enforcement has been limited to circumstances where people are clearly and knowingly non-compliant, which is necessary to provide both general and specific deterrents to future non-compliance. In ordinary times, we entrust police with significant authority and discretion and have no doubt that every member of Tasmania Police takes the authority they have very seriously. I believe we can similarly entrust them to exercise judgment and compassion in these circumstances and I am sure the House agrees. It is necessary, however, to scrutinise this today.

Given the unprecedented nature of the restrictions, I am informed that additional review mechanisms will also be put in place. It is anticipated that any infringement notices issued in respect to COVID-19 would also be reviewed by an inspector of police. This is in addition to all of the review mechanisms in place for infringement notices already.

In relation to the question on whether an offence is limited to requirement or direction under the Emergency Management Act, the offence under proposed section 60C is specific to the Emergency Management Act 2006 and paragraph (c) needs to be read in conjunction with the remainder of the section. Paragraph (c) refers to such an emergency management worker and section 60A clarifies that this is an emergency management worker who is participating in

emergency management or a rescue and retrieval operation, or performing or exercising a functional power under this act. The offence cannot be applied to a requirement or direction of an emergency management worker outside the context of this act.

The act is also not used day to day and only comes into effect in the circumstances of an emergency response. Effectively, the offence and the associated infringement notices will only be used to enforce requirements under the emergency powers in Schedule 1 which can only be used in the time-limited circumstances that they are authorised by the State Controller under section 40.

Ms O'Connor - Back-tracking a bit before the power to make regulations, is that where you were going? Were you going to the power to make regulations?

Ms ARCHER - Now, yes.

Ms O'Connor - I may have missed it, but did you answer the question about whether the extension of statutory time lines would extend to the Gaming Control Act?

Ms ARCHER - I have not got to yours yet.

Ms O'Connor - Okay, so you are doing it person to person, not clause by clause. Fine.

Ms ARCHER - I am trying to keep in person to person but there may be some that are relevant to both.

On the question on the power to make regulations under other acts, the proposed section 60C to be inserted by clause 21 clearly limits the ability to prescribe infringement offences to the offences that already exist in the Emergency Management Act 2006 or the regulations made under the act. This comes from the proposed definition of 'infringement offence' which clearly states it is an offence against this act or the regulations, meaning the regulations made under the act.

On the question of why the infringement notice provisions need to be in the legislation permanently, this emergency has shown us that a power to issue infringement notices to enforce restrictions during an emergency is desirable. We are now over six weeks into the current emergency and do not yet have that ability. As a result, it is desirable that the authority be enduring so that it is there for the next emergency. Hopefully we do not have a next emergency but we have to prepare for these situations. Should we have another emergency, we do not want to be fighting a rearguard action on the next occasion where we need parliament to provide an authority after the emergency has started.

This is about preparedness as well, and I think parliament can appreciate the Government has had to put things in place very quickly. I know that across our departments we have had to review our pandemic response very quickly. With all of the good work that has been done there have been significant learnings along the way. Although this is something that could be reviewed after this emergency but in advance of any future one, an ability to issue an infringement notice is not contentious. The offence will still exist and people can still be prosecuted regardless of this provision.

An ability to issue an infringement notice just provides a police officer with another tool and one that is likely to provide a more immediate effect in gaining compliance. However, it does not take away any right of the person to whom it is issued. That person still has the option of having

the alleged offence heard and determined by a court but they also have the option of not having to go to court if they accept the infringement. This can save them both financially and in regard to the time it takes the matter to be resolved, especially with court dates potentially being pushed out well past the end of the emergency and the time required to attend court and potentially brief a legal representative. If they want to dispute the fact that they should not have been issued an infringement notice they are still able to do so. If they do not, however, and it is like pleading guilty but they would like to see the back of straight away because they admit their guilt, then they can do so. It actually can work in the favour of someone who has received an infringement notice in that regard as well if they accept that they were doing the wrong thing.

The primary approach of police will continue to be educational. I want to stress that and I know that they have said that in briefings to members as well. Their aim is not to charge people at all but to explain their restrictions and encourage compliance.

Finally, it is worth pointing out that the infringement notice provision is only in relation to the Emergency Management Act 2006 and that an offence under the act and an ability to issue an infringement notice would only exist where the act was in operation. This is not the case day to day and consequently there is no risk of the provisions being utilised outside of an emergency response under the act.

Ms White - Just to clarify that point, and we will probably go into Committee on this, but would the protection be that those powers, whilst they are permanent, would only be given effect if the Emergency Management Act had been in play? Who makes that decision? The premier of the day?

Ms ARCHER - That is under a state of emergency when it is called and we have a State Controller put in place, as we have in this instance.

Ms White - So a State Controller would need to be in place?

Ms ARCHER - When we have a state of emergency that kicks in.

Ms White - So it is somewhat limited then?

Ms ARCHER - Somewhat? It is limited to that circumstance.

Ms Haddad - And limited to the offences only in the Emergency Management Act?

Ms ARCHER - Which I said. That is on the record.

In relation to the Personal Information Protection Act - I will call it the PIP Act for brevity - I note that there has been a bit of confusion regarding the suspension of the PIP Act 2004 in relation to the COVID-19 emergency and other declared emergencies. I acknowledge that I have received representation from members of parliament concerned about the application of the amendments agreed to by this parliament in the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 to which I know I have issued responses today.

We are in extraordinary circumstances at present. This is Tasmania's first public health emergency response coordinated under the Emergency Management Act 2006. I wish to reassure members and all Tasmanians that the PIP Act continues to apply to the collection, use and disclosure

of personal information except in very limited circumstances during a state of emergency. To clarify, the amendment to the Emergency Management Act 2006 by the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 provides that the PIP Act does not apply to section 60A of the Emergency Management Act which is a very limited provision.

The second reading speech for the bill at the time indicated the State Controller requested a provision be inserted to allow government agencies to share important information during the state of emergency. For example, in our current emergency, government agencies may need to share information around COVID-19 test results so it could then be relayed to the person who has been tested. This important targeted amendment will serve our emergency response well and is subject to appropriate administrative procedures and safeguards. Section 60A does not permit disclosure of information for purposes that are not relevant to the emergency or public health legislation. It only applies during the state of emergency and to the disclosure, collection, exchange or use of relevant information for the relevant purposes by a relevant body or person. This applies to any state of emergency not just the current COVID-19 emergency.

Each of these terms are defined in a very limited way by reference to emergency and public health legislation, to people exercising functions or powers under that legislation and to information collected for the purposes of that legislation. Due to its limited application to both emergency and public health legislation it will have even narrower application in emergencies that do not involve significant collection of information under public health legislation, for example bushfires.

Other secrecy, privacy or confidentiality provisions of other acts, such as the Public Health Act 1997, continue to apply at all times. In a state of emergency involving a pandemic the Public Health Act 1997, in particular, provides a specific framework for collection, use and disclosure of information relating to notifiable diseases, for example COVID-19.

The non-application of the PIP Act to certain information during a state of emergency only affects personal information custodians who are subject to the PIP Act, such as government agencies. It does not affect the privacy requirements on other persons and bodies imposed by Commonwealth privacy requirements or other legislation.

It applies to any state of emergency and has even narrower application to emergencies not involving a major public health response, such as COVID-19, as public health legislative powers would not be exercised significantly, or at all, in such emergencies.

Ms O'Connor - It should have been made clear that it was a permanent change.

Ms ARCHER - I am making this clear now.

Ms O'Connor - It should have been made clear, when we debated the first bill, that it was a permanent change.

Ms ARCHER - It was and in one of the responses I sent out today there was a quote used by the Premier and I can get members back from *Hansard*. It is on *Hansard*.

Some other jurisdictions also have provisions in place ensuring state agencies can share relevant personal information during their emergency response. Section 60A exemption ceases to apply to any information gathered or shared once the state of emergency ceases. Section 60A does not permit information gathered for relevant purposes to be used for non-emergency purposes.

Section 60A does not apply to the operations of all state agencies and all information. The PIP Act continues to apply to any information obtained or shared that does not meet the narrow circumstances as I have outlined.

Tasmanians should be confident that the State Controller, public health services and other relevant Tasmanian government departments take the responsibility for maintaining data security seriously while ensuring protocols are in place to enable effective and timely responses to the public health emergency.

Ms O'Connor - Your Government transferred 410 000 photographic licence images to the Commonwealth without telling the people of Tasmania. There is a trust issue here.

Ms ARCHER - Ms O'Connor we were going so well. Do we have 5? I might come back to that, I think it was the stop work.

The next question by Ms White related to Workplace Health and Safety concerns in a workplace and perhaps needing to stop work. If workers were holding a stop work meeting of three or more people on a worksite due to safety concerns they would be in breach for the gatherings direction issued by the Director of Public Health under section 16 of the Public Health Act. However, the direction does not prevent workers stopping work for such concerns; just the gatherings that may result from such an action. That said, workers can stop work and hold meetings electronically or by other remote means. We just have to be concerned about the social distancing requirements.

Ms White - Physical gatherings I understand but in terms of stopping work, the question was about the interaction between the Workplace Health and Safety Act and the Public Health Act in a public emergency. What would take precedence? Particularly in respect of whether or not police could use these powers now that we are just debating to compel those workers to return to the worksite otherwise they would be fined, I suppose.

Ms ARCHER - My understanding of the directions is that anything in relation to the state of emergency that we have takes precedence. Having said that, all of the directions that have been made are for health and safety reasons. In relation to workplaces, restrictions have been imposed in relation to social distancing and personal hygiene. The two, I think, sit very well together. Being responsible for the area of Workplace Health and Safety, I know that Safe Work Australia, for example, has worked on principles as a guide for workplaces as people go back into the workplace, and for workplaces that are currently operating. Your question related to those stop work meetings. They can still hold a stop work meeting; we are not denying that. They have rights under that. It is just the mechanism or the way they hold the stop work meeting needs to comply with direction of the Director of Public Health in terms of social distancing, personal hygiene et cetera.

I understand the concern and if there are any other issues in that regard then I am very happy to take some further questions on notice and respond.

The next question - I was trying to scribble things down as best as possible -

Ms White - In my notes, if it is any help, Attorney-General, it was about proposed section 28. This was with respect to the retrospectivity.

Ms ARCHER - I do not have anything in front of me in relation to retrospectivity. Was that in relation to how many charges have been dropped? You had an issue about some had been summonsed, some had been arrested. Is it likely that these will be revisited? Is that the question?

Ms White - Correct.

Ms ARCHER - I am advised that out of the prosecutions to date, two have been discontinued in the south and we do not have statewide figures.

Ms White - The further question?

Ms ARCHER - That is the only information I have to hand. I cannot provide anything further other than getting back to you with any further information.

The next question was about the increase in penalty units permanently and what evidence the Government has to support it. The answer is we have looked at other jurisdictions. I will come back to that in Committee.

There was a question on regulation power being wide-ranging. There was some sort of confusion. I know that at the time we were looking at if it was the Governor, not the minister who determined it. Both Ms White and Ms O'Connor have touched on the same thing. That is why I was getting to that.

Clause 30(1) decides that the Governor can make regulations under the act. No other person can make regulations under the act, consistent with how regulation-making powers are set out in other legislation.

Clause 30(2) of the bill does not provide that anyone other than the Governor can make regulations under the act. It provides that regulations, which are subordinate legislation in relation to the clauses in this bill, can provide that under the act, once passed, certain matters of a procedural and related nature may provide that certain things are to be done by the minister, State Controller, Director of Public Health and other persons or bodies. For example, a regulation could provide for the detailed steps and processes by which an action or a decision under the bill is to be undertaken.

It is not true that people other than the Governor can make regulations; for example, the Director and so forth. That wording only allows for administrative matters to be determined by those persons. This does not extend to making regulations themselves. For that to occur, there would need to be specific wording to allow sub-delegation of legislative power as opposed to a sub-delegation of administrative power, which is what section 30(2)(b) gives. It is not an unusual provision.

Apart from clause 30(6), which provides that the regulations may specify certain specific requirements under section 4 or 5 of the Subordinate Legislation Act, with regard to guidelines and regulatory impact statements the usual processes under the Subordinate Legislation Act and Subordinate Legislation Committee Act will continue to operate, including the scrutiny by the Subordinate Legislation Committee, and tabled in both Houses of Parliament. The power to make provisions of a savings and transitional nature, even retrospectively, is also not particularly unusual. Savings and transitional provisions are not intended to be broad in nature and would not, for example, allow other acts or regulations to be amended by these regulations.

Ms O'Connor - One of the questions I asked was why was this clause was considered necessary?

Ms ARCHER - I understand I have already covered that. As I have said, it is not unusual -

Time expired.

[4.05 p.m.]

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

That the Attorney-General be provided with an extension of time of 15 minutes.

Motion agreed to.

Ms ARCHER (Clark - Minister for Justice) - Madam Speaker, I know Ms O'Connor raised something in relation to the Public Accounts Act. There is going to be an amendment moved in relation to that, isn't there? I think I should leave that to Committee.

Ms White - It is not a Government amendment? Do you mean a Greens amendment?

Ms ARCHER - I know that Ms O'Connor raised a query in relation to Public Accounts. I would prefer to deal with that in Committee because I know she was going to move an amendment in relation to Public Accounts.

Ms O'Connor - For the Tasmanian Health Service, yes.

Ms ARCHER - Rather than duplicate that discussion, I can leave this. I think that covers the questions.

Ms O'Connor - The Gaming Control Act. The question was the capacity to extend statutory time frames describes a contained number of statutes. I am just checking that it does not allow for extension of licences under the act.

Ms ARCHER - It does not; it only relates to the acts that have been named within this bill.

Ms White - Did you not say, in response to my question, you can add to those through regulation?

Ms ARCHER - Through regulation of those acts. Only the acts that have been named in this bill. I went through those acts in the second reading speech.

Ms White - My question was whether those acts could be added to through regulation, so enhancing the scope of the coverage.

Ms ARCHER - They can, but Ms O'Connor's question was specifically around other acts.

Ms White - Yes, but no additional acts can be added through regulation. Thank you.

Ms O'Connor - Most of my questions have been covered in your answers to Ms White. In the interests of efficiency for the House, I am happy to wait until we get into Committee.

Ms ARCHER - I appreciate some members wish to move into the Committee stage with this bill, as does the Government. However, the Government will now move to the Premier's statement. The Government will resume debate on this bill following the ministerial statement and the debate on noting of the statement.

Bill read the second time.

MOTION

Subordinate Legislation Committee - Consideration of COVID-19 Legislation - Motion Negatived

[4.10 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Deputy Speaker, I move -

That pursuant to Standing Order 279, the Committee of the whole House be instructed to consider provision for necessary amendments to the COVID-19 Disease Emergency (Miscellaneous Provisions) Bill (No. 2) 2020 in relation to the Subordinate Legislation Committee.

Mr FERGUSON (Bass - Leader of Government Business) - Mr Deputy Speaker, I will indicate that the Government will not be supporting this amendment to change the scope of the legislation.

Ms O'Connor - It is not changing the scope of the legislation. You want to put us through a division; you do not want to have a debate about the subordinate legislation. You are scared of scrutiny. For heaven's sake.

The House divided -

AYES 8

Ms Butler
Ms Haddad
Mr O'Byrne
Ms O'Connor
Ms Ogilvie
Ms Standen
Ms White
Dr Woodruff (Teller)

NOES 8

Ms Archer
Ms Courtney
Mr Ferguson
Mr Gutwein
Mr Jaensch
Mrs Rylah (Teller)
Mr Street
Mr Tucker

PAIRS

Ms Dow
Dr Broad
Ms Houston
Ms O'Byrne

Mr Barnett
Ms Hickey
Mr Rockliff
Mr Shelton

Madam DEPUTY SPEAKER - The result of the division is 8 Ayes and 8 Noes. I therefore have to use a casting vote. In accordance with Standing Order 167 I cast my vote with the Noes.

Motion negatived.

MINISTERIAL STATEMENT

COVID-19 - Response Measures

[4.19 p.m.]

Mr GUTWEIN (Bass - Premier - Statement) - Madam Deputy Speaker, today I will be providing members an update on the Tasmanian Government's ongoing response to addressing the impacts of the coronavirus pandemic, how we are supporting Tasmanians during this challenging time, our phased recovery approach and the first steps of our plan to rebuild a stronger Tasmania.

The efforts of Tasmanians have been extraordinary in what have been the most dreadful circumstances. Many of our businesses are closed and in hibernation, and thousands of Tasmanians have lost their jobs. We have, for just a moment in time, lost our much-treasured way of life and unfortunately, some have tragically lost their lives, whilst others have lost people they love.

This has been and remains very difficult for many people. However, the efforts made by all Tasmanians have made a positive difference. Our communities have not been decimated by the virus to the devastating degree we have seen in many other countries.

Because we have an older and more vulnerable population, we went hard and we went early with our response to coronavirus, leading the nation on cruise ship bans, border controls and other measures to limit physical movement to protect Tasmanians.

We have not shied away from making tough decisions to keep the community safe, and while some degree of social distancing is going to be a part of our way of life, at least until a vaccine or effective treatment is found, I am hopeful that in coming weeks we will be able to move, in gradual steps, back toward the Tasmania we know and love.

We are facing both a health crisis and an economic crisis.

First and foremost, I would like to take a moment to talk about the north-west outbreak. We have tragically lost 12 lives to coronavirus in Tasmania, with 11 of those deaths in the north-west. Unfortunately, I expect that there will be more deaths announced and we should ready ourselves for that. I extend my heartfelt sympathies on behalf of the Tasmanian Government to the loved ones of those who have died as a result of the virus.

We know now that, most likely, ground zero for the outbreak was the *Ruby Princess*. However, I want to be clear that no Tasmanian passenger is to blame and no Tasmanian healthcare worker is to blame. People were just going about their lives and their jobs when this dreadful set of circumstances ensued, wreaking havoc and misery on so many people. I will not presume to predict the outcome of the investigation underway into the *Ruby Princess*, but answers are needed and I hope answers are found.

We know that our state is not immune to the virus, and unfortunately, like the rest of the country, we are not immune to outbreaks. It is how we respond that matters, and in this instance I would like to acknowledge the tremendous efforts of Public Health, the Tasmanian Health Service and our emergency personnel for conducting an effective rapid response.

Our response to the outbreak was unprecedented, both in a Tasmanian and national context. Closing both the North West Regional and North West Private hospitals enabled a deep environmental clean to occur. Staff, their families and households were required to undertake a mandatory 14-day quarantine. Further restrictions were put in place to limit the physical movement of people. These additional restrictions are being reviewed constantly and an update tomorrow will be provided to Tasmanians on when they might be lifted.

We have massively ramped up testing efforts across the north-west, and healthcare workers must return a negative test before resuming their work. I extend my sincere thanks to all of the residents of the north-west required to complete quarantine. I know you would much rather have been working and helping to save lives, but please know that you have each played a part in helping us to reduce the spread of COVID-19 in the region. What we have done at every step is to act early and to act hard. We are very grateful to the Australian Medical Assistance Team (AUSMAT) and the ADF, which answered our call for help, and we are so grateful for that.

Following a deep clean of the hospital, 50 members of the ADF and seven AUSMAT health professionals worked to ensure the emergency department remained open, providing essential health services to more than 400 patients. For more than two weeks, they have provided support to the people of north-west Tasmania, including enhanced infection control, primary care, acute resuscitation, minor procedures and consulting care.

The handover process to the North West Regional Hospital staff began online earlier this week, was followed by a physical induction on 28 April and the final handover took place yesterday. ADF and AUSMAT personnel are departing our state today. I am sure every Tasmanian, particularly those in the north-west, thank them for their efforts.

Throughout this pandemic, our first priority has been to keep Tasmanians safe and to keep them secure. The State Control Centre, which was activated following the state of emergency declaration, continues to lead the whole-of-government response to COVID-19, with the State Controller, the Commissioner of Police, Darren Hine, working closely with the Director of Public Health, Mark Veitch. I would like to acknowledge their hard work, and the work of their teams. It has been exceptional.

When it comes to protecting the health and safety of Tasmanians, we moved quickly and introduced strong measures to limit the movement of people into and around Tasmania. This included:

- suspending all cruise ship arrivals in Tasmania;
- requiring arrivals to our state by sea or air to Tasmania to quarantine for 14 days in government-managed accommodation;
- introducing strict 'stay at home' directions so that Tasmanians stay local and do not travel unnecessarily;

- restricting travel to vulnerable Tasmanian communities, including the Bass Strait islands and holiday townships; and
- increasing enforcement of these measures to ensure the safety of our community.

These measures have limited the spread of the virus and whilst 12 deaths are 12 too many, I know that with our ageing and vulnerable community, the outcome would have been far worse and possibly unimaginable if we had not taken the steps we did.

I especially thank my Cabinet and the members of my team for their support regarding the measures we put in place. I also want to acknowledge and thank all other members of parliament for their support as well.

As I have said, this is a health crisis firstly but it is also an economic crisis. Many Tasmanians are facing hardships they have never faced. As a government we have put in place unprecedented levels of support for our community and our businesses until our state can gradually come to life once more.

The Australian and Tasmanian governments are implementing a range of measures to assist the response to this pandemic. The Tasmanian Government's social and economic support package, totalling almost \$1 billion, complementing the federal government's multi-billion-dollar response, is of a scale not seen in the history of our state in both the amount of funding and the breadth of measures. The package comprises initiatives to support our health, our businesses and jobs, households and individuals, and our community.

There is strong demand from Tasmanians and Tasmanian business for help and next week in parliament I will provide a report on the Government's social and economic support package. These are exceptional circumstances that we are in and we have sought to cushion the blow wherever possible for Tasmanians. Initially \$20 million was made available for small business emergency support grants and another \$20 million was allocated to support those businesses under severe hardship with grants of up to \$15 000. I can announce today that due to significant demand we are allocating an additional \$10 million to each of the programs to support more applications being approved, with both programs to close to new applications shortly. We will keep this under review and if necessary respond accordingly.

There has also been an unprecedented response from businesses applying for the Government's Business Support Loan Scheme, and the Department of State Growth is presently well underway in assessing applications in accordance with the guidelines.

In regard to local government \$150 million interest-free loans, nine local government authorities have, to date, applied for assistance. These loans are important to enable staff to be paid and to allow infrastructure projects to continue to help underpin our economy. These loan requests represent in the order of some 80 projects.

In addition, as part of the Government's response to the COVID-19 pandemic, \$50 million has been allocated to fund critical maintenance on public buildings and other publicly owned assets in an effort to support regional employment and trades. Projects expected to be delivered across a range of service delivery areas around the state include:

- the refurbishment and renovation of classrooms and school grounds;

- upgrades to hospitals, health centres and ambulance stations;
- maintenance to walking huts, bathrooms, and other public amenities in Tasmania's national parks and reserves;
- heritage works on several of Tasmania's historic public assets, including Government House, the Royal Tasmanian Botanical Gardens, Parliament House and the Tasmanian Museum and Art Gallery;
- cladding replacement and general refurbishments (including kitchen and bathroom replacements) of community and social housing across the state;
- repairs to Tasmania's Supreme and Magistrates courts; and
- repairs to a number of jetties.

The projects will benefit a range of industries and trades, including electrical, carpentry, plumbing, engineering, construction, flooring trades, earthworks contracting, air conditioning and heating services, roofing services, stonemasonry and painting services, as well as building materials and equipment providers.

The COVID-19 pandemic has had a dramatic impact globally, nationally and locally. While it is still too early to understand the full impacts, it is clear that there will be significant impacts on the state's economy and on our Budget. To ensure that this House and the Tasmanian public have a clear understanding of these impacts I have requested the secretary of Treasury prepare and publish an economic and fiscal update. It will include revised general government sector financial statements for the 2019-20 and 2020-21 financial years, updated economic forecasts for 2020-21, commentary on the economic and fiscal position and the 2019-20 March quarterly report.

It will be very important for all concerned to understand the context in which the information has been prepared. In particular, the economic and fiscal update is being prepared in a highly uncertain economic and fiscal environment, and it is too early to accurately forecast the full impacts of COVID-19 on the economy or budget position. Impacts on both state and Australian government revenues are particularly uncertain at this time. In addition, some information is not yet available and, in other instances, assumptions will have to be made in order to be able to present some estimates. The publication of the economic and fiscal update by the secretary of Treasury will provide important information that will assist in understanding both our current economic and fiscal position and the future challenges and opportunities that may arise. The report will be provided by 15 May 2020 in line with the statutory reporting period for the March quarterly report.

The COVID-19 pandemic and associated health measures have had a significant impact across the world, with restrictions leading to widespread closures of businesses and community isolation globally. The scale of the economic and consequent social impacts is considerable.

In response to this, both the Australian and Tasmanian governments have announced unprecedented support packages to underpin the health and wellbeing of Tasmanians and to support businesses, community groups and the economy in the immediate short term wherever possible. The Tasmanian Government, in concert with the Australian Government, is also looking at strategies to minimise the medium and longer-term impact on our social fabric and the economy to ensure that the Tasmanian community is well placed to meet the challenges and opportunities ahead.

There continues to be significant uncertainty, and the road to recovery will depend on a range of inter-related social and economic factors. These will include the need to live and work with the coronavirus pandemic until such time as a vaccine or treatment is available. Ongoing containment measures will impact the way our community interacts and how our businesses operate. These are uncertain times, with changing financial market conditions, international and domestic supply disruptions and significant personal impacts on all Tasmanians. We need to acknowledge that things will be very different and factor this in as we plan for the future, and as we work together to rebuild a stronger Tasmania.

As I mentioned this morning, I am establishing the Premier's Economic and Social Recovery Advisory Council to provide advice to the Government on strategies and initiatives to support the short to medium, and the longer-term recovery from the COVID-19 pandemic. The Recovery Council will provide advice and recommendations on how to best mitigate the economic and social impacts of the pandemic. It will also identify opportunities for economic and social renewal. It will focus on immediate practical initiatives in the short term, whilst considering big-picture opportunities for future.

The Recovery Council will be made up of individuals from across the business and community sectors, and will leverage the experience, knowledge and resourcefulness of these business and community leaders to provide advice on the opportunities for economic and social initiatives to build a stronger and more resilient Tasmanian community and to strengthen and resurrect the Tasmanian economy. The Recovery Council will help develop the roadmap to rebuild a stronger Tasmania.

The Recovery Council will make recommendations to:

- identify additional immediate short-term actions, as well as the medium and longer-term issues to be addressed by government, the community and the private sector to facilitate sustainable economic growth and mitigate the social impacts of COVID19;
- target sectors in which Tasmania has, or can develop a competitive and brand advantage;
- capture opportunities for, or identify impediments to employment growth;
- support and enable Tasmanians to take advantage of a different way of life and work and business, or to reinvent themselves in new and emerging industries; and
- identify opportunities to address the impacts of COVID-19 on the community through sustainable social initiatives.

The Recovery Council will engage directly with industry and community groups, as well as members of parliament, who will also have the opportunity to provide submissions to directly inform the development of the Recovery Council's work. All industry associations and community groups, as well as those individuals who want to contribute their thoughts, will be able to do so.

I have tasked the Recovery Council with providing advice on immediate actions and initiatives to the Government by July 2020 and an interim report containing findings and recommendations by September 2020 so that it can inform the development of the 2020-21 Budget later this year. The timing of other reporting stages will be determined following consideration of the status of the

pandemic, towards the end of 2020. However, the final report will be timed to inform the 2021-22 Budget.

Today I am pleased to announce that the Recovery Council will be chaired by Mr Don Challen AM, an individual Tasmanians know and trust. He is recognised as one of Tasmania's leading business and community figures and has been widely recognised for his outstanding contributions in the corporate, community, charitable and philanthropic areas. He was Secretary of the Tasmanian Department of Treasury and Finance from 1993 to 2010 and has held a raft of significant board roles across prominent Tasmanian businesses. Mr Challen was made a Member of the Order of Australia in 2013 for his significant work to economics and public administration in Tasmania in the treasury and finance sector. I am very grateful to Mr Challen for providing his expertise during this most significant time for our state.

I am also very pleased that a number of highly engaged and experienced individuals have also agreed to be a part of this council, from across a broad spectrum of our community, including:

Kym Goodes, former CEO of TasCOSS, whose advocacy work to help those most vulnerable is widely admired across Tasmania.

Dale Elphinstone, Executive Chairman and founder of Elphinstone. Mr Elphinstone started his career as a 15-year-old apprentice before building one of Australia's most successful businesses.

Professor Rufus Black, Vice Chancellor of the University of Tasmania. Professor Black's private sector experience includes almost a decade with McKinsey & Company and as a law firm director.

Samantha Hogg brings significant executive management experience across the resources and infrastructure sectors, and has national and international experience in finance, marketing and strategic projects.

Paul Ranson, Chief Executive of the Bank of Us. Mr Ranson also has 25 years experience in local government and is a director of the TCCI.

Brett Torossi, an acclaimed businesswoman and tourism operator in her own right, with extensive executive leadership experience and board roles across a suite of businesses and industries.

Tim Gardner, Executive Chairman of Stornoway and Chair of Metro Tasmania. Mr Gardner has significant experience in organisational leadership and culture, with a particular focus on infrastructure services.

Leanne McLean, Commissioner for Children and Young People. Ms McLean has a wealth of experience as a leader in social policy development and working for the benefit of and in support of young Tasmanians.

A secretariat will be established in the Department of Treasury and Finance supported by DPAC and State Growth to provide support for the Recovery Council, and will draw on resources from across government as required.

Looking to the future, there are two distinct areas of recovery required to ensure our plan to rebuild a stronger Tasmania is effective - economic recovery and social support during recovery.

To balance the health risks, our recovery will need to be a measured and gradual process, and to start with we have to be sure we are on top of any broader community spread. In order to begin easing restrictions, we are putting in place four safeguards: more testing; more tracing; enhanced rapid response capabilities; and COVID-safe workplace, public space and meeting place plans.

First, expanded testing is one of the crucial precedent conditions the Australian Health Protection Principal Committee (AHPPC) has set for the National Cabinet to achieve before further easing social distancing and economic restrictions and one of the key safeguards we are putting in place here in Tasmania.

We welcome the critically important partnership between the Australian Government, the Minderoo Foundation and private pathology providers, which has successfully secured an additional 10 million COVID-19 test kits and more pathology equipment for use around the country. Tasmania will use the additional resourcing to ramp up testing capability and expand the testing criteria, particularly as we work to get on top of the current COVID-19 outbreak in the north-west of the state. We currently have capacity to process around 500 tests a day, with surge capacity up to around 1000. This enhanced technology will effectively more than double our testing capacity. The diversification of COVID-19 testing ensures adequate testing capability across Tasmania as we ramp up our testing efforts statewide over the next few weeks.

Second, our manual tracing efforts over the past weeks have worked well, particularly in fighting the north-west outbreak, but we need help from all Tasmanians to improve our tracing capacity even more. This is what the COVIDSafe tracing app is all about. It is a tool that will help us to trace the virus more effectively. Importantly, the tracing app does not monitor your geographic movements, unlike many popular apps already on your phone which access its GPS locator. What it does, via Bluetooth, is record the contact details of any other phones with the tracing app that you are within close proximity of for more than 15 minutes at a time. So if you spend time with someone who is later found to have the coronavirus, with their approval public health officials can access the tracing app contact data from their phone for the last 21 days only, and if necessary, contact you to let you know you might be at risk.

The data will only be used by public health officials with your consent and the data is protected by strong privacy laws. It is an important tool to help keep you, your family and your friends safe against coronavirus.

Third, we are also putting in place localised rapid response capabilities that could be implemented in regions or industry-specific sites if required. This is to enhance current public health capabilities in the response to an outbreak. Rapid response teams will help trace, track and quarantine the virus wherever our enhanced testing finds it. Teams will be recruited from across the health and public sectors and will be able to be stood up quickly whenever an outbreak occurs.

Finally, we are working to develop COVID-19 safe plans which will help make our workplaces, public spaces and meeting places as safe as they can be. National principles have already been released and relevant ministers have been engaged at a national level with Safe Work and locally with WorkSafe on the necessary framework to provide COVID-safe working environments.

As restrictions ease, these plans will help to ensure there are rules and policies in place so that they can operate safely, helping to limit the risk of coronavirus infection to staff and customers. It will not be a one size fits all approach and the plans will depend on the nature of the business and the sector it operates in. We will engage with all appropriate industry business and organisational sectors to inform the development of COVID-19 safe plans. The plans will be established under regulation and audits will occur to ensure safety and compliance standards are adhered to. However, it is important to note that any easing of restrictions will be made on Public Health advice and would be a carefully phased approach to ensure risks are managed.

We will take a risk-informed approach to any relaxation, which may, for example, start with our green spaces - parks, reserves and recreation spaces - as well as public gathering numbers in particular circumstances. The health risk of lifting restrictions will be assessed taking into account COVID-safe business planning as well as the number of cases and the infection rate across the state. With increased testing, tracing, rapid response teams and COVID-safe business plans, we will be well placed to begin stepping out of our current state and decisions will be able to be made with more confidence around the reopening of activities and businesses.

Our border restrictions will most likely remain as our strongest defence against the virus for some time. Opening our borders again to interstate travel will be a game changer. However, this will not occur for some time and not until we have real confidence that we can do so safely.

Excepting for the additional north-west restrictions, which are due to expire on 3 May at 11.59pm, the current statewide restrictions in place will be reviewed in the lead up to 15 May, and I am hopeful that in coming weeks the advice from Public Health will be that we can begin loosening some restrictions. However this will only occur if the health risk is low.

We all want to return to normality. Once our safeguards are in place, we can gradually ease the current restrictions as much as we can without risking a disastrous outbreak of the virus this winter. The Tasmanian Government understands that these unprecedented circumstances are creating difficulties for communities across Tasmania, and specific groups within our community are being affected in many different ways.

I again wish to send my sincere thanks to all Tasmanians who continue to go to work each day during the pandemic. All staff across government are also working hard to manage Tasmania's response to the pandemic and I would like to acknowledge their dedication and hard work.

Our health and medical professionals across the state continue to do incredible work every day to deliver frontline health services in challenging circumstances. Tasmanian teachers, support staff and early childhood educators have done an amazing job at adapting and delivering education in different ways to ensure our children continue to receive high-quality education, even in these very difficult circumstances.

The sole focus for the Government during the coming weeks and months will be on supporting the Tasmanian community, businesses and industry to get through these difficult times, as we all respond and adapt to the COVID-19 pandemic. As such, our work will focus on tasks that are essential to responding to this unprecedented public health emergency, and continuing the delivery of essential government services.

In closing, I would like to say that while the impact of coronavirus is unlike anything we have ever dealt with, it is encouraging to look into our history and to see that so much of what we love

most about Tasmania was forged in times of hardship and struggle. Our determination, our ingenuity and our strong support for one another will help us prepare for tomorrow in Tasmania. These have been dark times but there is light at the end of the tunnel.

As I said this morning, I have never been prouder to be Tasmanian and I have never been prouder of Tasmanians. That is why I know we will get through this together. If we put in place the safeguards, if we continue to work together, we will get our way of life back and we will rebuild a stronger Tasmania.

MOTION

Note statement - COVID-19 - Response Measures

[4.43 p.m.]

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

That the statement be noted.

At the outset, I acknowledge and recognise the hard work of the Government and yourself Premier and particularly the health minister. Given that every day you stand up in front of Tasmanians and you provide an update on current circumstances, you are the face of the Government's response at this time. I can only imagine how difficult that must be and I want to acknowledge and recognise the work that you are doing on behalf of the state and congratulate you for that.

I also wish the very best to the recovery council members who have been announced by the Premier today who will have a huge task ahead of them, both in the short and medium-term but thinking about the long-term recovery for our state.

The one thing I mention is that it is a missed opportunity to not have a representative from Unions Tasmania on that to represent the voice of workers. This is something you and I have spoken about and it is something that has been raised with you. There is a role and a place for workers to be represented in the thinking of government right now, about how we can address the immediate and future requirements of our state. It is a missed opportunity and if there is any scope for you to expand the membership, I urge you to do that.

When we agreed to suspend this parliament, we did not agree to suspend scrutiny. It is important we have the opportunity to debate the decisions of the Government and the way we can collectively work together to support our community. We are all elected to this place as representatives of our electorates and our communities and each of us wants to assist at this time.

I thank everybody who has enabled today to occur but I urge the Government to consider allowing the parliament to sit more frequently. It is certainly something that the Labor Party stands ready to do.

I acknowledge and thank all the staff who have been working so incredibly hard on the front line and supporting the work of the Government and all of those families who have been impacted throughout this crisis, which essentially is every Tasmanian. I have not met a single person who has not been impacted by what we are each dealing with at this point in time. It is profound. It

requires an enormous effort on behalf of government, community and business to support one another to get through this and I am so proud to be Tasmanian too. Each of us has echoed that sentiment in the Chamber.

I have seen the kindness and empathy people have shown towards one another, the support and the efforts businesses are going to, the endeavours of workers and I feel incredibly proud of this place and its people. I have not for one second questioned our ability to get through this. I know we will, together, be able to do this.

It will require more support than what has been outlined today. I hope there is more to come and I acknowledge the announcement today of \$10 million in additional assistance for businesses and the announcement of the recovery council, but it will require additional support.

This morning I raised concerns we have about casual workers who are not eligible for the JobKeeper payment and students who are under 22 who cannot get the JobSeeker payment. These are part of the 20 000 workers at the moment who have joined unemployment queues. They can be reconnected with their businesses if the federal government changes the way those payments can be provided, changes the eligibility criteria.

That will assist those businesses to keep those workers on. It will maintain employment for those workers but will also assist us with the recovery. It will help us come out of this better and there is more that can be done to support those casual workers, those students. I acknowledge the state government has stepped up to support visa workers but there is still a lack of detail about how workers who are providing specialist skills will be supported to stay with their employer and I am looking forward to seeing more detail about that.

Every job we can save right now, we should be fighting hard to save, every single one. That is why the question was asked this morning about those casual workers and those students. If we can do something to support them, we should be. We should be looking at how we can encourage TAFE to provide access to free courses, to support people to re-train for the jobs we know we need to be providing right now. There are a number of different jobs that need to be undertaken as we deal with this crisis. We also must prepare people for what might happen tomorrow and in the future.

We have an excellent public training provider in TAFE that should be able to work closely with industries, to understand how we can provide pathways to employment for those Tasmanians who have now found themselves unemployed.

Job security and economic security is a fundamental requirement for somebody to be able to have a good quality of life. It is also a stark reminder of why we need to address social inequality and the lack of affordable housing. The difficulty we are seeing people face now, wondering how once they get through this, they are going to pay their rent arrears. These are all the challenges we need to be collectively working on to solve. These are the things I hoped the Government might have been able to outline in more detail today.

What does it look like for different sectors of our economy, different regions, in two or three-months' time? What preparations and plans should they be making now? On 27 September the JobKeeper payment comes off. That is a federal government decision. There will be some sectors or our economy and some industries in our economy that will not be prepared and they will not be ready to start operating then as though it is business as usual.

We need to be thinking about how we can advocate for a regional approach. An industry specific approach is not guided only by a national decision about when these payments come off, both the JobKeeper and the JobSeeker. People will not necessarily be ready to resume business as usual then and that will impact on different sectors of our community and our economy and the livelihoods of those individuals.

We need to be working together to make sure that we can buy local, build local and we can employ local and doing everything we can to skill up those people who lost work, support our businesses, make sure that supply chains where they have been broken can be replaced with innovative and clever businesses in our state that I know are already manufacturing component parts to replace some of the components that have been disrupted because of supply chains being broken.

These are the sorts of things that we need to be turning our mind to now: to support jobs; support regional and economic growth to support people to have a good quality of life and so they have an understanding of when that might start to appear. I hope that the Government is turning its mind to that too.

[4.50 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, these are really dark days that we are living through as Tasmanians. We are witnessing the most profound social and economic shock I believe that this island has experienced since the Great Depression. But in that darkness, there are these sparkles of light. It is the way we relate to each other and it is in our daily interactions with Tasmanians when we go out for essential travel. It is the going to the local IGA and talking to Leanne down there who goes in there every day. That is an essential job.

Two very significant things have come out of this situation. One is it has brought us much closer together as Tasmanians and citizens of this beautiful island. It has also made us rethink what is valuable work. The people who are holding our economy and our community together now are Leanne at the local IGA, Mary at the top shop, Roger the postie, the lady who serves the takeaways at the local café. I take the opportunity when I am interacting with these people to say thanks for coming to work. It is a brave thing to do. I know it is an economic necessity for people, but it also takes courage in the middle of a pandemic to go into the service sector and work every day.

