

**Tuesday 30 July 2019**

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

## **STATEMENT BY PREMIER**

### **Ministerial Appointments**

[10.03 a.m.]

**Mr HODGMAN** (Franklin - Premier - Statement) - Madam Speaker, following the recent resignation of the member for Franklin, Mrs Petrusma, from the ministry - and I take the opportunity to thank her and acknowledge her significant contribution to the Government - I wish to advise the House of ministerial appointments and a very refreshed and invigorated government.

I will continue to serve as Premier, Minister for Tourism, Hospitality and Events, Minister for Trade; Minister for Advanced Manufacturing and Defence Industries and Minister for the Prevention of Family Violence.

The honourable Jeremy Rockliff MP is Deputy Premier, Minister for Education and Training, Minister for Sport and Recreation and Minister for Mental Health and Wellbeing. The honourable Elise Archer MP is Attorney-General, Minister for Justice, Minister for Corrections, Minister for Building and Construction, Minister for the Arts and Minister for Racing. The honourable Guy Barnett MP is Minister for Primary Industries and Water, Minister for Energy, Minister for Resources and Minister for Veterans Affairs. The honourable Sarah Courtney MP is Minister for Health and Minister for Women. The honourable Michael Ferguson MP is Minister for Infrastructure and Transport, Minister for State Growth, Minister for Small Business, Minister for Science and Technology and continues as Leader of Government Business.

The honourable Peter Gutwein MP is Treasurer and Minister for the Environment, Parks and Heritage. The honourable Roger Jaensch MP is Minister for Human Services, Minister for Disability Services and Community Development, Minister for Aboriginal Affairs, Minister for Housing and Minister for Planning. The honourable Mark Shelton MP joins Cabinet as Minister for Police, Fire and Emergency Management and Minister for Local Government.

Joan Rylah MP is Parliamentary Secretary to the Premier; and Jane Howlett MLC is Parliamentary Secretary for Regional and Community Development.

## **QUESTIONS**

### **Premier's Support for Michael Ferguson as Minister for Health**

**Ms WHITE question to PREMIER, Mr HODGMAN**

[10.05 a.m.]

Your chaotic and dysfunctional Government is hanging by a thread. Just a few short weeks ago in this place, you offered your full and unqualified support for the failed Health minister,

Michael Ferguson yet a few days later you unceremoniously dumped him from the Health portfolio. Why did you mislead the people of Tasmania and say that the former failed Health minister, Michael Ferguson, had your full support when you had already made the decision to sack him?

## **ANSWER**

Madam Speaker, I thank the Leader of the Opposition for the question. Mr Ferguson has had, and continues to have, my full confidence and support, including now, to undertake those important portfolio responsibilities I have just outlined. He has a senior position in this Government and is part of a team that is refreshed and renewed. We have responded to a change that I have referred to and I again acknowledge the extraordinary efforts of the member for Franklin, Mrs Petrusma, and the job she has done. This was an opportunity to refresh our Cabinet and continue the job we were delivered to do. We were elected by a clear majority of Tasmanians to continue to deliver on what we promised - our election commitments - but also the promise of Tasmania being the prouder, stronger, more confident place that it is now.

No-one ever said it would be easy; there have always been challenges that this Government will accept and take responsibility for, no more so than in Health. Michael Ferguson, who served as this state's Health minister, is without doubt one of the best ever to serve not just one term but more in a difficult portfolio. He inherited a mess from the Labor-Greens opposition which left our health system in absolute disarray, and it is a credit to him and his commitment but also to our determination not to focus on personalities but on delivering for more Tasmanians. That is why, under minister Ferguson -

**Members** interjecting.

**Madam SPEAKER** - Order. This is a very poor start. I will start to issue warnings from now on, and the first person out is likely to be from the frontbench of this side.

**Mr HODGMAN** - Madam Speaker, the point is that the Labor Opposition has started this parliamentary session focusing on personalities, not on policies -

**Mr O'Byrne** interjecting.

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

**Mr HODGMAN** - and it demonstrates a lack of substance, which is not in any way comparable with the commitment and the dedication that Michael Ferguson has shown to a difficult portfolio, one with challenges, and one which, under this former minister, Michael Ferguson, has seen many hundreds of new staff employed, over 100 new beds opened, developments in all of our hospitals and the building of new facilities across the state. As health demand increases, we have responded, and that has been under the leadership of Michael Ferguson as minister for Health for over five years. That will continue under the Minister for Health, Sarah Courtney.