I hope that one of the things that comes out of this pandemic is that we all have a renewed appreciation for what work is, who essential workers are, and learning to value people who go out there on the frontline of our society and economy in jobs that maybe governments have not in the past considered to be of great value. They are. They are holding us together, just as our health workers are holding our response to this pandemic together. I thank the Director of Public Health Mr Veitch, who is doing an outstanding job, just as Tasmania Police is keeping order, keeping us safe. Again I thank Commissioner Darren Hine. I sincerely thank our teachers who are going into school environments - most of them are still in school environments. In some ways they now have an expanded work role, which is to supervise children who are coming to school and also to conduct online learning. What a fantastic contribution they are making to our community. They deserve our heartfelt thanks.

We welcome the establishment of the Recovery Council. It is important that we have some of our best brains working together on ways to kickstart our economy. But it should not all be about business. One thing that this pandemic has made clear to us is that government has a key role, not only in the delivery of services but in times of trouble business cannot do it and especially if it is

on its knees. We have seen even conservative governments in Australia step up and do what has to be done, not only to keep people safe but also to provide a measure of income so that people are able to keep food on the table, to put a freeze on evictions; to put a freeze on rent increases. Government has a key role in making sure we have strong public services.

For decades public services in Australia have been run down by successive conservative governments and now we see how enormously valuable and central our public service is to community wellbeing.

The Recovery Council is very much focused on the business side of things. We would like to see not only union representation; we would like to see a strong social lens put on it. I accept that Kym Goodes is on the council as well as Rufus Black. We also want to see some science at the table. There is one thing we know: we can't go back to normal because normal was not working. Normal was seeing enormous rises in emissions nationally, normal was seeing soaring inequality where people were left at the bottom of the social heap, shut out, where the gap between was getting wider and wider. That is what normal was before this pandemic.

We should use this point in time to reimagine our future, not in a way that means you have business leaders advising multiple shortcuts, subversion of good process, undermining of the planning system in order to 'get things done'. Let us do it differently here. Let us make every Tasmanian part of the conversation about the future we want for this island and its people. What are we saying to young people out of this pandemic? They are so stressed. They have the double fear of accelerating global heating and now we are in the middle of a pandemic. They are losing jobs. They are not able to go to college and school in person. They are having to change their life plans and they will be saddled with the billions in debt that are necessarily being spent in order to get mainland Australia and Tasmania out of this crisis.

Let's rethink the future in a way that makes not only a stronger Tasmania but a fairer, greener Tasmania; a more democratic Tasmania; a Tasmania where human rights are respected and protected. A cruelty-free Tasmania. It would be such a shame if we came out of this pandemic and everything went back to the way it was before. We have an opportunity here to remake our future. These are dark days but there are certainly sunnier days ahead. Like everyone in this place I am so proud to be a Tasmanian and to see the way Tasmanians have responded in this emergency.

I am very impressed with the Premier's response to this crisis. I believe he could possibly be a little more inclusive in some of the scrutiny mechanisms. Premier, you are to be commended, as is everyone you are working with, on helping us to get through this crisis. The actions you have taken as premier have made Tasmanians feel safer and that is a good thing.

[4.58 p.m.]

Mr FERGUSON (Bass - Minister for Infrastructure and Transport) - Madam Speaker, this is an important debate. I begin by thanking you, Premier, for continuing to show exceptional leadership as you now start to set a course for our state to emerge from the coronavirus pandemic. It has been a shock but the Premier's leadership has been a beacon of hope. People can see that the decisions you have made personally, and that your Government and this parliament have made collectively, have made Tasmanians feel and in actual case be safer.

People are looking forward to the recovery. They are talking about it right now. They are looking forward with some optimism. For all the doom and gloom that passes for political commentary, the fact is that this country is the envy of the world compared to what so many nations

are living through. I congratulate this Premier. I congratulate our federal government, in particular the Prime Minister, Scott Morrison, for the way he has established a national first of the National Cabinet bringing together all the premiers and chief ministers. It has been brilliant.

These recent months have been extraordinary, like nothing I have seen in my lifetime and hopefully not something that Tasmanians will ever have to experience again.

I acknowledge from the outset of my contribution that a number of families have been directly impacted in a very sad and hurtful way by this virus. Sadly, a number of families have had to deal with the loss of a loved one. Indeed our state has escaped relatively well compared to many countries around the world. I add my thanks to the public health officials and Tasmania Police, particularly the commissioner, who has been acting in the role of State Controller, and Dr Veitch, who has served so capably and with diligence as Director of Public Health and who has to be the clearing house of every bright spark's latest idea that they want to run past him either to make things more restrictive or less restrictive. It is him and his team who have to consider these ideas and give science-based advice to government. I think they are doing a great job. I also think our Health minister is doing a great job and I feel very grateful. I know many Tasmanians feel the same way. Premier, I will share with you a card that I received today, accompanied by a lemon slice, from a very grateful constituent who says you are doing a magnificent job.

The plans being described in the Premier's statement talk to how we will emerge from this. This is not a time to be foolhardy or hasty. It is a time to be very considered, measured and purposeful and to take qualified, strong, capable advice from great people. That is what we are now seeing. Failure to make the right steps at the right time risks undoing the good results thus far and forcing us to return to the current restrictions, which I know nobody would want.

Over recent weeks the Government's focus has been on keeping Tasmanians safe, saving lives as well as working hard to buffer Tasmanians and business from the economic shock delivered by the pandemic. We know that those losses and that downturn is a very real and daily experience for people in business and work.

A key element of this Government's response has been the \$985 million social and economic support package which, combined with the federal government's stimulus measures, has been targeted to deliver support where it is needed to reduce the immediate impacts on people's lives as much as possible and importantly to position our business community to re-emerge after the pandemic crisis is over.

Some components of the Government's work to date include loans of up to \$250 000 to eligible Tasmanian majority-owned businesses; payment of the small business emergency support grants of \$2500; \$20 million allocated to provide businesses in severe hardship with grants and there have been 290 grants of \$15 000 made to date. That is tremendous cut-through to the grassroots of businesses that are hurting in Tasmania. We want to help them survive. There have been 10 000 grants to 209 GPs and pharmacists to assist in their role in providing essential primary health care on the front line and a range of other grants in portfolios; deferred payment terms and indirect support measures; and as announced today, the state Government's waiving of payroll tax on JobKeeper payments so that we can do everything we can to ensure that those payments are hitting the mark where they are needed, helping businesses to survive. These measures are both about providing cash support to assist businesses struggling to meet immediate costs but also about the post-pandemic future.

To that point, I love whoever it was who said there is light at the end of the tunnel. We are still in that tunnel but you can now start to see what the future can and ought to start to look like and how we very carefully step into that light, not trying to rush a return to pre-COVID personal freedoms but modestly stepping towards them. The Premier and the Government have worked to identify a mechanism with great people with great skill and with a commitment to our state.

In that regard I am very pleased that the Premier is forming the Premier's Economic and Social Recovery Advisory Council. I think it is an excellent and considered mix of men and women who are skilled and have the wherewithal to listen to Tasmanians, listen to great ideas and provide guidance to our state about how we as a government and a parliament can move forward, noting that none of us have a monopoly on great ideas.

In the time I have remaining I just want to tell the parliament about my nanna, Nell Constance Gale. She is just a wonderful, beautiful person. She is my nanna who has been there all my life and earlier this month she turned 95 and sadly, all of us in her now massive family had to defer her birthday celebration. I want to tell the House about Nell.

She was born Nell Caine in 1925, raised in the far north-west, the daughter of a returned World War I veteran who was severely physically and psychologically damaged at the European front. She lived through the Great Depression in what I could only describe as poverty in that time and place. She was the wife of a man who went to war and had to wait patiently for his return and wonder if he would.

She endured the death of her first child from something that would have been easily cured today, lived through her working life and through the uncertainty of whether her sons-in-law would be called up to serve in Vietnam. For whatever passes as a national emergency today, Madam Speaker, we are not being asked to live through any of those kinds of challenges. Our parents and grandparents lived through tougher circumstances than we presently are. I except from that those families dealing with tragedy right now, but in general we are doing very well. I am grateful for that and I am grateful that we live in this country and in this state. We will get through this, Nell Caine will get through this, and we will look forward to that birthday celebration and getting back to our best safe healthy life as soon as possible. I commend the Premier and I commend the statement.

[5.07 p.m.]

Ms OGILVIE (Clark) - Madam Speaker, I too welcome the establishment of the Premier's Social and Economy Recovery Advisory Council; it is a long name and maybe an acronym could be dreamt up for that but I look forward to making a contribution. It is a very astute move to encourage MPs to contribute. This goes to my comments earlier about the fact that in this House there are 25 of us in every nook and cranny of Tasmania in our electorates and we are gathering ideas and momentum that could be brought to such a committee.

I wanted to reflect that we still live in very uncertain times and we are experiencing a changed and very quiet streetscape. As I walk around my electorate there are certainly shuttered businesses and I see fearful people. We already have a new reality in my view but it is a complex and individual new reality where we are all simultaneously in it together but very much apart socially and economically. I feel we are already living the new normal and that it will go on for some time. Although some say the new normal will emerge, I suspect that quite a lot of what we have going on right now will continue for some time.

People with jobs that can be worked from home are in a very different boat to our restaurateurs. Parents of young children are in a very different boat to older folk in aged care, and each scenario is individual, difficult, complex, real and compelling. Our migrant workers and international students who we invited here were hitting the wall. With no way home and nowhere to live, what were they to do? We had a moral obligation to help them, and good on Tasmania for stepping up with heart and soul and good on the Premier for listening.

Even those who have good internet connection and modern phones are in a very different place to those who do not. The digital divide is apparent and staying home in a house is very different from staying home in a flat or, worse still, being on the street when there is no home. We need to build houses and put people in them - build, build, build.

We all see this crisis through our own perspective. Life on the frontline for tireless workers, health, nursing, cleaning, supermarket delivery and food providers is demanding and obviously we thank everybody so much. We have used the language of war when it comes to this crisis, saying we are battling an invisible enemy, yet this is not a war, it is a pandemic and political leaders have had to surrender some authority to scientists. Interesting times.

Fact, truth and knowledge have never been more important and reliable local news and regional media has never been more important. Ad revenue is not enough. It has been declining, it has been hit hard and we need a new model. We have been disciplined, we have stayed home and we have in the main followed the rules. Early border restrictions which we all called for, and I was very vocal in that, as enacted by the Premier, sought to utilise our island advantage and our island advantage stands.

Economic migration out of this stasis in which we find ourselves is an ethical challenge, balancing the need not to do untold damage to our small business people and their much-loved staff, but staying not a minute longer in suspended animation than we need to. The private sector must lead the private sector out of the heart of darkness in which we find ourselves.

We have witnessed firsthand the inadequacy of global supply chains in a crisis. We want to see investment in science, research and development and digital industries take up where some of our other sectors have left off. The crisis has brought out the humaneness of us all, fallible and real. We have rediscovered mutual responsibility, commonsense and care for our neighbour. More than 2 million people downloaded the COVIDSafe app within 40 hours despite privacy concerns. That made us all feel a little bit more in it together.

A tsunami of requests for help hit my office: businesses, students, visa holders, medical issues, separated families, homeless people, employers, employees, jobless, mothers, fathers, kids, dying older people - they were the hardest - healthy young people, institutions, organisations: everybody needing help at the same time and my staff certainly stepped up. I cannot tell you how proud I am of the job they have done.

My brother lives in Sweden and my sister lives in London, and Max Quick was stuck in Argentina, but we got him home.

The grandparents balked at staying home to start with, but then they got it. Political competence appeared, which was fantastic. Criticism was hard to mount. Proposals were listened to and adopted. Help the visa people, help the homeless, help the small business people, help

regional media, get parliament back and a day is enough to start, but let us do more. Think about rebuilding all of our roads.

Not everything ran perfectly, but that is what happens in a crisis. On the high seas it is hard times. Hard calls were made and had to be made.

People do not generally want more change. People were telling me they want their old lives back. They want self-sufficiency. People are making victory gardens. I am doing a victory garden - in fact, my husband is doing it, I am just directing.

There are no new jobs. We need to build, to invest, to reinvent and emerge, build houses, build roads, rebuild lives. Parents are really finding it hard to work from home and manage kid's schooling as well. I am finding it hard.

Some of the chaff was sorted from the hay when we were asked to take up the technology for COVID-19 tracing. We know that big tech has our data and we have a modicum of agency around this already. We can refuse to hand over our data, but you are locked out of the digital world, so that is no effective choice. The COVIDSafe app was a different thing. The court of public opinion ruled very quickly on that one.

I asked today how long should we have emergency powers in place? I would prefer a different model and think we ought to step back as soon as we can from emergency powers. Let us build limited and necessary changes for the long range into our current structures of how we govern and the legislation we have on deck because I believe we are already starting to live our new normal.

The Mount Wellington walking tracks are close to my heart. We would like them opened as soon as possible, Premier. People are crushed under too few walking places and I do not feel it is really safe. Too many people in too small an area in a very dense electorate. We have the social distancing thing now and we can be trusted.

Small business has reached the end of its burning platform. No matter how much in it togetherness we talk about, consider the small business owner losing his or her life's work, life savings, superannuation and sanity. Small landlords cannot carry all of the burden of rental defaults no matter how much they want to. They are just mum and dad investors with a house they rent out.

Tourism needs a big rethink. It would need to be local, domestic and intrastate to start and we need to develop a thriving technology sector with a focus on innovation, skills development and increased capital investment.

Time expired.

[5.14 p.m.]

Mr O'BYRNE (Franklin) - Mr Deputy Speaker, I put on the record my condolences to those families and friends of the 12 Tasmanians who have tragically been taken from us too early and before their time. The impact on those families and those communities has been profound. This is something they will never get over. They will just begin to manage and cope as best they can, as all of us deal with death around us.

I also pass on my best wishes to those Tasmanians, the 219 Tasmanians, who have contracted COVID-19. To those who have recovered, well done. Hopefully you do not suffer any lasting

illnesses and you can return to a normal physical life. To those people who are still going through the virus and the impacts of it, we wish you a speedy recovery.

It is important that we start with passing our thanks to all of those in Tasmania who have contributed to respond to the COVID-19 virus on our community, particularly the health workers. They are at the front line and they deserve our absolute thanks and appreciation for the work they do. Sometimes it is the unheralded health workers who are now getting some appreciation.

My mum was a cleaner in the old Queen Victoria in Launceston and also at the LGH. In many people's eyes, when you think of the health system, you do not think about the cleaners, the ward clerks, the workers who do not necessarily front the campaigns but they are crucially a part of this. Now, as a community, we have finally and long overdue, acknowledged the important work the cleaners do within our health system.

When growing up, both my parents worked in the health system. The camaraderie and the solidarity between the health team is very strong, from the cleaner, to the doctor, to the nurse, to the ward clerk, to all of the functions within a health setting, the team work, the support and solidarity they have between each other and within their group as they respond to whatever challenge on every shift that they turn up to. The impacts on the north west will reverberate through those teams and those communities, not only those who are immediately impacted, but all within the health sector will respond and will be impacted by what has happened over the last six weeks.

I particularly acknowledge the health workers and public sector workers, all workers who have been able to keep the state going: posties, the freight logistics community, a whole range of workers who have come together to keep the community going.

This week with Term 2 coming back, teachers and over the last six weeks, early childhood professionals have struggled through the most difficult of circumstances. They are adapting well. The care of the students and the children in their care are at the forefront of their minds and we thank them for working through some of the most difficult circumstances that they would experience in their educational careers. They know they will have our eternal thanks, as the families of children in those settings thank their teachers for the work they are doing.

For all the members and particularly in government, there is no road map for this, there is no manual. You get up every day and deal with the issues as they come and respond. I acknowledge the work of the Government, particularly the Premier, fronting press conference after press conference. The toll it takes on individuals in leadership positions is significant. I acknowledge the leadership you have shown in the most difficult of circumstances, and also your team, those people who we talk to regularly, when constituents and other people come to us with specific concerns.

I acknowledge your leadership and also the leadership of all members of the House. We have been working seven days a week, dealing with constituents and it has been essentially like a triage. Every conversation offers a different kind of circumstance, different kind of impact, different kind of challenge and we are all doing our level best to feed into the Government, to say, here is this circumstance. How can we help this person, this community? All of us in both Houses of this parliament are working long hours responding to the needs of our community. It is not an easy thing to do and I acknowledge all members and their staff and officers for the work that they do.

I acknowledge the announcement today of the recovery council. These are people who have been tasked with a most difficult job. It will weigh heavily on them and this is probably the most important task that they will be asked to perform for their state in their careers. We wish them all the very best in what will be a most difficult of tasks to respond to the economic and social impact of COVID-19.

A word of warning to the Premier: let us make sure it is not like the Tony Abbott-announced economic council that was announced with much fanfare back in 2013 which really did not meet very often and did not do much work. I hope we do not repeat that experience. I know it is not your intent but that was not a great experience for Tasmania.

In the last month we have seen individual companies, businesses and industries clamouring for support and assistance, all trying to find their time to get into your ear, Premier, and into the ear of the Government, to hear their plight, their story, with no framework within which to have government assess the needs and the requirements of those industries.

Yet, when the global financial crisis hit the government of the day, the Labor government, responded with a comprehensive economic development plan. Also, we had a framework of consultation from industry, from regionality, and the three tiers of government were involved. We had a comprehensive work consultation and communication with industries and communities about what the future looked like and how we would deal with the challenges ahead. That worked up to an economic development subcommittee of cabinet and that worked with the full support of cabinet so we would call the full support of cabinet to back the work of the Recovery Council.

We also established the Infrastructure Advisory Council which had all the key utility groups around the table, making key decisions on infrastructure investment. When the Liberal Party came to government it dismantled that infrastructure. How handy would it have been at this time to have those crucial consultation processes, crucial industry structure, crucial regional structures in place? It would be great to have those things in place so that we could coordinate the work of industries. Thank you, Chair, I thank you for your indulgence.

Time expired.

Statement noted.

**COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) BILL
(No. 2) 2020 (No. 17)**

In Committee

Madam DEPUTY CHAIR - For the purpose of maintaining social distancing I shall Chair the Committee of the whole House from the Speaker's Chair.

[5.14 p.m.]

Ms ARCHER - Madam Deputy Chair, I declare this bill to be an urgent bill. Therefore I move -

That the bill be declared an urgent bill.

Motion agreed to.

Ms ARCHER - Madam Deputy Chair, I move -

That all remaining stages of the bill be completed by 6.30 p.m. today.

I understand we have a 20-minute debate now, if needed, for members' awareness. With the urgent nature of this bill, necessitated by the Government's response to the COVID-19 crisis, this bill is required to move to the Legislative Council as soon as practical. I know that they are waiting on this bill. Should there need to be anything further that comes back to this House to consider from the Legislative Council, it is going to be an interesting time. We need to do that today.

I do realise the circumstances of this bill. I know that non-Government members received the bill on Tuesday, but there have been fairly extensive briefings. We have attempted to deal with those matters as thoroughly as possible. I appreciate that some members may wish to provide amendments and, certainly, we will be moving an amendment but my comments will be brief in relation to the Government's amendment. I believe I have dealt with most of the reasoning throughout the second reading debate and we will manage in the next hour or so.

I know that some amendments may no longer be necessary but in the interests of getting this bill through - and this bill is the bill being done today because it is the most urgent, priority bill that we need to get through, not least because of the Legislative Council, but because of the provisions contained in it. I mention that as a specific example because I know that it is very time specific. In the interests of not prolonging this, should members wish to make contributions themselves as well, I will confine my comments to that.

Motion agreed to.

Clauses 1 to 2 agreed to.

Clause 3

Interpretation

Ms ARCHER - I am moving an amendment in relation to clause 3, page 4, the definition of 'emergency cessation day'.

The amendment is to -

Leave out the definition and instead insert the following definition -

"'emergency cessation day' has the same meaning as in the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020;"

The Government's new amendment of clause 3 of the bill provides a new definition of emergency cessation day. That definition provides that the definition of emergency cessation day is the same as the definition used in the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020. This provides consistency between the two acts.

In the bill before us the definition of 'emergency cessation day' was provided for separately at clause 21, so once the new definition is included at clause 3 that clause will no longer be required. With regard to clause 17, that clause provides that Part 6 makes consequential amendments to the already in force COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020. As I

mentioned previously, the Government's amendment to clause 3 will provide the consistency between these definitions.

Ms O'CONNOR - We support this amendment. This was, in fact, our first amendment. It was very important that there be consistency and I am encouraged by the fact that the Government's amendment has precisely the same wording as ours, which points to the quality of our staff.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clauses 4 to 9 agreed to.

Clause 10 -

Interpretation and application of Part 3

Ms O'CONNOR - Madam Deputy Chair, I move that clause 10 is amended as follows, by inserting in subsection (1) before the definition of the Act, the following definition -

Committee has the same meaning as in the *Public Accounts Committee Act 1970*.

Our amendment to clause 10 and to clause 11 provides an oversight mechanism for contracts entered into by the Tasmanian Health Service under this part that are either of a duration exceeding one year or of an estimated cost exceeding \$20 million. The powers being proposed in the legislation we are debating today are excessive and they are not reasonable.

Our amendment to clause 11, which is coming, is adapted from the Public Works Committee Act 1914 and provides a framework for these contracts to be scrutinised by the Public Accounts Committee. This is necessary for proper scrutiny of contracts that are able to subvert current processes and law.

The recent Report of the Integrity Commission No. 4 of 2019 shows how under normal circumstances, contract processes can be corrupted. The risks involved when normal requirements are waived without public scrutiny are heightened. The threshold of either a duration exceeding one year or of an estimated cost exceeding \$20 million is reasonable and should not impede smaller value contracts.

I take this opportunity while I am on my feet speaking about scrutiny that is applied to the decisions under the emergency period, to again express my concern that technical arguments are being used to deny the Subordinate Legislation Committee the opportunity to examine directions that are made under the Public Health Act.

Government might view a committee of the parliament overseeing directions in an emergency as an impediment or a block on executive power or an annoyance, and it may be to the government of the day. But we should not be afraid to allow the Subordinate Legislation Committee to look at directions made by the Director of Public Health, given that they impede on the rights and freedoms of every day Tasmanians. They restrict who we can spend time with. They restrict our movements. They prevent us from enjoying our parks and beaches. While we understand these are important measures, they cannot be made in a scrutiny vacuum.

Did you know, Madam Deputy Chair, that it is consistent across all Australian and New Zealand jurisdictions, with the exception of Tasmania, that Subordinate Legislation is regarded as any regulation, order or notice that is made under an act? There is no exception in the Public Health Act for directions not to be scrutinised as regulations. This is a flaw in the scrutiny mechanisms.

We were reassured in the debate on the last COVID-19 bill that there was strong oversight and scrutiny mechanisms in place. That does not appear to be the case and we should not be denying this extremely powerful oversight committee, if it uses its powers, the opportunity to examine some of the directions that have been made by the Director of Public Health and potentially to improve them for government.

I refer all members of the House to a legal opinion that has been prepared by Professor Brendan Gogarty and Professor Gabrielle Appleby on the role of the Tasmanian Subordinate Legislation Committee during the COVID-19 emergency. This makes it very clear that the Subordinate Legislation Committee is not able to properly scrutinise measures that have been taken during the emergency period and that is a matter of great regret. We were somewhat reassured during debate on the last bill that the Subordinate Legislation Committee would have a strong oversight role and that does not appear to be the case.

Ms ARCHER - On that last point, there are certain things that the Subordinate Legislation Committee cannot deal with and they are things that are not regulations. Specifically, in relation to the amendment -

Ms O'Connor - Directions are regulations. I know you have some technical advice that says they are not, but they are.

Ms ARCHER - I will deal with your amendment. Part 3 of the act clarifies that the Tasmanian Health Service can enter into contracts to ensure that hospital and health services may be performed or provided as necessary during the emergency period either by the THS or by the person being contracted with such as with THS assistance. These contracts can be subject to the same level of scrutiny as existing THS spending both through annual reporting and parliamentary oversight. The THS already has broad powers to enter into contracts in relation to the provision of health and hospital services to Tasmanians, including the purchase of health and hospital services. These contracts must be consistent with the service plan. The service plan framework is not responsive to the fast-changing needs of the COVID-19 emergency.

What we are dealing here with the amendment is facilitating the ability of the THS to work even more closely with private hospital and health providers to ensure a coordinated health response. The existing statutory accountability frameworks will continue to enable proper scrutiny of THS's spending. For example, the Public Accounts Committee Act 1970 provides the Public Accounts Committee with broad functions to inquire into matters of its own volition or in response to referrals from the House.

The THS is a statutory authority within the meaning of the Public Accounts Act. The secretary as governing authority of the THS, together with the executive members, are also subject to all state service accountability requirements. The committee can inquire into public sector finance matters which is broadly defined. It includes monies in the public account, monies received or expended by agencies and statutory authorities or expenditure authorised under any act.

The amendment in this bill is already subject to proper scrutiny arrangements and is consistent with the existing statutory purposes of the THS. These are to promote and maintain the health of persons in Tasmania and to ensure the provision of care and treatment to people in Tasmania. I have just been spending a whole page explaining the oversight for the THS and its expenditure. The Government will not be supporting this amendment by the Greens. There are checks and balances in place. This bill does not change any of those checks and balances or obligations or reporting and for that reason we will not be supporting the amendment.

Ms O'CONNOR - Given that the Attorney-General has indicated the Government has no wish to embed the accountability mechanism in this act I will now read into the *Hansard* the second amendment - our fourth amendment but the second amendment to this section - and that amends section 11 as follows, by inserting the following after subsection 2:

- (e) The Committee shall consider and report upon every contract proposed to be entered into under this section that where the duration or estimated cost of the contract exceeds one year or \$20 million respectively.
- (f) No contract to which subsection (e) applies shall be entered into unless it has first been referred to and reported upon by the Committee in accordance with this section.
- (g) The Committee shall, with all convenient dispatch, deal with the matter and shall as soon as conveniently practicable, regard being had to the nature and importance of the nature and importance of the proposed work, report to the House of Assembly and Legislative Council, if the House of Assembly or the Legislative Council is then in session, and, if not, to the Governor, the result of their inquiries.
- (h) If in a report under subsection (g) of this section, the Committee does not recommend entering into a contract to which the report relates, that contract shall not be entered into unless and until it has been authorised by an Act.

It is clear to me that there is no appetite to ensure you have got that scrutiny in this legislation. I am not reassured by the Attorney-General's response to the first amendment we put in this section. It is disappointing that what we are doing here in the legislation is saying to the THS, 'Off you go, enter into contracts with whoever you feel it is necessary to enter into contracts with'. There are no restrictions there. We are telling them that it does not have to be consistent with the ministerial charter. It is not specified. It does not have to be consistent with a service plan and it would, but for this section, otherwise not be authorised under the act. Again, why would we not put in this legislation that check-back to the Public Accounts Committee? It baffles me. Is it because it is a Greens amendment or because this Government is still allergic to the measure of scrutiny that is required even in an emergency period? In fact, even more so in an emergency period when we do not have regular parliamentary oversight and the Subordinate Legislation Committee is not doing the work we were told it would be doing - that is, rigorous oversight of the emergency measures that have been taken.

I am very disappointed that these amendments are not being accepted. I believe it makes the act weaker and does not reassure us that there will be enough checks and balances and transparency, line-of-sight suspending decisions as a result of this clause.

Ms ARCHER - Ms O'Connor moved a further amendment to that so I wanted to speak to that.

Ms O'Connor - I haven't moved it because they live together. You can't have one without the other, so seeing as you have killed the first one I am just telling you what we would have done with the second one.

Ms ARCHER - I can speak again. I wanted to say that the proposed amendments to clause 11 of the bill would unnecessarily add significant time to the procurement process in an emergency declaration period. I know that you are not moving that but for the record I want to make it very clear that this is for an emergency period. The time that it would take to submit a proposal to the Public Accounts Committee and have it approved would be pretty untenable in the circumstances.

Ms O'Connor - It could be turned around within a week and you know it.

Ms ARCHER - Not with my knowledge of the Public Accounts Committee. The purpose of the provisions in clause 11 is to put in place appropriate mechanisms for emergency periods to allow the THS to be able to provide support to the private sector in order to assist them and not only keep their doors open but to maintain their capacity to provide medical services to Tasmanians in the circumstances created by the COVID-19 emergency. It is not envisaged that THS would be providing a service that it does not already do within public hospitals, but Part 3 of the bill will allow the THS to do those things as a contractor to assist private providers to continue service delivery.

The need for these amendments is that these contracts and arrangements are required in very short time frames and the additional burden of going through a Public Accounts Committee review defeats this purpose in emergency situations like this. The one-year threshold is particularly problematic. While it is unlikely in the current circumstances it is foreseeable that a contract could extend beyond the emergency declaration period. The issue is that you could enter a contract on terms that could run on a month-to-month basis that could, if the emergency continues, trip up on these thresholds after they have been otherwise validly entered into.

The purpose of Part 3 is to enable the THS to move quickly to provide support to a private provider. It is simply allowing the THS the same freedom to act as the Crown. The proposed amendments create a greater layer of red tape in a time of emergency that would exist if we were not dealing with COVID-19.

Ms O'Connor - That is a breathtaking admission.

Ms ARCHER - No, it is not a breathtaking admission. It is interesting how the Greens have very much changed their commentary today from what we heard previously from them.

Ms O'Connor - What? That's rubbish.

Ms ARCHER - There has been substantial recognition by this House, and rightly so, that we are in extraordinary, unprecedented times.

Ms O'Connor - It does not mean you abandon parliamentary scrutiny. It does not mean you can do that.

Ms ARCHER - These are challenging times that none of us has ever experienced before, and no, it is not a rubber stamp to do everything but we need to take practical measures to ensure that our services operate and particularly our medical services. I am conscious of time so accordingly the Government will not be supporting these amendments.

Ms O'Connor - I feel so strongly about this one. We will not be dividing on all clauses but we will on this one.

The Committee divided -

AYES 7

Ms Butler
Ms Haddad (Teller)
Mr O'Byrne
Ms O'Connor
Ms Standen
Ms White
Dr Woodruff

NOES 9

Ms Archer
Mr Ferguson
Mr Jaensch
Ms Ogilvie
Mrs Petrusma (Teller)
Mr Rockliff
Mr Shelton
Mr Street
Mr Tucker

PAIRS

Ms Dow
Dr Broad
Ms Houston
Ms O'Byrne

Mr Barnett
Ms Courtney
Mr Gutwein
Ms Hickey

Amendment negatived.

Clause 10 agreed to.

Clauses 11 to 20 agreed to.

New Clause A -

A. Section 60A amended

Ms O'CONNOR - Madam Chair, I move that section 60A of the Emergency Management Act 2006 be amended as follows:

- (a) by inserting in subsection (1), before the definition of *personal information*, the following definition:

'emergency cessation day has the same meaning as in the *COVID-19 Disease Emergency (Miscellaneous Provisions) Bill 2020*'; and

- (b) by inserting the following subsection after subsection (2) -

- (3) This section is repealed on the emergency cessation day.

Our understanding on passing the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 was that the provisions in their entirety were temporary and tied to the emergency cessation day. It now transpires that that was not the case. I do believe in my discussions with the Premier that that was his understanding too.

We do not believe the Government should have an issue with this amendment. Our amendment repeals the section 60A inserted by the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 on the emergency cessation day as defined by the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020.

Section 60A of the Emergency Management Act allows for the overriding of the Personal Information Protection Act 2004 during an emergency period. This was passed in a bill that was forced on the parliament at short notice and we are concerned that our belief that these changes were temporary has not, in fact, transpired to be true. If the Government wishes to make this provision permanent, they should attempt an amendment at a later date, consult the public and have a full and proper debate on the subject.

The last piece of COVID-19 legislation we debated suspended the application of the Personal Information Protection Act during the emergency without public consultation, and it suspended it permanently. That is of enormous concern. We cannot allow an emergency to lead to the erosion of the rights of Australians and Tasmanians. We cannot allow this emergency to provide cover for the erosion of the right to privacy and the protection of our personal information without a full and proper public debate about it. This is about the protection of personal information.

We understand that in an emergency you need to give maximum flexibility to health authorities, to law enforcement authorities and to government to make sure that they have access to the information that can keep people safe. We accept that and that is why we supported the change, reluctantly, in the first COVID-19 bill.

Now it transpires, after a couple of weeks of us trying to find out whether it was permanent, that it is a permanent change. There has been a permanent erosion of the protection of people's personal information under cover of an emergency response. That is very concerning. That provision should expire on the emergency cessation day and if it is deemed necessary for future emergencies, bring it back in here as a standalone amendment, consult on a draft bill and talk to people who are affected when their right to privacy and the protection of their personal information is taken away by parliament.

We are very concerned that this is a permanent change. It was not flagged with us as a permanent change. It has taken more than a week for us to extract from the Attorney-General that it was a permanent change

Ms Archer - I would not say 'extract'. I apologised for the delay. We are in extraordinary circumstances.

Ms O'CONNOR - Okay, I take that back, unreservedly, but it did take a week for us to find out whether it was a permanent change. It is. It cannot be justified without a proper public debate. We want this provision to expire on the emergency cessation day and then, if it is necessary, in the Emergency Management Act, let us have public consultation. I know it is quaint, slightly old fashioned, but it does make for better law. It means you build trust in the community about the

decisions being made by parliament and trust in the community that the decisions are being made in their best interests.

[5.59 p.m.]

Ms ARCHER - I will clarify - and I made this very clear in the debate in my summing up in the second reading speech. There appears to be some confusion regarding this suspension of the PIP Act relating to the COVID-19 emergency and other declared emergencies.

As I said during the debate, I can reassure members and all Tasmanians for that matter, that the PIP Act continues to apply. It has not been completely suspended at all. It continues to apply to collection, use and disclosure of personal information except in very limited circumstances during a state of emergency. I went through, clarified and explained exactly what occurs in this situation and in relation to what was mentioned in the second reading speech when the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 applied.

The proposed amendment by Ms O'Connor would see section 60A of the Emergency Management Act 2006 being repealed on the emergency cessation day defined in the first COVID-19 emergency act to which I just referred. The new section 60A inserted into the Emergency Management Act 2006 by the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 provides that certain provisions of the Personal Information Protection Act 2004 do not apply to the sharing of personal information of certain bodies or persons performing functions or powers under the act, the Public Health Act 1997 or another state or Commonwealth act relating to the management of an emergency or public health where personal information is requested, required, obtained, disclosed or used during the state of emergency.

The circumstances of the COVID-19 emergency are unique and unprecedented. This emergency is not constrained within Tasmania, it is affecting all of Australia and indeed most of the world. It is also unusual in that it is a public health emergency that heavily involves agencies other than Health in the response. As a consequence of these unique and unfolding circumstances, certainty was wanted for frontline workers who needed to share information between departments and with other states and the Commonwealth that they were not acting in breach of the law.

For example, if an individual returned from overseas and was subject to an isolation requirement, that information could be passed to another department or to another state if the person left Tasmania so that isolation requirement could be enforced. The House should spare a thought for that very practical implication if this was not in place. There are already exemptions in the act for sharing information, but given the immediate nature of the initial response and the genuine need, and I stress the words 'genuine need' to share personal information, the Government simply sought to protect frontline staff who were genuinely responding to the emergency requirements in the interests of public health and safety. For that reason the Government will not be supporting this amendment.

Ms O'CONNOR - Madam Chair, we recognise the genuine need for authorities to be able to share information that keeps people safe, but the Attorney-General herself said it - these are unique and uncertain circumstances. What we are dealing with is a point in time where there is a pandemic emergency wherefore under these circumstances when parliament passed the first bill it agreed that the Personal Information Protection Act could be suspended to enable health authorities particularly but working with law enforcement authorities to be able to exchange information about people in order to contact trace and other measures that need to be taken to keep people safe.

The Attorney-General herself said it. The amendment in the first act was about this point in time, this emergency, this pandemic. But what we have here is an erosion of people's right to have their personal information protected because it has become a permanent provision in the Emergency Management Act. The Attorney-General did not make the argument for extending the suspension of the Personal Information Protection Act.

Ms Archer - You must not have listened to my summing up.

Ms O'CONNOR - I listened to every word you said. You made an argument but it was not persuasive. I can see what is happening here. It does not engender trust when we came in here in good faith on that first bill and we did everything we could to get it through to make sure the Government had the powers it needed to keep people safe and respond to the emergency. In good faith we supported the suspension of the PIP Act and the Emergency Management Act, but we were led to believe in the briefing and in the second reading that it was a temporary change.

That was a direct response to the emergency situation that we are in, but it is not, it is a permanent change now to the Emergency Management Act and there has been no reference back to the people this will affect most, people whose personal information will potentially become somewhat less secure in the future, not just for the pandemic emergency.

I do not want to think that this has been done dishonestly or stealthily. In fact, I refuse to allow myself to go there in these circumstances, but what we have here is a permanent capacity for people's personal information to be exchanged between agencies of government in a way that it has not been before this emergency.

The Committee divided -

AYES 2

Ms O'Connor
Dr Woodruff (Teller)

NOES 14

Ms Archer
Ms Butler
Mr Ferguson
Mr Gutwein
Ms Haddad
Mr Jaensch
Mr O'Byrne
Ms Ogilvie
Mrs Petrusma
Mr Shelton
Ms Standen
Mr Street (Teller)
Mr Tucker
Ms White

New Clause A negatived.

Clause 21 -
Section 60C inserted

Ms O'CONNOR - Madam Chair, I move -

That clause 21 is amended as follows -

- (a) by inserting in subsection (1), before the definition of '*infringement offence*', the following definition:

emergency cessation day has the same meaning as in the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*;

- (b) by inserting the following subsection after subsection (6) -

(7) This section is repealed on the emergency cessation day.

Madam Chair, the rationale put forward for Tasmania Police to be able to issue infringement notices is a very strong one. We support it for the duration of the emergency because it will mean that for some people it will avoid a much heavier penalty and potentially an appearance in court. Again it is a change to the Emergency Management Act that gives police new powers. When we are giving any law enforcement agency, even one with a culture that is robust and good as Tasmania Police, it is important that we have a public debate about it and that there are checks and balances in there.

We are moving that the infringement issuing powers of Tasmania Police expire on the emergency cessation day. It reflects our concern that in the legislation we passed three-and-a-half weeks ago, we were told that it was only in response to the emergency. We find out that there are permanent changes that have been made without public consultation, without any debate publicly. We believe that these powers should expire on the emergency cessation day and if there is a strong argument for them becoming public, then let us have some public consultation and let us have a debate about it. That is how you make good law. I move the amendment.

Ms HADDAD - Madam Chair, I seek some clarification. I shared some of those concerns about the enduring nature of making this change and arming police with the ability to issue infringement notices to people for offences under the Emergency Management Act permanently, outside of the period the emergency period that we are now in.

I acknowledge that the Attorney-General gave several answers during the debate and that we are on a time limit now. I seek some clarification, while recognising that those offences are very serious offences and they carry with them serious penalties for good reason - we support the fact that those serious offences exist and that they with them carry serious penalties - but it is a departure from how things are currently undertaken in terms of the long-term effects of potential changes. There is still the capacity if these changes were to cease on the cessation day for police to still arrest and charge people for offences under that.

I want to seek clarification from the Attorney-General. In your comments earlier in the debate you said that it would be possible for someone issued with an infringement notice to challenge it in court. I was speaking to one of my colleagues from the upper House who informed me that her understanding from the upper House briefing received yesterday was that the process for contesting an infringement notice issued by a police officer would be to write to the Commander during a period of emergency. I wanted to clarify which of those is the case.

Ms ARCHER - I will deal with that issue first because it is easier to answer. The administrative right that you have just mentioned is in addition to the right to go to court. They have an administrative avenue and not 'an either/or' but an 'and' they have a court avenue as well.

In relation to the proposed amendment by Ms O'Connor that would see the ability to issue infringement notices under the Emergency Management Act 2006 cease at the end of the current emergency. What this emergency has shown us, and I said this during my second reading speech in summing up, is that a power to issue infringement notices to enforce restrictions during an emergency is desirable. We are now over six weeks into the current emergency and do not yet have that ability. As a result, it is desirable that the authority be enduring so that it is there for the next emergency should we require it.

Should we have another emergency we do not want to be fighting a rear-guard action where we need parliament to provide an authority after the emergency has started. What this emergency has shown us is that we do need to be well prepared. I am a little surprised at this amendment because I think the learning from this experience should be taken on board. Even today with the release of the health interim report it is the learnings from these experiences that we need to take to address for any future crises or emergencies of this nature.

This is something that could be reviewed after this emergency, but in advance of any future one an ability to issue an infringement notice is not contentious. The offence will exist as I have previously said regardless of this provision. People can still be prosecuted regardless of this provision. An ability to issue an infringement notice provides police with another tool, one that is likely to provide a more immediate effect in gaining compliance, should they need it. However, I know that their practice has been to take an educative approach. As I have just said to Ms Haddad, it does not take away any right from the person to whom it is issued. That person still has the option of having the alleged offence heard and determined by a court but they also have the option of not having to go to court if they accept the infringement. I spent some time on that during the debate.

The primary approach of police will continue to be educational. I know that they do not want to be having to issue these on-the-spot fines. However, some people do not heed the advice and the warnings and comply as others have been, so we need to encourage compliance. The infringement notice provision is only in relation to the Emergency Management Act 2006. An offence under the act and an ability to issue an infringement notice would only exist when the act is in operation. This is not the case day to day and consequently there is no risk of the provisions being utilised outside of an emergency response under the act.

Ms WHITE - Thank you for that explanation and I understand the reasoning you have given. Can you help us to understand how many times the act has been in operation since it was first created in 2006 to give an indication of how frequently these powers might be required to be used, based on historical usage?

Ms ARCHER - We have had situations of alert under this act with bushfires, but we have not, to our knowledge, exercised state of emergency. In fact, I am sure we have not and I said that in summing up as well. We have not exercised state of emergency at all, until now.

Ms WHITE - To go to the amendment moved by the member for Clark, the concern has been about whether these powers remain permanently beyond the emergency and can be used as a tool, but it seems unlikely beyond the cessation of the state of emergency that they would be able to. There will just be an act of parliament today to provide the preparedness powers, as you have

indicated, so that if a state of emergency is declared the police can respond immediately. It is very unlikely that beyond the period of this emergency they will be utilised again unless another state of emergency is declared. If you could address that, it would help us feel comfortable with this.

Ms ARCHER - I thought I made that clear in summing up but I am very happy to confirm that is the case and members can be comforted by the fact that you do not call a state of emergency lightly. When we as a Government were considering a state of emergency, it is one of those things you do as a very last-resort option to ensure you can respond as required in this type of emergency situation. The State Controller, who has enormous powers and we all appreciate that and why, comes into play. It is something that is exercised in extraordinary circumstances such as we are experiencing at the moment. I do not think any of us have really got used to it other than it becomes a little bit more routine as to the social distancing, but every so often it hits you, the extent of how all Tasmanians and indeed Australians and people across the world, how we are having to react to this emergency situation. It is quite extraordinary and unique.

Ms White - Thank you for stepping us through that. You can understand how important it is for us to be very clear about this.

Amendment negatived.

Clause 21 agreed to.

Clauses 22 to 28 agreed to.

Clause 29 -

Emergency cessation day

Ms ARCHER - I will be quick as Ms O'Connor has one more and I am mindful of the time. When I was moving the amendment to clause 3 I foreshadowed that clause 29, as a consequence of changing that definition, was no longer required, so I will simply be voting against it. I know that is unusual.

Clause 29 negatived.

Clause 30 -

Regulations

Ms O'CONNOR - Madam Chair, I move -

That clause 30 be amended by inserting the following after subsection (9) -

- (10) This section is repealed on the emergency cessation day, and any regulations made under this Act are rescinded on the emergency cessation day.

We are uncomfortable with the broad scope of this clause. The regulatory powers are very significant and do not explicitly expire on the emergency cessation day. In the interests of being cooperative and recognising that some regulatory powers will be needed to administer this act, we are prepared to amend this clause to cause the regulation-making powers to expire on the emergency

cessation day and for regulations made under this act to be rescinded on the emergency cessation day.

We were advised during the briefing - and I want to thank everyone who gave us that briefing yesterday afternoon - that due to the provisions of this act being tied to the emergency cessation day, these regulation-making powers would effectively expire on the emergency cessation day and that regulation-making powers would no longer be able to be used. If this is correct, and we have no reason to believe it is not, there should be no objection to our amendment. The Greens are a bit wary about taking some of these assurances on trust after our experience with the first emergency powers bill, so I hope this amendment will be accepted.

Ms ARCHER - I am pretty sure I used this in my notes for summing up and I know we only have a few minutes left, so I want to confirm the very basic principle I stated that it is not true that people other than the Governor can make regulations - for example, the director. That wording only allows administrative matters to be determined by those persons. This does not extend to making regulations themselves. For that to occur there would need to be specific wording to allow a subdelegation of legislative power as opposed to a subdelegation of administrative power, which is what section 32(b) gives. It is not an unusual provision. Clause 30(1) provides that the Governor can make regulations under the act. No other person can make regulations under the act and this is consistent with how regulation-making powers are set out in other legislation.

I went into this in more detail in my summing up and addressing this specific question that Ms O'Connor put during the second reading debate. I understand why she is moving this amendment but for the sake of brevity I will just refer to the comments that I made rather than read them all out regarding the reasons why the Government will not be supporting this amendment. Other than that I have nothing further to say other than what I said in summing up.

Ms O'Connor - By interjection, in the interests of time-saving, perhaps you could confirm that these regulation-making powers will expire on the emergency cessation day.

Ms ARCHER - The reason is that there are some provisions in this, for example the taxi licences, that need to apply post this period. Some will not and some will.

Ms O'Connor - Sorry, back to the original question. Can you confirm that this clause 30 with its regulation-making powers will expire on the emergency cessation day?

Ms White - Not how long the regs will run for but the making of them.

Ms O'CONNOR - Not the extension of the regs.

Ms Archer - I think there is a misinterpretation here.

Ms O'CONNOR - It is the power to make the regulations under this act. Will they expire on the emergency cessation day?

Madam DEPUTY CHAIR - The time for the debate has expired.

Ms O'CONNOR - It is an extremely important question that the House should have had an answer to.

Madam DEPUTY CHAIR - Order. I am finishing my sentence. I will put the amendment -

Ms O'CONNOR - If the Attorney-General had just been able to say to us they expire on the emergency cessation day we would not be concerned. But my little alarm bells are going off. We are talking about the power, not the length the regulations will be in place. Do you know what I mean? Do you understand the distinction I am making?

Madam DEPUTY CHAIR - Leader of the Greens, I do not have any discretion. Are you asking for a division?

Ms O'CONNOR - We can avoid a division if the Attorney-General could please answer the question.

Madam DEPUTY CHAIR - The House has ordered that the debate end at 6.30 p.m.

Ms O'CONNOR - Attorney-General, you do not want to answer that question?

Ms Archer - It is not that I do not want to. There are forms of the House here. There is nothing I can do.

Ms O'CONNOR - All you have to say is, yes those powers expire on the emergency cessation day.

Ms Archer - Nothing is as straightforward as you make it seem.

The Committee divided.

AYES 7

Ms Butler
Ms Haddad
Mr O'Byrne
Ms O'Connor
Ms Standen
Ms White
Dr Woodruff (Teller)

NOES 9

Ms Archer
Mr Ferguson
Mr Gutwein
Mr Jaensch
Ms Ogilvie
Mrs Petrusma
Mr Shelton (Teller)
Mr Street
Mr Tucker

PAIRS

Ms Dow
Dr Broad
Ms Houston
Ms O'Byrne

Mr Barnett
Ms Courtney
Ms Hickey
Mr Rockliff

Amendment negatived.

Clause 30 agreed to and bill taken through the remainder of the Committee stages.

Bill read the third time.

SITTING DATES

[6.39 p.m.]

Mr FERGUSON (Bass - Leader of Government Business - Motion)(by leave) - Madam Speaker, I move -

That the House, at its rising, adjourn until Thursday 7 May next.

I will speak to the motion and unpack a bit of housekeeping. The first thing I will say is that we are not adjourning right now. To make it very clear it is about establishing only the next sitting date for our formal sitting.

I say a big thank you to members of this House and to you, Madam Speaker, for the carriage of this very important legislation that has just been passed by the House. I take this opportunity to congratulate my colleague, the Attorney-General, as well for the work that has gone in developing this bill and taking it through. Really the credit is to be shared with members around the Chamber.

As a government, we appreciate the fact that while there has been some disagreement including during the clauses about certain elements of the bill, the simple fact is we have done a very important task today. The bill is now being delivered to the Legislative Council for their consideration.

The Attorney-General has prompted me to ask that I put on record our appreciation to the many people who have contributed to the development of this bill. I am sure the Attorney-General would agree it has been across a number of agencies. I know my own is just one of a number - OPC and Crown Law who brought it all together to provide the legal people with the right advice about how to fashion this bill and make sure it is robust and achieves what we all want it to do.

To housekeeping: in working through lunch it was my expectation that we might have had this bill completed through this House earlier. It now goes to the Legislative Council and they will no doubt do their excellent work looking at this bill but it would not be fair nor appropriate for members of this House to suspend and wait around for that legislation. I propose that instead we meet again at 8 a.m. tomorrow and allow the opportunity, as a failsafe, in case there were any amendments that are agreed by the Legislative Council - not that they should be needed but that is what can happen, so we will provide for that.

I suspect others may have something to say. This is not a case for more sittings; I make the point that we will sit as required -

Members interjecting.

Mr FERGUSON - There you go. I anticipated correctly. There they go, playing politics, Madam Speaker. We will sit as required for legislation that is necessary for the health and safety of Tasmanians. Testament to that is that we will meet again tomorrow, which will provide for the open MPI on the COVID-19 response, together with the adjournment debate that should happen tomorrow as well.

I thank members. With the small number of disagreements through the day it has been another moment where the House has risen to the occasion. The Government really appreciates that. We do not take it for granted at all. Tasmanians can be justly proud of members around the Chamber. Shortly I will move for a suspension but for now I am simply moving the date.

[6.42 p.m.]

Mr O'BYRNE (Franklin) - Madam Speaker, we come to this place with goodwill with a willingness to work together to respond to the circumstances that we are in. There is no way you can defend what has happened here today. It has been shambolic. We have had a bill on the COVID-19 response that is amending a range of bills, which impacts on people's civil liberties, their rights as citizens of Tasmania, the conduct of the Government and the public bureaucracy, the public sector and the decisions they make on finances, the role of Tasmania Police - a range of matters that are of importance that the Government needs to ensure that probity is applied.

You have guillotined it because you want to get out of this place. I understand - no-one wants to be here unnecessarily. We are here to ensure that good governance occurs; that transparency and accountability is applied.

You brought in an urgency bill. We did not see the final bill this morning. Yes, we did get a briefing.

Mr Ferguson - You got it Tuesday.

Mr O'BYRNE - The final bill was not tabled until today.

Mr Ferguson - You were given it Tuesday; you misled the parliament.

Mr O'BYRNE - We were briefed on it yesterday. We only had an hour. The phone hook-up that was organised was pretty ordinary. People could not get on; people lost contact. At times we could not hear information that was provided. It was a shambolic. We have been trying, with goodwill, to respond to the needs. We have asked legitimate questions. You may think they might be annoying or pedantic or off the point, but we have our right to ask these questions to ensure that the actions of government are appropriate. You guillotined debate. Now you expect the upper House to go until late into the night to deal with it and us to be back here at 8 a.m. We will obviously come back, but what it does is makes the case for extra sitting days. It makes the case for extra time to allow civil debate, to allow time for the exchanges of ideas and amendments by the Labor Party, the Greens and the Independent to the government bills that you bring forward.

You had a bill that you were due to introduce to the House today but because of the complexity of it you have delayed it until next week so that you can forecast a series of questions that we will have next week.

We need time for both Houses to deal with this so we seek to amend your motion to remove the words 'Thursday 7 May' and insert 'Wednesday 6 May' so we do not have this unseemly process where we have to come back in here at 8 a.m. on a Friday when we have a whole lot of members and staff with family commitments, particularly given the complexity of education and kids dealing with it. The nature of this House and its proper conduct; the appropriateness - it is unseemly to guillotine debate on an emergency bill dealing with your powers and then drag us back. You are not allowing us a question time and scrutiny tomorrow so you will adjourn the debate and rush the upper House in terms of their business as well.

There is a better way to do this. There is goodwill around the table; there is goodwill in this place. We think extra time for us to deal with these matters is not only in the interests of Tasmanians, it is in your interests. This makes you look bad. This reflects poorly on your management of this House. We need more time to deal with things appropriately. Guillotines are bad at the best of times but in a pandemic, asking for more powers when you guillotine debate and you cannot answer simple questions is just not good enough. So we move an amendment.

Members - Hear, hear.

Mr FERGUSON (Bass - Minister for Infrastructure and Transport) - Madam Speaker, I will explain why we will not be supporting the amendment. First of all, it is simply the case that the member has it wrong. I do not know if he might have misled the House intentionally or not but he has misled the House. The bill as tabled this morning was provided to the members of the Labor Party on Tuesday and either he misspoke or just got it wrong or worse, but the record must be clear.

The Government has recalled the parliament to allow this urgent legislation. That has been achieved. Not moments ago I was complimenting you, Mr O'Byrne, and your colleagues for having played an important role in that today, but there you go, playing the political card.

Members interjecting.

Madam SPEAKER - Order, please, and through the Chair.

Mr FERGUSON - I could level a charge on the time wasted today. I will not waste the time in doing so but the Opposition asked for time this morning and it was immediately agreed to, noting that it would delay the passage of the bill.

Mr O'Byrne - One hour.

Mr FERGUSON - Yes, the one hour. That is right. Then there was probably an hour spent debating whether the Government should be having Dorothy Dix questions. In your words, the simple fact is we have a job to do. It is an important job. We are here to work. We will be here tomorrow to work. As the Premier has made clear we will sit as required for legislation that is urgent.

It is a simple matter of record that the time that this bill has passed through our House today necessitates the Legislative Council to have their opportunity. We do not need to sit again until Thursday 7 May. To pre-empt the point, the Government is prepared to work any day that is required. That is not in question. We are here to work on the basis, as the Premier has said, of a day a week in the sitting week that we would have ordinarily sat.

There are other things that could be said but I do not believe this is the time nor the hour for another squabble based in politics. We are perfectly competent to manage the bill through both Houses. I have proposed a way forward to allow staff and members to retire and come back in the morning refreshed to consider the remaining matters. That is appropriate. That is professional. I am disappointed again that the politics is being played in the way that the member just has.

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, the legislation that we have just debated and passed today was always going to take some time. It is legislation of enormous significance to the lives of Tasmanians. It amended eight acts. From the Greens' point of view we

spent today seeking to improve that legislation in good faith, which is our job as legislators. While we do not think we had quite enough time to look at the bill it was a better arrangement than last time, where we got the legislation an hour before parliament sat, but it is not ideal. We think there is a mood in the community for parliament to have a semblance of normality about it and one single sitting day a week -

Mr Ferguson - At least.

Ms O'CONNOR - At least, sure, but tomorrow, Mr Ferguson, there is no question time. I have been listening to the back and forth and am feeling a little bit despondent because there is a lot of goodwill here. We have all tried hard to work together for the people of Tasmania. You have got your legislation through the House. Sure, there were disagreements, as you said, but it was only in the interests of trying to improve the bill, which impacts on the lives of Tasmanians and shapes our response as a parliament and your response as a government to the emergency we are in.

We would be stoked to be back in here next Wednesday and on that basis we are prepared to support the amendment. This was not foreshadowed with us. We had not seen the amendment. It is all happening very fast. We are very happy to sit. In fact, we would love to sit more than a day a week.

[6.51 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Madam Speaker, we have moved this amendment because we think we have a sensible arrangement in place for how the parliament can operate now. When we agreed to the suspension of parliament we did not agree to the suspension of scrutiny but at that time we were all quite anxious about what the virus might do in Tasmania. We now have a much better understanding of how Tasmania has coped over the last four weeks and how we can operate as a workplace. Everybody feels a lot safer being here. There are arrangements in place to keep staff safe so that MPs can participate.

We have an obligation to come to this place on behalf of our electors to make sure their voices are heard. Parliament is not just about passing government legislation. It is about raising the concerns of our community, having debates about those matters and helping the Government to address some of gaps that we have drawn to our attention, and we have done that. We have been constructive in our engagement with this Government over the last four to six weeks through the period of this pandemic. When we have had issues raised with us we have gone to the Premier's office. We have tried to get matters resolved and do so in a constructive way. We have not played politics with those things because we understand how significant the current situation is and how unprecedented it is.

We feel now that parliament can return safely and we should come back on Wednesday. The current situation where we are returning tomorrow to finish today's proceedings is an indication of the fact that we do not have enough time. There is no reason we cannot return on Wednesday, have appropriate time for question time, debate any required legislation and do the same on Thursday. It gives the upper House time to consider the bills that this place passes. Right now the upper House is being asked to consider at 7 p.m. the bill that we have now passed. That is pretty unfair. They have been here all day waiting for this legislation. The expectation is on them to now pass it tonight and if any amendments are put forward and agreed to we have to deal with those tomorrow, as we will.

It would be much more sensible for us to be planned and organised to have two days where we can debate legislation so that if any amendments are required to be addressed in the lower House that pass in the upper House we can do that sensibly.

It would also be very helpful for everybody who works here to have an ability to plan their life, particularly for those members and staff with families and especially when so many are providing supervision for their home learning. It is very disruptive at this time for everybody, including people who are working here. It is not unreasonable to ask the Government to come back on Wednesday so that we can have planned, considered, thoughtful debate around what we need to do in this parliament to help our community.

The amendment we have moved simply calls on the parliament to return on Wednesday. We initially had spoken publicly about returning on Tuesday but I realise the Premier has the National Cabinet on Tuesday so it would be easier for him to come back on Wednesday. We respect that he has other obligations during this time, and they are very important, but coming back on Wednesday does not interfere with the other obligations the Premier has. It does not interfere with his ability to do other work. There are other ministers here who can carry legislation through this House for him so he can continue to focus on those other matters that I know are consuming him at the moment.

It brings me back to my earlier point that parliament is not just about government. It is about all of us, no matter where we might sit on the political spectrum, being here representing our communities and making sure that they have a voice.

This is a sensible amendment that means that we can be organised and planned in our thinking about parliament works. It allows enough time for us to debate these important matters and for the upper House to consider these matters as well.

Today's proceedings are a very good example of why the current arrangements are not working. We received the bill on Tuesday at 8.30 p.m. and had a briefing at 3.45 p.m. yesterday. It was not a teleconference; it was a dial-in arrangement where a number of our members were dropped off that link, which made the briefing very difficult - it was for less than an hour - and then the final bill was tabled this morning.

In ordinary circumstances it is unusual to debate a bill on the same day it is tabled. In these circumstances it is more critical than ever that we get this right. This is why it is important for us to have two days of parliament so that when bills are tabled we can see them, get appropriate briefings, have answers provided and feel confident that we can support the Government to do what it needs to do right now.

We have said the whole way through that we will back and support you in every decision you need to take to protect our community in the interests of public health and we have done that, so I cannot understand why you would hesitate to come back to this place on Wednesday to make sure we can work together to constructively ensure that the Tasmanian community and its representatives are working at this time. I find it a little difficult to comprehend why we cannot be here when retail outlets are open and trading. Other workers have been told to show up to work every day, not just for one day like we are. There are a number of other employees across this state who are working day in, day out for us. The least we can do is show up for more than one day a week in the parliament.

It is hypocritical if we do not and especially come Sunday, when restrictions are going to be eased hopefully in the north-west and we will see more activity across our state. Further restrictions flagged by the Premier will be eased come next week when it comes to green spaces. Those things are welcome but it is also an indication that things are changing. We need to change with them and we should come back on Wednesday.

[6.58 p.m.]

Mr GUTWEIN (Bass - Premier) - Madam Speaker, I have listened to the contributions that have been made and I must say I am very disappointed. Concerning the discussions I have had with both of the leaders, you had line of sight on what was going to be in the bills. When I spoke to you and indicated that we would come back to the parliament, I said to you that we would come back for a day and if needed we would take more time.

In terms of working with you on this, we provided the bill on Tuesday and you had a briefing yesterday. Today, for a discussion on the forms of the House but also another briefing to be provided, largely as a result of a raft of amendments which were dropped on my desk a minute before question time today, you have used up the time and now you are trying to make a political point because you have both gone out into the public to say that we should be sitting longer.

What I have said very clearly is that we will sit when we need to. We are all here in Hobart. We will be back tomorrow morning for a short sitting, I would hope. Depending on what occurs in the upper House in terms of any further amendments, we may not even need to consider amendments in the morning but if we do we will have the time to do it. I seriously cannot believe the attitude that you are taking. I honestly feel that you have made some political statements about the return to parliament and wanting more time and what you have attempted to do is to frustrate the House to make a political point -

Members interjecting.

Mr GUTWEIN - I have made it perfectly clear that we will sit when we need to. Tomorrow morning when we come back for some time if we need to to consider some amendments that the upper House may make this evening I think is very fair and very reasonable. Again, I simply cannot believe that if we had not had the time frustrated today as we did, debating the forms of this House in terms of whether a minister can answer a question to outline something important, as I did today in flagging the economic and social recovery council, as Mr Jaensch did in speaking about the steps we have taken in looking after the homeless -

Members interjecting.

Madam SPEAKER - Order.

Mr GUTWEIN - It is so disappointing there was so much good will. The two leaders -

Members interjecting.

Madam SPEAKER - Order, please.

Mr GUTWEIN - I am simply outlining what has happened. It is disappointing, and it disappoints me greatly, because we have lost time today when we knew we were coming back to

debate urgent legislation. The shadow treasurer argued that we had guillotined the debate. We put that motion and you had an opportunity to speak against it or vote against and you did not.

Ms WHITE - Point of order, Madam Speaker. How does the House prevent members from speaking and debating guillotine motions?

Madam SPEAKER - That is not a point of order.

Mr GUTWEIN - Madam Speaker, it went through without dissent. I was not in the House but I was watching it on the monitor and it went through without dissent. It did. That is what occurred. Again, I honestly think that what is occurring is that a political point is being made. I said we would bring the parliament back to debate urgent legislation. We have done our very best to provide that legislation to the members on the other side at an early stage so that they could understand it. We provided a briefing yesterday and to be presented with a raft of amendments this morning really surprised me.

Ms O'Connor - We could not draft those amendments until we had the briefing. What did you expect?

Mr GUTWEIN - In the same way that I have been picking up the phone to you that you might have given me a call last night or a call this morning.

Ms O'Connor - I thought about it really seriously.

Mr GUTWEIN - But you did not. At a minute to 10 a.m. this morning you dropped a raft of amendments on my desk.

Dr Woodruff - They were hardly controversial.

Madam SPEAKER - Through the Chair, please.

Mr GUTWEIN - They were amendments that we have not supported. They did not improve the bill.

Madam Speaker, I make the point again. I believe that we have been fair, we have been reasonable. It is disappointing that others want to make a political point out of this. I will do my very best to work with both the Leader of the Opposition and the Leader of the Greens as we work our way through this. For the life of me, it is just so frustrating and disappointing that you want to be political on this.

Ms White - We just want to come back to parliament.

Mr GUTWEIN - You are coming back tomorrow morning. It makes sense to deal with this legislation.

Ms O'Connor - We asked constructive questions. Our tone has been respectful. We have not slung accusations around.

Madam SPEAKER - Order.

Mr GUTWEIN - Through you, Madam Speaker, my tone is respectful. I am just pointing out what appears to be a clear statement of fact of what has been occurring here.

The Assembly divided -

AYES 7

Ms Butler
Ms Haddad (Teller)
Mr O'Byrne
Ms O'Connor
Ms Standen
Ms White
Dr Woodruff

NOES 9

Ms Archer
Mr Ferguson
Mr Gutwein
Mr Jaensch
Ms Ogilvie
Mrs Petrusma (Teller)
Mr Rockliff
Mr Street
Mr Tucker

PAIRS

Ms Dow
Dr Broad
Ms Houston
Ms O'Byrne

Mr Barnett
Ms Courtney
Mrs Rylah
Mr Shelton

Amendment negatived.

Motion agreed to.

SUSPENSION OF SITTING

[7.11 p.m.]

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

That you do leave the Chair and the House be suspended until the ringing of the bells at 8 a.m. tomorrow.

Motion agreed to.

The House suspended at 7.11 p.m.

FRIDAY 1 MAY 2020

The House resumed at 8 a.m.

The Speaker, Ms Hickey, resumed the Chair.

**COVID-19 DISEASE EMERGENCY (MISCELLANEOUS
PROVISIONS) BILL (No. 2) 2020 (No. 17)**

Bill agreed to by the Legislative Council without amendment.

MOTION

Suspension of Standing Orders – COVID-19 Emergency

[8.01 a.m.]

Mr FERGUSON (Bass – Leader of Government Business)(by leave) - Madam Speaker, I move -

That so much of Standing Orders be suspended as would prevent a debate to note the COVID-19 Emergency from taking place forthwith. During such debate Members may speak to such matter for seven minutes each and the debate shall not exceed 35 minutes.

Madam Speaker, as promised there will be an open MPI opportunity for members to discuss the COVID-19 emergency and the response.

Members may wonder why I am moving this motion now when we had previously agreed to build it into our sessional orders. It is because after the conduct of yesterday's debates in this House and in the other place, the Government, the Premier and I have seen fit to ask the House to come back on Wednesday next week to bring forward the legislation on commercial tenancies. That will allow the Legislative Council the full opportunity to discuss it on Thursday.

I have moved this motion as the mechanism to achieve that.

That will therefore allow us at the end of this open MPI to be able to suspend the House until Wednesday. On the advice of the Clerk this is the best way to achieve that outcome.

There will be a question time on Wednesday, but we will need to revisit a special motion at the beginning of that day to ensure that can take place. I commend the motion that sets up the MPI. The Premier has more to say.

[8.03 a.m.]

Mr GUTWEIN (Bass - Premier) - Madam Speaker, as I said last night, the conduct of the House yesterday was not what I expected.

I acknowledge that very important legislation was passed by both Houses yesterday, albeit late into the night by the upper House. I acknowledge the efforts of the Attorney-General yesterday afternoon.

It was disappointing that the forms of the House yesterday were used to frustrate the passage of the bill through this place. That delay delivered the legislation late to the upper House, which meant we then had a very late sitting. We are back here today on the basis that we might have needed to consider amendments.

I want this to work. I hope on that side of the House you also want it to work. I note the conversation I had with Ms O'Connor just as we were standing last night. After reflecting on matters overnight I think it is important we all do our best to ensure legislation required for the COVID-19 effort is passed.

This side of the House welcomes the scrutiny. Having one, two or three question times a week does not concern me. Our plan was to bring the House back when there was urgent business relating to the COVID-19 effort. The circumstances are not business as usual. We will not be bringing legislation in on this side of the House that contemplates business as usual until we are in a position where we understand what business as usual is.

Therefore, urgent legislation will come before this place as and when we need to bring it. We have set a parliamentary sitting schedule regardless of whether there is urgent legislation so scrutiny can occur. I want to be fair and reasonable. Next week I do not want to go through what we went through yesterday. Business that we will bring before the House next week is really urgent. Not that yesterday's was not, but the business we are bringing before the House next week will impact on thousands of small businesses that have shut and it will impact on landlords. It is a way to ensure that we can hibernate businesses, to enable them to come out the other side and to begin to trade again. It is important that the legislation is passed.

It is not reasonable for the upper House to wait until late in the evening next Thursday before they receive that legislation. There will be significant interest in this legislation from stakeholders on both sides - landlords and tenants. We will sit next Wednesday and Thursday. The sitting schedule will remain with Thursdays as we have outlined. If we need to be flexible, we will bring the House back to sit additional days, should that be required.

This is an emergency. People want us to work together. I made the point yesterday and I spoke to Ms O'Connor last night about my surprise in receiving those amendments. You should be able to bring forward amendments. Under the circumstances, I had hoped we would have had a little more line-of-sight than a minute before question time.

Ms O'Connor - The briefing was late in the afternoon before.

Mr GUTWEIN - What we will attempt to do with the legislation is to give you early line-of-sight on the Tuesday. If necessary, on Wednesday we will adjourn to have a further briefing, if that is required, if the legislation cannot be provided to you on the Thursday so you are prepared to understand. I encourage you to engage with the Government until we sit next Wednesday to get line-of-sight on the national code that has already been announced and publicly released. The commitment given by governments across this country was we would legislate for the principles captured in that code. Nobody can come to this place next Wednesday not understanding what we are trying to do.

We need to work through the mechanism of the legislation to understand and make certain that it will do as required. As we have said publicly, parts of the legislation will also be captured by regulation, as other states have done. This is a particularly difficult and challenging piece of legislation. Many people have a lot of skin in the game and we need to ensure we can move this through sensibly and deliver the outcomes.

I ask that the House works with good grace with us on this. The people of Tasmania expect us to work together. It is important they see from us a collective leadership wanting to get on with things, to get the job done. The job we are going to get done is one that is going to benefit them.

[8.09 a.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Madam Speaker, we welcome the decision by the Government for the parliament to return on Wednesday. That is very sensible. We want to work with you too on behalf of all Tasmanians to ensure that the parliament is able to do its job representing the voices of all Tasmanians.

Parliament represents all people. As I said yesterday, it is not here just to pass government legislation. It is also necessary that we have the time to properly scrutinise government legislation.

That time was required yesterday. We dealt with a very complex bill that amended eight different acts. The debate was unfortunately gagged by the Government. We were not even able to complete discussion on all the different clauses. It was then sent to the upper House. I understand that place sat until 1.00 a.m., which demonstrates the need for more sitting days. Coming back on Wednesday next week to debate further legislation, particularly changes to commercial tenancy bills, is required so we have time to do that sensibly.

We need to be able to have these debates to discuss and scrutinise complex legislation in a mature and respectful way. The Labor Party stands ready to do that. We are very happy to return on Wednesday.

In a show of good faith, I ask the Government to share with us the draft bill it has already started circulating in the community for feedback. That has been done with some sectors of the community which have already received a draft copy of the commercial tenancy bill. I expect changes will be made to that. In a show of goodwill, it would be nice for us to see an advance copy of that too. It may change, but if you are expecting us to work with you as you have just outlined, we ask that you show us good grace as you have expected of us.

We stand ready to work with the Government on behalf of the community to ensure this parliament can undertake the tasks required of it. We understand it is an emergency, but, as I pointed out yesterday, at many other workplaces employees and workers are returning to their worksites. We have come to an arrangement where this parliament can work safely, staff are safe and MPs feel safe to be here to do their job. We certainly do. We think we can sit for more than one day a week. We hope that is what the future looks like - that we can return on Wednesdays as standard practice.

The upper House should not again be put in the position it was put in last night. Members of the upper House deserve the respect of all of us to understand that they need time to assess the debate held in this place before they go into the debate, to be able to scrutinise legislation appropriately but not necessarily have to sit until 1.00 a.m. every Thursday.

That was difficult for them. Respect needs to be provided to all members of the parliament, in the upper and the lower Houses. Returning on Wednesdays gives parliament the time necessary to have sensible debate, to work through the matters we are required to work through and to make sure the people of Tasmania have their voices heard in this place.

We support the motion moved by the Leader of Government Business.

[8.13 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Premier, we are working with you. We are working very hard to be a constructive and cooperative part of the emergency response. I felt that you chided us this morning like naughty children after the scrutiny we applied to yesterday's bill.

That piece of legislation handed government enormous powers. It had to be scrutinised. It should have been amended. It clearly needed amending because the Government accepted our first amendment and made it their own.

We are professional legislators. Our job is to make sure that legislation that passes through the Tasmanian Parliament is as robust as it can possibly be because of the impact that it has on the lives of Tasmanians.

To coin one of the Premier's phrases, we make no apologies for applying a scrutiny lens to yesterday's bill. I am sorry that the Legislative Council had to sit so late last night. It is clear that in an emergency there are no right and wrong answers. As it is with so much in life, we are making it up as we go along. There is no textbook for the times we are in.

We are very pleased that parliament is coming back next Wednesday. That is the way it should have been from the start. We should be sitting Tuesdays, Wednesdays and Thursdays. That is a conversation for another day.

I am disappointed that the decision made by the Government to have us sit only on Thursdays is being put back on us, that we are naughty children. We will just set that aside.

We stand with you, Premier, in this emergency, and you know that: we have been every step of the way and will continue to do so. That does not mean we will be a rubberstamp for legislative over-reach - not ever. We look forward to seeing a draft of the commercial tenancy legislation. I flag with the Premier that you have received a letter from the Tenants' Union of Tasmania, Tasmanian Council of Social Services, Anglicare and Shelter relating to residential tenancies with a request that you apply the same level of protective concern to residential tenants.

I acknowledge that you led the country on a freeze on evictions and that there is now a freeze in place on rent increases. One of the concerns stakeholders in the residential tenancies space have is that when landlords and tenants enter into arrangements about rental payments, tenants will be lumbered with very large unpayable debts at the end of the emergency period. We need to have another look at residential tenancies. They deserve the same level of protective legislative and policy response that we will pass next week through the commercial tenancies legislation that is to come before this place.

Finally, a quick word on our move to rid question time of Dorothy Dixers during the emergency period. I am surprised you are surprised we did that. It still does not pass the sniff test that during an emergency when so much of the parliament's business has been truncated, when we have reluctantly but without resistance given away our rights on the matters of public importance debates

and private members' time, that there is no argument for having Dorothy Dixers in question time because the Government has so many tools at its disposal to engage with the people of Tasmania on issues that it needs or wishes to.

We stand by our move to rid question time of Dorothy Dix questions. It was a disappointing vote in the end because some members in this place denied themselves through their vote the opportunity to ask another question. Very unusual behaviour for a legislator. We will gladly be here next Wednesday working with the Government and the Opposition to get the important legislation through on behalf of the people of Tasmania as they would expect us to do. We continue to stand with you, Premier, as we move through this emergency. It will not always be exactly the way you would like it, but we are sticking by your side on those issues that we need to. We will continue to do so.

[8.18 a.m.]

Ms OGILVIE (Clark) - Madam Speaker, I welcome the additional sitting days. I thank the Government for listening. I would like to see the two days become the norm. I am not sure if this is a sessional thing or something we will do going forward. I have asked some staff members in the House how they are going. It seems from their feedback that things are working pretty well. I want to draw a connection with my comments yesterday that I think we are in a state of normal already - that we are able to manage in the House as we are asking people in corporations and businesses and at home to manage things. We can be agile, we can be innovative, we can be flexible.

I have been consistent since prior to parliament going into recess that I thought we could do this. We could work in a way that was scaled back, that used more digital technology, a scaled back sitting of the House, and that the people of Tasmania and all members of this House ought to remain engaged in some form. Every member of parliament in the Hare-Clark system has their own constituents. Those people feed ideas and information up to parliament, which supports decision-making and understanding about what is happening across Tasmania.

That is a parliamentary thing. It is not a party political thing. This is about all members of parliament.

During yesterday's debate on the bill, everybody did a good job with what were difficult circumstances. In my almost 25 years in legal practice it was one of the more complex pieces of legislation I have seen because it dealt with so many acts.

Comments were made on needing time to properly go through that work and working closely with the Legislative Council to ensure they can do that work. It is not just timing; it is about how we work together in this House in a more collaborative way.

I welcome the change, but I would like to see an ongoing migration path to a standard approach to parliament. Perhaps the time frame is between now and August. Let us see what happens. I welcome the change.

[8.21 a.m.]

Mr FERGUSON (Bass – Leader of Government Business) - Madam Speaker, I close the matter from our perspective with these remarks. In responding to the various comments that have been made in the previous procedural motion, everything that I do in my role as Leader of the House I do on behalf of the Government. I always consult with my party leader and my colleagues.

When we bring positions into this House that is the Government position. We do that to be responsible as a Government. I honour the pledge that the Premier has made.

The pledge is that the House will sit at least one day in a sitting week. That is the case this week. It will be the case next week. If it is required because something emerges that requires a response we may well need to sit even more times, potentially even in weeks where the Parliament was not due to sit. I hope that addresses that point.

I will continue to work in a positive way as best we can with colleagues across the Chamber. This is not business as usual. It is a point that has been made by others so we need to be willing to be flexible in our approaches.

I formally move the motion.

Motion agreed to.

[8.23 a.m.]

Ms COURTNEY (Bass - Minister for Health) - Madam Speaker, it is bewildering that we are only on day 46 of the public health emergency. So much has happened to our community in this time. I asked a teenager a couple of days ago how he was going. He said this has impacted everybody in our community.

I am cognisant of that. As the Health minister I help lead our health system and focus our health system on responding to a global pandemic. I am conscious that the ramifications of the decisions we are making as the Government are having huge impact on people's lives.

I would like to quickly reflect on a few parts of my portfolio before concluding on the Health portfolio.

First to our businesses, our hospitality businesses in particular, that have been hurting throughout this time. If someone had said to me when I became Small Business, Hospitality and Events minister in January that within a matter of months these types of restrictions would have been in, I would never have contemplated that was possible.

I would like to thank the tenacity and resilience of businesses around Tasmania. I cannot imagine how many of them are feeling: businesses they have built over their lifetimes. Many are multigenerational businesses that have had to close and let go employees. I would like to reassure those businesses that we are very aware they have contributed so much to our community and that we will be looking to them in the future to be our employers. We are working hard to support them through this challenging time.

MOTION

Note - COVID-19 Emergency

Mr FERGUSON (Bass – Leader of Government Business) - Madam Speaker, I move –

That the House take note of the COVID-19 Emergency.

As the Premier outlined yesterday, there is a lot of work at the moment to make sure we are providing the pathway to the new normal we are all talking about. We know that businesses across Tasmania are the lifeblood of our communities.

We know that our recovery will be predicated on their success. I assure businesses out there that are hurting that leaders across your state and across the Chamber will be there to support you in any way we can. We know how critical you are for our state.

In relation to the Events portfolio, I would like to thank the tenacity of the leaders in many of our events. I see my calendar each morning and look at my apologies. I know that Targa was supposed to be on at the moment. I look at each of these events with sadness. I think about all those volunteers in the community, and how important these events are for many participants and their regional communities. That has been particularly challenging. I commend those who have been able to pivot to an online platform. I know that the Breath of Fresh Air film festival is doing its launch online this evening. I congratulate those events organisers who have been able to pivot where possible.

I thank the work that has gone in through Events Tasmania working with these events to look at how we can frame them for the future and how we can rebound. Events are a big part of not just the economies of many communities but are also the social fabric of many communities. We all look forward to various events each year and so we look forward to a time of returning. I thank those events organisers who have worked collaboratively with us to look at innovative ways to make sure they can be there in the future as we rebound.

In terms of the Women's portfolio, I reassure members of the House that we have been regularly participating in women's safety meetings. The Government has committed \$2.7 million additional funding into women's safety areas. The federal government has committed \$150 million. We have been working closely with them to ensure our fair share in Tasmania and to make sure it is going to the community organisations that need it.

We have to reframe the way we support women, particularly those in vulnerable situations. The usual mechanisms for support are difficult to access, particularly for those women who are at home with a perpetrator and do not have the opportunity to go out.

Thank you to the staff of Communities Tasmania and the NGOs who are working very hard in this space. I would also like to thank those other providers in the community that might not in the past have thought of themselves as being on the front line when responding to family violence. They are engaging with the department to ensure they are getting information out to women and are being trained to respond to women and their families in vulnerable situations. I assure any woman or any child who is feeling vulnerable that support is still there. We have support for you through whatever mechanism you have. We will be able to support you. That is something I am very conscious of.

I have spoken a lot in this place about the Health portfolio, particularly yesterday. We spoke to you about the Department of Health and the Tasmanian Health Service -THS - but I would also like to talk about the broader health system within Tasmania. The collaboration between the private sector, the government sector and the unions has been extraordinary. I would like to thank everybody.

We have achieved so much working together. We have seen so many changes move through so rapidly, in less than two months. That has been achieved by goodwill by all stakeholders. People are putting agendas aside and making sure that decisions are made in the best interests of Tasmania.

I thank everybody for what they are doing, including having meetings at very strange hours to make this happen and ensuring that we are all fighting in a consistent way for Tasmania. I thank all those stakeholders. You have been working very hard in your local communities with your members. It is a real credit to us as a state that we have the relationships to make that happen. I want to acknowledge that.

To the men and women within the Department of Health and the THS, you have been working the hours that people are putting in day and night. We have business as usual. We have Tasmanians who are undergoing cancer treatment and people who have chronic illnesses. I would like to thank you for the business as usual, for the surge you are planning for, for the outbreaks you are handling and for the people you are caring for with coronavirus. We are extraordinarily grateful to you, to Ambulance Tasmania, to all the government agencies and all the volunteers who are supporting you.

[8.30 a.m.]

Ms STANDEN (Franklin) - Madam Speaker, it feels good to be on my feet in the limited forms of the House. I have not had much opportunity to speak in this place. I would like to express my sorrow and condolences to the families of the 13 people who have lost their loved ones and to the many thousands of people who have lost their jobs and livelihoods throughout this dreadful pandemic and the disruption to people's lives and anxiety across the community.

I express my thanks to the health workers, to the educators and also those behind the scenes - the officials, the policymakers, the administration people and the cleaners. Everyone is doing their very best to support our community during this extraordinary time and to keep our community going. I have never been prouder to be Tasmanian.

I flag for the record my thoughts on the workings of parliament and the importance of scrutiny. I have only been in this place a couple of years, but for all that time I have been on the Subordinate Legislation Committee. The importance of having this parliament working to be a voice for people, particularly for those who are left behind, those whose small voices sometimes struggle to be heard, has never been more apparent to me.