**Ms O'Byrne** interjecting.

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

## **Drug and Alcohol Rehabilitation and Mental Health Facility - Premier's Promise**

### **Ms WHITE question to PREMIER, Mr HODGMAN**

[10.08 a.m.]

Your Government is so chaotic and dysfunctional that you forgot to tell a member of your own party, the member for Clark, Ms Hickey, that she would not be getting a position in your new Cabinet. Instead, the member first heard the news from the media. As a result of your failure to pick up the phone for a week, your Government was plunged into crisis and teetering on the brink of collapse, distracted by internal politics. The price to prevent the member for Clark, Ms Hickey, quitting the party, was your promise to build a new state-of-the-art, 50-bed drug and alcohol rehabilitation and mental health facility somewhere in Hobart. When will this facility be built and how much will it cost?

### **ANSWER**

Madam Speaker, I thank the Leader of the Opposition for the question, although I do not in any way accept the facts as she has outlined them. The truth is that in response to the circumstances concerning Mrs Petrusma, we took the opportunity to realign ministerial portfolio responsibilities. I made a decision with respect to the composition of our team and we are getting on with the job of delivering. We are not focused on personalities or behind the scenes nor conspiracy theories and false claims which the Leader of the Opposition will no doubt continue to peddle.

In relation to the one matter of substance to which the Leader of the Opposition refers, we welcome somebody coming forward with an idea for government. We have not had any from the Opposition, not one. We invite them to forums to help be part of a solution and not part of the problem, but they cannot help. They offer nothing. We have never said that this Government is the repository of all ideas. We welcome other members of parliament identifying their priorities; what is important; and things that government might do from wherever they come.

**Members** interjecting.

**Madam SPEAKER** - Order. We are going to have a moment of calm. There are some histrionics going on here. Please resume, Premier.

**Mr HODGMAN** - It includes independents, members of the Greens Party, the Labor Party and of course, the member for Clark.

**Ms WHITE** - Point of order, Madam Speaker. I ask that you direct the Premier's attention to the question, which is: when will this facility be built and how much will it cost? It is a very important matter and I ask that you draw his attention to the question, please.

**Madam SPEAKER** - The Premier might get around to something along that line.

**Mr HODGMAN** - Certainly, Madam Speaker. We are already doing a lot to improve services for Tasmanians who need access to mental health facilities and services, but we welcome the proposal brought forward by the member for Clark. We will continue to work constructively and positively with her on delivering those improved services.

Could the Labor Party come forward with one idea or suggestion of their own? Or will you continue to obstruct, to play silly political games, to resort to stunts and scaremongering, which is all we have seen from you over the winter recess.

### **Health - Efficiency Dividends and Budget Cuts**

**Ms O'CONNOR question to PREMIER, Mr HODGMAN**

[10.12 a.m.]

Tasmanians alarmed at the running down of the state's health system under your Government are now reeling from news that staff have been warned to brace for a \$50 million cut from the Royal Hobart Hospital where patients have died in the Emergency Ward, ambulances are ramped eight and nine deep on a nightly basis, and clinical staff are crying out for adequate resourcing and leadership.

Instead of listening, you sacked the previous minister and installed one of your less experienced ministers in this critical role, a minister who inexplicably remains on the backbench. Then your new minister had a \$50 million cut to the RHH dumped on her.

Do you support your Treasurer's claims on the news last night that the hospital can absorb \$50 million being slashed from its budget? What areas of the hospital will this massive budget cut come from?

### **ANSWER**

Madam Speaker, I welcome the question from the member. I point out that Ms Courtney remains in Cabinet with this important job to do. She has my full confidence, as indeed did Mr Ferguson. He, as I said, was responsible, with this Government and the support of a strong budget and a strong economy, to deliver 1000 additional staff to our hospital and the health system, as well as 130 hospital beds that we have opened.

Under this Government, our expenditure for Health has hit around 32 per cent of our total budget which is the second highest proportion of any state budget that is applied to health. That demonstrates our clear commitment to our health system. We are spending over \$2 billion more on Health over the coming four years than was in the last Labor-Greens budget. That is demonstrative of our response to increased demand and our increased effort and the priority that we place on health. Not only does this issue remain a priority -

**Ms O'Connor** interjecting.

**Mr HODGMAN** - I reject her slanderous assertions about the capacity of Sarah Courtney to do the work necessary and the snide remark that was made.

**Ms O'Connor** - I just said inexperience, which is true.

**Mr HODGMAN** - If you are serious about supporting improvements to our health system, not only might you come up with some policies, but you would support our efforts in improving health services -

**Ms O'CONNOR** - Point of order, Madam Speaker. Many people are very interested in the answer to this question. The Premier needs to tell the House where that \$50 million, which equates to \$1 million a week, will come from out of the Royal Hobart Hospital.