The Premier and the Government get their authority through this parliament. In these unprecedented times unprecedented trust has been given to the Premier and the Government. The Premier said in response he would not let us down. In return, opposition parties have said that they would support the Premier and the Government. We have done our very best behind the scenes. I acknowledge the cooperation I have had from the Premier's office and from ministers' offices when raising concerns from the hundreds of hours I have spent talking with stakeholders and constituents.

I would like to speak about housing affordability and availability. The state was in a crisis leading into this pandemic. I chaired a select committee that looked into housing affordability and produced a very thorough report with many recommendations. It was a blueprint for action. This pandemic has swept over the top of that, but the systemic issues still remain. There is a shortfall of about 11 000 social and affordable houses statewide. It does not just go away. There is a public housing waitlist of around 3500, which by any fair assessment has been steady or growing. Waiting time has also steadily increased.

Anglicare's Rental Affordability Snapshot released this week once again shows the very limited options for people on income support with sometimes very few or no options available to those people. It shows the tightness in the private rental market. I have dealt with many people who have struggled for well over the average wait time of 67 weeks to access social housing in this state. That situation continues. The freeze on residential evictions was a good move. We had an opportunity to continue that momentum as the legislation we passed also allowed for a freeze on rent increases. For some reason the Government was slow to issue a notice in that space. I pushed and pushed as did others within the sector. A notice was eventually issued on 22 April even though the emergency was declared on 17 March. That was nearly a month later and the notice had no retrospectivity. That is an ongoing concern for people who suffered rent increases within that period. It raises several questions.

There was \$2 million in brokerage money on the table, although the minister and the Government for some reason did not say how and where that money was allocated, how much and through what avenues.

I was aware of families who were couch surfing who went through the Housing Connect front door and were turned away when trying to access that money. Hotels, motels and cabins were queuing up to access that funding and there were no answers. People were begging for that accommodation, particularly young people and those couch surfing.

Finally, the Government has relented and it appears that access to brokerage accommodation in hotels and motels is available. There are still unanswered questions about people under 18 and whether those unaccompanied young people could be put in such accommodation. I acknowledge it would not be appropriate for some. There is no blanket rule. With adequate clinical support and recommendations around the appropriateness of that measure, I would like to see in these extraordinary times some relaxation of the rules.

Regarding the response to homelessness, there has been an extension of shelters and supported accommodation. There are only 10 more pods for the Hobart Women's Shelter. That project was promised at the end of last year. It is way behind schedule. There is no time frame for the Waratah. I am very concerned about women, migrants in particular, but also anybody experiencing domestic violence and young people who are missing out.

Shelters are still full. The 46 additional spaces for Safe Night Space is a welcome measure, but it does not touch the 150 people sleeping rough in southern Tasmania.

I will continue to be the voice for people sleeping rough, for everybody in housing crisis, for casual workers, for young people and for workers who are still struggling in these times.

[8.37 a.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, some of us heard stories late last year of a mysterious virus coming out of Wuhan, China. It trickled out in the newsfeed for a few months and was barely recognised as an issue. We watched what was happening in China as if it were a TV program, something happening a long way away.

By the time the coronavirus reached Australia, we were aware of the impacts it was having on other countries. The devastating scenes in Italy - the extraordinary scenes of doctors and nurses struggling to make choices about who they were going to put into intensive care units. Unbelievable in such a developed country with a fantastic healthcare system.

We were warned and we were ready. Tasmania took a step which was stronger than other parts of the country. We were the first to keep cruise ships out. We locked our borders, we had fortress Tasmania. We took strong steps and the Government is to be commended for that. The Greens urged that to happen and we welcomed the work of the Premier.

Since then a wave has overtaken us, a wave we could see coming but could not stop. All we could do was prepare ourselves as best we could. Since then, tens of thousands of Tasmanians have lost their jobs; no planes are flying to the state; there is no tourism industry. We cannot even go to our own national parks for much needed recreation and solace.

We are suffering. Individuals have lost houses or are living in extreme rental stress. They are feeling incredible anxiety while they are at home caring for their children who are not able to be at school. They are struggling to do their best to work with valiant teachers who are going to extraordinary efforts to give them good quality teaching. However, as the Premier said, if we designed the perfect education system, it would not be one where we teach people online.

The ripple effects of what happened in Wuhan continue. There is only one path forward and that is to eliminate the virus.

National Cabinet received a report from the Group of Eight universities two days ago, which mapped out the COVID-19 roadmap to recovery for the nation. It provides the best work from epidemiologists and economists across the country. It recommends two possible options for it: elimination of the virus or adapt and control.

I would hate to have been on the team arguing for the second option. It would have been a dud option in a debate. There is no doubt from the evidence that the best way forward for Australia and the best way forward for Tasmania is to eliminate the virus. To eliminate the virus will give us not only confidence and security as a country, it will also provide a quicker way to economic recovery. It has fewer economic disadvantages in the 18 months to two years it will take to find a vaccine.

That is how long we need to have some restrictions. We are looking at another couple of months with strong restrictions. That will give us the best opportunity to recover from the social and economic impacts. However, we can only do that when we have fully eliminated the virus. We have five states in Australia that today have gone 24 hours with no cases of the virus. We have two states in Australia that have recorded cases - two in Tasmania and two in New South Wales.

Tasmania has had the largest cluster, the largest outbreak in a hospital in the country. That outbreak is ongoing. It has not finished; cases come day by day. Until we can draw a line under that outbreak, until we can be very clear what happened, until we can be confident that it will not happen again, we cannot be in a place where we can talk about elimination in Tasmania. We started in the strongest position. We must return to that position by learning from what happened in that outbreak.

It was clear from the report handed down yesterday that part of the story is - and we need to have a fuller investigation into this - that it was not about individual actions of staff; it was about the hospital's culture. Despite having had all the warnings, despite the fact that some 20 cases had already occurred in southern Tasmania in the three weeks before the cases in the north-west, and despite the fact that we already had declared a state of emergency, the report tells us that that hospital had not been prepared to receive two known cases of coronavirus infection.

That is a poor reflection on the governance of that hospital. Staff were not educated; they were not provided with sufficient rules about personal protective equipment - PPE - social distancing and patient transfer, about moving between infected cases and other cases, about screening every person who came into the hospital and every staff member. Other hospitals did and they have successfully avoided outbreaks. We had hundreds of cases from the *Ruby Princess*; they have not all resulted in this happening.

The minister needs to have a response to that report. Seventeen urgent actions were recommended to prepare us so that we are confident another outbreak of coronavirus cannot occur in another Tasmanian hospital.

That is what we need to do as part of our elimination strategy - hear very strongly from the minister so we can move to the next stage of responding to the devastation that has occurred in Tasmania.

[8.45 a.m.]

Mr JAENSCH (Braddon - Minister for Housing) - Madam Speaker, I add my thanks, congratulations and admiration to the Premier and Minister for Health, in particular our public health officials, their departments, our Cabinet, our parliament and all our elected representatives for their leadership and cooperation through these extraordinary times.

I would like to speak briefly about the community in Braddon, in the north-west. This has all been very real up there. I do not diminish the experience of other places, but I put on the record some comments about how it cuts through, how the public messaging, the call to action, the personal responsibility to accept some suspension of our normal liberties comes home when a hospital closes in your town, when the Hercules land at your airport. They fly over my house to land there.

It is suddenly very real for people. The chatter on social media swings from speculation about what this might mean for us, whether it is real and what it means for us to be calling out people who are not doing the right thing and the community just accepting that this is now something we need to deal with.

To some folk the people of the north-west coast might have a reputation as being somewhat rugged individuals, somewhat sceptical of authority on occasion. When you see them within a matter of days being quite happy to stand on a dot on the floor in the IGA, keeping their distance, looking at the people around them with care, with a bit of uncertainty but mutual concern for each other and for what is going on, I must congratulate my community and the Tasmanian community for having taken this on and doing it so well. They are going to need to keep doing it.

Everybody where I live knows someone who has been directly affected. Too many people I know have participated in their first funeral with only a handful of people there, or needed to say goodbye to or console someone without being able to be with them or hug them. That also makes it very real.

One of the things that has impressed me is how rapidly we have adapted. How people who have built up their businesses over generations have closed them without complaint as part of the effort to control this thing. How small businesses that have always had a great showroom of products to walk people through have closed their business, brought in local builders who overnight have built a counter inside the door with a perspex screen and opened the next day with a new system of serving people, ordering online, dealing with people with health vulnerabilities from the

backdoor and having a special entrance for them. The innovation and the adaptation has been extraordinary.

I am sure this will be a crucible of innovation and we will keep the best parts of it as we emerge from this crisis and go back into a new normal.

I thank the people of my region for their support for each other, for taking personal responsibility in this global situation and for the changes and sacrifices they have made along the way.

In the minutes I have left, I would like to shout out to what I call the class of 2020. We have spoken in the last couple of days about young people in their last years of school who are entering adulthood and independence at this uncertain time and our concern for their anxieties. I am concerned but I am also proud of them and impressed by the way they have adapted in weeks to learning online, to communicating and maintaining their friendships and their social networks through new technology. They are the leaders in their household in how to do things online. This generation of young people will be sitting around their table in a global historic moment talking about the science and the ethics and the politics of how we deal with this. What an extraordinary experience for them to be part of something that is a global calamity that will only be solved by very personal responsibility and action.

The Government is somewhere in the middle. It is something we are talking about here and they will be talking about in their homes and seeing in the media - holding on to your individual rights and freedoms and liberties and the things you have come to take for granted as your rights and where you set those aside in the interests of a greater good.

These are wonderful conversations to be immersed in. That will make the class of 2020 an extraordinary group of people throughout their lives and careers. They are problem solvers. They will be more worldly than others in their generation because they have come of age at a time when we are having these conversations. Employers will see this is a group of people who are prepared to think differently, quickly solve problems, work through and take responsibility because they have had this time as part of their story. I am ambitious for them.

I am excited to see how they are responding and taking charge of their own lives. We are going to need them and their extraordinary abilities as we make our way out of this. It is not going to be over quickly. We will need those skills to deal with other global challenges which may seem daunting, which may make us anxious. Through this experience those young people will have a taste of how a community can work together and how the individual makes a contribution and how we can get through these things together.

[8.53 a.m.]

Ms BUTLER (Lyons) - Madam Speaker, I start by expressing my sincere condolences to the family and friends of the 13 people in Tasmania who have now lost their lives to this horrendous illness.

The sorrow from the community around the loss of life and the inability to be able to mourn in our normal grieving practices has been traumatic for many communities and their family and friends.

Tasmania has not fared as well as we were hoping we would. Our frontline workers have been absolute warriors. Supermarket workers, cleaners, social workers, truck drivers, teachers and childcare workers - I would like to thank you all very much for your hard work, your tireless tenacity and ability to put your head down and get the job done.

Tasmania had the opportunity to minimise the effect of the virus, but we lost that opportunity with the outbreak of the virus in the north-west. Fortress Tasmania was a positive strategy. We were all very hopeful at that stage that we would be able to contain this.

Our testing capacity, however, was initially lethargic and lacklustre. We have only now surpassed most states with our testing of infections per capita. It was only seven days ago, on 23 April, that our testing levels lifted from being the worst in the country. Our mortality rate per capita is two to three times higher than interstate counterparts and our infections per capita is now the highest in Australia.

Tasmania has a long road to travel, but we will travel it and we will travel it with dignity. Tasmanians have an amazing spirit and an amazing resilience, and we will get through this. The ACT is now virus-free, South Australia is also close and the Northern Territory has managed this virus very well. Victoria is now undertaking a blitz by undertaking 100 000 tests over the next two weeks. That started four or five days ago. Those results will dictate the easing restrictions on isolation. It has been proactive, it has been concise and it has been strategic. We are not in this position. We were slow to manage, we were slow to test.

Experts worldwide have stated that testing is best practice. We are now testing to a better ratio; however, this was too slow to start with and we missed that window to avoid the outbreak. The people of Tasmania have displayed amazing resilience. We will get through this. Many people have lost their businesses, lost their employment and lost their contracts and momentum. Many people have prioritised the community and kept each other safe over financial gain. That has been a heartening aspect of this virus.

Labor has worked very hard to find the gaps and provide a voice for the people and also for the community during this period. I would have liked to see us coming back to sit in parliament during the winter recess. It is too much of a break between sittings for us to be able to meet and represent our communities in this place. These are extraordinary times.

Keeping our economy turning is the focus of our next steps here. The building and construction sector is an essential service. It is also the second largest contributor to our economy. It creates 25 000 jobs. Clever guidelines and great collaborations have been used by this sector. We need to support this industry and ensure better support is provided to keep apprentices and trainees employed. Training must continue along the trajectory. We will need to bounce from this; we will need to make sure we have a workforce ready to build the infrastructure to rebuild our state.

This workforce needs to be kept in our state. We do not want to lose them. There is an estimated reduction in building work already of about 25 per cent. There will be a 7 per cent decrease in renovation. Keeping our workers here and training them, as they are doing in Western Australia, is very important. That is something we need to do.

Tasmania Police has also been incredible during this pandemic. Police have taken on a raft of new tasks, undertaking compliance checking, but also being the go-to people in the community, which they always are. We need to ensure Tasmania Police is recognised by our community as

being a stand-out contributor during this pandemic. I recently learned that for every Tasmanian police cadet, there are 20 unsuccessful applicants. Our people coming through want to be police officers, they want to serve their community. What we have is the cream - they are by far the best police service in Australia.

We have a long path ahead of us. There are horrendous hardships in our state. There are people who have lost their loved ones, who have lost their businesses, and who have lost their jobs. The future growth of our state is what we need to focus on after this pandemic is properly minimised. People are falling in the gaps. There are massive gaps where people do not qualify either for the JobSeeker or the JobKeeper allowances. There are businesses that cannot apply for grants. Our job is to make sure those gaps are found. We need to assist those people to pay rent and to buy food.

There are people in our community who have lost absolutely every capability to earn money at the moment. They are really struggling, so we need to make sure as members of parliament that we can pick up those people.

Thank you, Madam Speaker.

Time expired.

Motion noted.

SUSPENSION OF SITTING

[9.01 a.m.]

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

That you do leave the Chair and the House be suspended until Wednesday 6 May at 10.am.

Motion agreed to.

The House suspended at 9.01 p.m.

WEDNESDAY 6 MAY 2020

The House resumed at 10.00 a.m.

The Speaker, **Ms Hickey**, took the Chair.

MOTION

Business of the House

[10.02 a.m.]

Mr FERGUSON (Bass - Leader of Government Business - Motion)(by leave) - Madam Speaker, I move -

That so much of Standing and Sessional Orders be suspended as would prevent -

- (a) the House immediately proceeding with the following additional daily business -
 - (i) question time,
 - (ii) petitions,
 - (iii) papers, answers to questions on notice, Government responses to petitions, and
 - (iv) introduction of bills; and
- (b) the COVID-19 Disease Emergency (Commercial Leases) Bill 2020 from proceeding through all stages at this day's sitting.

[10.02 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, may I seek some clarification? Will there be an opportunity for any other formal business in that list? I am not flagging that we have any issues, but have you removed any other formal business from the procedures for the morning?

[10.03 a.m.]

Mr FERGUSON (Bass - Leader of Government Business) - Madam Speaker, I have not listed other formal business. The Government does not have a need to but I believe we are sort of doing it right now in that respect.

Ms O'Connor - So other formal business will remain on the blue?

Mr FERGUSON - No, it is not listed.

Ms O'Connor - So you have removed that section of the day's business without consultation?

Mr FERGUSON - I will seek advice if I may, Madam Speaker. If the House will agree and understand that I am more than happy to amend my own motion to reflect that it be re-inserted. Apologies for overlooking that because there is no concern on our part.

Ms O'Connor - That is fine. I did not think it was a conspiracy. I did not hear it and wanted to check. Thank you.

Mr O'Byrne - That does reflect the discussions we have had.

Madam SPEAKER - You are going to ask that question again?

Mr FERGUSON - Madam Speaker, I move -

Insert instead -

(iv) other formal business to follow responses to petitions

prior to -

(v) introduction of bills.

I will provide my amended copy to the Clerk.

Amendment agreed to.

Motion agreed to.

QUESTIONS

COVID-19 - Testing Rates

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.05 a.m.]

We can only be truly confident that we are on top of COVID-19 when we have a large sample of the population statewide who have been tested. While testing capacity has increased and numbers have improved in the north-west, we are still well below our capacity right across the state. What is the Government doing to boost testing rates? Will you commit to conducting random testing at high traffic areas including supermarkets and hardware stores so that we can test people where they are gathering and build a clearer picture of what the virus is doing in our community?

ANSWER

Madam Speaker, I welcome the Minister for Sport and Recreation and Racing from the other place to our Chamber today.

Members - Hear, hear.

I thank the Leader of the Opposition for that question. As you are aware, we have massively increased our testing. As it stands at the moment, our testing rates are above the majority of other states and we have conducted more than 15 000 tests. The recently announced partnership between the Australian Government, the Minderoo Foundation and the private pathology providers is going to enable us to increase our testing to around 2000 tests per day. That process is being worked on at the moment.

Expanded testing will help to ensure we can test our health professionals on the front line. In addition, the Department of Health is working closely with Sonic Healthcare and our public pathology laboratory to increase our testing capacity. The challenge, and it is not a matter of conscripting people to have tests at shopping centres or hardware stores, is actually getting people to come forward. We have spent much of our public messaging encouraging those people who may be even mildly symptomatic to step forward to be tested at every opportunity.

When we have capacity of up to 1000 tests per day and at this point, whilst our testing is increasing and has increased rapidly, to see five or six hundred a day coming through, I take this opportunity to encourage Tasmanians wherever they are in the state, if they have even the mildest sniffle, to put their hand up and come forward and be tested. It is important as a starting proposition in this.

We have been clear from the outset: we have tested in line with the national advice and we will continue to do that. At this point there is no advice before us to suggest that we should be testing at any of those locations that you have suggested. In fact, quite to the contrary. We have been advised that we need to encourage people who have those minor symptoms, wherever they are in the state, to come forward.

It may be a matter of having much lower levels of flu incidence this year. The flu tracker is well down, as members are well aware, because like most of you I am the cleanest I have ever been in my life at this particular time. In terms of my personal hygiene I have set new gold medal standards as far as my wife is concerned and I am certain that many Tasmanians are doing exactly that at the moment.

We will test in line with the advice that we receive from our public health officials. As we broaden our testing capacity, should they recommend that that is something we should be doing, then we would act on that. At the moment, right through this, we have acted in line with the decisions that have been made from our public health officials and will continue to do that.

COVID-19 - Personal Protective Equipment - Training in Use by Healthcare Workers

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.09 a.m.]

A key concern surrounding the north-west outbreak was the reported shortage of personal protective equipment and a lack of training in the use of PPE. This included hospital staff being told to re-use PPE which was designed for single use. Are you aware that training in the use of PPE is only now being rolled out to all staff across the Tasmanian Health Service with a meeting today to field questions about the use of PPE? Do you believe that it is acceptable that training is only now being rolled out to all staff, 50 days after the declaration of a health emergency and a month since the start of the north-west outbreak? Further, do you acknowledge that non-clinical staff, like orderlies, who do not have access to a work computer or the THS intranet will struggle to complete the online-only training module? How will your Government be sure that no THS staff misses out on PPE training?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for that question. In starting, I make this point: for a long period of time hospitals have been dealing with infectious diseases. Therefore,

PPE training in clinical settings has always been a component of every health worker's training, as I understand it. Obviously, we are increasing that level of training and we will continue to do so as has been evidenced by what occurred in the north-west. Whilst there has been no definitive finding in what the cause of that initial outbreak was, we have taken further steps in line with issues that have been raised by staff to ensure that there is enhanced PPE training across the THS.

Regarding your question on orderlies, I am not certain what has been put in place for them. I am happy to look into that and to get some understanding. I hope the way the training is being rolled out that all THS staff who require training or a refresher are able to receive it. However, I will check on the matter you have raised.

Ms White - Thank you.

COVID-19 - Commercial and Residential Tenancy Protections

Ms O'CONNOR question to PREMIER, Mr GUTWEIN

[10.12 a.m.]

Today we debate legislation that will deliver a suite of strong protections for commercial tenants; legislation the Greens will support. We recognise this state has moved to freeze evictions and rent increases for residential tenants, in part due to the advocacy of the Greens, but they will be substantially less protected than business people leasing commercial premises.

Why are business operators being prioritised over everyday Tasmanians in rental homes, many of whom have lost work or had their hours cut? You have received two pieces of correspondence now from the Tenants' Union, TasCOSS, Community Legal Centres Tasmania, Anglicare and Shelter Tasmania about the disparity between commercial and residential tenancy protections during this pandemic. Will you move to ensure Tasmanians living in rental homes receive the same level of support and protection as commercial tenants during this pandemic?

ANSWER

Madam Speaker, I thank the Leader of the Greens for that question and her interest in this matter. I make this point: this parliament has progressed over the last eight weeks to ensure that we have fair and reasonable outcomes for all people, a concern that has been shared across the Chamber. I note your constant advocacy on this particular issue and the phone calls that we have had as well.

Without repeating some of what was in the question, it is worthwhile making the point that we did move early in protecting residential tenants who were affected, like many people, by the impacts and unprecedented challenges of COVID-19. There was a hold placed on rental evictions, restrictions on inspections as well to ensure that appropriate social distancing could be maintained. That was done earlier. There was also a ban on rental increases during the emergency period. The right place for further protections for residential tenants is not in the commercial bill, as I indicated to you recently.

The other point is that until I stood up yesterday and said that I had not received much correspondence, I had not received a lot of correspondence. I did receive some overnight on this matter. It was not hundreds. It was a relatively contained number. I would be surprised if I received

more than 20, but from both landlords and tenants, both in the commercial and in the residential space.

I am not certain how wide the impact of the effect is on residential tenants. On one hand it would be fair to say that we have those tenants who are on low incomes or receiving JobSeeker who have actually received an increase in income. There are many casual or part-time employees who are now receiving JobKeeper and, in some cases, they have received an increase in income. But there will be those who fall through the gaps and I acknowledge, as I did this morning with you, that we may have overseas students or visa holders who are in difficult circumstances. We may have sectors of the middle class that are in difficult circumstances because they may have had a significant drop in income.

I understand the issue that has been raised; I am not certain about placing it within the commercial tenancy bill. However, I am happy to seek further information from Ben Bartl and to also have a discussion with the Residential Tenancy Commissioner. If we need to establish a fund where somebody has been severely impacted as a result of COVID-19 and is in a difficult position so that we can find a fair and reasonable outcome, I am happy to go down that path. I give a commitment to the parliament today to take those steps.

One concept has to be understood by both landlords and tenants: we are in extraordinary and very difficult circumstances. I note from some of the Facebook traffic last night that it appears there may not be a great deal of goodwill, certainly in some quarters. We need to try to find ways that we can work together to get to an outcome that acknowledges the very desperate circumstances we are in and find ways that we are not going to unfairly have people punished whether they be a landlord or a tenant as we work our way through this. It will mean that everybody, to some degree, will have to play their part.

I will circle back to the commercial tenancy legislation. We hope that landlords and tenants can arrive at an outcome that, whilst it may not be all that attractive to them, it suits their purposes; that is, that once we get through this a landlord will have a good tenant in place and a tenant will not have lost their business as a result of what we are doing having closed them down and the public health impact that has occurred.

Banks need to play their part. In many cases they are but it is only a deferral of either capital or interest repayments. The state Government will need to play its part and to date we have. We have provided significant support across the board, not just to businesses but to individuals as well. As I have said, I will make a commitment today to engage and look to come up with, if necessary, a fund for residential tenants that could be utilised for those who are in extreme distress and work our way through that.

In the same way the state Government has played its part, local government needs to play its part as well. Whilst many councils have hardship policies in place, I believe it is incumbent upon everybody that has a lever to pull here that they play their part, accept that we are in difficult circumstances, and look for a way through this so that when we do come out the other side that fair, reasonable and just outcomes have been arrived at so, importantly, we can continue to move forward both as a society and as an economy.

COVID-19 - Plan for Return to School-Based Learning

Ms OGILVIE question to MINISTER for EDUCATION and TRAINING, Mr ROCKLIFF

[10.19 a.m.]

Schools, teachers and parents are doing an incredible job in this crisis. They are keeping engaged with school but it is not easy and some working families are struggling. Parents tell me that younger students are finding it hard to do remote learning and our years 11 and 12 students are now competing for ATAR scores against interstate students learning at school.

Many working families are finding it hard and want to understand the plan for getting kids back to school. Parents want to be part of this conversation. Are you looking at getting years 11 and 12 back first, will there be smaller classes, perhaps more teachers, rostered classes, part time? What will those arrangements look like? We would be very grateful if you could let us in to your thinking a bit so that we have an idea of when schools will be open.

ANSWER

Madam Speaker, I thank the member for her question and interest in this matter. I know it is concerning for all of us and exercising all our minds in ensuring that education provision continues as best as possible. We all want to get back to normality in terms of on-site school learning. I can reflect that your concerns are right; there is indeed a desire in the community to return to face-to-face teaching and learning. That is testament to the roles that our schools, our teachers, our principals and all our school communities play in our community.

Yesterday, there was 22.9 per cent attendance at our school sites. There is above 90 per cent engagement. So we have new measure in place to ensure that as best as practicable we can measure engagement in the home and that is above 70 per cent, which is pleasing, notwithstanding the fact that face-to-face learning is what we all want to achieve. I also appreciate that parents are looking for some certainty as well around face-to-face learning and when this might happen.

We made the clear point last term to outline to parents and teachers and our school communities what term 2 would look like. By doing that, we provided much certainty and reassurance and allowed our school communities to plan for the entirety of term 2 so there could be a very clear focus there for our teachers and principals and our families and students as well. We will continue to communicate with our school communities to ensure they have a clear understanding of what the recovery period will look like for our students and school staff.

As I mentioned in response to Mr Street last week, a recovery team has already been established within the Department of Education, including principals, which is evaluating options for returning to face-to-face learning. We are engaging with Catholic Education Tasmania and Independent Schools Tasmania as we work through those options. It is important that we all work together to provide clear and consistent advice across all sectors, and to avoid any confusion as much as possible. There has been very good engagement there and I am meeting two or three times a week with the Independent Schools Tasmania and Catholic Education Tasmania as well as the Australian Education Union, taking a very collaborative and consultative approach in relation to what would be best for students, their families and schools.

I am hoping to be in a position very soon to articulate a plan sooner rather than later. There is some detail we need to work through and I am having a meeting with the AEU very shortly. I think

this will help ease any current concerns there might be by providing a clear pathway forward which will be implemented in such a point in time that the Public Health advice changes in relation to the need to strictly limit people's movements. I want to be very clear that we will be guided by the Public Health advice. I am not going to step outside that advice in any way and the Department of Education and the Public Health authorities are engaging very closely.

I expect Tasmania's return to school plan will make provision for some form of kinder catch-up as we recognise how important the early years are. We are working through options to provide for more kinder options perhaps in term 3 for those who may have missed out. There will be a focus on years 11 and 12 and we will make provision for staff and students who are vulnerable.

While we are making plans for a return to face-to-face learning it needs to be clearly understood that the current advice remains that the best place for students is still at home if they can be supervised and supported to learn at home. That is the case and will be the case until the Public Health advice changes.

A full return needs to fit with other bigger-picture issues as well in terms of other community easing of restrictions, and schools are a very important part of that. Implementation of a return to school plan will be carefully managed to ensure that the return of students supports positive health outcomes for students, staff, families and the broader community. We will be guided by Public Health advice. We want to be in a position, clearly, to have our school sites returned to normal as soon as possible but that has to be consistent with the Public Health advice.

You asked about years 11 and 12. Yes, there is a clear focus on how we might be able to accommodate years 11 and 12 students. I commend the University of Tasmania for their flexibility in terms of university entrants and the ease of which people can apply for university entrance. That is easing some anxiety in the year 11-12 space as well. Once more detail is worked through I expect to be able to articulate a very clear plan to the community sooner rather than later.

COVID-19 - Testing of Staff at Mersey Community Hospital

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.26 a.m.]

Can you confirm that staff at the Mersey Community Hospital are still not being tested unless they are symptomatic, despite the large number of COVID-19 patients who have been treated at that hospital? We know from the North West Regional Hospital's experience that people can have COVID-19 with few to no symptoms. When asked about this a few days ago, the Acting Director of Public Health said it was a matter for the THS. Can you explain why all staff at the Mersey are not being tested?

ANSWER

Madam Speaker, I will take guidance from the Health minister but my understanding is that testing is being made available to all staff -

Ms Courtney - The ones who were close contacts of the confirmed cases.

Mr GUTWEIN - And if other staff want to?

Ms Courtney - If other staff want to, yes.

Mr GUTWEIN - It is my understanding that testing is available to all staff if they want to be tested. Those who were close contacts are being tested, but if any health worker at the Mersey wants to be tested they can be. Public Health's view was to make it widely available and available to all staff, which seems sensible. I would be surprised if staff are choosing not to be tested. I believe it was felt, under the circumstances, that the contact group came first but, importantly, that testing was available to everyone. As far as I understand it, unless things have changed, that is how it stands at the moment.

COVID-19 - Planning for Lifting of Restrictions

Mr STREET question to PREMIER, Mr GUTWEIN

[10.28 a.m.]

Constituents in my electorate of Franklin, like all Tasmanians, are looking forward to the time when restrictions can start to be lifted. Can you update the House on the important work that is being done to prepare for this?

ANSWER

Madam Speaker, I thank Mr Street, the member for Franklin, for that question and his interest in this very important matter, especially for those communities he represents down the Huon, Channel, Kingborough and across the eastern shore.

I make the point that we are not out of this yet, and we are going to need to step through this cautiously and carefully. We will, though, I am certain, be able to rebuild a stronger Tasmania, as I outlined last week in the steps we are now planning.

In order to begin easing restrictions we need to put in place the four safeguards. The first is more testing. We have already spoken about that in this place today and it is well understood that our plan is to be able to test up to 2000 people per day. The second is more tracing and the capacity to trace. Whilst our Public Health officials and the manual tracing we have conducted to date has worked well, I urge all members of this House and all Tasmanians to download the app. That will make a difference. I make the point that it does not wrap a bubble around you. It does not provide you with personal protection, but it ensures that should you come in contact with somebody who has been infected by COVID-19, you can be contacted very quickly. Those people who are close to you, in many cases they will be people that you love or members of your community or your friends, can be contacted as well and we can take the necessary steps to ensure that we contain the disease.

As we move forward we will need enhanced rapid response capabilities. I will say a little more about that in a moment and, importantly, COVID-19 safe work plans.

Whilst we work through this process, having spent some time on the WorkSafe Tasmania site during the week, I advise any current industry sector looking for guidance that there is a wealth of guidance available through that site at the moment. COVID-19 safe plans have been developed to ensure that there is an appropriate checklist and that businesses can continue. We will have more

to say about that and the stages we will take, as we outlined, on Friday afternoon when I announce the steps back.

Importantly, I want to speak about the rapid response capacity. As part of the easing of restrictions, it will be important that Tasmanians continue to follow the rules and that we have a health and emergency system that can manage any capacity that a future outbreak might bring. I make the point clearly, not that I envisage in any way, shape or form that this is where we might end up, but going back six to eight weeks ago I was being pushed by medical professionals and others to adopt the Singapore model. They had a very low number of cases. I looked last night and, as a result of a second wave, they are at nearly 20 000 cases and the number of deaths is around 2500. The steps that we have taken, albeit difficult, albeit challenging at times for many Tasmanians, have worked. We have got to a good place but we have to get to a better place and we will continue to do that.

It is important that should we see the virus bubble up in any part of Tasmania, we will need to be able to rapidly respond. As I have continually said, as we increase testing we will find where the virus is. It is going to be important that we can rapidly respond. The tracking and tracing teams that we have employed to date have done a fantastic job, but we need to ensure that they are nimble, and they are able to be stood up quickly should there be a larger outbreak.

Moving forward, the rapid response group will have a core group of 15 staff across Public Health, Tasmania Police, the Department of Health, and other agencies if necessary, that will have the ability to flex. An inter-agency staffing capacity is being established to ensure that we can respond quickly and effectively regardless of where the outbreak might be or where a cluster might develop. They will effectively be on standby, enabling rapid call-up should a response be required. This call-up will depend on the specific threat that needs to be dealt with and could result in up to 50 or more staff being available for a rapid response tracking and tracing exercise if that were necessary.

As I have said, we are going to step back into this sensibly and cautiously. The other day I made the point that we will march to the beat of our own drum. I am pleased with the support I have received from across this Chamber because there will be tensions that will come forward. There will be industry sectors that are going to want to move sooner rather than later. There are going to be those who will want our border protections to be removed sooner rather than later. It is important that we take into account the advice of our own Public Health people and that we lay out the steps we feel comfortable with.

As I will outline on Friday, we will not move to the next stage until we are confident that the first stage has been bedded down and we have all the necessary steps in place. The rapid response team will be a key part of that.

We may have to live with this virus for some time. We will need to ensure that Tasmanians follow the rules, that they appropriately socially distance, and they keep as clean as they possibly can. I will not go through what I said earlier, but they need to take the necessary steps in terms of hygiene, social distancing and following the rules. If the virus does bubble up, if there is a cluster as a result of the increased testing, we need to be able to rapidly respond. We need to be able to wrap that up, isolate the virus, not necessarily isolate communities but isolate the people who may have been in contact and the rapid response team will help us to do it.

It is another tool in our armoury to ensure that we can return to a more normal way of life at the earliest opportunity.

COVID-19 - Implementation of Recommendations

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.36 a.m.]

You committed to acting urgently to implement the recommendations from the interim report into the north-west COVID-19 outbreak. It is critical that we learn the lessons from the outbreak, which was one of the worst in the country at the time and regrettably contributed to the death of 12 Tasmanians. Everything must be done to ensure that the failures that occurred in the north-west are not repeated.

In light of confirmation today that a health worker from the Launceston General Hospital has contracted COVID-19, what are you doing to actively manage standards at each facility across the state to prevent what happened at the North West Regional Hospital from happening again?

You have already said you have accepted all of the recommendations of the interim report. Can you confirm whether they have all been implemented in hospitals statewide to ensure that patients and hospital staff are protected?

ANSWER

Madam Speaker, I thank the member for that question and her interest in this matter.

As we outlined last week, we have accepted all the recommendations and the secretary of the Department of Health has been tasked with the implementation of those recommendations and the plans to support it.

I can report that the majority of the recommendations are already being progressed but there are some that need to be planned out so that we can implement them effectively.

The recommendations being actioned quickly include enhanced staff screening, improving PPE training and communication for staff, and clarifying return to work processes on a statewide basis. Other recommendations are being progressively implemented. The minister will have more to say on these matters in coming days as well.

The department and the THS have already taken action on a number of key issues. PPE training has been developed and is being rolled out across THS sites starting with the north-west as a priority. Staff and visitor screening processes have been implemented in most THS sites already and we are working this week to complete that.

Work on improving social distancing and protective rostering is commencing in coming days, as I understand it. A wellbeing program is being implemented for staff and this is really important. There will now be a registered nurse dedicated to supporting clinical areas and undertaking the role of a PPE coach starting in the north-west to ensure that in terms of PPE, it is for obvious reasons. As I mentioned the other day, you have to be disciplined and careful in PPE. I used the example

where somebody might have taken off a glove or a gown and brushed the back of their hand on it, or wearing full PPE have rubbed their eye. It is important that we are very disciplined with this.

We are commencing recruitment for a dedicated infectious disease physician for the north-west region. There will be a new medical lead at the Mersey to strengthen medical governance and to provide advice and support to teams in primary community and mental health settings. We are progressing this as swiftly as we can.

As I have said, the majority of the recommendations have already been implemented. Those that have not, the planning is being finalised to ensure that we can roll out those recommendations across all of our sites.

Ms White - Do you have a time frame for when they will be implemented?

Mr GUTWEIN - I do not have it with me but I am happy to seek that.

COVID-19 - Support for Sporting Associations

Mr TUCKER question to MINISTER for SPORT and RECREATION, Ms HOWLETT

[10.40 a.m.]

I also welcome the minister to this Chamber, as the Premier has already.

Can you update the House on measures the Government has implemented to support Tasmanian sporting associations to keep people in work through the COVID-19 pandemic in preparation for the return of sporting competitions?

ANSWER

Madam Speaker, I thank the member for Lyons for his interest in this matter. The COVID-19 pandemic is affecting nearly every aspect of our society and the sport and recreation sector has been far from immune.

We know the important role that sport plays for participants and spectators in Tasmania and we understand the desperation of the public to get back on the field. The postponement and cancellation of sporting competitions and events, from grassroots all the way up to elite level, has resulted in significant loss of revenue from player registrations, gate entry, canteen and bar sales, as well as sponsorships. This revenue collapse has filtered through to the governing bodies of Tasmanian sporting codes and threatened the loss of scores of Tasmanian jobs and livelihoods, as well as leaving the sports themselves vulnerable to long-term damage.

We were told that jobs were on the line, that fixed costs remained high, and that sports would not be able to snap back if we lost these jobs. We listened. In response, I was very proud to announce the \$2 million sport package in early April that was targeted at more than 30 registered state sporting organisations, many of which employ staff who are mostly funded by competition revenue. I am advised that Tasmania is so far the first and only jurisdiction in Australia to support sport associations with a job retention package, and that is something we are very proud of.

Our \$2 million package will be distributed in two tranches, the first of which is to sporting governing bodies to support administrators, coaches and development officers to keep them in work through this pandemic. For some of the associations the assistance has been complemented by JobKeeper payments.

The Government has wasted no time in designing this grant program, with a number of applicants already assessed by the Division of Sport and Recreation. As of today, I am pleased to advise the Government has already approved payments of more than \$570 000, with a number of applicants still undergoing assessment by the division. The key objective of this grants program is to keep Tasmanians in work through this crisis so that our grassroots sports that are so deeply embedded into our society can snap back when we are ready.

I am delighted to advise that so far grants have been approved for \$150 000 to Basketball Tasmania to support 12 jobs; \$150 000 to Football Federation Tasmania to support 15 jobs; just under \$100 000 to Swimming Tasmania in support of four jobs; \$150 000 to Netball Tasmania to support 17 jobs; and further monetary support for jobs at Triathlon Tasmania, Motorcycling Tasmania and Surf Life Saving Tasmania. That is 56 jobs so far with a number of applicants still to be assessed.

COVID-19 - Implementation of Recommendations

Dr WOODRUFF question to MINISTER for HEALTH, Ms COURTNEY

[10.43 a.m.]

The north-west COVID-19 outbreak has been devastating for the families of people who died and hugely affected the 5000 people who went into quarantine, as well as north-west businesses and customers who were locked out of trade. It is not every day that two hospitals are closed and the army is brought in to clean them. With Tasmania now on the cusp of easing some social movement restrictions, it is more important than ever that we have 100 per cent confidence in our ability to quash a COVID-19 cluster before it becomes a tearaway outbreak.

The Director of Public Health handed you a report with 17 urgent recommendations that need to be implemented to prevent another outbreak. These include systems to ensure education for staff, consistent infection control standards and protocols around moving patients and staff. I recognise there has been acceptance by you of the report and conversations about progressing actions. While the easing of restriction is being actively considered, Tasmanians need reassurance that hospitals can respond effectively should a COVID-19 cluster bubble up, as the Premier has just said, in another place. Can you please tell us when you will be providing the time line of delivery dates for each of the specific 17 recommended actions?

ANSWER

Madam Speaker, I thank the member for her question. I also pass my deepest sympathies to the friends and families of those people who have been lost in this outbreak, and also my best to that community and the healthcare workers at those hospitals. I know it has been a very stressful time and many of those staff have worked incredibly hard and are continuing to work very hard to get the full operation of that hospital back up and running.

Regarding the recommendations, as has been outlined by the Premier, the secretary is currently working through an implementation plan for each of those. Implementation of many has already been started, or we have plans around how we can implement them. I note that we have a very large THS within Tasmania and we also have quite different sites. Having spoken to many of the managers at the different sites, the way we implement each of those recommendations will need to be bespoke for those sites. While we want to have a consistent approach, for example, around screening of staff and other patients coming into sites, the way we do that at the LGH will be very different from the way we do that at Beaconsfield or at Queenstown. We need to work with local leadership to ensure that the measures we implement have the infection control outcomes for each of those.

I know the member received a briefing this morning from the secretary of the department and I understand that the recommendations were discussed in detail. I fully commit to implementing each of those. Once I have received an implementation plan I will be better placed to provide the time lines we are working to. I reassure the member, and other members of the House, that I am not awaiting that plan before measures are starting to be implemented and already have been implemented.

We know we are still in the early stages of coronavirus and the impact it is going to have on our health system, so while we continue to progress planning for escalation on each of our sites across the system, these recommendations are being further embedded into those escalation plans to ensure they are there. We are working to ensure that these are also applicable to all healthcare workers and all staff on these sites because we know they are high-risk locations. I can assure the member and the House that this is an extraordinarily high priority of mine and the secretary's.

When I have further information - and hopefully I will in coming days - to provide an update, I will do that. I can assure members that I will get these implemented as quickly as possible, noting that many of them need a lot of preparatory work to ensure this is not a tick-a-box exercise. I want these measures to be implemented in a way that has meaningful infection control outcomes.

COVID-19 - Plan for Reopening of Businesses

Ms WHITE question to PREMIER, Mr GUTWEIN

[10.48 a.m.]

Tasmania recorded two new cases of COVID-19 overnight after four consecutive days of zero cases, a reminder that we are not out of the woods yet, as you have also said. Nonetheless, business and industries are working proactively to prepare for the staged reopening of the economy whenever it is safe to do so. Other states such as Victoria and South Australia are well advanced in preparation for businesses and trade to re-emerge and some, including the Northern Territory and Queensland, have already begun to lift restrictions. While we support taking a cautious approach, businesses need hope and certainty to plan for the eventual resumption of trading.

There is a growing requirement from our community to understand what your plan is for the safe reopening of our economy. Will you ensure businesses, workers and customers can feel safe to open by making sure there are clear guidelines for appropriate physical distancing, use of PPE if necessary, and hygiene practices to prevent a second wave of the virus? With the 15 May deadline for reviewing restrictions just nine days away, when will this information be shared with businesses so they can be prepared if and when restrictions are eased?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for that question. As I have already indicated this morning, there are a number of businesses and sectors of our community that are, to put it mildly, champing at the bit to move forward. This period, for all of us in this place, is going to be even more important in how we come out of this than how we went into it. We had to make a number of significant decisions that were very difficult; a number of significant decisions that have impacted on many Tasmanians. How we step our way out of this, and ensure we do not suffer what some other countries have, is going to be so very important.

Providing a level of certainty that business and the community wants will occur on Friday. I do not intend to rush headlong into this. I get the sense this morning that this parliament does not want this state to rush headlong into this. Importantly, we will need to outline the time frame and provide certainty to industry so they know what they are working with and, importantly, what they are working to. For our community it will be important that they have those time lines as well and they understand the steps we are taking.

As I pointed out, there are a number of prerequisites that we need. One is increased testing capacity. That is being installed and available. I encourage Tasmanians to make use of that: wherever they may live, if they have the slightest sniffle come forward, and be tested, speak to their GP or to the hotline.

In terms of tracing, I announced this morning the establishment of the Rapid Response Team to ensure we are able to move swiftly and should the virus bubble up we are able to contain it and to track and trace people effectively and, importantly, quickly and efficiently. The app will be important for that and I encourage Tasmanians to download the app. Most people with a smart phone in their pocket are going to have more trouble from Google or a range of other platforms in terms of the information that is being provided. This will only be activated if, one, you sign up to the app and, two, if on the advice of your health professional that you had tested positive, you decide again to press the button to provide that information. It is a very safe way of ensuring that you play your part in providing the Government and, importantly, public health with another tool in terms of the tracing capacity.

COVID-19 safety plans are well-advanced. There have been a number of engagements already with industry sectors by my ministers. Currently, there is a wealth of information available to industry through the WorkSafe site. I will single out the THA as an example. They were discussed at National Cabinet this week, not necessarily our THA but broadly the AHA. They have brought forward a plan, which we are currently looking at, that goes above and beyond the minimum benchmark that will be required by a business to open, to be able to demonstrate that they are following the necessary social distancing rules.

This Friday, I will have more to say on the steps forward of the process and the engagement that businesses will be able to make themselves individually. At the moment the industry sectors, as I understand it, are being engaged through the Recovery Committee and through my ministers in terms of the early work on this.

For all those businesses and all those communities looking for certainty, once the time line is outlined on Friday, the necessary steps they will need to take will be quite clear to them. They will be able to have the necessary COVID-19 safety plans that will be required.

COVID-19 - Support for Businesses

Mr STREET question to MINISTER for STATE GROWTH, Mr FERGUSON

[10.54 a.m.]

Can you provide the House with a further update on what the Tasmanian Government is doing to support Tasmanian businesses during this difficult restricted period?

ANSWER

Madam Speaker, I thank the member for Franklin, Mr Street, for his important question about support for our business community. If we support our business community we are supporting jobs.

As we outlined last week, these are extraordinary times and the state and federal governments have been working closely together to save the lives and the livelihoods of Australians and Tasmanians. Our Government remains engaged with industry and business and continues to work with them during this difficult time. As the House would be aware, the Government has been rolling out our nearly \$1 billion social and economic support package - the most significant support package in our state's history. That support package has supported over 12 300 businesses so far through the business grants program with \$36 million of payments either made or approved to Tasmanian businesses to date. Also, hundreds of businesses have applied for business loans. They have been lodged with the Department of State Growth. The staff are currently diligently working their way through the applications with the first of these now moving through to approval stage.

All of the above incentives and support measures are in addition to the federal government's \$130 billion package which is also designed to protect the jobs of our community.

In difficult times like this we know that Tasmanians are looking for ways to rally together, particularly with the emphasis on buying local. One way we can all support local businesses is by buying something Tasmanian. That is why I am very pleased to announce that the Government has been working, in conjunction with the Tasmanian Chamber of Commerce and Industry as well as Brand Tasmania, on a new initiative to tie that together in a way that is easy for Tasmanians to find and to find out about how they can buy local. That is through our new website and internet market place that we have created. The URL is buysomethingtasmanian.com.au. This new website allows Tasmanian businesses to list and sell their products and services to a new and wider range of customers than they currently have. I am not just talking about Tasmanian customers; I am talking about customers everywhere but only for Tasmanian businesses to list.

buysomethingtasmanian.com.au will help customers find the best product and services that local businesses have on offer. These can be accessed from a phone, a tablet or a laptop. Products can be delivered or safely collected during the current contactless time of social distancing that is recommended, with the added bonus of no interstate or international shipping delays.

The online market place is available for all Tasmanian businesses right now. We want them to look at it. We want them to list their business and their products and services right now. All Tasmanian businesses, whether large or small, are encouraged to sign up and build a buysomethingtasmanian.com.au profile and start connecting with new customers.

The new website will also be a vehicle for supporting access to critical PPE equipment, which State Growth has played such a key role in, in supporting businesses and enterprises outside of the health community.

That is not all that we are doing for businesses. I will mention that our support for the expanded work in Digital Ready for Business in 2020 has been very successful. With more enterprises having now taken their goods and services online and improved their maturity of having an e-commerce platform, we now are providing that broader platform for them to be found. It is effectively the Tasmanian eBay platform. We encourage that.

In future, we look forward to Tasmanian customers increasingly using that platform and buying their goods and services and supporting jobs in Tasmania, which is exactly what this Liberal Government wants to see occur.

COVID-19 - Support for Disability Workers

Ms STANDEN question to PREMIER, Mr GUTWEIN

[10.59 a.m.]

The disability sector employs approximately 7900 Tasmanians across the state. In some regional towns, disability providers can be one of the largest employers in the area. Disability workers are often part of a shared workforce, working across disability, health and aged care settings, and often across a number of sites within the same day. In Tasmania, we are aware that some workers provide care in our hospitals and also in the community including on the north-west coast where the state has experienced an outbreak linked to a hospital. Yet, in the Government's response regarding guidelines for operation and access, training and use of PPE the focus has been almost entirely on health and aged care workers. Meanwhile, disability workers feel ignored. There are no clear processes to manage access to PPE and guidelines for its use in the disability sector. The sector has even been forced to purchase PPE stock from Shiploads and eBay because they have been unable to access PPE from government stockpiles.

Disability support workers provide a vital service to vulnerable people across our society. They deserve the same support and protections as other high-risk workers and sectors. Will you recognise the importance of disability sector workers and provide them with the support, PPE and training they need to protect themselves and their clients?

ANSWER

Madam Speaker, I thank the member for that question and her interest in this matter. I understand that steps have been taken to support workers in the disability sector. As the House would understand, under the NDIS the National Quality and Safeguards Commission remains the lead agency for disability providers. I understand they have been providing regular advice to registered NDIS providers to provide support and their website is regularly updated.

The NDIS Commission is the most appropriate agency as this will ensure that any concerns that have been raised by a disability provider can be logged and then followed but I understand that the Australian Government's Management and Operational Plan for People with Disability provides high level operational guidance on managing and preventing the transmission of COVID-19. The commission has been sending out regular alerts to keep the sector informed and also provides online training for those working in the sector which covers the fundamentals of infection, prevention and control of COVID-19. I also understand that the process has been established for NDIS providers and self-managing participants who cannot access PPE supplies through usual means to contact and gain access to the National Medical Stockpile.

Ms Standen - It is not working.

Mr GUTWEIN - If the point you are making is that it is not working, I am happy to follow it up. I understand that those processes are in place. If they are not working we will try to find out what is going on there to ensure we can provide the support required.

COVID-19 - Assistance for Residential Tenants

Ms STANDEN question to PREMIER, Mr GUTWEIN

[11.02 a.m.]

Our home is our castle and in the next few months it is going to be our fortress. Now more than ever housing is on the frontline of health care. Tasmanians are being told to stay at home but you cannot stay at home if you do not have one. You cannot stay at home if you have been evicted because you have lost your job and you cannot pay the rent. At the same time, it is important that landlords and homeowners who rely on rent to pay the bills, to pay the mortgage, and to put food on the table for their own family are also protected.

Currently, at least one in five households are in private rentals in Tasmania. Those tenants are most likely to have lower incomes, to be casual workers, and to be employed in industries hardest hit by COVID-19, including hospitality, retail and the service industries. It is in the interests of both tenants and landlords to find ways for tenants in private rental properties to maintain their tenancies despite loss of employment and income.

Today, you have made a commitment to consider further protections for residential landlords and tenants. As part of that consideration, will you extend the moratorium on residential evictions to fall into line with other jurisdictions that have committed to a six-month ban?

You have committed to investigating a fund for landlords and tenants facing hardship. Will you go one step further and commit to providing funding for rental assistance to residential rentals along the lines of the grant's programs announced by the Victorian, Western Australian and Queensland governments that provide one-off rent relief payments of up to \$2000 to support eligible landlords and tenants experiencing rental hardship due to the coronavirus pandemic?

ANSWER

Madam Speaker, I thank the member for that question and her interest in this matter. As you rightly acknowledged, I have provided a commitment to this House this morning that we will engage with the Tenants' Union of Tasmania, the Residential Tenancy Commission and we will look to establish a fund that can be used to support people who are in financial stress as a result of COVID-19.

I make the point again that I made this morning: I have not received a significant number of inquiries or concerns on this particular matter. You mentioned that there are many people in the hospitality sector who may have been affected and that is probably the case. In fact, in many cases, both from the owners of hospitality businesses through to their casual workforce, they have all been impacted.

The point needs to be made that the JobSeeker and JobKeeper payments for many casuals may provide them with a higher level of income than the casual hours they were working. Obviously, there will be those who have fallen through the gaps and, as I have indicated this morning, I am happy to look at this and consider what we could do regarding a fund to provide additional relief.

As I pointed out this morning, this can be a very difficult time for both landlords and tenants. It is about finding an outcome that is reasonable, fair and just, and ensuring that when we move through this that we can get to the other side together. My understanding is that in many cases landlords and tenants are finding ways to come to suitable arrangements, but there are those who will fall through the gaps and we do need to do more. We will look to what we can do to provide that support. Regarding the schemes you mentioned from other states, I am not certain how they operate but in looking at what we might do about a fund, we might seek some guidance as to what has already been rolled out and look to see whether that works in the Tasmanian context and consider that.

The other point that you made about the periods where there are no evictions and where rents cannot be increased - that is done by order and it will be reviewed in the lead up to the end of June. If necessary, it can be extended, depending on whether we are still in the state of emergency. We will look at that. It was always the intention that should we need to look at rolling that out we could, depending on the circumstances that we find ourselves in.

COVID-19 - Support for the Agriculture Industry

Mr TUCKER question to MINISTER for PRIMARY INDUSTRIES and WATER, Mr BARNETT

[11.07 a.m.]

It is great to see you up on your feet again, minister.

As a regionally-based member for Lyons I know how important agriculture is to so many of my constituents. Can you update the House on the strength of Tasmania's agriculture sector through COVID-19 and the work the Tasmanian Government is doing to support the sector?

Ms O'Connor - That is a real scrutiny question. You really nailed it with that one.

Mr TUCKER - Thank you, Ms O'Connor.

ANSWER

Madam Speaker, I thank the member for Lyons, which is the largest electorate in Tasmania and the largest rural and regional electorate. As a farmer, you know the importance of agriculture to our economy and to providing jobs, particularly in those rural and regional areas, especially as we work our way through the coronavirus pandemic.

The pandemic has changed the world in which we currently live but we know that our primary industry, our farmers, our fishers, our agrifood businesses, are there to provide that essential service. They have been described as an essential service. They are putting food on our table, and delivering thousands of jobs in rural and regional Tasmania. In fact, we produce three times more than we consume here in Tasmania, so in terms of food security, that it is not at risk. We thank our agriculture sector for that.

As the Premier has maintained so decisively and importantly in these last few weeks, our number one priority is keeping Tasmanians safe and secure from the virus. We face many challenges but there are also opportunities. As a cornerstone of the Tasmanian economy, primary industry is going to play a key role as we track our way through the coronavirus pandemic and as we aim to rebuild a stronger Tasmania.

We have that rich soil, we have the cool climate, we have the water infrastructure. We have the enterprising farmers and agrifood businesses and we have the Tasmanian brand. All wrapped up, that says we have a host of opportunities in this sector and we are very excited about it as we rebuild Tasmania's economy.

Yesterday, I was very pleased to release the white paper on the competitiveness of Tasmanian agriculture 2050. It is an overarching framework that will help us capitalise on the opportunities that we see going forward as we approach 2050, as we aim to reach that target of \$10 billion of the farmgate value in agriculture by 2050. It will set us up on that journey to 2050 and get us on track and we are on track.

I also indicate that tomorrow many of us would be on the ground at Agfest in the normal course of events. I pay a special tribute to Rural Youth Tasmania and to Agfest. We are not on the paddock with them tomorrow but we are taking the paddock into the sky, into the cloud. We are backing Rural Youth, backing the Agfest committee, with this new initiative and setting up trade and sales online. From tomorrow for a number of weeks, thanks to Rural Youth, you can go online and purchase what you would normally do at Agfest. I say congratulations and well done to the 400 exhibitors who are out there. Many of them will be online so Tasmanians, as well as people interstate and overseas, if you have friends spread the word. Get that Agfest special. It is a real opportunity to support those Tasmanian agribusinesses involved.

That is one example where as a Government we are working together with the agricultural sector. Each week, members may not be aware, but together with my department we meet with the key stakeholders in the agricultural sector, with the agriculture coordinators group. That is a weekly meeting with government and leaders across the sector, across the supply chain, working through the emerging issues and responding to them, whether it is to do with the workforce, with freight and logistics or any issues regarding the coronavirus pandemic and how to respond to those. We are working together, shoulder to shoulder as it were, in that virtual meeting.

We know that this is important and it is a key pillar of our economy: \$1.6 billion-worth to the economy in the financial year 2017-18. We know it supports not just our food security but the nation's food security and delivers all those exports and jobs, thousands of jobs for Tasmania. We have a plan. It is all consistent with our \$150 million Sustainable Agrifood Plan to take us through to 2050. Agriculture will be important as we move through this pandemic. It will be one of those leading lights to build a stronger Tasmania.

Time expired.

COVID-19 DISEASE EMERGENCY (COMMERCIAL LEASES) BILL 2020 (No. 19)

First Reading

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

COVID-19 DISEASE EMERGENCY (COMMERCIAL LEASES) BILL 2020 (No. 19)

Second Reading

[11.17 a.m.]

Ms ARCHER (Clark - Minister for Building and Construction - 2R) - Madam Speaker, I move -

That the bill now be read a second time.

Today I am pleased to introduce the COVID-19 Disease Emergency (Commercial Leases) Bill 2020. This bill is another step in delivering our Government's commitment to respond to the COVID-19 emergency and to manage the significant impact this pandemic is having on our businesses, our community and our economy.

As we continue with our plan to stop the spread of coronavirus and begin to turn our attention to rebuilding a stronger Tasmania, the best course of action remains to stay home and save lives. Our first priority is to keep Tasmanians safe and secure and that is why we made the tough decisions regarding temporary business closures, reduced trade, cancelled events and significant changes to how we work. There is no doubt that this has been difficult and challenging and has had significant impact on everyone.

To support business during this period, the Tasmanian and Australian governments have put in place a range of measures, including relief from taxes and charges, and loans and grants for businesses affected by the COVID-19 pandemic. The purpose of this support is to ensure that businesses are able to hibernate and survive to be able to recover and drive growth and prosperity when the current restrictions are progressively lifted.

To further support these efforts, the National Cabinet committed to the implementation of the Code of Conduct for Commercial Tenancies, which I will refer to as the code. The purpose of the code is to govern the conduct of tenants and landlords and provide additional protections and rent reductions for tenants experiencing financial hardship.

I am aware that, by working together, many tenants and landlords have already negotiated changes to their leasing arrangements, including rent reductions and deferrals. I applaud these efforts. The code complements these efforts and provides an avenue for tenants who require additional protection or have not been able to come to an agreement with their landlord.

The code is being implemented by states and territories through legislation or other means, where available. To be nationally consistent as much as possible, in Tasmania this is being done in two stages, the first stage being on 9 April 2020 when the Premier introduced a notice under the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 to prevent termination or rent increases (except rent based on turnover) to commercial leases for certain commercial tenants. The second stage is today through the introduction of the COVID-19 Disease Emergency (Commercial Leases) Bill 2020. When passed, this legislation will give full effect to the code in Tasmania.

The COVID-19 Disease Emergency (Commercial Leases) Bill 2020 provides the legal framework for implementation of the code in Tasmania. In particular, the bill outlines eligibility for the code, requires relevant parties to act in good faith, prevents landlords from taking certain actions and allows for rent reductions through waivers and deferrals. The code is also supported by mediation arrangements.

I will now turn to the bill in more detail.

Financial hardship period/financial hardship cessation day

The bill provides for a financial hardship period. The purpose of the financial hardship period is to outline the period of time during which the provisions of the act apply. The financial hardship period is from 1 April 2020 until the financial hardship cessation day.

The financial hardship cessation day is 12 months after commencement of the act, or sooner, if determined by the Treasurer that the code no longer needs to be in effect. This approach is similar to the approach taken for the purposes of other COVID-19 legislation.

Protected lease and eligible person

I will now turn to the concept of a protected lease. A protected lease is a lease to which the provisions of the bill, such as additional protections, apply. The bill does this by modifying, to the extent necessary, the terms and conditions of a lease to give effect to its provisions.

To be a protected lease, a lease must be a commercial lease and the lessee must be an eligible person. A person in this context is a legal person, which includes companies and other entities. An eligible person is a lessee that is eligible for the Australian Government's JobKeeper program and is a small or medium enterprise (an SME) entity for the purposes of commonwealth government financial support. In practice, this means that in the case of a business, the lessee has experienced at least a 30 per cent reduction in turnover when compared to the same period last year and has a turnover of up to \$50 million. In the case of a charity, a reduction in turnover of only 15 per cent is required.

A lease is a protected lease from the time the lessee becomes an eligible person until the end of the financial hardship period.

Provision of information to support negotiations

I will now turn to the operation of the bill as it applies to a protected lease. Under the provision of information to support negotiations, I will outline the obligations of the parties to a protected lease during the financial hardship period. On commencement of the act, both parties to a protected lease have an obligation to enter into negotiations as soon as possible with regard to the rent payable under the lease. This includes providing the other party information that is both accurate and sufficient to enable negotiations to occur.

Examples of this would include financial and business information regarding the reduction of turnover of the lessee, or the level of relief being provided by government or banks to either party. Each party must also provide information to the other party that would assist them in applying for such relief. In the context of the provision of this information, each party has a further obligation not to engage in misleading and deceptive conduct. To enforce this provision, penalties of up to 50 penalty units for an individual and up to 300 penalty units for a body corporate apply.

The bill includes provisions that govern the use of any information provided by the other party. This information can only be used for the purposes it is provided, such as the negotiation of a rent reduction or to apply for financial support.

To enforce this requirement, the bill includes penalties for the disclosure of any confidential information provided in the context of this bill except:

- with consent from the party the information relates;
- for the purposes of seeking professional advice;
- for the purposes of mediation, dispute resolution or legal proceedings; or
- as required by law.

The penalty for disclosure of this information is also up to 50 penalty units for an individual and up to 300 penalty units for a body corporate.

Prohibited lessor actions for certain breaches during financial hardship period

During the financial hardship period, additional protections apply to the lessee of a protected lease. These protections prevent the lessor from taking actions under the lease relating to certain breaches. These actions are known as prohibited lessor actions. The prohibited lessor actions are:

- evicting the lessee from the premises to which a protected lease relates;
- exercising a right of re-entry to the premises to which a protected lease relates;
- recovering land;
- distraining goods;
- seeking forfeiture;
- seeking or recovering damages;
- requiring a payment of interest, or any other fee or charge, on unpaid rent otherwise payable by the lessee;
- recovering the whole or part of a security bond, or bank guarantee, under, or in relation to, the lease;
- requiring the performance of obligations by the lessee, or any other person, pursuant to a guarantee, or indemnity, relating to the lessee's obligations under the lease;
- taking possession;
- terminating the lease; or
- seeking or applying any other remedy otherwise available to a lessor against a lessee under an act or the law of this state.

A lessor is unable to take these actions during the financial hardship period for breaches that relate to:

- unpaid rent or other moneys;
- a failure to meet sales or performance criteria; or
- a failure of the business to be open during the business hours or days specified by the lease.

The prohibited lessor actions only apply to these specified breaches. A lessor is able to exercise their rights as per the lease agreement for any other breaches during the financial hardship period. This could include for damage or nuisance, if provided for by the lease agreement. This is an important part of the code, as it requires tenants to comply with the terms and conditions of their lease agreements, except where provided by the code.

It is important to note that these protections only apply for the financial hardship period. For example, at the end of the financial hardship period, a lessor will be able to take a prohibited lessor action for unpaid rent, including to recover any unpaid rent.

No increase of rent

The bill also provides for no increases in rent under a protected lease during the financial hardship period. This prevents an increase in rent which would have occurred by virtue of the terms and the conditions of the lease agreement from taking place. The one exception to this in the code is rent that is based on turnover. The bill provides for this exception to be included by regulations, following consultation on the definition.

Reduction of rent

The code provides for a reduction of rent payable under a protected lease during the financial hardship period. The rent is to be reduced in proportion to reduction of turnover of the lessee. For example, if a lessee has had a 30 per cent reduction in turnover, rent is to be reduced by 30 per cent. The code further provides that at least 50 per cent of this reduction is to be in the form of a waiver, with the remainder able to be deferred. For the previous example this would mean that at least 15 per cent of the rent is waived, with 15 per cent deferred.

I would like to make a comment with regard to how the rent reductions have been included in the bill. The bill requires the parties to renegotiate the rent payable having regard to:

- the leasing principles as set out in the code;
- the financial situation of the lessee and the lessor; and
- any prescribed matters.

In particular, I would like to point out that the bill references the leasing principles in the Code instead of legislating them directly. This is to avoid significant additional complexity and technical detail in the bill. To the extent necessary, regulations will be made to ensure that these provisions work effectively.

I also note that by ensuring any rent reductions are negotiated having regard to the financial situation of both the lessee and the lessor, outcomes which meet the needs of both parties are more likely to be achieved. While not included as a leasing principle in the code, this is consistent with its general aims to support case-by-case outcomes based on the situation of the parties. This is consistent with the approach of other states.

Mediation and arbitration

Consistent with the requirements of the code, the bill provides for mediation arrangements. Unlike other jurisdictions, Tasmania does not have a Small Business Commission which provides a standing mediation service for small business. As such, the bill establishes the role of Mediation Provider. The Mediation Provider is able to mediate disputes and appoint others to do so. The role of Mediation Provider will be performed by the Director of Consumer Affairs and Fair Trading. The director plays a similar role for the Retail Leases Code and is the most appropriate person for this role. It is expected the Mediation Provider will appoint a panel of experienced professionals who have experience in commercial leasing matters to undertake these mediation services.

Parties to a protected lease are required to attempt to resolve a dispute by direct negotiation in the first instance. Following this, either party is able to apply to the Mediation Provider for mediation of the dispute. The Mediation Provider is able to mediate the dispute. This can include requiring the parties to provide information to support mediation of the dispute. Notwithstanding these provisions, a party to a protected lease is able to seek to have a dispute arbitrated under the Commercial Arbitration Act 2011.

The Government is intending to support the implementation of the code through a contribution to the costs of mediation services. Further details will be determined through consultation with stakeholders.

Code Administration Committee

The bill also provides for the establishment of the Code Administration Committee required under the code. The Code Administration Committee will monitor the implementation of the code and provide advice on its operation. The committee will be chaired by the Director of Consumer Affairs and Fair Trading and include members representing the interests of lessors, lessees and small business.

Regulations

The bill provides regulation-making powers to support the administration and implementation of the act. This includes regulations to modify certain definitions and support the rent-related provisions. The purpose of the regulation-making powers in the bill is in recognition of the complexity of the subject matter and the need to be able to adapt where needed for the efficient operation of the code. Any regulation made under the act will be subject to the existing scrutiny processes that exist for regulations, including review by the Subordinate Legislation Committee.

Consultation

I would now like to turn to consultation on the bill. On 24 April 2020, a working consultation draft of the bill was provided to property and small business stakeholders. The purpose of this draft was to ensure that the code, as legislated, would work effectively. The feedback provided on the working draft was useful and has led to a number of changes to the bill, including:

- ensuring parity between landlords and tenants with regard to the negotiating provisions;
- expanding to landlords protections for breach of lease from complying with COVID-19 laws;
- simplifying the interpretation provisions regarding protected leases and protected lessees;
- allowing certain prohibited lessor actions taken prior to commencement to continue if they can be taken during the financial hardship period; and
- removing certain technical aspects from the bill to be included in regulations to be nationally consistent where possible and appropriate.

It is important to note that since the time in which the working draft was finalised, New South Wales has made regulations and Victoria has passed legislation to implement the code. To ensure jurisdictional consistency and noting that some landlords and commercial tenants operate across state borders, the bill has been adapted to include common approaches are taken where this is appropriate.

I commend the bill to the House.

[11.35 a.m.]

Ms BUTLER (Lyons) - Madam Speaker, we are debating the COVID-19 Disease (Emergency Commercial Leases) Bill 2020. The bill provides a definition of protected lease and protected lessees. A protected lease is a lease to which certain protection provided by the act apply, and provides that until provision is made in relation to this act by order under section 4 of the Administrative Arrangements Act 1990, the administration of the act is assigned to the Minister for Building and Construction and is to be administered by the Department of Justice.

The bill provides a protection for a lessee or a lessor that breaches a term of their lease in order to comply with the law as it relates to COVID-19. The lessee holds lease of the property, a tenant. A lessor grants a lease to someone else, the owner of the asset.

The federal government has announced a range of measures to help renters. This includes a temporary hold on evictions and a mandatory code of conduct for commercial tenancies to support small- and medium-sized enterprises (SMEs) affected by the coronavirus. Australian and foreign banks, along with other financial institutions operating in Australia, are expected to support property owners and tenants with appropriate flexibility as they work to implement the mandatory code. The federal government is also waiving rents for all its small and medium enterprises and not-for-profit tenants within its owned and leased properties across Australia. Has the state Government extended the same generosity to Tasmanian government-owned leased properties?

It is expected the COVID-19 Disease Emergency (Commercial Leases) Bill 2020 will complement the code. In addition, the principles will be implemented and regulated through the bill we are assessing here today.

The code includes 14 sets of principles. These include that: landlords must not terminate leases for non-payment of rent during the COVID-19 pandemic, or reasonable recovery period; tenants must stay committed to their lease terms, subject to amendments; landlords must offer reductions in rent as waivers or deferrals, based on the tenants reduction in trade during COVID-19; the benefits that owners get for their properties, for example, reduced charges, land tax, deferred loan payments should be passed onto the tenant in the appropriate proportion.

Tasmanian Labor supports the main principles of this code and the bill that we are debating today - the principles of the code and a clear set of guidelines, regulations and procedures so lessors and lessees can have an understanding of expectations. Proper resourcing of mediations services and legal conveyancing services without long delays must also coincide with these changes. There are significant gaps and a concern how the code and bill will soften the pending economic constraints on lessors and lessees alike. Labor supports additional safeguards for residential tenants as well. However, we believe that this bill is not the legislation to enable this gap but we do think that needs to be looked at in the near future.

The bill provides that prohibited lessor actions, as defined by clause 9, cannot be taken during the financial hardship period by a lessor in relation to a protected lease where the breach relates to failure to pay rent or other monies - including fees, charges, outgoings - meet sales of turnover criteria or hours of operation as specified in the lease.

Minister, what protections are in place against financial hardship of a lessee if a lessee cannot meet the obligations of the contracted repayments on assets?

There is little evidence, aside from land tax exemption, bank loan deferrals, which are just that - deferred. We know that land tax exemptions will not cover the negative impacts for owners. They are a bandaid only. As part of the Tasmanian Government's business stimulus package, a land tax waiver for commercial property in Tasmania was promised. Land tax defined as such for government evaluation purposes will be waived for the 2020-21 financial year where the business owner is liable for land tax and they can demonstrate that their business operations have been affected by COVID-19.

I am going to refer to the MinterEllison report on land tax measures relief for land owners and provide a little information about what other states are doing in relation to this.

On 15 April 2020, the Victorian Premier announced that eligible landlords will receive a 25% discount on their 2020 land tax and may defer the payment of their remaining 2020 land tax liability until 31 March 2021.

Under who is eligible -

Landlords of commercial and residential properties who provide tenants impacted by COVID-19 with rent relief may be eligible for the land tax relief. For landlords of commercial properties, the property must be rented to a tenant with an annual turnover of up to \$50 million, the tenant's ability to pay their normal rent must be affected by COVID-19 and the tenant must be eligible for the Commonwealth Government's JobKeeper Payment.

Ms Archer - Could you say what you are reading from and the date and details? I have not - if you are going to read from it.

Ms BUTLER - I did quote that. I said that it is a MinterEllison report. It is called Real Estate and Focus and it is dated 27 April 2020.

In Western Australia -

The WA State Government has announced that commercial landlords can apply for grants equivalent to 25% of their land tax 2019-20 liability for certain qualifying property.

Additionally, landowners can apply for an interest-free payment arrangement and for late payment penalties to be waived in relation to the payment of their land tax.

The grants are available to commercial landlords who provide rent relief to their small business tenants. The tenant must be considered a small business as defined by the *Small Business Development Corporation Act 1983* (WA) and have suffered a 30% (or more) reduction in turnover due to the impact of COVID-19 as defined by the Commonwealth Government's JobKeeper payment.

Under the federal government Mandatory Code of Conduct Principles there is an assumption of at least a 50 per cent waiver of rent for commercial tenants and a deferment of other rents to the end of the financial hardship period. This will provide some assistance for the lessee to soften the blow of financial hardship but there is still little to lessen the load for the lessor.

The Victorian Government will also provide land tax relief to residential property owners who provide rent relief to eligible tenants.

The federal code provides for a rent reduction that is proportional to the reduction in turnover of the lessee. The reduction in rent is to be in the form of waivers or deferrals with at least 50 per cent to be in the form of a waiver. A lessor is required to provide lessee until the end of the lease or 24 months to repay in instalments any deferred rent.

Minister, what happens if the lessee is capable of meeting the obligations of the terms of the lease yet still applies for the financial hardship? Mediation may not be of the relevant expertise level to analyse financial statements and recordings to pick up clever accounting. In some instances a forensic financial auditor may be required. The capacity for a mediator to conduct this form of analysis may become problematic.

Minister, is there a capacity for lessees to defer income and expenses to meet the 30 per cent reduction due to coronavirus through clever accounting? There are examples of public listed organisations attempting to apply for reduced rent on the assumption that they may be impacted in the future.

Ms Archer - You are alleging they will be fraudulent? Is that what you are alleging?

Ms BUTLER - I am looking for safeguards. Are there safeguards in the legislation?

Ms Archer - No, but you are alleging in cases of fraud?

Ms BUTLER - Yes, in case there are businesses that do seek to apply for hardship and can provide on the first glance without forensic auditing a sheet which looks like there has been a 30 per cent reduction. What they may be doing is delaying billing. There are quite a few different techniques that could be used. Are there safeguards to guard against that?

There are examples already of publicly listed organisations attempting to apply for reduced rent, based on the assumption that they may be impacted in the future. There was quite a public case - I think it was in the *Financial Review* - where car retailer EP Egers owner of the Big Buckle brand informed its property owners it wanted a three-month moratorium as it closed its sites.

Landlords are rightly annoyed because the car dealer will go ahead with plans to pay shareholders a reduced dividend of that month after telling the landowners they simply could not afford to pay rent anymore.

That is the sort of behaviour we need to safeguard against. Even though the principles of this act are in good faith, the regulations will hopefully provide safety to landowners and lessors around that.

Here in Tasmania that same organisation contacted Tasmanian landlords stating that they were also not going to pay rent and had taken the liberty of stopping a direct debit payment the day before their rent was due. That was also before this financial hardship date of 1 April. We already have examples in the community where there are some discrepancies around that 30 per cent and what constitutes financial hardship.

Eligibility is also a sticking point. Under clause 6 of the bill a person is an eligible person at a time if the time occurs after the person becomes entitled, under the JobKeeper rules, for JobKeeper payment, or qualifies for the JobKeeper Scheme under the JobKeeper rules. The definition says that a lessee is an eligible person for the JobKeeper program and have a turnover of less than \$50 million per annum. The eligibility of the JobKeeper program, in short, is much more complex and quite broad. Maybe there needs to be some clarification in the bill that it is a shorter, much more refined interpretation of JobKeeper.

The current JobKeeper eligibility is with a turnover of less than \$1 billion that have lost 30 per cent or more of revenue compared to a comparable period a year ago with a turnover of \$1 billion or more and with a 50 per cent reduction in revenue. Registered charities with a decline in turnover of 15 per cent or more, government revenue that can be excluded from the turnover test, and special purpose service entities would be subject to a modified turnover measuring the revenue decline of the related entities using the services of the employer entity. This is clearly not reflected in the bill, which defines the aspects of the JobKeeper policy guides and the eligibility for protection of a lease under this bill. I am advised through yesterday's briefing that the eligibility for protection under this bill is cut off at \$50 million. This is the same as in the national code so I believe the bill could be interpreted as quite misleading in that aspect.

Minister, can you advise the House of the required regulations to be enacted which extend the scope of the bill to apply to lessees who are not eligible for JobKeeper? It is vital that regulations can be amended to enhance gaps in the eligibility of some lessees. As this is a movable feast, so to speak, the regulations need to be nimble and flexible to allow for gaps in the current criteria as we move on. Also can an exemption be provided through mediation if the lessee does not fit into the JobKeeper criteria?

Ms O'Connor - Because they earn too much money?

Ms BUTLER - Maybe. I am very concerned for some small business owners, childcare operators, manufacturers, et cetera. Even on 50 per cent rent for the emergency hardship period and deferrals, how are they meant to stay solvent during the isolation period? I am also curious as to where publicly listed entities fit into this model. Is the ability of a publicly listed entity to pay dividends to shareholders considered as part of that criteria?

The ATO has included March to clarify JobKeeper payments for forecast income to assess reduction - GST turnover for March 2020 and GST turnover for March 2019 - so they are already expanding their eligibility criteria where they are finding gaps. How you choose to project your fall in turnover is not dependent on whether you report a quarterly or monthly BAS. The turnover calculation is based on GST turnover. Projected GST turnover is considered.

Does this bill allow protected leases for businesses that will have a projected reduction in turnover but do not have a reduction in turnover at this point? An example of that would be an arts organisation that postponed or cancelled performances that were not scheduled until later this year. They would have been working towards those performances but they have been cancelled, so they actually have not had a reduction yet in their turnover but they have evidence that there will be a reduction in turn. They may not meet the JobKeeper eligibility criteria because of that, but would there be room in those circumstances - and I know this is also the fact in building and construction - for those groups to be able to prove or show that they will have a reduced income because of the COVID-19 isolation?

I am also interested to learn of the process you anticipate to accompany the regulations around protected leases. Are all commercial tenancy agreements in Tasmania seeking a reduction in rentals required to register as having a protected lease, or are agreements between parties that are not deemed as protected leases acceptable?

Ms O'Connor - Don't you have to be an eligible person in order to have a protected lease?

Ms BUTLER - If there is an agreement that has been made between a leaseholder and a lessee, are they required to register that so there is evidence that there is an agreement between them?

The Victorian government has released a really great step-by-step process for how to go about registering, writing a letter, et cetera, and there is a whole process there, so it would be good for us to have a similar process, maybe in other forms as well for people with limited literacy to be able to understand what the expectations are for the Government. It is worth noting.

What happens if a lessor is financially burdened as a result of loss of rental that impacts their own business and causes hardship? That really comes to the crux of this and that is the balance of the bill, making sure that the lessee and lessor are able to find a balance and hopefully both are able to trade their way through and financially survive this COVID-19 period.

The bill provides for rent payable under a protected lease during the financial hardship period to be waived, reduced or deferred, and both parties provide that each party is to bear their own cost as it relates to the preparation of a variation to a lease for the purpose of the act. Who initiates this process? What kind of costs would be incurred? Is there any way that we can provide an estimate of potential mediation costs? We also need to consider in our regulations that if a lessor or a lessee is already under hardship, how can they be expected to incur additional costs to pay for mediation or legal costs which may eventuate if the mediation and conciliation is not successful as well, especially in light of the situation where a mediator cannot find an agreement with the parties and they enter into legal proceedings.

I am also interested with resourcing for that area and for the mediation. Who pays for that? Is it the federal government which pays for that? Is it the state government that pays for that? Do we have the -

Ms Archer - Sorry, I do not understand what you are saying. I urge you to read the second reading speech. That is a commitment by our Government.

Ms BUTLER - I am seeking, on the record, who is responsible for paying for the mediation costs? Is the federal government paying for that resourcing? Can you clarify that for me?

Also, minister, do we have the resources in Tasmania in our workforce through mediators? Do we have the capacity to be able to mediate in an appropriate and timely fashion with an expert of the quality that is required? How can costs be met for mediation if it is under hardship? Can we make sure that we clarify that as well?

Ms Archer - Sorry, what was the last one?

Ms BUTLER - How can costs be met for parties for mediation if they are already under financial hardship? Is it subsidised by the government?

The bill requires that parties to a protected lease are to negotiate in good faith regarding certain matters during the financial hardship period: honesty, a sincere intention to deal fairly with others, reasonableness, reflect common law. The Franchising Code of Conduct dictates that both parties must have legitimate interest in the other party when the other party has an ulterior motive and it derives from bona fide, provides a definition of lease or actions which may be prohibited in the context of a protected lease for certain breaches by this lessee, where provided for by other provisions of the act. This includes termination, eviction, repossession, forfeiture, or seeking damages. The bill provides for the scope of application of the act and clarifies that the provisions of a protected lease are taken to be modified to the extent necessary to give effect to the act.

The bill extends a protected lease during the financial hardship period in most circumstances. It also provides that parties cannot divulge personal, financial or business information obtained in connection with the act without consent or as provided for by this section. There are penalties that apply to a contravention of that section. The penalties would be difficult to enforce and will not address the issue of long-lasting economic and social stigma associated with having a protected lease. We hope that this stigma would not injure future reputations, and I think it is important to put that on the record.

Information sharing with a third party needs to be addressed to ensure business confidence is protected. These areas need to be addressed in regulation to provide certainty for people entering into mediation in good faith.

The bill also provides that actions taken under a lease prior to commencement of the act that is not yet complete is of no effect if that action would be prohibited under the act taken during the financial hardship period.

The code is in effect from 1 April 2020 until the financial hardship cessation date. The financial hardship cessation date is 30 March 2021, or sooner if determined by the Treasurer that the code no longer needs to be in effect. This period is known as the financial hardship period.

Minister, I seek clarification as to whether the financial hardship period can be made retrospective to the date when the declaration of the state of emergency commenced on 19 March, or even when the public health emergency was declared on 17 March 2020? The date of the financial hardship activation needs to be amended.

The eligibility criteria through the ATO for JobKeeper asks employers to calculate turnover based on sales exclusive of GST -

Ms Archer - What date were you proposing they access, 1 April?

Ms BUTLER - I can ask the question again if you like.