**Mrs Rylah** - What's the point of order?

**Madam SPEAKER** - Mrs Rylah, I get to ask those questions. As you know it is not a point of order under the standing orders, but, Premier, I would like to see you progress that matter.

**Mr HODGMAN** - Certainly. I was going to correct two of the errors in the member's question. The first is in relation to Ms Courtney, herself, who is in Cabinet. Second, I rebut the claim the member has made about the efficiency dividends and their application to Health. I can confirm, and the Treasurer will outline further, that that figure is not right.

We will not, in being an efficient government that lives within its means, impact on frontline services or the services that Tasmanians need. Under this Government, we have improved them. We have invested more and we are responding to increased demand. Record levels of investments will continue under this Government, particularly in areas of need for Tasmanians, whether it be in Health, Education or public housing. The Opposition members demand of us yet, when we deliver, they run. They do not stand by their convictions nor the efforts of government to deliver on the things that Tasmanians need.

We have the strength to stand up for what is important for Tasmanians, to deliver and to be an efficient government. What happened when a Labor-Greens government lived beyond the state's means? The state's economy went into recession. You handed more debt to this Government in deficit -

**Members** interjecting.

**Mr HODGMAN** - You took our state's economy into recession and thousands of Tasmanians lost their jobs.

**Members** interjecting.

**Madam SPEAKER** - Order. This behaviour is intolerable. I have been away to Speaker school. I am not going to put up with it any more. There will be a bit more discipline.

**Mr HODGMAN** - We have turned this state around. We will continue to do that. We will be an efficient government and live within our means. We will not in any way compromise the services that Tasmanians need.

### **Tasmanian Economy**

**Mrs RYLAH question to PREMIER, Mr HODGMAN**

[10.17 a.m.]

Can you please update the House on how the majority Hodgman Liberal Government's long-term plan to build a stronger Tasmanian economy is working? Are you aware of any alternative plans?

## **ANSWER**

Madam Speaker, I thank the parliamentary secretary for the question. I make the point that it was just over 500 days that this Government was re-elected with a clear majority to continue the work that we started and to continue the job we were delivering, which has helped transform the new Tasmania.

As I said in an earlier answer, we are now a stronger, prouder and more confident state than before: a Tasmania that now knows better than ever before that not only can we compete with the best but, in many respects, we can be the best at what we do. We accept there is a lot more to do and our focus is on that. That is what we were elected to do with a clear majority by the Tasmanian people just over 500 days ago.

We are committed to delivering on what we promised and also ensuring that we deliver on our promise to maintain the momentum of the growth in our state. Under our Government, our economy is one of the strongest performing in the nation and has been for some time. Under this Government our budget remains in surplus. Under this Government, with the support of a buoyant public sector and a community sector now invested very much in the new Tasmania, we have more demand for essential services, which comes with our growing population. In response, we have increased investments in Health, Housing, Education and into essential services.

This is only possible if you have a strong economy. A strong economy simply does not happen by accident. It does not occur by chance. It needs strong economic management. We have helped deliver the best business conditions in the country to drive further economic growth, to help create new jobs. That is what we are focused on doing; we are getting on with the job.

The facts are that the most recent state final demand figures confirm Tasmania's economy is one of the fastest growing in the country. The latest CommSec report released just this week ranks Tasmania third out of all states and territories. That is our best result in 10 years and the CommSec report shows that Tasmania is leading the nation on relative population growth, the fastest in 27 years, housing and finance starts, vehicle sales, construction work and business investment. Higher levels of business investment demonstrate the confidence that business has in our economy which is still the highest in the nation.

**Ms O'Byrne** - Could you read out the unemployment rate while you are at it? Tell us the unemployment rate while you are it.

**Madam SPEAKER** - Ms O'Byrne, warning number two.

**Mr HODGMAN** - Over the recent winter recess the Government has continued to keep going with the job that we were elected to do. Yes, we have a different line up now but it is the same strong, united team delivering the plan that we were elected to deliver.

In the past week alone with job creating projects across the state, we have supported a \$50 million investment with the national company, Ridley, and their aqua feed processing facility at Westbury to support our strong salmon industry. Many jobs are supported by it. We have launched the planned next iconic walk on the magnificent west coast which will help drive visitation into that important region. That is a clear example of strategic growth supporting our competitive strengths in our regional areas: the redevelopment of Riverside High School; \$10 million into that and this is just over the last week alone.