Ms Archer - I need the date you are proposing the amendment for. You could be asking these questions in Committee.

Ms BUTLER - The eligibility criteria through the ATO for JobKeeper asks employers to calculate turnover exclusive of GST. An applicant is asked to compare sales, or likely sales, from a recent month, usually March or April 2020 within the same month last year. The applicant can use the April to June quarters to compare the same quarter last year. March can be included to

estimate a reasonable estimate and document an applicants' reasons at the time of applying the test to apply for JobKeeper.

Minister, why are we not retrospectively acknowledging reductions of business operations from March 2020? I anticipate your answer will point to monthly allocated payments and Treasury monthly flows of monies, and also compliance with the federal code. I would appreciate some consideration into thinking outside the square. The bill calls on parties to a protected lease to negotiate in good faith regarding certain matters during the financial hardship period. The bill provides for the Treasurer to determine that day, the financial hardship cessation day, at which time the financial hardship periods ends and a lease is no longer a protected lease. JobKeeper and JobSeeker are scheduled to cease in September 2020. Banks are predicting a lifting of credit impairment expenses to \$5.7 billion. The banks have speculated and strengthened their balance sheets to \$20 billion. This is Australia's worst-case scenario but we need to be prepared.

Our banks are expecting to be the shock absorbers and take the hit of the full brunt of the COVID recovery. Currently, there is a deferral on all bankruptcies, temporary debt reduction for six months. We need to be considering the effects of the COVID-19 suspension of insolvent trading laws. Directors still have a duty of care to ensure that they are doing the right thing and that is if many businesses have the ability to trade whilst insolvent for the next six months, based on the suspension of insolvent trading laws or the insolvency laws of the Corporations Act 2001.

This provides a temporary safe harbour for businesses that are under hardship due to coronavirus restrictions. However, we must shape Tasmania's economy around softening this blow and providing equal accountability and support for both lessors and lessees.

Minister, have you considered the effects of current insolvent trading laws in this bill? Will the inability for some lessors and lessees to trade through this period be cushioned by your Government to lessen the impact in September?

The financial hardship period will most probably extend longer than September but the solvency laws will not. I am interested to learn of your perspectives on how this bill will stand up without those safeguards. The balance between both is essential to ensure we have an economy ready to bounce in six months' time when the security measures such as deferral of bank loans, reduced rent, no forced evictions, suspension of insolvent trading laws, JobKeeper, and JobSeeker are stopped.

These mandatory principles outlined in the federal code to protect commercial lessees and lessors are built to lessen the likely possibility that many of the owners of businesses and the owners of properties may not survive. It is essential the gaps in eligibility criteria are identified and that effective, timely, and well-resourced mediation and conveyancing provides immediate support for both lessors and lessees.

[12.04 p.m.]

Ms O'CONNOR - Mr Deputy Speaker, the Greens recognise that formulating this bill and balancing the interests that are contained within it has been challenging for the Government and the Office of Parliamentary Counsel. I know it has been hard but in our view, having looked at the act and some of the bill in some detail and had a briefing yesterday - and thank you to the team who briefed us - you have come as close to achieving the balance as it is possible to do.

We understand that the legislation has a number of core concepts. It establishes protected leases and protected lessees, and defines who an eligible person is in order to have negotiations with a lessor for a rent reduction, deferral or waiver. That eligible person may also be a legal entity or a company. It also establishes a financial hardship period from 1 April this year for up to one year to 30 March next year.

Members would be aware that the Greens have been agitating for residential tenants to receive the same protections as commercial tenants will, presuming this legislation passes. When we look at the financial hardship period, notwithstanding Ms Butler's concern that it came into effect on the day the state of emergency was declared, for people living in rental homes there is no financial hardship period defined as such. The freeze on evictions came into effect by notice on 3 April and the freeze on residential rent increases came into effect on 22 April this year, so for residential tenants there are weeks in which they have not received the protections of government from landlords who are not doing the right thing.

I will go to an email we received from a primary school teacher and South Hobart resident. I noted what the Premier said this morning about not receiving much correspondence from residential tenants but my understanding is the Residential Tenancy Commissioner's office has, and I quote, 'never been busier'. That is because there are tenants in residential properties who are affected as a result of the pandemic but also the response that some landlords have had to it.

My constituent, Ruth Morton, received notice of a rent increase in late January. In my communication I suggested she go to the Residential Tenancy Commissioner for advice and potentially a level of mediation. Ms Morton and her partner unfortunately were waiting for the notices to be issued on evictions and rent increases so did not make representation to the Residential Tenancy Commissioner and, as a consequence, their rent was increased on 2 April this year, one day after the financial hardship period as defined in this legislation came into effect.

I have also heard from another tenant who had a kind of body corporate -

Ms Archer - The commissioner would have assessed it within 60 days, but they were over the 60 days.

Ms O'CONNOR - That is right. I know the details of it, but that is a situation where tenants had received notice that the rent was going up, then the pandemic arrived and a state of emergency was declared. They were led to understand that parliament would provide those wraparound protections for residential tenants, and to a significant extent we have but there are significant gaps. They are set out by the five signatories in this letter that was sent to the Premier and the Leader of the Opposition and me yesterday, among others: Ben Bartl from the Tenants Unions of Tasmania; Patty Chugg, Shelter Tasmania; Jane Hutchison, Community Legal Centres Tasmania; Dr Chris Jones, CEO of Anglicare Tasmania; and Simone Zell, acting CEO of TasCOSS.

It gives a handy comparison of the differences in protections provided to commercial tenants and residential tenants. For example, if there is an inability to negotiate a rent reduction, for commercial tenants under this legislation landlords will have to offer rent reductions proportionate to loss of trade. For residential tenants, landlords can continue to charge full rent and as we know, many are. There is no capacity for tenants and landlords to negotiate a waiver of part of the rent as there is for commercial tenants.

If a landlord has obtained a loan deferral or a mortgage freeze under the protections that have been put in place for commercial tenants, that landlord must let the tenant know and it must form part of the renegotiated rent, but for residential tenants the landlord does not have to let the tenant know and does not have to pass on any savings. For commercial tenants the Government can mandate mediation between the parties. Not so for residential tenants. The mediator can mandate a rent reduction under the legislation we are debating today but, again, there are no protections like that for residential tenants.

At the end of the emergency period, if there has been a rent reduction for commercial tenants, landlords must waive 50 per cent of arrears and provide a minimum of 24 months for payment of outstanding rent. For residential tenants, the landlord can ask the tenant to repay all arrears and evict them if not paid within 14 days.

I have spoken directly to a residential tenant who was able to negotiate part deferral of her rent payments. She works part-time and it has been made very clear to her that at the end of the six months she will be expected to repay all the rent arrears. There is not the same expectation being placed on commercial tenants.

We have flagged with the Premier and the Attorney-General's office that we planned to move a series of amendments that ensured this legislation provided the same robust protections for residential tenants as it does for commercial tenants, but in good faith, having listened to the Premier this morning in response to our question and his willingness to acknowledge that for residential tenants there will need to be more measures and his willingness to sit down with the Tenants Union of Tasmania and seek further information from the Residential Tenancy Commissioner, we have decided to hold off on moving those amendments. However we flag with you, minister, that this is an area that is underdone in terms of our response and it needs to be dealt with.

The COVID-19 Disease Emergency (Commercial Leases) Bill 2020 provides protections to commercial tenants by prohibiting certain actions in clause 7. These are hefty legislative restrictions on what landlords are able to do during the financial hardship period and we agree that they are necessary. In clause 7(2), the legislation says:

Without limiting the generality of subsection (1), a prohibited lessor action includes doing, or attempting to do, any of the following:

- (a) evicting the lessee from the premises to which a protected lease relates;
- (b) exercising a right of re-entry to the premises to which a protected lease relates;
- (c) recovering land;
- (d) distraining goods;
- (e) seeking forfeiture;
- (f) seeking or recovering damages;
- (g) requiring a payment of interest, or any other fee or charge, on unpaid rent otherwise payable by the lessee;

- (h) recovering the whole or part of a security bond, or bank guarantee, under, or in relation to, the lease;
- (i) requiring the performance of obligations by the lessee, or any other person, pursuant to a guarantee, or indemnity, relating to the lessee's obligations under the lease;
- (j) taking possession;
- (k) terminating the lease;
- (l) seeking or applying any other remedy otherwise available to a lessor against a lessee under an Act or the law of this State.

As you can see, Mr Deputy Speaker, there are very significant restrictions now on the owners of commercial properties who have a lease which is a protected lease under this legislation. I am sure there has been strong representations made to government particularly to a Liberal government, which regards itself as a friend of business, by commercial property owners. There is no question that there will be impacts felt by commercial property owners and it is unreasonable to assume that everyone who has a property that they are leasing for commercial purposes is a wealthy person.

For example, the owner of The Duke of Wellington hotel in Macquarie Street. For that person, The Duke and the rent that they received from The Duke of Wellington is their only income. I want to read from the proprietors of The Duke of Wellington, Doug and Kartika Franks, about their concerns about the situation that they are in and that their landlord is in.

As a small, family-run pub business in Hobart, The Duke is a long established venue with many iterations over the years. Since 2016, our focus has been to offer a home away from home atmosphere to locals and visitors alike. We showcase local, fresh produce, free live jazz and blues music and provide a family friendly atmosphere. Year on year, The Duke has become renowned by locals and travellers as the place to go for great Tassie food, great music and great service.

...

We would like you to consider the position of businesses such as ours as we have limped along trying to keep our four remaining permanent staff on with a 90 per cent hit to our revenue and facing the likelihood of massive losses continuing, even as restrictions are lifted for at least the next two years until borders are reopened and tourism gradually resumes.

I will pause there. The scale of the losses being felt by businesses is breathtaking. It is hard to imagine how The Duke of Wellington could survive sustaining 90 per cent less revenue over two years. This is the story that is being played out in business after business all over Tasmania. It is very dire.

We have met three times with our landlord and have managed to secure an arrangement in the form of a Deed of Indulgence. This arrangement may, however, be deemed to be non-compliant with the Leasing Principles and

proposed Mandatory Code because it is not proportional to the losses our business has suffered. With the time lag between the announcement requiring closure of our venue, we have been left with no choice but to accept it. The landlord has advised us that our rent payments are his only income and we have continued to pay our rent in full all the way up to the end of March 2020.

Doug and Kartika Franks urge the parliament to consider the continuity or otherwise of arrangements already agreed.

We do need to be very mindful of all the players in this difficult situation. We acknowledge that everyone is suffering.

We note that there is a significant time lag of six months between the maximum financial hardship period under this legislation, which can run out to the end of March next year and the federal government's mandatory code under which this legislation hangs, if you like, but also the special JobKeeper provisions. I am interested in the minister's thoughts on that six-month time period when we are unsure whether there will continue to be federal support measures in place and how does she see the state potentially working outside those federal provisions.

Minister, the question was about the six months between when JobKeeper expires and the maximum financial hardship period, which as we know only applies to commercial tenants and does not apply to residential tenants at this stage.

It seems pretty clear to me, following the briefing yesterday, that the mediation function that has been set up through the Director of Consumer Affairs and Fair Trading's office is likely to be required even after the financial hardship period formally comes to an end. Can you confirm that? I also make the point that needing to establish this mediation process within government points to a deeper need for a small business commission of some sort in Tasmania as an enduring entity. I hope the Government is giving that some consideration.

Can the minister confirm that the act will stay on the statutes even following the end of the financial hardship period? In broad terms, I am interested in what the Government's thinking is about the three pieces of legislation we have passed under the COVID-19 pandemic provisions, none of which had a sunset clause in them. It seems to me all will remain on the statutes. What is the Government's thinking about moving to repeal, at some point, those three literally extraordinary acts?

One of the provisions in this legislation enables a lessor and lessee to renegotiate rent income based on a reduction in turnover. I make the point again that landlords and residential tenants should be able to renegotiate rental payments, based on a reduction of income. I am certain that there would be a disproportionate number of people in the residential rental market who are socially and economically impacted by the economic downturn and people who are working in sectors that have been particularly hard hit. For example, hospitality and tourism are more likely and disproportionately to be represented in the residential rental market, so there is undoubtedly financial stress being felt significantly within the residential rental market.

My final question relates to the committee that is established towards the end of the bill - the Commercial Code Administration Committee. I note that all members will be appointed by the minister. I have no problem with that in these circumstances. Can the minister talk to us a little more about the operations of the committee? There is no stipulation within the legislation about

operations and conduct of the committee, whether or not there will be any line of sight by parliament or to parliament for that committee? Does the committee cease to function and operate when the financial hardship cessation day is declared? It does not seem to me that it is the case. Again, what is the future of the Commercial Code Administration Committee noting that the federal mandatory code effectively lapses at the end of September? What is the future of this committee? That is in broad terms my contribution on the legislation.

We have 10 amendments to this bill. Ms Butler, if there are things to do like rewind the financial hardship day, it can be done by amendment. We would have amended the Long Title by inserting after the words 'commercial leases' the words 'and residential tenancy agreements'.

We would have amended clause 1 by inserting after "Commercial Leases" the words "or Residential Tenancy Agreements".

In clause 4 we would have made the following amendments -

- (a) in the definition of **rent**, delete '.' and insert instead ','; and
- (b) insert the following definition after the definition of **rent** -

residential tenancy agreement means a lease to which the *Residential Tenancy Act 1997* applies.

Our fourth amendment was to clause 5 which was to be amended as follows:

Subsection (1)(a) is amended by inserting after "commercial lease" the words "or residential tenancy agreement".

Our fifth amendment was to amend clause 6 -

- (a) by inserting in subsection (1) after "eligible person" the words "in relation to a commercial lease";
- (b) by inserting the following subsection after subsection (1) -
 - (A) 'For the purposes of this Act, a person is an eligible person in relation to a residential tenancy agreement at a time if the time occurs after the person satisfies the criteria, if any, prescribed for the purposes of this subsection.

Our sixth amendment was to clause 9 to amend it as follows -

- (a) Subsection (1) is amended by inserting after "commercial lease" the words "or residential tenancy agreement"; and
- (b) Subsection (3) is amended by inserting after "commercial lease", first occurring, the words "or residential tenancy agreement"; and
- (c) Subsection (3)(a) is amended by inserting after "commercial lease" the words "or residential tenancy agreement".

Our seventh amendment would be to amend clause 11 -

by inserting after "commercial lease" the words "or residential tenancy agreement".

The eighth amendment was to amend clause 14 -

- (a) Subsection (1) is amended by inserting after "protected lease" the words "that is a commercial lease"; and
- (b) Subsection (3) is amended by inserting after "protected lease" the words "that is a commercial lease".

Our ninth amendment would have been to amend clause 15 -

Subsection (2)(c) is amended by inserting before "the lessor intends" the words "in relation to a commercial lease,".

Our final amendment was to amend clause 18 as follows -

Subsection (3)(b) is amended by inserting before "the leasing principles" the words "in relation to a commercial lease,".

With the greatest of respect, we do not buy the argument that we could not have provided equal protections to residential tenants in this legislation. We certainly could have if that had been the will of the Government. That said, I am very pleased with the Premier's response to the concerns that have been raised with him by housing stakeholders. I am encouraged that that conversation will happen and I see that there will be some support measures put in place to ensure that residential tenants are not left out in the cold during a pandemic.

[12.29 p.m.]

Ms OGILVIE (Clark) - Madam Speaker, it is a pleasure to speak on the COVID-19 Disease Emergency (Commercial Leases) Bill. I think everybody will be pleased to see the Chamber operating in such a collaborative way on an issue that requires a balance to be struck.

I will not go through all of the same issues that have been raised by previous speakers but I want to give great credit to both the Labor and Greens parties. In relation to residential tenancies, we all consider that more needs to be done, and given that we are dealing with two separate regulatory models, it is appropriate that those two legal issues are also dealt with separately.

I also take the Premier and the Government on faith that the issue of residential tenancies will be looked at. Like everyone else, I have had a lot of communications on this topic. The communications I have had on the residential tenancies topic has not just been from tenants but also from really good landlords. Sometimes it is easy to forget that many Tasmanians can be landlords and tenants. We can have properties whilst also renting out businesses and other properties. So the way that the commercial sector is integrated, our property market is integrated, is really quite complex. We need to ensure that the food chain that keeps those properties on the market at a reasonable rate for residential tenants and that those tenants are looked after in this terrible crisis is managed very carefully.

I welcome the news that there may well be a fund to assist landlords and tenants which offers equitable solutions to these issues. Also, I would lend my voice to the fact that - I am thinking about one of my constituents who I have really felt for, a retired gentleman who owns some New Town apartments where they have had a lot of visa people staying. They have looked after them; they have literally been taking food around. They have waived rents and they have managed all of that. They are really good people but they have had to manage the economic impact that they are in and it has been incredibly difficult for them. I wanted to put that on the record so that you know the complexity of this area, our commercial and our business sector, lends weight to needing to do more but also to make sure that we deal with the commercial stuff really well under its regulatory model and the residential stuff also in a more wholehearted way.

I want to get into the nitty-gritty. I am so sorry but yes, I am going to go there. I do want to really understand and ventilate, if I can, to tease out some of the processes and how this will actually work when people come together. It is my understanding that there is already a mediation program in place, that mediators are brought in as and when is needed, and this bill extends that opportunity. My understanding is that there is a 12-month sunset on this, or earlier if the Treasurer determines it is appropriate to end that protective lease, if earlier.

I am always a big one in commercial land, as most commercial people are, that negotiation should be your first step because it takes two parties to make a deal work but we are in very unusual circumstances.

I have had a look at the list of mediators that we have in Tasmania. We only have 11 and normally you would feel okay about that because you would have interstate people that we could draw on as well, from Melbourne and Sydney, but we have those travel restrictions in place. I wanted to raise that as well and think about whether we have the capacity. Maybe that is an opportunity for some of our legal professionals who are finding other sorts of work has dried up to migrate into new opportunities. I am very pleased about that, and I will certainly be encouraging my barrister and solicitor friends to take up this opportunity so 'horses for courses'.

That is a real issue and it is a way of helping out some of those small practices and small businesses in the legal profession as well to find new avenues and new areas of work. I was very pleased to see you smiling, Attorney-General, when I was pushing that line.

I am concerned about some of the practical impacts of this regime which goes a long way to helping bring parties together, assuming parties come together in good faith and mediation is, well not voluntary. People are brought together in a setting and in a way where they can negotiate outcomes. One of the issues that I raised in the briefing - I was very pleased to have that in-depth briefing - was about the parallel legal processes that might be occurring while mediation comes together under this new bill. It is not impossible to think of a scenario where a business may have something happening in Small Claims in the Magistrates Court, there may be something on foot or almost underway in the Supreme Court, and now we are imposing a new set of processes on top.

I would like to get this on the record and get some clarity around this. My understanding is that this bill does not replace or prevent action in other forums in other jurisdictions such as a Supreme Court and perhaps even under the Trade Practices Act in the Federal Court, any of those other sort of commercial areas.

Ms Archer - Do you mean during the financial hardship period?

Ms OGILVIE - Yes.

Ms Archer - No, this bill will take priority.

Ms OGILVIE - Does it replace it?

Ms Archer - I will address that in my summing up.

Ms OGILVIE - We need some clarity around that. I know it has had to be drafted very quickly. We have had some parallel processes happening. I was thinking of a scenario in which a commercial tenant was in dispute with a landlord and they had decided perhaps to make an application to the Supreme Court for some sort of determinative judgment, the court may obviously hear both sides, at least at the preliminary stage, and bounce it back under this bill for negotiation or perhaps even arbitration. I wanted to understand a little bit about that. Of course people will be considering what happens with costs in that scenario, their legal costs and other costs, who pays for the mediators and where that all ends up.

I will let you take some advice on that if you are unable to respond now. Some of the questions I am going to ask are complex, so I am very happy to have responses by way of letter afterwards. I will be supporting this bill. I will not be proposing amendments, just seeking some clarity around some of the sticky situations that we think might arise.

Ms Archer - Do you mean subject matter that is not dealt with in this bill? If it is subject matter that is dealt with in this bill, this bill takes priority over that. If you are talking about any subject matter that this bill deals with it supersedes any other, but if someone had an ongoing claim that was something -

Ms OGILVIE - That they have already lodged in the Supreme Court then this bill is not available?

Ms Archer - I will clarify that point in relation to the timing, but I think you need to be very clear on the subject matter.

Ms OGILVIE - Thank you, that would be really helpful. It is about the legal processes and whether they are parallel or how that fits together. You know what lawyers are like. They will use everything they can to get the outcome that they are seeking - and I can say that as a lawyer.

My other deep-dive question is around the definition of 'premises' and the connection of this bill to physical premises, to land. I have a fair list of questions about whether this bill would cover disputes in particular sectors and again, Attorney-General, if you are unable to answer this on the fly given the scenario we are in, I am very happy to have some clarity later on.

I was thinking about the impacts on aquaculture and leases, that question of ratable land and seabed leases and those arguments. I am sure you remember them, about three years ago that we had in this House around how the rates on those premises, boats, jetties, et cetera, were to be handled. I have raised the issue of whether we have enough mediators so that might be a good opportunity for people to move into mediation. Can a failed mediation go to the Supreme Court? What is the escalation path? I have asked about parties going direct to the Supreme Court and not engaging in mediation but I think you have answered that.

My friend owns a fish and chip shop and I raise this because I love his work and he has been doing a great job staying in business in South Hobart. We love that place, it is great. They are the best fish and chips in Hobart. They have a commercial part to their tenancy and they also have a residential part. A lot of the IGAs are similar. How do we deal with that? I asked this in the briefing and got a pretty good response, which was that the residential component would be covered by the application of the Residential Tenancy Act. I wanted to check in on that and make sure my understanding is correct. There is a commercial component and a residential component, albeit all under one lease, but the two sets of laws apply.

I am a bit concerned that this definition of 'premises', because it is connected to physical land, may be a bit narrow. This maybe something that we will see as we move forward. There might be other issues that come up and I understand from the briefing that minds are open to what might come up and we are being flexible and agile in dealing with those things. Specifically I was thinking about boats and caravans, caravan parks, leased buses, trucks and transport, hugely expensive trucks, those large ones, and the leases and licenses on those, food trucks, anything that is movable where you have a commercial lease. I wonder whether you even need the connection with land or whether we really just should be dealing with whether there is a commercial lease on any element.

I have been thinking about issues such as Crown-owned land and local government-owned land and whether there is any difference to how things are treated there. I am thinking about the café in TMAG, Hobart Ports and other GBEs where they might have leased out land for commercial use in national parks, those sorts of things, a telecommunications industry where they have leased land for mobile towers and those sorts of issues, that infrastructure level, and how and if this bill will apply to that. Then there are minerals leases and forestry leases. There is a whole raft of things that are in a government category where we are really thinking about this as a private sector thing or is it something that will draw in those government enterprises as well?

Then there are businesses that really have what I think, but it is hard to know without seeing the documentation, a licence to use. I am thinking about the bicycle business on Mount Wellington/kunanyi where I do not think it has a physical lease on anything but I believe it had a licence to use. The mountain is managed under a trust with a different set of circumstances but their business is obviously in a very difficult position.

Ms Archer - Who would their licence be with? It is local government and they have waived those fees. Fees and licences, we've got as being one, certainly within government.

Ms OGILVIE - Yes, I am thinking about the business loss as well, depending on what they have invested in that business, that sort of stuff - complexity.

Minister, I do not expect that you can answer all of this because you have to be able to read the documents, I suppose, and people will come forward, but just on your radar.

There are the Aboriginal leases, larapuna, Eddystone Point lighthouse, huts, licences to run walks such as the wukalina walk that we have all been very supportive of, and local government leases, such as Brooke Street Pier - how does that work? There are all those little shops in there. There are probably three layers of leasing, probably a head lease and then subleases, and then there are the jetties.

There are the sporting clubs which are council owned, and the Tahune AirWalk. Without knowing the particular circumstances and the details of the lease it is hard to know. There are golf

courses and marine leases. The last one we came up with was the Ben Lomond Ski Lodge and how all that works.

I am assuming, I think correctly, that we are here to fix problems. This is about finding a model for mediation that will assist parties to come together to resolve issues as quickly and effectively as possible. I guess I want to understand a bit more about the parameters that that can happen within and whether it is really only private sector leases we are thinking of or the whole range of those.

That is the guts of what I wanted to raise. If we can work our way through this incredibly difficult time to assist all of our small businesses plus those who are managing those and who own business assets and premises, that should be our outcome. This is about creating the balance. I am concerned that we do not have to emerge from this period in whatever pathway we agree to take on that, leaving behind us a litany of devastated businesses and devastated landlords. It is essential for all of us and for our small business ecosystem to maintain as much as we can.

Ms Archer - That is the aim.

Ms OGILVIE - Good. When we came into this stage, we in this Chamber thought about and talked about hibernation. What we are doing here is tabling the effects of the hibernation and saying 'Can we work our way out of this?' I appreciate that.

It is unfortunate. I would like to try to be the voice of reason. In any other circumstances we might not have a go at landlords or what we perceive as big business but at this moment in time we are all in it together. It is very different for a shopping centre, one of those big organisations that has deep pockets. That scenario is different from mum and dad who own a corner shop and lease it out. I know that many people have invested in the property market as their retirement savings, not necessarily being share market savvy. It is impacting in other ways that resonate. Every circumstance is complex and difficult. When you listen to people, what they say is entirely reasonable.

With that in mind, if we are able to start untangling some of the challenges - and not all of them will be money. Some of them will be about timing, signage or rent renewals or lease expirations. Some of it may well be about situations where the commercial relationship was already rocky. I have a couple of those in my electorate. Both sides have come to me to try to sort things out. Certainly, an injection of funds by way of JobSeeker and JobKeeper and business support has helped to cool the jets a little, but long range there are going to be some issues, as there always are in commercial arrangements.

Commercial lawyers have been working overtime, as have accountants, to try to manage some of this some stuff. I am very pleased to feel there is a sense that there is opportunity to become qualified or accredited mediators. I take on board that the model may well be one that is forged in emergency but quite possibly be something that will be helpful generally going forward. I assume the Government will be keeping a weather eye on that.

I have a high degree of comfort and confidence that the people who are going to manage this process are on top of it. I believe there is a deep level of expertise in the relevant organisation on the commercial and private sector and business side of things. I anticipate, as others do, that whilst there will be things we did not see coming, there will be some agility, thinking and goodwill in this House.

Minister, if you need to come back and deal with other areas, I think everybody would support that. We want people to succeed. We want our economy back. We want small businesses back in action. We want families back on their feet. We need to do everything we can to facilitate a pathway out.

This is quite separate from the good work that is being done on the health crisis. This is about reaching in to the economic crisis and starting to deal with the triaging of the first issues that have arisen. We always knew that small business was going to take it hard. They said they have supported the actions we have taken as a state, as Tasmanians, to stand as one and deal with this issue.

Thank you, minister. I am happy to have answers later on. I support the bill. It is appropriate that residential and commercial are dealt with under their existing regulatory models but I concur that more needs to be done on the residential side. I take it on faith that the Government will be moving to do that.

[12.51 p.m.]

Ms STANDEN (Franklin) - Madam Speaker, I rise with pleasure to make a contribution on the COVID-19 Disease Emergency (Commercial Leases) Bill 2020. I thank the minister's office and the Residential Tenancy Commissioner for an excellent briefing yesterday where a range of issues were covered and questions put and answers provided. Unfortunately, I was unable to participate in the entirety of the briefing as I had to leave for a parliamentary committee meeting but I was there for most of it. I thank you for that opportunity and acknowledge the significant work of OPC and the Residential Tenancy Commissioner's Office and probably others.

I know there was a level of consultation on the draft bill and perhaps versions before that. I acknowledge the complexity of trying to pull this together in a way that is consistent with the undertakings of the National Cabinet Mandatory Code of Conduct. I congratulate all parties on a solid piece of work before parliament today for discussion and debate. I concur with my colleague, the member for Lyons and the shadow minister for building and construction, Jenna Butler, who has taken the lead on the Opposition's perspective that the intentions, the principles of the national code do seem to be reflected in the bill. I am happy to add my support for it.

I want to make a few comments in relation to the bill, first in relation to the residential tenancy market. The Leader of the Greens has made some comments in this regard.

We entered into this unprecedented pandemic off the back of an existing housing crisis and a shortfall in demand of some 11 000 social and affordable homes in the state. That was projected to rise over the 15- to 20-year period thereafter. There is an existing public housing waitlist that has been steadily growing over the last five years or so and a homeless population that has been resistant to reduction, despite efforts by this Government. The population of people experiencing homelessness is around 1600 people. There is a significant iceberg of people within that less visible population, particularly people couch surfing, living in temporary residences, tents, garages and so on, doing their best. Still the best efforts of the Government and of us all in this place and the charitable sector has not been enough to meet all the need. More than 30 people a day are still being turned away from short-term or emergency accommodation. That is a worrying issue.

As I said in question time today, there has never been a more important time to ensure that everybody has access to a home, a roof over their heads. Our home, in these times in particular, is our fortress. Around one in three Tasmanians are in the rental market. That includes people in the

social housing market. If you exclude those, around one in five households, roughly 40 000 households, are in the private rental market. If you think about not just the households in those properties but the owners as well, we are talking about double that, let's say 80 000 or thereabouts, perhaps it could be fewer, but many thousands of households are dependent on satisfactory arrangements in these unusual times.

As has been pointed out, residential tenants, in particular, are at greater risk with lower incomes, particularly casual workers; visa workers. Those in the hospitality, retail and tourism sectors particularly have been hardest hit.

I will provide an example. A constituent of mine is very entrepreneurial. He and his partner are both visa holders. She has some part-time work but he was a chef in an establishment that was going gangbusters heading into this unprecedented pandemic. Now he is out of work and, without the protection of JobKeeper or JobSeeker, his only access to additional financial support is an additional \$250 per person to that household. I do not know whether he has dependants but it does not take much to realise that that \$250 is not going to go very far, probably not even cover a week's rent in that case. He has been very entrepreneurial and is baking bread from his home premises and making it available in the local community. Still, you can only bake so many loaves of bread and I have bought many. I do fear for the livelihoods and the welfare of those most vulnerable at this time. He is just one example of that.

Going into this crisis, Hobart was the least affordable city with median rents at around at least 30 per cent of income. I have many examples through my shadow portfolio of talking with constituents who are in significant rental stress paying out even more than 50 per cent - up to 60 per cent - of their household income on rent. We know that there has been a significant deterioration in rental affordability over the last five years or so.

Anglicare's Rental Affordability Snapshot that was released just last week shows that very clearly. I want to illustrate that they have been very clever in highlighting the further risk should JobSeeker and JobKeeper protections, the additional income support mechanisms, drop away. The snapshot weekend was 21 to 22 March this year, right after a public health and a state of emergency was declared. On that weekend, there were 1291 properties listed for rent across Tasmania which in itself was a 52 per cent reduction in listings since 2013. In the snapshot in terms of this year's listings, just 145 or 11 per cent would have been affordable and appropriate for households that were on low or income support payments.

If you look at how many would have been retained permanently if the coronavirus supplement is retained, that would mean an additional 198 properties would add into the mix. Looking at it for now, people on Youth Allowance, Newstart allowance, single parents on Newstart, people on Disability Support Pensions, 100 per cent of those listings were unaffordable and just 3 per cent were affordable for people on the Age Pension and not much more for people on minimum wages. It is a very significant part of our housing market.

I acknowledge that in many cases, tenants and landlords have negotiated arrangements in this emergency period and have come to arrangements that benefit both landlords and tenants. That is a good thing but nonetheless those protections are unclear beyond the end of June in relation to a ban on evictions and a ban on rent increases.

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

COVID-19 DISEASE EMERGENCY (COMMERCIAL LEASES) BILL 2020 (No. 19)

Second Reading

Resumed from above.

[2.30 p.m.]

Ms STANDEN (Franklin) - Madam Speaker, before the break I was saying that my understanding is that in many cases tenants and landlords have come to negotiate arrangements throughout the emergency period. That is entirely appropriate and I believe there is substantial goodwill within the community. Nonetheless, I make the point that we are still very early on in the impact of this pandemic. It is beholden on us to ensure that there are safeguards for landlords and tenants, whether in the residential or commercial sectors, to ensure that there are adequate protections and options for escalation in the form of mediation or other mechanisms. In the worst-case scenario, as the pressure builds potentially across the community, people need to have access or options to ensure those protections are there for them.

I will highlight some issues around consistency, the ban on evictions, and the ban on rent increases, although as that came in a little later it does mean that there is some inconsistency there relating to the start of the emergency period.

In the case of the ban on residential rent increases, that notice was issued on 22 April, I think, and yet we are talking about a different time frame here from 1 April. The start of the pandemic is slightly earlier than that again by a fortnight or so, as my colleague, Ms Butler, has outlined. That highlights the need for significant education for tenants and landlords, whether in the residential or in the commercial space, about how these time frames stack up.

At the moment, in the residential tenancy area I think the period of the emergency is defined as 120 days from the 27 March - or it might be the 17 or 19 March, I am not sure - through to 25 July, at least according to the Tenants' Union information on their website. It is the end of June for some other provisions like the ban on evictions and ban on rent increases, and we are talking about a commencement date of 1 April for this bill and going way out then for the 12-month period to 30 March or 1 April 2021. This highlights some inconsistencies in that space and the need for significant education so that everybody's entitlements and rights are clear.

Like other members, I have found there has been significant traffic of correspondence, particularly in the last 24 hours or so. However, long before that I have had a steady trickle of concerns from constituents, whether it be landlords or tenants, in respect to their rights and protections that have been announced by Government in the period since the emergency was declared.

Whilst on that, the obligation to pay rent in arrears is a particularly significant one. I have been in touch with community housing providers for instance who have said that because of the additional income support measures through the Commonwealth, the concern is that they have had more money coming into the household than they are accustomed to, with some people even making decisions around stopping Commonwealth payments through to community housing providers, which is not lawful, and they will be obliged to pay rent in arrears. So too in the private tenancy market. I am concerned about people being unclear about this not being a rent holiday.

In the case of commercial tenants, this bill is proposing protections and arrangements that would allow payback periods of up to 24 months. I take the opportunity to highlight the particular risk for residential tenants that if the landlord serves a notice to vacate for rent in arrears at the end of this period the tenant only has 14 days to pay all arrears, otherwise a magistrate has to make an order to evict the tenant. That is very concerning. We all have a responsibility, but government in particular, to ensure a strong education program to ensure that people are not only aware of their rights but also their obligations.

There has been a significant increase in calls for financial counselling services in that environment, including community housing providers because there is some concern that people are not completely clear on their obligations. There is some potential for people to get in over their heads in terms of financial commitments beyond the term of the existing income support measures that the Commonwealth has outlined. In the context of this bill I flag whether the minister has considered the possibility of additional financial counselling services for tenants and landlords because of that concern in this environment.

I note the Premier's comments this morning about his commitment to sit down with the Tenants' Union and with the Residential Tenancy Commissioner to hear what might be needed regarding additional protections for tenants and landlords in the residential market. I highlight the need to discuss the need for additional resources potentially for both the Tenants' Union and the Residential Tenancy Commissioner. I took the opportunity in the briefing yesterday and, as I understand it, the response was that the resourcing was adequate at the moment. Nonetheless, I flag the potential. We are now talking about a period out to April of next year. We are at the very beginning of this pandemic and the economic impact on tenants and landlords. There needs to be a flexible approach and an open mind to providing additional resources. The Tenants' Union has already flagged with me a substantial increase in tenants seeking advice.

The Leader of the Greens highlighted the correspondence from the Tenants' Union and others in relation to greater protections for residential tenancies and the inconsistencies between commercial tenants and residential tenants. I will not go over that territory again but I will query one thing. I believe the Leader of the Greens said that she thought the mediator can mandate a rent reduction for commercial tenants but not so for residential tenants. Actually, I thought that there was a protection through the Residential Tenancy Commissioner on application for review of unreasonable rent increases and even the possibility for the commissioner to mandate a rent reduction in those circumstances at least. Although I consider that a fairly slim protection, I understand it to be there, nonetheless.

I want to move on to the impact on the charity sector, which has not yet been given much of an airing. I understand that in this bill there needs to be eligibility for JobKeeper and that for the charity sector there also needs to be a demonstrable 15 per cent reduction in revenue for charities. I would be pleased if the minister could confirm that I am right about that, as opposed to 30 per cent for other commercial tenants. If that is the case that would be reasonable. I have consulted widely with the charity sector over the years and having worked in the not-for-profit sector myself I am well aware of the significant pressures in the charity sector. I have talked with some of the larger providers like the Salvation Army, for instance, and the Smith Family where I used to work. This is the time of year that they would be ramping up for end of tax-year fundraising activities. The bottom has just fallen out of that potential market, particularly in the events space. In these uncertain times they are very concerned about the potential of lost revenue.

It is worth highlighting that we tend to think about charities as tenants but they can be landlords as well as tenants. Some of the larger ones - I was in touch with Anglicare yesterday - are in the fortunate position of owning most of their premises. Many of the smaller charities have had properties bequeathed to them over the years, which puts them in a unique position. I am not aware of the breadth of experience across the landscape. I am aware, through the briefing yesterday, that the charity sector was not consulted about this draft bill. That worries me because I am not certain what the impact would be on those charities whether from the prospective of landlord or of commercial tenant in this instance.

I understand that Australian Disability Enterprises (ADE) in particular may not be eligible for access to support through the provisions in this bill. There may be others. Perhaps the minister is able to make some comments in that regard. We put some questions to the briefing yesterday and the minister may be able to update the House on whether she is aware of any other gaps.

I am not sure whether that is around dependence on casuals or whether that is the volunteer workforce that organisations like ADE - I think in relation to ADE it is more around the fact that the workforce - a significant proportion thereof - are already on disability support pensions and, therefore, not eligible for JobKeeper. I have been in touch with Vinnies. They have obviously had significant shopfronts that have had to close because of social distancing and reducing the traffic movement within the community but also because of dependence on some older and more vulnerable volunteers. In thinking about the reopening of the economy, the charity sector is a significant part of the economy. Without the ongoing viability of those charities, whether they are large or small, the state would be in a particularly vulnerable place. I know with the percentage of GDP what the charity sector contributes to the economy but I hazard a guess that it would be larger than in other jurisdictions.

Lastly, during most of my contribution I have talked about consistencies between treatment of commercial landlords and tenants and residential landlords and tenants. I want to flag some other mechanisms that I am aware of.

The biggest one for protections in the residential tenancy space is income support measures. I am aware that there are some within the community sector who are already beginning to lobby for not only continuation of the existing support through JobSeeker and JobKeeper but also expansion potentially to age pensioners and to disability support pensioners. Some have said to me they feel overlooked in terms of the current income support measures.

It is an interesting time for the federal government to grapple with this. For several years governments and oppositions have been trying to wrestle with income support and what would be appropriate moving forward. All parties at this time recognise that the income support offered previously was not sufficiently generous. The question really is, what appetite is there to expand and extend those measures now that we are in a pandemic situation and potentially an extended period for recovery?

I note that in most other jurisdictions there are substantial other mechanisms for support for residential tenants and landlords and, since this is within the Attorney-General's portfolio, I offer to her the opportunity whilst we are talking on this bill to outline to the House whether she has considered programs such as the residential relief grant programs that are already in place in several jurisdictions offering \$2000 support through landlords to potentially offset rent in arrears in this environment. There are also land tax relief measures in other jurisdictions for residential landlords. In the commercial sector, land tax relief is already available but not in the residential sector, and in

other jurisdictions where those measures have been introduced they tie this idea of proportionate rent reduction to incentives around land tax relief, so if the minister would like to provide any information to the House about whether or not that is being considered within Tasmania that would be terrific.

I am concerned about how all of these time frames and so on line up. As I have said already, when the JobSeeker and JobKeeper measures cease at the end of September there is substantial uncertainty as to what that means. We know that under the existing arrangements casual workers and particularly younger workers under 22 are already significantly vulnerable, working in sectors such as tourism, hospitality and retail sectors, which have been particularly hard hit.

Visa workers welcomed the packaged relief offered by the state Government to assist some of these workers. They are skilled workers. I was talking to an owner of a small business recently who owns two cafes. One of the restaurant managers was a valued worker and she is very concerned about the viability of the businesses at the other end of this period and has relied very heavily on him and his expertise. She knows that although she has been working this business with her husband, because of the financial impact the likelihood is that he will need to return to work in another place and she will be even more reliant on support of those skilled workers, particularly one who is from Brazil. None of us knows how long this period will last but the current protections are very minimal indeed. Just like the baker I mentioned in my contribution before the lunch break, \$250 per person in an adult household is really very little financial support and I am very concerned for their welfare and financial hardship.

I will leave it at that. I put on the record my support for this bill. It is consistent with the SME commercial leasing principles outlined within the National Cabinet Mandatory Code of Conduct. I believe it is a good step forward in offering additional protections at this time and invite the minister to address some of the questions I have placed on the record in relation to the residential tenancy sector.