We are certainly continuing to do all we can to support Tasmanians to improve their lives and to ensure that our state stays where it is, and that is at the front of the pack.

I was asked about alternative plans. You will be pleased to hear it is a very short answer because I am aware of none. I have looked and not found a thing.

**Mr O'Byrne** - You have barely talked to your own team. No wonder you do not know. You do not even talk to your own team. Pick up the phone.

**Madam SPEAKER** - Mr O'Byrne, thanks for pointing at me. That will be warning number two.

**Mr HODGMAN** - Of course the Budget session was the opportunity for the Labor Party to demonstrate its credibility and its credentials, to offer policy, to present an alternative. It is the one simple test of opposition which they have again failed under Labor Leader, Rebecca White. They have failed this basic test. No policies, no substance, just stunts. One thing I did notice over the course of the winter recess was a most embarrassing stunt - they cannot even get that right. Pity the poor owner of that private property in front of which the Leader of the Opposition stood but, of course, it was all the adviser's fault. That, in itself, shows a lack of substance and a lack of credibility which we all saw.

**Mr Bacon** - It sounds like you when the trolling came up, mate. Whose fault was that?

**Madam SPEAKER** - Mr Bacon, you get a warning too.

**Mr HODGMAN** - It would be more amusing if it were not so serious. These stunts and the scaremongering from the Labor Party is damaging to Tasmania's confidence. It is damaging to our community and it offers nothing to our state. They do it gleefully and they do so in lock step with the Greens because, as we have found out over the winter recess, they are voting more often than ever before with the Greens. In fact, back in 2015, it was just 62.5 per cent of the time. It skyrocketed in 2018 to 81 per cent. This year to date, Labor and the Greens have voted together in 90.3 per cent of all total votes. Nine times out of 10 they are in lock step. Who will forget what happened when it meant something and they were in government? That is when we went into recession. That is when you saddled the state's finances with deficits and we were bottom of the class in CommSec's report.

It is not just me who is critical of the Opposition. Their own Labor luminary, Harry Quick, said they are struggling, they are fixated on peripheral issues and they are out of touch. They are so out of touch they are not even listening to their own people. We are getting on with the job and we will deliver.

### **Drug and Alcohol Rehabilitation and Mental Health Facility - Premier's Promise**

**Ms WHITE question to PREMIER, Mr HODGMAN**

[10.24 a.m.]

If you needed any more evidence of dysfunction and chaos then that performance will provide more than you need.

It is now clear that your chaotic and dysfunctional Government is on life support. You have given wishy-washy, pathetic answers today. The question to you is, have you backflipped on your commitment that you gave to Ms Hickey to build a state-of-the-art 50-bed drug and alcohol rehabilitation and mental health facility in Hobart which was given in exchange for her support and continued membership of the Liberal Party?

## **ANSWER**

Madam Speaker, my clear commitment and that of all members of my team, and that includes Ms Hickey's responsibilities as member for Clark, is to advocate on issues that are important to her and her constituents. This includes improving mental health services for Tasmanians, and we are doing so, and we will do so under the leadership of Tasmania's first Minister for Mental Health and Wellbeing, which is also demonstrative of our increased focus on what is an important issue. It is way too important for this elite, silly political game playing that we are now seeing from an opposition that is, on the best of days, the most foolish, the most lacking in substance, and the most distracted and directionless opposition that I have ever seen.

I have been around and I have been a part of an opposition, Madam Speaker. There is no credibility or substance in what the Leader of the Opposition says, including in this question -

**Ms WHITE** - Point of order, Madam Speaker, standing order 45. This is a very important test of the Premier's character and his word. Will he build the 50-bed facility that he promised, or has he backflipped?

**Madam SPEAKER** - As you are aware, I have some issues with standing order 45. I have to rule that out of order. I ask the Premier to try to focus his attention onto some relevant answers.

**Mr HODGMAN** - Certainly, Madam Speaker. The importance and relevance of what we are doing as a government in mental health to improve services and facilities is most significant and will continue to be so. I welcome the conversation that I have had with the member for Clark about what she believes we might do as a government to improve mental health services. My commitment to her and to our community is to continue to work with those who come forward with constructive ideas, with priorities that are important to the communities and the constituencies they represent.

We are waiting for one from you lot. If you think your constituents want you to come in here and play political games, to undertake stunts -

**Members** interjecting.

**Madam SPEAKER** - Order. I expect a little more calm and respect for each other, please. I point out that the two O'Byrnes are on two warnings each, so there is only one more to go. Mr Bacon, you have one warning.