[2.50 p.m.]

Ms DOW (Braddon) - Madam Speaker, I state from the outset that Labor will be supporting the COVID-19 Disease Emergency (Commercial Leases) Bill 2020. I thank the minister's office for the briefing yesterday. I have a number of questions to raise and will seek clarification on a number of points and aspects of the bill.

This is important legislation that is consequential to the National Cabinet's Mandatory Code of Conduct. The national code came into effect after 3 April and is envisaged to continue during the period of time the JobKeeper payments remain operational. The code applies for a tenderer to be signed up for the JobKeeper program if they have an annual turnover exceeding \$50 million per annum or less.

The primary purpose of the code is to set good-faith leasing principles for application to commercial tenancies between landlords and tenants where the tenant is an eligible business under the terms of the JobKeeper program and to aid with cash flow for tenants. It is intended that landlords will agree to tailor bespoke and appropriately balance the interests of tenants on a case-by-case basis. This is about acting in good faith and supporting landlords and tenants. I know many would have done so outside of this legislative framework and I thank them for that. As others have said, protections and support for landlords must also be considered in our response to this period of sustained financial hardship.

I turn now to the legislation before us. This is important legislation to support and protect small to medium commercial tenants' rights around our beautiful state. Small business is the backbone of our economy and our small business owners have suffered tremendously during this unprecedented time. The last six weeks have been a difficult time for our communities across the state. Small businesses have made heart-breaking sacrifices to support the health and wellbeing of their communities and local healthcare workers. I put on the record my personal thanks to them for that.

This legislation is about setting a legally binding code of conduct and standard for good-faith negotiations between commercial landlords and their tenants during a period of unprecedented financial hardship. It is good but I am interested in the content of the regulations because, as they say, the devil will be in the detail. It would have been good to have these to assess against the legislative framework and this would have provided comfort to many stakeholders. I know this is not how the process works but it is worth mentioning. I understand stakeholders quite rightly want to be consulted on the contents of the regulations and I seek confirmation from the minister that they will do that.

Ms Archer - That is in my second reading speech; I have committed to that in my earlier contribution.

Ms DOW - I also acknowledge the importance of the JobKeeper payment and this mandatory code as good initiatives by the federal and state governments but I also put on record that there are still some in our community who are not eligible for JobKeeper and obviously not benefiting from it.

I also acknowledge the grants and support made available by the state Government through Business Tasmania during these uncertain times. It is pleasing to see the funding for these increased and it would be critical to have the needs of businesses assessed ongoing to determine the need for further intervention as JobKeeper payments and intervention such as the waiver and deferrals proposed under this legislation are complete. There will be a significant period of uncertainty at this time and there may need to be an extension of such schemes or consideration given to a transitional period. There will be many businesses at the end of this for whom business as usual will not be an option and we may very well see another wave of financial hardship and economic downturn. We must prepare for this.

I congratulate many of our local businesses on their ability and determination to adapt by providing phone and online orders for home deliveries. I have received feedback that suggests small businesses are supportive of the code and would like to see it made available as soon as possible to guide fair negotiations and proceedings between tenants and landlords and to reduce the stress and financial pressures on small businesses.

Again, I highlight the importance of wraparound mental health support being provided to our small businesses at this time. It is very important and I believe that our business enterprise centres and local chambers of commerce may be able to play a very important role in providing this.

As we move to an eventual reopening of business in line with the public health advice which supports this, additional support and information for business regarding thresholds for lifting restrictions is required sooner rather than later to provide certainty to enable time to look at different business models which may assist in meeting changing restrictions.

I move now to consultation on the bill. I received feedback from some involved in the hospitality industry who had not been consulted on this draft legislation. I would have thought that they would be one stakeholder group that it would be critical to consult with, particularly given that they may be one of the last industry sectors to re-establish business following the lifting of restrictions. I was also surprised that local chambers that I spoke to on the north-west coast had not been consulted either and I want to understand better those who were consulted with. I know that you mentioned that in your second reading speech but if you could -

Ms Archer - Unfortunately, we could not consult with everyone in an emergency situation.

Ms DOW - It would be great if you could provide a list of those you did consult with. It would be really important to identify any gaps and to enable those stakeholders to be heard during the development of the regulations.

Minister, I am informed a previous iteration of the draft bill that was circulated to some stakeholders is quite different to this final draft circulated to us on Monday. I will note that I think in your second reading speech you made mention of the fact that parts of that draft bill will now be transferred into the regulations. I want to understand why there have been significant parts removed. I see that it does appear to be simpler but it does omit specific details. I want you to confirm that the regulations developed alongside this bill will not include the mandatory requirement for Tasmanian councils to waive or defer commercial rates. I understand that a commitment has been made by the Government that a compulsory commercial rate waiver is not part of this legislation but I would like you to confirm that.

Ms Archer - Are you talking about rates? We have no control in this legislation over rates. It only deals with leases. It has nothing to do with rates.

Ms DOW - That is good to hear, thank you.

In this new draft legislation there is no longer mention of land tax or passing on rates concessions as there was in the previous draft. I raised this during our briefing and it was indicated that this is still the case but I wondered whether the excerpt from the original draft will now be in the regulations and I note that it is in the national code. I want confirmation of that.

In looking at the communications section, I want to better understand how the requirements will be reinforced and how penalties will be issued or monitored, or the monitoring for breaches as part of the act. Who will do that and how will that work?

Others have mentioned the availability of mediation. I want to understand better how that would be provided across regional Tasmania.

The other concern that has been raised with me is around the protection of the reputation of small business owners once their financial position is shared with their landlord through a process of mediation and around the need for guarantees that this information will not be used against them in future lease negotiations. Has there had been consideration, other than the penalties, on how that might be mitigated?

I want to better understand the functions of the committee that will be formed and, as others have said, how parliament will have oversight of that and their role in developing the regulations. In identifying gaps that may not be covered, how will people make an approach to the director or

who would they approach? You have said that there will be flexibility in the regulations but what is the mechanism for people having an influence on that? That is about how gaps are reported to the commissioner.

At the end of all this, how will information be disseminated? My colleague, Jen Butler, spoke about a flowchart that is available and information that is available in Victoria. Following the development of the regulations, what level of information will be provided to landlords and tenants from the Government about how they go about working within this framework?

You said that you will consult with stakeholders in the development of the regulations and you said that it will still go through the Subordinate Legislation Committee, which is great. Are you able to give any more time frames around the development of the regulations and what they will detail?

I now have a number of questions in relation to the bill. The first one is under clause 5(2), Protected leases and protected lessees -

Despite subsection (1), a lease is not a protected lease if it is a lease, or a member of a class of leases, that is prescribed for the purposes of this subsection.

Could you explain that a bit further, about those leases that are prescribed and whether they will be in the regulations?

Ms Archer - Can I confirm that all these questions are being asked so that we can avoid going into Committee? If we are going into Committee then that would be appropriate for Committee.

Ms Dow - I do not think we intend going into Committee.

Ms Butler - Unless there are not effective answers given to our questions and then we will move into Committee.

Ms Archer - What, the 50 million questions you have asked?

Madam SPEAKER - Through the Chair, please.

Ms Archer - Madam Speaker, I am only inquiring because it is a waste of time if they intend going into Committee.

Madam SPEAKER - And it is usual practice to stand when you are addressing the Chair, thank you. Please proceed.

Ms DOW - Under clause 6, Eligible person, could you provide some further explanation about that last line that says 'whether or not paragraph (a) or (b) ceases to apply to the person during the financial hardship period'? What does that actually mean? My understanding is that it is broader than what is in the national code. Could you provide details as to why that is there? That would be good, thank you.

Other members have mentioned licences. I wondered why licences were not included in the legislation and the leases. I had concerns raised about the termination of leases and whether those lessees have engaged in unlawful activity, or causing wilful damage to a property, whether there are restrictions or exemptions - I should say under clause 7, Meaning of prohibited lessor action.

In Part 3, Application of Act, clause 11, was any consideration given to inserting 'lessor' in subsection (b)?

In clause 12, there is no mention of good faith. Why was that not included as part of that clause?

In Part 4, in the interpretation of clause 14, it was raised with me about whether the way that reads if it could be inferred that it was more broadly around economic changes not in relation to COVID-19 specifically. My assumption is because this is a COVID-19 related bill that it is about COVID-19 and the response, the economic downturn and the pressures on business in relation to that. Is that a correct assumption to make, or should there be reference to COVID-19 in that part of the bill?

Ms Archer - Yes, and it is obviously to do with recovery.

Ms DOW - Thank you. The last couple of questions I had - thank you for bearing with me - is around clause 4(1) in part (c) of the definition of 'lease', whether the agreement is oral or in writing or partly oral and partly in writing. It sounds very loose. Perhaps you could provide some more information regarding that. Also, in reference to clause 12(2)(c), do lessors have to declare all their commercial leases to their tenants? That has also been raised with me. And clause 18(4), says 'A lessee may, in writing, waive the application to the lessee of a provision of this section.'. I would like to understand what that would look like in practice, please.

Ms DOW - That completes my contribution.

[3.05 p.m.]

Ms ARCHER (Clark - Minister for Building and Construction) - Madam Speaker, I hope my advisers managed to get those last few questions down. Then I can respond to all the numerous questions that have come from every member.

What I meant before by way of interjection is because there are so many questions, of course, ministers who have carriage of the bill make every attempt to answer all of the questions. There is the mechanism to go into Committee and it is not always reserved for the member who has closely scrutinised the bill. There needs to be a lot of goodwill between us in that regard. Rafting off a whole list of questions and doing so very quickly it is difficult to get everything down. It is difficult for me; it is difficult for advisers, but we do make every attempt possible. As you know, we do not have access to *Hansard* as readily and quickly.

Ms Butler, you can shake your head but this is a long-standing, good faith arrangement that we have in the House. Every member tries to acknowledge that. As minister responsible, I will make every effort to answer the questions. It is not deliberate if I miss something. I need to make that very clear. It is very difficult to capture everything.

I might go through sequentially. I was disappointed to see the media release from Ms Standen, which she issued prior to lunch. It gives a misleading statement on an example given about evictions regarding residential tenants. Members of this House know that the Government moved very swiftly in relation to residential tenancies. A tenant cannot be evicted at the moment during the emergency period. Loosely using examples like that can be very misleading from the media, particularly if they directly quote you.

I draw the attention of the House to that because today we are dealing with commercial tenancies. There has been a discussion about residential tenancies. There has been the Premier's advice to the House this morning during question time about what we will do in relation to looking at a fund to provide relief for situations where we could provide financial assistance for rental payments.

It is important to note that the Premier stated that the fund would only be available in cases of extreme hardship where other forms of assistance such as the Commonwealth's JobSeeker and JobKeeper programs are not providing the assistance required. As we know, the whole purpose of those two packages, particularly JobKeeper by its very description, is to ensure that people maintain a level of income. In some circumstances, we have seen some people a little bit better off in terms of their payments but there are people who are worse off. We acknowledge that as a government.

Ms Standen, I will address the issue of the grants but the fund that we have mentioned today will deal with these things in a far better manner. We can structure it better than a grant situation that other states have done. We are looking to provide relief. It may be at this stage we do not have the detail around that but we have said that we will look at that and clearly communicate -

Ms Standen - I do not understand the concern you have about my media release. We do not have any detail about rent relief.

Madam SPEAKER - Order, through the Chair, please.

Ms ARCHER - You were talking about evictions; that people will get thrown out.

Ms Standen - I made the point that other jurisdictions have extended the ban on evictions in the residential space for six months or made that commitment. At the moment this Government has that ban in place just until the end of June.

Ms ARCHER - You used the example -

Now more than ever before housing is on the frontline of health care. Tasmanians have been told to stay at home but you can't stay at home if you've been evicted because you have lost your job and cannot pay the rent.

That is the misleading statement I am talking about. They cannot be evicted.

Members interjecting.

Madam SPEAKER - Order, please.

Ms ARCHER - I draw the House's attention to the fact that that is a grossly misleading statement and to use that example is misleading.

Madam Speaker, I only have 40 minutes to sum up. If members would like questions answered, I am happy to move on, but it is my contribution and I wanted to draw the House's attention to that misleading statement.

The first question that came from Ms Butler was - 'Will the Government provide relief to tenants of its own properties?' Yes, the Government has waived rent for six months for its

commercial tenants. For government-leased properties to private or commercial tenants we will waive rents for six months. The rent waiver will apply to almost 1500 leases impacted by COVID-19, providing rent relief to the value of approximately \$4.8 million. The waiving of rent is applied from 1 March 2020 for a period of six months with refunds for rent already paid across the state.

The next question was - 'What measures has the Government taken to support lessors if they experience hardship as a result of non-payment of rent?' The Government has provided a range of financial support to business, including landlords. While a landlord cannot take a prohibited lessor action during the financial hardship period, landlords will be able to recover afterwards including by accessing a bond or guarantee.

It is worth noting that for businesses and jobs, the Government has already announced that it will freeze, waive or cap fees and charges for small businesses. Water and electricity bills are being waived for the first quarterly bill received after 1 April this year for small business customers on tariff 22, 94, 82 or 75, including those small businesses on market contracts that could access those tariffs. They are businesses which consume less than 150 megawatts per hour per annum in aggregate.

Also, we have announced electricity prices will be capped and water prices will be frozen next financial year. The Government will freeze all fees and charges subject to the Government Fee Units Act 1997. The Government will also waive the roads component of motor tax and vehicle registration for all businesses that have been significantly impacted by measures taken to manage COVID-19. The Government will also waive land tax for 2020-21 for commercial property owners financially impacted by COVID-19 where the land tax is paid by a business owner. That is in relation to business.

In relation to land tax generally, if you are experiencing financial hardship paying land tax you can apply to the State Revenue Office. That is anyone with a land tax obligation. A number of people asked about land tax and what we are doing in that regard. That has been one of our announcements for quite some time. Anyone who is experiencing hardship can apply to the State Revenue Office in relation to land tax.

Ms Standen - Through you, Madam Speaker, I want to be clear that I heard correctly. It was my understanding that the existing land tax measures are only for commercial landlords and tenants. Are you saying that that is also open to residential landlords?

Ms ARCHER - Yes, I am saying that anyone experiencing financial hardship is able to apply to the State Revenue Office. Then, obviously, have that discussion about their hardship and what they can and what they cannot pay. It is a fairly flexible arrangement. That was deliberate because we did not want to be overly prescriptive, I recall at the time when the Premier and Treasurer first announced that.

I want to also mention other general things for small business. I want to get this on the record because there have been substantial packages provided by the Government and whatever applies to certain businesses or commercial property owners, they benefit from that as well.

There is an increase to the small business interest-free loan scheme from \$20 million to \$50 million which is available for businesses with turnover of less than \$10 million. We have provided an extra \$40 million to the small business grants program, with \$20 million set aside for

emergency grants and support and \$20 million for larger grants and payments. We have also provided a digital ready business program which will be boosted with \$150 000 to assist businesses who want to take their business online. I think that was announced by you.

Mr Ferguson - It has been very popular.

Ms ARCHER - We have provided business continuity advice up to \$750 000. New funding has been made available for businesses to seek cash flow and continuity advice, and this includes a \$50 000 grant to the Small Business Council of Tasmania. A further \$200 000 will be provided to the THA to provide business continuity and cash flow advice and we are increasing the fund for this initiative up to \$250 000. A further \$200 000 will be provided to Rural Business Tasmania for the extension of its rural financial counselling service. We have provided \$100 000 for our local chambers of commerce as they assist businesses to manage COVID-19. I wanted to mention those few examples of the extensive measure our Government has taken on top of the federal packages.

The next question was about the expertise of mediators and doing additional skills such as forensic accounting. It is intended that the Mediation Provider is able to seek information from the parties required for mediation to occur. The Mediation Provider will appoint mediators with appropriate skills and expertise in property and commercial matters. There is the capacity in Tasmania to provide this function using mediators and legal professionals. I know that Ms Ogilvie touched on this so I will go into a bit more detail in relation to the aspect that was asked in that regard.

We have the courts. The Magistrates Court, Supreme Court and tribunals all have trained mediators, not necessarily employed but contracted. There are a lot of people with expertise in that regard but I indicated throughout Ms Ogilvie's contribution that this may be something that emerges as a high-need area as we have seen in a lot of different areas as a result of COVID-19. I am looking at the hand sanitiser in front of me as a very good example where in response to the COVID-19 pandemic and its extraordinary effects and in this situation in terms of people needing mediation, mediation services might be in demand. We have a lot of skilled legal practitioners who regularly convert to being mediators because they know the law. That goes without saying. A lot of them have that qualification already, but we have access to that through court solicitors and the like.

Another question was about what happens when rent reduction causes the landlord to be in financial hardship. The rent reduction provisions require the financial situation of the lessor and lessee to be considered in determining any rent reduction.

Another question was, are protected leases required to be registered? No, a lease becomes a protected lease when it meets the eligibility criteria. A lessee notifies the lessor and provides sufficient and accurate information to demonstrate such. A protected lease is not required to be registered, as I said. It is a much easier process and does not require any additional layer of red tape.

Another question was, who can initiate a dispute under the act? The parties are required to attempt to resolve disputes by direct negotiation in the first instance. If this is not successful either party can apply to the mediation provider to mediate the dispute. I think I made that point in the second reading speech.

Another question was, why did the financial hardship period commence on 1 April 2020? As members know, the Prime Minister announced that the code would take effect from 3 April 2020

and was to apply across all state and territories. The Tasmanian legislation backdates this by two days to 1 April to align with the start of the month and the start of the financial quarter. That is why we did that. It is just two days. This will enable ease of understanding for applicants with regard to using existing financial statements to determine eligibility and turnover. I note that no other jurisdictions have gone before 1 April 2020, so again national consistency in this context is key, particularly if you have landlords who have multiple properties across state or territory jurisdictions. That is common and this is why we have endeavoured to be as consistent as possible.

I will also get to why some things have been taken out of the original working draft bill and placed in regulations. Again that is for national consistency so we can keep working together on regulations as states so we are dealing with matters as consistently as we possibly can within our own realms. We might have our own little differences at times and unique circumstances or situations or provisions that we have to take into account and consider. I want to acknowledge that the states and territories have been extremely cooperative but when we released that first bill, because I thought it important to get something out there to stakeholders for their feedback, the regulations and provisions had not yet been dealt with, but we now see that has happened in New South Wales, South Australia and Victoria, I think, but I will come back to that to clarify.

Another question from Ms Butler was what if a business cannot access JobKeeper but has experienced a significant loss of turnover? The legislation uses eligibility for JobKeeper as one of the criteria to be an eligible person. However, the legislation provides the Government power by regulation to expand the definition by regulations if necessary. This power will enable those agreements not currently foreseen to be captured if necessary. That element of flexibility is thought to be highly necessary in circumstances where things are changing on a daily basis. Matters are emerging, things that we cannot necessarily foresee, and that is why the eligibility definition has been termed in the way it has in the bill but is prescribed by regulation so we can add to that situations that may be required or captured.

Another question was what if a party provides misleading information regarding their financial position? Ms Butler referred to creative accounting and I think the worst-case scenario might be if it was a fraudulent situation.

Ms Butler - I was trying to be kind.

Ms ARCHER - I know what you meant. Parties to a protected lease are required to enter into negotiations regarding the rent payable under the lease and other matters as soon as possible after the act is in effect, as per clause 16. In these negotiations a party must not engage in misleading and deceptive conduct. That is a pretty serious matter. We know the ACCC looks on misleading and deceptive conduct very grimly indeed but in this instance that is why we have the penalty clause. There are a couple of penalty clauses, I believe. The penalty is up to 300 penalty units, noting that currently a penalty unit is \$168: around about \$50 000, which I doubt anyone really wants to receive, and up to that amount. That is a substantial fine. That is for a corporation, I should say, and up to 50 penalty units for an individual. A penalty provision in any legislation is there as a deterrent and to demonstrate the seriousness of such conduct.

I cannot guarantee and say 100 per cent that people will not breach provisions of any law or legislation and I hope that that would not. I think most people entering these situations in this challenging time will very much act in good faith.

I realise the reason for the question but again just point towards the penalty being the deterrence for that.

Another question: what if a business is currently trading but experiences a downturn in a few months' time? That is a bit of a common question, if you like. Some people come up with that. At the time during the financial hardship period in which a business experiences a reduction in turnover of 30 per cent they will become an eligible person and a lease will be a protective lease.

In other words, as soon as they enter that where there is a reduction in turnover of 30 per cent they will become an eligible person and the lease will be protected at that point, providing we are still in the period that this is applicable.

Further, I note the JobKeeper program enables an entity to use forecast turnover to establish eligibility as well. The Commonwealth has been very flexible, I think, in how they are assessing that program and not looking at means testing and all the other very complicated methods that they normally have time to do and feel that it is necessary when people are receiving benefits for a long-term period. However, in these extraordinary and challenging times, the interest is getting relief to people as quickly as possible and trying to make it as simple as possible as well.

Broadly, there was a statement and question regarding insolvency which is an issue that people could experience at some stage as a result of COVID-19 but it is not something that is in the scope of this bill. This bill is to deal exactly with what it says it is dealing with; commercial leases and the arrangements between landlords and tenants. It is not meant to deal with that issue of insolvency.

Normal insolvency provisions apply. Having said that, as COVID-19 is unfolding and we are uncovering any area that might need some type of emergency legislative provision then we look at it, of course, but I am not committing or saying that that is the case here in relation to insolvency. It is certainly not the scope of this bill.

I think that covers -

Ms O'Connor - No?

Ms ARCHER - No, Ms Butler's only. Now, Ms O'Connor I am definitely up to you.

The first question: what happens if JobKeeper ends before the end of the financial hardship period? If the JobKeeper program ends on 30 September 2020 a business that would have been eligible for JobKeeper will continue to meet the definition of 'eligible person'. The Government can issue regulations to further deal with this if necessary.

Ms O'Connor - Through you, Madam Speaker, so once the mandatory code lapses that will have impact on the provisions in this bill?

Ms ARCHER - Correct.

Ms O'Connor - Thank you.

Ms ARCHER - Another question was, will this bill still be in operation after the financial hardship cessation period? A lease will no longer be a protected lease after the financial hardship

period. At this time, the lessor will be able to take any prohibited lessor actions if a breach occurs and the action is provided for in the lease agreement. Yes, it stays on the statute. The only component of the legislation that will extend beyond the financial hardship period are the requirements of the code for deferred rent to be repaid in instalments over the period which remains in the lease, or 24 months.

It is a COVID-19 bill which is the life, obviously, of that period but in this instance the only component of the legislation that will extend beyond the financial hardship period are the requirements of the code for deferred rent to be repaid in instalments over the period which remains in the lease, or 24 months.

Another question: what happens where a lessee and lessor have already come to an agreement to reduce rent? This was the correspondence that you referred to relating to the Duke of Wellington, a much-loved institution. I have had similar contact and knowledge with that person today, having received it today. The answer: lessors and lessees are able to reach agreement to reduce rent for changed terms of their agreement. If that agreement is less favourable than that provided by the legislation, the lessee can seek to renegotiate their agreement. My understanding is if there has been an agreement, not necessarily one that they feel is fair, they can seek to renegotiate that now. I can confirm that with you in writing if you like now that I have got their correspondence.

Another question: what is the purpose of the Code Administration Committee? I am always reluctant to have too many committees but it is a requirement under the code and for the purpose of this it is going to prove very useful in monitoring how everything is going in the event and certainly will report to me as minister.

The Code Administration Committee will monitor the implementation of the code providing advice regarding its operation. The committee will have at least four members representing the interests of lessors, lessees and small business and will be chaired by the Director of Consumer Affairs and Fair Trading. The Government will determine members of the committee following the passage of this legislation and the committee will provide advice to the director and through the director; I think that should say to the minister.

The committee is also to set its own procedures and frequency of meetings so I imagine in the early stages there might be a little bit more of a need to meet and then that might peter off a little bit once a lot of matters are dealt with but it will be up to them to determine.

At the end of the financial hardship period it is likely the committee will go into recess. Obviously, if they are still dealing with matters and need and wish to report they will continue to for a while. There would be no problem with that. It will be determined largely by how much they are dealing with in terms of implementation of the code and provision of advice to me and the Government.

Ms O'Connor - Through you Madam Speaker, to avoid a lengthy diversion into Committee, given that the functions of the code committee will be to promote awareness of the operation of the act at some level the work of that committee will be public. Is that correct?

Ms ARCHER - I believe the Government has demonstrated throughout this entire COVID-19 period that we are prepared to say how things are going. To say it how it is: to be open and transparent.

It is not going to be any secret as to what is going on and as to how things are going. I have not turned my mind exactly to how we might do that but we can certainly look at some type of regular reporting mechanism. Or there may even be something that we can put up on the website in relation to what we are doing. We will make all that information as public as we can through different mechanisms. Certainly from myself reporting, and in the media as well, as it is of large public interest as well.

I think that covers the issues raised by Ms O'Connor.

Before I get to a few more questions I want to mention a few things and address a few matters because of the general discussion that we had and particularly from Ms O'Connor in relation to residential tenancies. I accept that we may not agree on why commercial tenancies need to be dealt with differently to residential tenancies and it is largely because of the different packages available that have been provided for support to residential tenants who are typically receiving benefits that commercial tenants do not receive.

Our announcement today reflects that we realise it is not a catch all and that there are people who are experiencing hardship, particularly in situations I can envisage where there might be a household where they have lost their regular income because they have lost their job. They are now receiving some benefits but it is not nearly what they were earning by way of an income. So once they pay their household expenses and rent - their rent is likely to be quite a higher rent if they were in a professional job, for example, on a higher income. I get that there is going to be that type of financial hardship situation and that is the reason for the Premier's statement today.

Ms O'Connor - Middle income families will be impacted as well.

Ms ARCHER - As we are finding out in this COVID-19 challenging period not every situation is a one-size-fits-all. It is very much case by case. I thank all members for their forbearance in that regard. We do not profess to always know all of the answers. It is very challenging for government as well. We are putting an enormous amount of funding into relief. We are encouraging local government to do the same. I understand why they are concerned about their ongoing budgets and needing to then make cuts to get their budgets back in balance but unfortunately as a state government and as a federal government -

Ms O'Connor - Everyone's bleeding.

Ms ARCHER - Yes, everyone. A very good way of putting it, to reduce it to that, Ms O'Connor. Everybody is bleeding and there is an acknowledgement of that.

Ms Dow's question in relation to rates was interesting. Obviously this bill does not deal with rates. Some local governments have responded really well. Some feel that they have not been able to -

Ms O'Connor - It depends on their balance sheet situation. I get that.

Ms ARCHER - It does. I get that too. There was very early reluctance to anything by some councils, which was disappointing.

[3.40 p.m.]

Mr FERGUSON (Bass - Leader for Government Business) - Madam Speaker, pursuant to standing order 115, I move -

That the minister has leave of the House to speak for an extension of time up to 30 minutes.

Motion agreed to.

Ms ARCHER - Madam Speaker, I will hurry as much as possible. I draw members attention to the fact that throughout this extraordinary period our main aim and challenge has been to keep Tasmanians safe and secure, obviously through the challenges faced by COVID-19 pandemic.

Tenants are being supported through this time in a substantial way. I repeat my previous comments that we do recognise on a case-by-case basis there are challenges. Even during these unprecedented times the Government committed very early to residential tenancy laws that met the needs of tenants and landlords hoping to strike the right balance between certainty, flexibility and fairness.

It is a really difficult area to get that balance and that flexibility. I thank a lot of stakeholders. The Real Estate Institute of Tasmania, in particular, has been really hard hit, as have many other areas; I acknowledge that. They and individual private landlords - a lot of the letters from them have said, 'That we understand. We do not want people to be out of their houses. We do not want a situation where people are in hardship but please just remember that we are human as well. There is a human face to this'. I think it is really important for us to remember the human side of this.

When we are dealing with commercial tenancies the landlords in Tasmania are not always your big corporate commercial landlords. Sometimes the arrangement is the exact opposite. Mr Ferguson is no longer in the Chamber but I know that he has had correspondence where the landlord has been a smaller operator but the tenant in a commercial situation has been a very large multi-national. You really get it from both sides. It is really important for us to remember that.

Yes, we acted very early and swiftly in relation to residential tenancies. We needed to. We did not make those changes lightly. In fact, the Government has agonised over every decision it has had to make because of the significant impact it is going to have on someone.

Equally important is we have continually highlighted that with all of these mechanisms, measures, protections in place, it is not an excuse to not pay rent if you can still afford to do so. That is what we want to always encourage people to do. If you can still afford to do so then do that. I think those points have been made very clear throughout our public media conferences and media releases that we have been issuing.

Ms Ogilvie drew my attention to a few things and I want to make some comments about that. As to actions that have been taken by a lessor prior to the commencement date, such as matters before the Supreme Court, if the action relates to prohibited lessor action and that action would not be able to be taken during the financial hardship period, such as unpaid rent, then the action cannot be taken until after the financial hardship period or it could not continue until after that. If, however, it was an action that dealt with some matters that do not come under protection from this but there were some, I imagine maybe a court could make an order in relation to some things but not others, or the parties might determine if it is best to leave it until after this period. If, for example, it was a

matter to do with nuisance or damage they could still proceed, because it is not a prohibited lessor action.

Another question was, what happens if mediation fails? I hope people can resolve things, but we are realists; sometimes they won't. I will say, though, that in my involvement in Supreme Court matters for civil litigation, over 95 per cent of my cases settled at mediation, which is pretty good. Sometimes it would only take a few hours and sometimes it might take days, but we would get there. Length of mediations can vary and that is why it is very difficult to estimate the cost as well. If mediation fails, either party can seek to have the matter arbitrated under the Commercial Arbitration Act 2011. That is why that provision is still necessary in there. Alternatively, they can also take the matter to the court. It is not necessarily specifically the Supreme Court. It is with the appropriate jurisdiction based on the value of the dispute and we know how that works; also Magistrates Court to a certain level.

What happens where the protected lease relates to a commercial premise but is also a residence? The member gave an example of her friends at the South Hobart fish and chips shop. I stop there and get drinks, not so much fish and chips, every night.

Both the act and the Residential Tenancy Act 1997 apply to the lease. We are talking about both matters being covered under the one lease. In this circumstance the tenant would be afforded the protections of each, and depending on the nature of the dispute, whichever act provided greater protection would apply.

Ms Ogilvie - To clarify, I don't think there is any dispute.

Ms ARCHER - No, there is not, and I know that their landlord has been very good, but I have provided them with the information in passing so they knew where to go and what to do and what was likely to come under this legislation.

Another question was about clarity regarding application of the bill to licences and vehicles and charities. By vehicles, I mean food trucks and those sorts of businesses. The definition of a lease includes the right to occupy, included where the right is not for exclusive possession. As such, it does include licences, as these typically relate to a right to occupy. The key here is with licences, and I think another question was asked about licences, is that where there is a right to occupy they will be covered.

For the purposes of the act, 'premises' include premises and land. Premises is not further defined and so has its normal or regular meaning and therefore includes buildings and outbuildings on land. As such, it does not include vehicles such as trucks or boats. The definition of 'business purposes' includes the carrying on of a business, profession and trade and therefore would include leases that relate broadly to industries, including aquaculture, raised by a member. The definition of 'business purposes' includes business operations for charities and does not apply this to be with a view to profit. We can take that offline if you want, as you said. With any other specific examples I am happy to have a chat or correspond.

Ms Standen had a question about whether we have considered counselling between the parties. I am looking at my advisers in the hope that they might address that but I will come back to it. I was not quite sure what you meant by counselling given there is mediation there.

Ms Standen - Financial counselling.

Ms ARCHER - I think I know the answer to that question but I will come back to that if that is okay.

In relation to the additional resources you mentioned, we gave a commitment in the first COVID-19 bill that the Premier took through during the debate in the Legislative Council that we would provide additional resources to the Retail Tenancy Commissioner and Tenants Union should it be needed due to an increase, with a mind we would look to provide them with additional resources.

Similarly, in my Attorney-General space and the Council of Attorneys-General, we have been discussing legal assistance generally in relation to family violence and the increase in matters there and in relation to community and legal services and that sort of thing, and if there is an increase in those services how we would need to respond. Again I point to the fact that both state and federal government have demonstrated a great willingness to step in in a number of areas and provide funding where it is incredibly needed for various reasons during the emergency period, and if there is an astronomical demand that is why we gave that commitment in the Legislative Council. I note also that the Tenants Union has written to me about this matter and I am seeking more information from them and obviously will discuss it directly with them as well.

I can confirm the 15 per cent amount for charities; it is on page 3 of my second reading speech. I can give you that direct quote. We were talking about the case of a business where the lessee has experienced at least a 30 per cent reduction in turnover when compared to the same period last year and has a turnover of up to \$50 million. In the case of a charity reduction in turnover of only 15 per cent is required, so I can confirm that.

I read out what we had in relation to land tax and covered that and the grants issue as well in relation to the funding we are looking at providing assistance for. There might be some grey area there so I will go to Ms Dow and come back to that question.

Ms Standen - There was just one other question about the eligibility of Australian Disability Enterprises and if you are aware of any other organisations that might not be eligible.

Ms ARCHER - Bear with me. So that we do not waste any time I will go to Ms Dow's question and then come back to that. Ms Dow referred to consultation with stakeholders. I can confirm there was consultation on the working draft bill. We provided consultation of the working draft bill to the following stakeholders for feedback: the Tasmanian Chamber of Commerce and Industry; the Launceston Chamber of Commerce; Tasmanian Small Business Council, although I did have discussion with Mr Mallet and I have an email that was sent to him. For some reason he did not receive it, but he has certainly been provided with the latest bill. I have had my office contact him so he has been directly consulted. Tasmanian Independent Retailers; Australian Lotteries and Newsagency Association; the Law Society of Tasmania; the Tasmanian Bar; Property Council of Australia Tasmania Division, The Office of the Coordinator General, who of course deals with businesses all around the state, the Local Government Association of Tasmania, to take care of that sector, and the Real Estate Institute of Tasmania.

The broader stakeholder consultation we would go through when we are developing and consulting on a bill for a number of weeks in the usual course of events when we develop legislation is just not possible in this pandemic situation. So, what we tried to do was go to the peak bodies that had the most interest. I think the THA, for example, was raised as an interested group. Now that the regulations will be developed, I have no problem with the broader stakeholder group being

consulted. I urge any of them if they want to be involved to get in contact. I have no problem with that at all.

None of this is deliberate; it is through circumstances of developing things very quickly. We are relying on a small team of people with high expertise. There are only 24 hours in a day so this process has been a bit of an extraordinary one. I will get to thanking those people at the end of my contribution. Hopefully I will not forget because the enormity of the task was incredible.

The differences between the working draft and final bill: the draft of the bill was provided to properties and small businesses stakeholders that I have listed on 24 April 2020. Following feedback received from stakeholders and as a result of the finalisation of legislation and regulations in other states, a number of provisions were made to the bill. In particular, these changes removed certain complexity and technical provisions from the bill after seeing what other states had since developed; how they had done it, what they would put in the regulations and further discussions we needed to have with those jurisdictions as well. That was the reason. I explained earlier in my summing up contribution that we really need to be mindful of national consistency. The timing of all of this was such that I wanted to get something out and it shows that a lot of work had been done up to that point by our drafts people. That work will not necessarily go to waste because it can be helpful in the development of regulations.

In relation to the development of regulations, they will be made to support the operation of the bill, as regulations always are. These will include further detail on how the rent reduction provisions can also be used at a class of lease or to make an entity eligible. This is the point of the clause that was referenced by Ms Dow. The Government will consult the stakeholders with regards to the content of the regulations. I note that the regulations are not required for the obligations in the act to take effect. In other words, the act will come into force regardless of the regulations being done or not.

In relation to general protection for actions to comply with COVID-19 laws, clause 11 of the bill improves a general protection for actions taken by a lessor or lessee as a result of COVID-19. This clause applies equally to lessors or lessees. There was a reference to good faith in clause 12. That clause includes the general obligations of lessors and lessees to negotiate, share information and assist each other. Clause 18 requires these negotiations to be undertaken in good faith.

As to scope of the protections during the financial hardship period, a lessor cannot take prohibited lessor actions with regard to certain breaches such as unpaid rent or other monies, failure to meet performance criteria or be open at times specified during the lease. This applies where these breaches occur for any reason during the financial hardship period.

Also, there is a reference to 'oral or otherwise' in the definition of lease. The reference to oral or otherwise is to capture leases or variations to leases that are not documented. Believe it or not, that does occur more frequently than is probably desirable, but these things happen. This recognises that some leases rely on verbal agreements and it is quite commonplace in the law. You do recognise verbal agreements. That is specifically dealing with that recognition, otherwise it would not be captured. Rather than it being not detailed enough, it is there to be flexible for the different types of arrangements that people have.

Declaration by lessors or their commercial leases. Parties are required to provide each other accurate and sufficient information regarding their financial situation to enable rent reductions to

be negotiated. If a lessor would like its financial situation to be considered in the context of any rent reduction they will need to provide information regarding their financial position.

Ms BUTLER - Point of order, Madam Speaker, there are a few questions that were not answered. Could you advise on the process for us to re-ask those questions, or do I do that through the Chair?

Madam SPEAKER - The minister has 13 minutes left so she will probably get to them.

Ms ARCHER - In relation to Ms Standen's issue that she raised about Disability Enterprises; if they are currently not covered we could use the regulations to add charities like Disability Enterprises. We would be prepared to consider that. As we said before, situations or examples are emerging so we will look at them. You are most welcome to write to me about that so that it is on the record for us to consider by regulation.

Ms Standen - Thank you. Through you, Madam Speaker, if there are organisations seeking information on eligibility and the other process questions, is the process for them to go through Consumer, Building and Occupational Services?

Ms ARCHER - Yes, I cannot see why they cannot go direct to CBUS, to the director, on that, given he will have that role.

Financial counselling does not form part of the bill; however, the business support provided by the Tasmanian Government as part of the COVID-19 package includes financial counselling and advice. There is business continuity advice. I mentioned this in part of my contribution with \$750 000 made available for businesses to seek cash flow and continuity advice and a further \$200 000 provided to Rural Business Tasmania to extend its financial counselling services and also \$100 000 to support local chambers of commerce to assist businesses. There are a number of sources to tap into. In relation to advice that people are seeking elsewhere, particularly the Tenants Union, what I have said in relation to the resourcing questions are there.

Ms Standen - Thank you. That points to the financial counselling support for businesses but I am concerned about small cottage industries and so on.

Ms ARCHER - There was also some additional funding provided to the Small Business Council of Tasmania. They typically represent commercial small businesses that are often tenants and appear to be the best representative body in that regard from our knowledge. There has been a package provided to them as well.

My apologies if there are some questions I have missed. We are shaking our heads as to what we may have missed but I would like to wrap up. I have some people to thank because the amount of work on this has been incredible and it is important that I use my contribution before I run out of time. Members are welcome to go into Committee and ask questions on various clauses. I have not added up the number of questions we have had to answer and deal with also in the lunch break to ensure we have provided as detailed answers as possible.

Ms Standen - A point of clarification. I understand and thank the minister for her considerable flexibility and forbearance. The outstanding matter referred to was around the cost of mediation. I understand the bill provides for that to be shared between parties but I wonder if there is an estimate about what that might involve for the various parties.

Ms ARCHER - I am sorry, we missed that one. In relation to mediation, the Government is making a financial contribution towards mediation. From personal experience and also our collective knowledge about mediation, if for example, the Government covers the first two to three hours of mediation, that gives parties a broad chance of resolving some issues within that time frame. I believe it provides a good incentive as well. Our thoughts at this stage are that it would be two to three hours contribution by state, not federal government, as someone mentioned. This is an initiative of ours in direct recognition that this is a financial hardship situation and people's financial resources are strained. We acknowledge that there needs to be some incentive to try to resolve mediation so there will be that contribution. Any time after that would be shared 50-50 between the parties, as is always the case in mediation. Does that answer that? My apologies, I had forgotten it, but I knew the answer anyway so it is easily fixed.

I would not normally single people out but I am going to today because it has been a small team working very hard on this, ably supported by the respective divisions and offices. Peter Graham has been an absolute trooper on this, trying to resolve some of these issues and with incredible expert level advice from our Solicitor-General and Crown Solicitor. I do not normally ever need to, or would I acknowledge them, but I wish to do so today. I also acknowledge the infamous Robyn Webb in OPC who has done a power of work; I do not think she has slept. There has not been a lot of sleep so I really want to single out those four people. The secretary of my department and various deputy secretaries have been phenomenal, as have the incredible teams that support them as well, and also CBUS generally have been fabulous in supporting Peter.

I also thank the staff in my office. It has been very fast paced dealing with a couple of bills at the same time. They have been incredible, so thank you, Rowena. The hours of work have been long and arduous but oddly fun, if I could say that. I wanted to say those very special thank yous for all of us to get on the same page. It has been difficult at times but we got there. Thank you all for your contributions as well.

Bill read the second time.

Bill read the third time.

MOTION

Order of Business

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

That the House now go immediately to the MPI and then onto the adjournment, in accordance with Sessional Orders.

Motion agreed to.

MATTER OF PUBLIC IMPORTANCE

COVID-19 Emergency

[4.12 p.m.]

Dr BROAD (Braddon) - Madam Speaker, I move –

That the House take note of the following matter: the COVID-19 emergency.

I would like to talk about how the north-west has been in lockdown and the impact of that, but first of all I would really like to thank, on behalf of myself but no doubt the Labor Party, businesses, workers, families and individuals who have participated in the lockdown. It has been imposed on the north-west, there is no doubt about that, but people have taken it on board and acted in good faith and to a large extent done the right thing.

It appears that the reward for this action and the sacrifices of people in the north-west is that the outbreak appears to be somewhat under control. These things can change. However, the actions of the members of the north-west community going into lockdown, reducing their trips out of their family homes and so on, has indeed been really good.

I have noted that the best way to describe the north-west lockdown it has been quiet. Quiet is probably the way to describe it, in that the streets have been much quieter, the main streets have been quiet and indeed, even the supermarkets have been quiet. That is certainly the experience in my home range because like everyone else I have been trying to limit my movement around the electorate and around my town. I have been staying home.

People have been in good spirits, though. I have been getting out exercising regularly as a way to maintain my mental and physical health. As I have been running past people I give a bit of a nod and wave to everybody and everybody seems to be in really good spirits.

We know that lockdowns are hard. It has been hard to do. Not being able to see your family regularly is hard. Personally, I have found it a bit of a struggle because normally my parents come around to my house regularly on a Sunday to have a cuppa and a bit of a chat and obviously that has been impossible. My parents are right in the zone where they are at risk and have been locked down for months now. It is also not being able to give your family members hugs, or the kids not seeing their grandparents. I know that has impacted my kids and their grandparents. Every time you see them you want to give them a cuddle instead of being two to three metres apart as you drop off a box of goodies and take a few steps back. It is like everyone is radioactive. It has been hard but it has been for the good, for the good of everybody.

We know that working from home can be hard. My children are quite young. They are 11, eight and six and they want attention. There have been some quite amusing situations like one time we were on a phone call with the Police Commissioner and the phone was on mute and as soon as I took it off mute one of them screamed at the other one. Luckily, the Police Commissioner did not act on what was probably evidence of a bit of an altercation. These are the things that everybody has been facing.

The people in the north-west have been working from home. Kids are learning from home as well and it is pretty hard. There is no doubt about that. It is a new life for everybody but it is for the good of everybody.

We know that some of the restrictions have been lifted. Some businesses are starting to open now but the message we really want to get across is this is not over. We are not out of the woods yet. We had four days of zero new cases and that was a very good moment for us. It was a pause. Let us hope it is not the eye of the hurricane and that the two cases that were positive yesterday do not continue and that we can again go back to days on end of zero cases. That is ideally what we want but it will take cooperation from everybody because there is still great danger.

We know that the virus itself has no feelings or no plan or any sort of emotions. It is simply some genetic material wrapped up in a bit of protein and it is very good at hijacking humans as carriers and making copies of itself and spreading. It will continue to spread unless we actively stop that spread by reducing contact.

We know that the north-west is very connected. For those who think it will not impact them, it will. Just to highlight that I would like to put out there that two of the victims in Tasmania have been members of my wife's extended family, so it has impacted us. It is tough. The second of the victims died on the same day as the funeral of the first. That compounds the grief. Not only can you not go to the funeral but there is another one.

One of the victims, the most recent victim, was a friend of my father's. I am one person and yet through my connections I am connected to three of the victims. I did not know these people very well but the people I care about did, and do. If you think that everybody is going to sail through this without impacts, don't. We know that we are all so connected that it will impact us. That is why we need to do everything we can to stop the spread.

We know that there is a lot at stake but there are other things we can do. If you have symptoms, get a test. If there is any doubt, get a test. I had a sore throat last week; I got a test. Obviously, I came back negative. The process was simple. We rang up, rocked up in the car, had the swab and then a couple of days later got the result. This is something that we can all do to protect our friends and family and our community and we can get back to living the way we did.

It will take effort from everybody. I urge people, if you have any symptoms or any doubt, get a test. Most of all, if possible, stay home, save lives.

[4.19 p.m.]

Mr JAENSCH (Braddon - Minister for Human Services) - Madam Speaker, it is going to be a bit of a theme through our contributions today because I too would like to speak about this health emergency again through the experience of our north-western community, partly because it is where I live, and I love it, but partly also because this has been a community at the pointy end of this emergency so far and our response to it. Maybe there is some experience from our region's community that is of interest and of value to others who might still have the same journey ahead of them as we have had most recently.

First, I want to say how proud I am of my community for staring down this last outbreak and beating it. Certainly, the Government, the ministers, the Premier, and their advisers acted very quickly and decisively to shut hospitals and to bring in the extra resources, the ADF, and AUSMAT and others to address the circumstances of the outbreak. However, the response would not have worked unless Tasmanians in our region also shut their businesses and stayed home. Those of us with symptoms were tested and provided the data, the picture we needed for long enough that the Director of Public Health could give the Premier advice to lift those restrictions again and for our region to return to the normal levels of special restrictions that the rest of Tasmania is under.

It would not have worked without the people rising to that challenge, alongside the specially trained resources that we brought in. We did our bit. Everyone did their bit. We knocked it down but it is not going to stay down if we do not stay on it. Clearly, this is not over yet and four days without a new case was fantastic and then two cases in a day. It has not gone and it will not be gone for a long time. While the additional business and travel restrictions have been lifted from our region, the statewide messages and restrictions and penalties remain and they will remain for good reason for a good long time. Other places have had second and third waves of outbreaks wash over them. There is no cure for this yet. The virus still depends on people to carry it around. The less we move, the less it moves.

The other day I heard someone on the radio say that a parachute only really works for you if you wear it all the way down to the ground. You cannot rush it. It is dangerous. I thought that was not a bad analogy. The next bit is going to be the tough bit, feeling like we are on top of it but not being there yet. We are going to have to be patient with this and we are going to have to move into a different gear to get us through a longer period of 'not normal' before we get to ground, back to normal, back to the usual Tasmania and the ground may be different when we get there. This is going to create some tensions and we are going to need to get used to it.

Back to the north-west coast, I have heard reporting here and elsewhere about what happened on Monday when the restrictions were lifted and the queues that were outside K-Mart and Bunnings. I saw the carparks as I drove past them yesterday. I also saw queues of people in their cars at the testing station at West Park doing the right thing. Some people, and possibly some of the same people, were driven to go and do a thing they had been putting off for three weeks because they had been following the rules.

There are going to be these tensions as people know what they should do but they have kids who are missing their mates. Schools have re-opened and they feel driven to do something about that. There is a restriction and they see a glimmer of light and they go for it because they have been good and they have done their bit. This is going to be the tough bit because we are going to need and want things and we are going to miss things and we are going to get fatigued and we are going to become impatient. Yet there are still going to be these messages and we are going to have to tough it out and that is going to be hard for some people.

For them, my message is to try to take the things that you have taken as precautions and make them into habits. Find someone who has been resisting doing online banking or ordering stuff online because they thought they could get away with it for a little bit longer, or having their meetings by telephone and help them to do it. These things work. They are not dangerous, or no more dangerous than any other way of transacting business. We need to start to make sure that they become part of our normal operations, if we are going to be able to do the things that we need to do and not put them off and have this tension between the discipline that has been given us and the things that we feel that we need to do or that we cannot wait for.

This is going to be more difficult for some people than others. I very much encourage Tasmanians to reach out to their kids, their parents, their elderly neighbours, their friends who might not have good English skills, who might not have good digital literacy or access to things and be the link, be the first mile for them to help them to access these services that enable them to function normally for longer under these unusual circumstances.

This is how we are going to beat that tension which might otherwise lead people to do the wrong thing, to get into trouble and to spread this virus further than it needs to go. There is no

shame in reaching out for help. That is what it is there for. We are getting better at it, whether it is help from family members, or friends and neighbours, or other people in our community or the help that is built specifically for you when you need it through mental help lines, through organisations like Rural Alive and Well and the Tasmanian Lifeline. Make use of them if you need them. That is what they are there for; we are all here to look after each other.

[4.27 p.m.]

Ms OGILVIE (Clark) - Madam Speaker, I wanted to make a contribution that is quite forward looking. I recognise the two heartfelt contributions that have just gone before us. What has happened on the north-west coast has broken our hearts. I acknowledge that.

What I want to talk about is a little bit of a change of pace. The interregnum we have all had has given us an opportunity - some of us when the kids are finally in bed - to think, and to think about the sort of environment we want to inhabit in this new normal. I have tabled a bill that I would like to comment on briefly, which seeks to consider what we are doing with our global supply chains and how we can help eradicate some of the human rights issues that we have seen around the world when we come back to the table to negotiate these supply chains and our contractual relationships.

We know that the business sector has borne the brunt of necessary steps taken to secure the borders, to implement steps for public health to contain the health impacts of the emergency. The health and security of our people has been our primary concern and will continue to be our prime concern.

However, it is now time to consider some of the steps we can take to think about economic recovery and focus more on self-sustainability, jobs and economic growth. We have had that time to think. Innovation has happened because we have had to be innovative. That which can be digitised has been digitised. New models of business, work from home, economics, innovations in government support have been created and deployed in record time. The Tasmanian community should be roundly congratulated for pulling together in this difficult time and with particular credit to the north-west coast.

We now have the opportunity and time to consider some of the elements of economic recovery that may not have been top of mind before the crisis. Prior to the crisis we operated in a globalised economy, which is heavily reliant on international supply chains. That is to say, our national economic model was somewhat predicated on being able to procure inputs to our economy from places of lowest price. We know that not all countries share Australia's high standard of workplace occupational health and safety laws, our perspective on human rights, our capacity to pay a fair day's wage for a fair day's work, our health and social safety net. Yet we do not necessarily factor these concerns into our decision-making when it comes to buying materials and services offshore. Some of it is not transparent. We do not know how these things are being treated in the products and services that we buy. It is very attractive always to buy more cheaply those things that are manufactured so that our ultimate price is not over the top.

It is fair to say that a good deal of focus has recently been on this issue of supply chains which have incorporated what are now known as model slavery practices. The federal government enacted the Modern Slavery Act to start to address the concerns that we had about these exploitation issues of people; victims who are forced in slave-like conditions to work in mines, factories, farm, garment manufacturing - a key issue - and other areas around the world. All products from garments through to technology, mobile phones, solar panels, food and plastics can be tainted by this unseen

exploitation. While we are going through this period of re-thinking, re-imagining and resetting our concepts of how we want our Tasmania to be, what it means to be Tasmanian, cleaning up our supply chains to make sure there is no question of human rights abuse taint is something that we should consider.

Goods and services may well give us cheaper products but if they are tainted like that, what is the true expense? It is quite horrible when you start to think about it. The federal government's legislation established a reporting framework federally. I propose a state-based bill that does not seek to replicate the federal bill but brings it down to a local level, imposes some new thinking and new ideas on both our government procurement services and also local corporations that meet a certain threshold target. Of course, if they were covered by federal government reporting regime they would not have double up and report locally.

I like the idea of acting on this while we have this moment to think. It is real economic stuff. It certainly does not replace the work that we need to do to contain and manage the health issue that we have before us. I think we are somewhat already in our new normal. I would like us to really think about that.

I would like Tasmania to satisfy herself that she is acting as a model global purchaser if we can. I have put a draft bill on the record. I do not intend to bring it on until everybody is able to breathe out after this period so that we can have some proper conversations around that. The International Labour Organization estimate that approximately 11.7 million people are in forced labour around the world and approximately 56 per cent of the global total are in our region. We are well placed to do more. We have a very important role that we can play on the global stage in the elimination of this practice. I would love Tasmania to be a leading light.

I know that other jurisdictions have started to move on this. New South Wales has a bill which is not finalised. Some amendments are being proposed for that. I know the United Kingdom has moved and they have appointed a commissioner and are working on it quite carefully. It is something we can do.

I want to say that by no means it takes away from the crisis in which we find ourselves. I wanted to make a contribution that looks forward somewhat, that has a big picture perspective where we think about our planet and think about all of the beautiful people on our planet and those who are already having an awful time where it was. Things were terrible, thinking about those countries where they do not have the standards in place. Now we have the mechanism tools that we can use through our procurement and through our supply chains to start looking at this issue and seeing what we can do about that.

Time expired.

[4.34 p.m.]

Dr WOODRUFF (Franklin) - Madam Deputy Speaker, I know we have spoken about this before. There are a number of people who have died of coronavirus disease. We have spoken about the impacts on the families in the north west. Impacts on those people are profound and long-reaching. It is really important to understand, as the Premier has said numbers of times, the sacrifices that have been made in this state, not only in people's lives and in families but in all the jobs that have been lost. All the restrictions have meant people have lost contact with each other and have been unable to do the things they have needed to do in everyday life. We do not yet know

the cost of that in terms of mental health, of people losing businesses and jobs on a permanent level and the impact on children's schooling. So many other things are still to unfold.

Why it is important to come back to remembering the sacrifices is that Australia is at a very important point. On Friday we will hear from the National Cabinet the result of their views about where we are going to head in Australia as we look to the prospect of easing the social restrictions that have been in place for about six weeks now. This is a crossroads for us as a country. It has important and vast impacts for the whole nation and especially for us in Tasmania, this beautiful little island that we stand here representing and the people who love this place and who care deeply about the impacts that this virus has had on everyone who has been personally affected.

Here we are, Madam Speaker. We had four days of zero cases and, probably like many other members here, I hurried every night when I saw that breaking news. It was excellent news and we look forward to hearing more of those news stories, but we have had a day now with two more cases. That is not surprising or unexpected. It just goes to show that we have to be ever vigilant and one wrong step, one false turn at this point, will cost us in people's lives and cost us a lot of money in terms of the economy. I am talking in terms of businesses and costs in health care and, of course, it would cost us with the sacrifices that people have already made that would have been in vain.

I want to make reference to where other countries have been at this point where Australia is making this big decision. The Premier is involved in that decision making in the National Cabinet. They have also been in discussions with New Zealand, which has taken a similar approach to Australia. Other countries such as Sweden took an early lead in Europe with the decision to go with herd immunity and they have had a devastating impact in terms of lives lost in that country. Unfortunately the United Kingdom subsequently adopted that false move, I strongly believe, by the Swedish government and started down the path of practising the nonsense idea of herd immunity for a virus which does not have a vaccine.

Since then they have backtracked but the cost for that false turn has been enormous. I understand 20 per cent of the population is on unemployment benefits, being supported with government money. That is an unbelievably high number, not to mention the unbelievably high number of deaths per 100 000. The United Kingdom deaths per 100 000 is 43 and they have so far had nearly 29 000 people die. That is a 15 per cent case fatality rate. Sweden has had 2769 people die. If that number was looked at in Australia pro rata for our population size it would be equivalent to 6500 deaths here. In Australia we have had, as of a couple of days ago, 96 deaths. It is a really stark comparison and shows us how a decision about restrictions and about how governments act can cost lives - real numbers, real people. Because of all the states, we are all so connected in Tasmania I believe we most strongly understand that, and are most strongly prepared to take the restrictions and do what needs to be done to prioritise saving people's lives.

The National Cabinet will be looking at the report Roadmap to Recovery, which has been written by Australian universities. It is a very high level academic report that has done the economic and the epidemiological analysis and makes very clear that of the two options presented there is only one option for the way forward and that is to eliminate the virus. The other option they investigated was suppression or controlled adaptation to the virus.

I am glad I was not on a debating team that had to debate that because that is not able to be justified by any rational measure. The report authors make it clear that going for elimination of the virus will lead to a psychological sense of safety and social wellbeing in the population. It will

mean fewer deaths, and less serious illness and infections. It will also mean economic recovery, so I strongly encourage and support the Premier to continue down the pathway of elimination.

[4.41 p.m.]

Mrs RYLAH (Braddon) - Madam Speaker, these past weeks have been like no other in recent memory. They have been incredibly tough weeks for our beautiful state as we continue with our plan to stop the spread of coronavirus. We are all living through very different and difficult times.

I thank all my constituents in Braddon across the north-west and west coast for working with us. You have made great sacrifices, both in your lifestyle and in your businesses. I congratulate you for your willing sacrifice for the benefit of other Tasmanians and am proud to be part of this community. Many of you have lost your jobs. Some, most tragically, have lost people they love.

I also understand there is a level of frustration. What we are all doing by staying home and limiting our movements by giving up slabs of our freedoms is difficult, and the longer this continues the more difficult it becomes. With four days now of no new cases, but again last night, as many speakers have mentioned, two more cases, it can begin to feel like staying home is no longer required but it is, as the new north-west case last night showed. Staying at home is saving lives.

I know there are businesses, industries, community groups and sports desperate to reopen and we desperately want them to reopen, but the measures we are taking right now are important. This is about the health of our community. Life and death and these measures are making a difference. Humans are the vector. We are the carriers and it is us we can manage and, through us, the virus.

Tasmania has an older and more vulnerable population. The Government made tough decisions early on to limit the movement of people coming into and travelling around our state. We have endeavoured to support wherever possible our industries and businesses.

During this period I have been receiving a significant volume of queries, as I am sure we all have, and issues that needed resolving from our constituents, as well as dealing with the tragic circumstances of the deaths in Braddon from COVID-19. My third call on 20 March as I just entered quarantine was to check on someone I know well in Somerset to see how they were travelling and to hear the shocking news that her brother was in the North West Regional Hospital in ICU and expected not to recover.

His wife was also COVID-19 positive and isolated at home. What this meant, she told him, was that no-one from the family could visit the sister-in-law, console her, support her. She was alone, apart from phone technology and thank heavens for technology. I spent considerable effort in getting additional support for this lady but for this *Ruby Princess* couple the outcome was tragic: the loss of her husband, the brother; no goodbyes or being there to comfort him as he passed.

I continue to support this family but there are many others with whom my office has been working, obtaining legal direction for lawyers on the residential tenancy arrangements implemented early by our Government or the essential workers that are fly-in fly-out. We have been gaining clarification and making sure our communication was clear on access rights to children where custody is divided between parents, clearing exemptions for an elderly cancer patient to travel to Launceston with two other persons, the driver and a carer, to ensure when the urgent surgery was done and completed they could safely travel, transport and care for the patient back to the far north-west.

We have been sorting funding for food relief for previously fully privately-funded food relief groups. As they were 100 per cent funded privately by donations, they had had no contact with the Department of Communities but because of the lockdown in the north-west their clientele had more than doubled overnight. This group is continuing its great work, under very limited resources and I continue to work with and for them. Food boxes, prepared meals; the Gutwein Liberal Government has committed significant levels of funding through our minister to food relief during this crisis.

On the caravan issue; when caravans headed to Devonport to get on the ferry, creating a crisis all of its own, there were many issues. On this matter, I ensured communication with Tasmanians who live in their caravan and whose home is rented - that is, they could not evict their tenant because of the emergency legislation - that they became permanent residents and ensured the caravan park owners were clear on what was permitted and what was not. We ensured our communication was clear and restated.

These were some of the many issues and all were happily resolved.

Our region is well-known for its highly capable and willing manufacturing businesses. Key employers in our region are well-known to be early uptakers of opportunity, innovation and development. This was again a case with personal protective equipment. I worked with several groups to ensure they were informed of what was required of them to get on to our supply list and to have their products assessed. Their products will save lives, are clever and innovative, in fact better than the competitive products that we had been using to date and they will keep and create jobs.

Then there are industries like the racing industry which I know, and like all our businesses, are keen to understand what a safe return to business looks like before the Tasmanian industry loses critical mass. Another 14 horses left the state last night, emptying stables, costing jobs and widespread flow-on to the feed suppliers, fertilisers, veterinary practices, farriers, fuel, and much more. We must do more for these regional jobs.

The Premier has committed to providing this clarity on Friday regarding the start to racing for all three codes. This will provide some certainty and a time frame for the industry to recommence racing.

Time expired.

[4.49 p.m.]

Ms DOW (Braddon) - Madam Speaker, as I drove out of Braddon late yesterday afternoon I became quite emotional. I am not sure why but the trigger for this was a simple electronic sign saying the Mersey Community Emergency was shut, turn back, or go to the North West Regional Hospital. The enormity of what our community has been through over the past six weeks, but in particular the last three weeks, hit me at that moment. It has been an emotional roller-coaster for all of us. It has been a gut-wrenching time and we as a Labor Party have supported the Government every step of the way, but we will continue to hold the Government to account as we continue on this journey.

Loved and respected members of our local community have died from COVID-19 and I extend my thoughts and love to their families, friends and loved ones during this period of sadness. Many people in our community have suffered with COVID-19 or been very worried and anxious about

whether they or their loved ones might contract it. Our businesses have closed and our people have lost their jobs and we have been separated from our families and those we love.

Others have said that it is quiet on the streets but I have personally found it a bit eerie. I do not know about others but when I go into a shop and talk to someone I find it uncomfortable. I know we have to do it but it just seems so unnatural and not in human nature not to embrace those you know or extend a gesture to those you know. You can tell. You can see it in people's faces. We are a close-knit community. We always greet each other with a smile but people are cautious and people are concerned. You sense that when you are in the supermarket or the local shop.

Up to 5000 of our health workers and their families were quarantined for two weeks. Our hospitals were closed and AUSMAT and the ADF were flown in to assist us in one of our greatest times of need. I want to thank them for this.

Like many others, I have questions about the preparedness of our local health services for this pandemic. I put my thanks on the record to all our frontline workers.

To those at the Mersey Community Hospital who continued to provide health care to our region during times of uncertainty and made their own personal sacrifices, I say thank you. To those staff at the North West Regional Hospital, the North West Private Hospital who were quarantined with their families and had all of that worry and concern, I say thank you.

To all our ambos who transported our people to the LGH and to the LGH staff themselves I thank you for helping us out in our time of need.

To our supermarket workers and all essential workers, I say thank you.

To patients in our hospitals and their families, it has been a really hard time not being able to go in and see your loved ones. I know our office has helped a number of people with that. It is really difficult not to be by people's side when they are dying but also when they are gravely ill. I acknowledge that.

The same goes for our aged care residents and their families.

To our teachers who have worked so hard to adapt and modify the way that they deliver learning to our children and our students: as a parent, I can empathise with everyone who has found it incredibly challenging to be by their children's side learning at home. I love my kids and I always try to help them where I can with their homework but I am not a teacher. It has given me a true appreciation of the valuable work that our teachers do, and their patience, and I want to put that on the record and thank them.

I must admit it has always frustrated me that national and state media coverage of the north-west coast always seems to come at a time of distress or bad news. This often means that we do not get the opportunity to share our successes or achievements. There is no doubt we are a vulnerable community. We have an ageing population, low levels of educational attainment and poorer health outcomes and our economy over many, many years has endured significant shocks. We are strong, we are resilient, and we are a well-connected community and we will get through this but it is going to take some time and it is going to take patience.

I thank the people of Braddon, my electorate, for staying home and saving lives, for adhering to restrictions and most importantly, for supporting each other in our time of need. This work does not stop now. We must continue to remain vigilant and look out for one another and we each have a role in encouraging one another and adhering to restrictions and making decisions about what is essential. We are not through the woods yet and as I said, we must be patient.

Overall, people have done the right thing and they are to be thanked for that.

The people of the north-west coast have copped a lot during this pandemic including national rumour and innuendo and our health professionals and north-west Tasmanians deserve better from our national leaders. Our health workers deserve our respect and they should not be vilified by fellow community members or our national leaders. I cannot imagine what it would be like going to work worried that you yourself may contract COVID-19 or that you may take it home to your family or that you may transfer that to your vulnerable patients.

One of the greatest challenges in this that has become evident to me is the way that we disseminate information to communities. There are so many different ways that information can be gleaned by people these days and that presents a really big challenge to us as leaders in our communities and to governments as a whole. There will be some significant learnings around that and we need to give much more thought to the way we provide and share information with our communities and through our community networks.

I believe that our region deserves the attention of our governments to address the structural deficits in our local economy and to better protect the vulnerable people who live in our community in Braddon. Infection control, support, resources, policies and procedures should be consistent across all hospital settings in the state regardless of where you are, whether that is King Island, New Norfolk or the Royal Hobart Hospital.

As others have said about their electorate officers, I want to thank my staff in my office for the work they have done over the last few weeks. It has been very difficult not being able to work together as I certainly enjoy that very much. I thank Kay and Jess for all their hard work in quite exceptional circumstances and thank them for the assistance they have provided to numerous people throughout this, and will continue to do so.

One of the things this highlights to me is the need for greater value of and investment in regional health services and that should be one key learning from this whole experience.

Time expired.

ADJOURNMENT

Fallow Deer

[4.56 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, I want to talk tonight about a problem that reaches back almost two centuries in Tasmania to the 1830s when the original colonists decided to import fallow deer onto this island for hunting purposes. We are now in a situation in 2020 where the Department of Primary Industries, Parks and Water and the Environment Game Management Branch really have no idea how many fallow deer there are in

Tasmania. The most recent research from 2016 indicates there could be anywhere up to 25 000 to 30 000 fallow deer in the landscape. These animals do not belong in Tasmania and they are having a profoundly damaging impact, not only on the wilderness but on the lives and livelihoods of our rural producers and our farmers.

I have an email from the Saralco partnership, which is a Tasmanian producer of traditional superfine merino wool, and this is after a statement I made recently supporting the Invasive Species Council's call on our Primary Industries minister, Guy Barnett, to have a plan in place to deal with fallow and feral deer. This email reads -

I am a wool grower in the Northern Midlands. The financial impact on my small operation, I employ just one person, is the equivalent of \$1,000 per week. A few years ago, the TFGA conservatively estimated the annual cost to agriculture to be \$25 million. It is probably double that now. And how do you put a value on the damage to our natural values? There are social issues such as road safety as well.

We have been encouraged to continue to press Mr Barnett, who is also a member for Lyons, to develop a plan to control and contain and, ultimately, to eradicate fallow deer from the Tasmanian landscape.

Together with Victoria we are the only jurisdiction that does not treat fallow deer like the pest species that it is. In fact, we provide enormous resourcing to the Game Management Branch in DPIPWE to keep a population of fallow deer going in order to supply landowners and the hunters who can shoot deer only in a particular season on their land.

We have an incredibly well-resourced Game Management Branch in DPIPWE and meanwhile over here is the Threatened Species Branch in DPIPWE, which I think has about 1.2 human beings dedicated to looking after threatened species in Tasmania. More public money is going into protecting a pest species than our native species in Tasmania. I have images, and I am not intending to use them as a prop, but these are images of fallow deer footprints in a cushion plant in the Walls of Jerusalem National Park.

The Tasmanian Invasive Species Council talks about the commercial use of deer, and this is an idea that has been put forward by some in the industry and indeed the minister himself, to create the game meat industry, but we know that has issues because for producers there is an incentive to encourage the population to grow. This statement says:

Commercial use of deer will provide an added incentive not to reduce deer numbers. We saw this when rabbit control was commercialised in the 19th and early 20th centuries and we are seeing it now on the mainland with feral goat control.

Limited available control options and legislation that protects deer in Tasmania as a resource for hunters is also hampering containment and control.

That legislation is the Nature Conservation Act of 2002, which makes a feral animal - that is right, a pest species - protected under the Nature Conservation Act. Every other state and territory in Australia, with the exception of Victoria and Tasmania, recognises fallow deer as a pest species. We have a government and an official policy which fosters increase in population of fallow deer. According to UTAS research, since the 1970s Tasmania's population of fallow deer has more than

tripled to at least 20 000 - and this is dated research - and the area they occupy has increased fivefold to some two million hectares.

This paper says that fallow deer is a recognised invasive biosecurity risk within Tasmania. The species is protected for recreational hunters and UTAS estimates that modelling using a conservative of growth rate suggests that the population could increase by 40 per cent in 10 years, and that was in 2014, and exceed one million by mid-century

When Mr Barnett goes out and talks to farmers in his own electorate of Lyons, surely he is hearing from them that they are desperate to have a plan in place, a government plan, to control fallow deer. I went on to a property out near Cressy a few months back and the landowner there said it is a nightmare. He had tried some tree planting and fences but the deers eat the trees and destroy the fencing.

We need to have a better system in Tasmania where we are not allowing an increase in population of fallow deer which do not belong here to run down agricultural productivity and degrade the wilderness. They are in the Walls of Jerusalem and other protected areas because of government policy that prioritises hunters and their desire to shoot deer over the protection of farmers' interests and the natural environment.

Unfortunately, there is no other way to look at it because that is what is happening here. Where deer populations are out of control farmers can only shoot them within a certain confined season. They are a protected species under the Nature Conservation Act. Massive resourcing goes into the Game Management Branch in order to keep that population going and issue the licences, but whatever revenue government gets from those licences is dwarfed by the estimated cost to the agricultural sector of \$25 million a year from a failure of government policy - and it is not just this Government, it is successive governments - that prioritises hunters.

This is a failure of government policy which is degrading Tasmania's natural environment and impacting on farmers. It is costing taxpayers enormously because it is taxpayers who fund the Game Management Branch, and it is unjustifiable in 2020. We need to be supporting our farmer, we need to be protecting our wilderness and we need to move away from a completely outdated form of thinking about fallow deer in the landscape. Mr Barnett, the member for Lyons, needs to deliver a plan for the farmers he represents.

Coronavirus - Impacts on Economy

[5.04 p.m.]

Dr WOODRUFF (Franklin) - Madam Deputy Speaker, Australia is at a very important crossroads, as is Tasmania. Over the next week or two we will be making some very large decisions about where we head in the near future, indeed until a vaccine becomes available for coronavirus, and that is likely to take another 18 months. It is an unknown number.

In this period we are balancing the social impacts of coronavirus disease. We are balancing the economic impacts of a whole nation, which has seen most industries grind to a halt in the manner of trading that they have done, so the impacts on us as a society are profound and we will never go back to the way we were.

While we are at this point of looking ahead about how to manage restrictions to the virus, the big pressure is on to kickstart the economy. Kickstarting the economy, as Josh Frydenberg has said, is about getting people back into employment immediately and every week is costing this country money. Every week with the wrong approach is costing this country lives. They are real people. The Treasurer has never explained how he puts a value on a life. Shame on him for beating that drum because it is a short-term expediency. Clearly the evidence is strong that we will win and win on every measure if we hold firm and hold strong on our commitment on this island to eliminating the virus.

What about beyond coronavirus? At some point we will come out of this space of severe restrictions and we will look at expanding the economy. We will look at stimulating jobs and we will look at building industries. Where we put our emphasis and where we put our money will give us a future which will provide us with a flourishing society, or it will take us back to a business-as-usual-approach which is a trajectory to a future which is increasingly uninhabitable for every single person on the planet.

While children in Tasmania have been at home studying, two of them, Toby Thorpe and Bryher McKeown, amazing legends in Tasmania. They are only 18 years old and they have already represented us as a state overseas at the United Nations Framework for Climate Change Convention meetings around climate change and they have penned a paper for the *Guardian* explaining that while they have been at home, they have already had the experience of sacrificing their education to flatten the curve. They have already sacrificed to flatten the curve around global heating. They understand what a crisis looks like because they have been staring into the crisis of global heating their whole young lives. What they can see is the motivation for them to spend every moment of their working and living days looking at how we can collectively change our manner of operating as human beings so that we can create a world in which we can live. That is what they are focused on. They are a guiding light for us. They and so many other young people in Tasmania are doing the heavy lifting.

We are speaking with them when we put to the Premier and to the Government that the priority must be when we look to future economic recovery, it must be through the lens of climate change. It must be through the lens of protecting nature. It must be through the lens of reducing income inequality. It must be through the lens of having sustainable, secure employment. These are the things we must focus on. It is disappointing that the Premier's Special Advisory Council lacks a scientist, that it lacks a person with expertise in climate change; it lacks a person with focus on these issues.

There are great people on the council but there is a huge gap. We hope that the Government will rectify this and widen the terms of reference for that advisory group that, at the moment, are far too narrowly focused. We need to look beyond economic growth. We need to look at how we manage natural disasters, how we bring about healthy environments and ecosystems and how we are able to produce food and reduce our dependence on fossil fuels. This the future we must plan for and this is where we need to put all of our efforts for economic recovery.

It is a joy, it is a boon. There are amazing opportunities available for us as a state as we come out of the coronavirus epidemic to look at the changes that we can bring to bear as a state to position us for a future and our children, like Bryher and Toby and all the other children who are working in this space. We can work with them for their future and provide them one which has hope, hope through action on addressing the issues of inequality and on focusing our understanding on the importance of the biodiversity of this beautiful island Tasmania.

COVID-19 - Impacts

[5.10 p.m.]

Mr TUCKER (Lyons) - Madam Deputy Speaker, I rise tonight to talk about the COVID-19. This has been one of our greatest challenges: facing COVID-19's economic impacts and ensuring a physical and mental balance. Due to COVID-19 a number of activities have been disrupted, postponed or cancelled. All non-essential public gatherings have been suspended to reduce the risk of spreading the virus. The health, wellbeing and safety of Tasmanians is of high priority. We continue to manage the risk of the virus based on the best and latest evidence and medical advice.

In addition to the health impacts the pandemic has very real and significant economic and social consequences. Our Government is doing everything it can to manage and mitigate the economic and social impacts and is working to ensure that businesses, our workforce and the communities are well positioned for a successful recovery.

A new National Cabinet has been established to work together to address Australia's response to COVID-19. The Government has provided support in economic stimulus packages to help businesses and Tasmanians affected by the virus. Emergency operation centres were established to support the work of the emergency coordination centre with the public health service across Tasmania. We have flattened the curve. To slow the transmission of the virus the best way is social distancing; minimising contact between individuals to reduce the possibility of new infections. Teachers and childcare workers have played an important part in maintaining the safety and education of our younger population in enabling parents to continue working, especially for our much-needed frontline positions. Thank you for your dedication to help us maintain some sort of stability.

Tasmania has superseded expectations. I thank each and every one for understanding and abiding by restrictions. The impact within Lyons is incomprehensible as with other electorates. The majority of Lyons is tourism with popular beaches, national parks, fishing and camping. I thank all Lyons constituents for their understanding, cooperation and patience as we face this epidemic together.

I commend our essential and frontline workers for being there each and every day for their hard work and dedication; a special thank you for making a difference in our lives. A special thank you and mention to our cleaners and volunteers. Your day-to-day contributions help us fight this disease. A sincere thank you to the media Auslan interpreters for being our voice during these difficult times. To all those companies, businesses, contractors, sole traders and employers who have sacrificed so much, the impact is shattering and unspeakable, especially for all those employees who have lost their jobs. The ramifications weigh heavily on our government. We apologise and sincerely thank you. With your cooperation and understanding we will be able to get through this pandemic.

I congratulate each and every member of parliament for their dedication and selfless service they provide to our communities during these difficult times and our staff for their support and understanding.

Our Premier has had to make some of the hardest and toughest decisions in these stressful and unpredictable times whilst maintaining a balance to ensure the wellbeing of all Tasmanians, businesses and the economy while we strive to come out of this in the best position possible. It gives me great honour to commend our Premier for keeping Tasmanians safe, as defeating this virus

is immensely important. I am sure to speak for each and every Tasmanian when I say thank you, Premier, for all you are doing. Your leadership is commendable and we support and stand by you.

We still have a long way to go with challenges ahead but Tasmanians are incredible when facing challenges. We rise to the occasion as Tasmanians are incredibly resilient. We have faced challenges before and have proven this in the past when confronting bushfires and floods and we have overcome them together. This will be no different. We will get through this. It will have an impact on all of us. Therefore it is important we work together making our number one priority to protect and care for all Tasmanians.

Anzac Day 2020
Ordinary Seaman Teddy Sheean

[5.15 p.m.]

Mr BARNETT (Lyons - Minister for Veterans' Affairs) - Madam Deputy Speaker, I am very proud tonight to speak on the Adjournment with respect to Anzac Day 2020.

It was a day like no other and so many of the members here in this Chamber would be fully aware of that it is our nation and our state's most significant commemorative occasion. It is a time when we gather together to honour the service and sacrifice of all of our veterans. In Tasmania we have 10 500 veterans and we are very proud of them.

It was unique in the sense that public services were cancelled in response to the Australian Government's instructions and absolutely as it is appropriate not to gather in groups. I acknowledge the leadership of the Minister for Veterans' Affairs, Darren Chester, who I know well and have a high regard for and thank him for his leadership. We met with other ministers around Australia and we all supported that approach. It was to protect the health and wellbeing of the public, especially our veterans and the elderly in the community.

I was heartened by the community's response. We rose to the occasion in the state of Tasmania with Tasmanians taking up the 'light up the dawn' cause in their community and in their town, wherever they were. They placed flags, poppies, wreaths on the front fences and made their own little memorials. People were down at their driveways or at their front step or on their patio with a light to light up the dawn at 6 a.m. What a wonderful way and a special way to honour those service men and women, past and present.

My wife and I watched the National Dawn Service from 5 a.m. and then we were lighting up the dawn at our own driveway like so many hundreds and thousands of other Tasmanians. I know that many will not soon forget that.

I was able to make calls in advance of Anzac Day to as many ex-servicemen and women and RSL branch presidents as possible to give them some confidence that we were thinking of them. We were concerned for them. We wanted to honour them. I was very concerned for their health and wellbeing, and their mental health and wellbeing. It was an anxious time. The feedback I have had was positive. They have got through, and they have been honoured. We will not forget them. Lest we forget, Madam Deputy Speaker, and I know how important it is to you as someone who is married to a veteran from the Vietnam War.

Colleagues and members in this place, I acknowledge RSL Tasmania for their leadership. With the work and the support of the state government we were able to circulate a flyer into people's letterboxes well in advance of Anzac Day and with the support of ABC Tasmania and the ADF. We had a shortened Anzac Day service at 11 a.m. with the Premier giving a special message, for which we are very grateful. He likewise laid a wreath on behalf of the Tasmanian Parliament, the Government and the people of Tasmania. Together with Robert Dick, the RSL state president, the Ode was recited again by Mr Dick. I was honoured to be the MC and note that Ashley Thomson was the Australian Army bugler. It was a lovely playing of the Last Post.

After that service, I was able to spend a short time with Billy Young, a World War II veteran who joined, I understand, around the age of 15 years. He was a POW for many years under the Japanese and he survived the Sandakan 'death march'. In fact, he escaped just before the marches began. It was a real pleasure to meet Billy outside his home, and then socially distance, of course. Likewise, the Premier met with Billy Young earlier in the day and he is certainly testimony to the fact that we should be honouring the service and sacrifice of those who have served and been a POW like my great uncle Laurie Thyne who had three and a half years as a POW under the Japanese at Changi Prison and on the Thai-Burma Railway. I know so many people in this place and around the community remember that as well.

In conclusion, it would be remiss of me not to provide an update on the continuing campaign to support Ordinary Seaman 'Teddy' Sheean of Latrobe with his Victoria Cross and to acknowledge that extraordinary bravery extended on HMAS *Armidale* on 1 December 1942.

The campaign continues. It has been 17 years for me and over 30 years for Garry Ivory and his family. It is many years but it is worth the fight. The fight is ongoing and it has been now more than a year since March last year when we had the two-day hearing in front of the Defence Honours and Awards and Appeals Tribunal. I was the applicant. The Royal Australian Navy were the respondents and it was a merits-based review.

That tribunal was supported by the federal government for a reason because it was a merits-based review. They knew that that decision of the tribunal was a very important one and I can say I encourage 100 per cent the acceptance of the tribunal report and the recommendation. That is why I am very hopeful. In my view, the evidence put to the tribunal in support of a Victoria Cross for Teddy Sheean was overwhelming.

I have written to the Prime Minister, I have written to the Minister for Defence, I have written to the Minister for Veterans' Affairs and likewise others in the community have communicated through his family, through RSL Tasmania and of course across government. I am very pleased with the communication, and very strong support from Tasmania for a Victoria Cross and that adequate recognition.

I have received feedback and I have written to the chair of the Tribunal. The chair has replied and advised that whilst he is unable to provide a copy of the Tribunal's written decision to me at this time - because we do know it has been received by the federal government in July last year - he will in due course.

He shared my expectation that the matter should have been resolved by now. That is important because it has been more than 12 months since the tribunal hearing and I am advised that the report and recommendation went to the federal government in July last year.

After 17 years the fight will go on and together with Garry Ivory and others we will continue the fight so in conclusion, watch this space. I remain more hopeful than ever before that the fight will go on.

Time expired.

The House adjourned at 5.22 p.m.