**Ms O'BYRNE** - Point of order, Madam Speaker. I request that you refer to us by our proper names.

**Madam SPEAKER** - That is fair enough; Ms O'Byrne and Mr O'Byrne, so I will honour that. Thank you.



**Mr HODGMAN** - Improving mental health services and facilities for Tasmanians is important to this Government and we will work with anyone who comes forward with ideas or options for this state to consider and for the Government to support. That includes, of course, the member for Clark.

As I say, if all you want to offer your constituents is an unbridled desire to scaremonger, to undertake stunts - which you do not do very well - to offer nothing, that is a matter for you. It only confirms what Labor luminary, Harry Quick, said and that is that you are out of touch.

### **VDL Dairy - Allegations of Cruelty**

**Ms O'CONNOR question to MINISTER for PRIMARY INDUSTRIES and WATER, Mr BARNETT**

[10.29 a.m.]

We have right to information documents that detail shocking allegations of cruelty at the VDL dairy in the state's north-west. In Estimates this year, when we asked you and your director of Biosecurity Tasmania about animal welfare issues at VDL, both of you denied any knowledge. These allegations made in four separate reports to Biosecurity Tasmania over the past two-and-a-half years include claims of eye gouging of cows, the use of claw hammers to kill calves, tails being broken by rough handling, illegal substances being injected to induce birth, and animals tightly packed and sleeping on gravel. Twenty senior staff at VDL wrote to the owner in June this year seeking indemnity from prosecution under the Animal Welfare Act 1993.

How do you and Biosecurity Tasmania respond to that alarming rumour? Has there been any unannounced visits to VDL at all since it changed hands or since the June letter? Why have Biosecurity Tasmania officers apparently accepted the assurances of the farm's owner and senior manager that all is well, when clearly there are confirmed serious animal welfare issues at the property?

### **ANSWER**

Madam Speaker, I thank the member for her question. I want to make it very clear that this Government takes animal welfare and compliance with the state's animal welfare legislation very seriously. This Government, under the now Deputy Premier and former minister led by him, increased the penalties for aggravated cruelty for up to five years and strengthened penalties across the board to send a very strong message to this community and the people of Tasmania and to also increase deterrents against acts of animal cruelty. We have also improved the powers of animal welfare officers while increasing their accountability and professional standards. Allegations of animal cruelty are taken very seriously by this Government and are acted on appropriately.

In relation to VDL, let me address the allegations that have been made by the member for Clark and Leader of the Greens. I am advised by Biosecurity Tasmania that there are no known animal welfare compliance issues at any property owned by VDL.

**Ms O'Connor** - There has not been one single unannounced visit, not one.

**Mr BARNETT** - Madam Speaker, I am attempting to answer this question in a measured manner.

**Madam SPEAKER** - We would appreciate that, Ms O'Connor.

**Mr BARNETT** - Thank you, Madam Speaker. Unannounced visits to the properties have not revealed any issues of non-compliance and the department continues to proactively engage with individual farmers and the Van Diemen's Land Company's management. Further, I am advised that a number of visits to properties associated with VDL have been made in the last three years either as part of a proactive engagement or in response to complaints. All have found no evidence of adverse animal welfare.

A visit by a veterinary officer and a Tasmanian Dairy Industry Authority officer in June this year, shortly after media reports about an internal letter between senior managers and the owner of Van Diemen's Land Company, did not reveal any issues of adverse animal welfare. It is apparent that this internal communication reported in the media is part of ongoing management discussions at the company and does not reflect on the current state of animal welfare on the properties. That is the advice I have received.

The department continues to proactively engage with individual farmers and Van Diemen's Land Company management. This is a very important matter, Madam Speaker, and I take it very seriously.

**Ms O'Connor** - Why did you mislead at the Estimates table? Did you know nothing at the Estimates table?

**Mr BARNETT** - Let us address that allegation from the member for Clark. Between March 2016 and June 2019 there were four animal welfare complaints - two in 2016, one in 2017 and one in early March 2019. Each complaint was taken very seriously. All complaints made in relation to VDL property were followed up by experienced biosecurity inspectors, as they are with any allegations of poor animal welfare in any location. No compliance action was required in any case.

The member has referred to the Estimates hearings and I will address that aspect of her question. During the Estimates hearings, Dr Lloyd Klumpp, the director of Biosecurity Tasmania, acknowledged that there may have been complaints in relation to VDL but he was not aware of them. I am advised that this answer was provided in the context of the many statewide animal welfare complaints being received by the department. By way of example, there were over 300 complaints received in 2018-19.

**Ms O'Connor** - The question I asked him was specific to VDL.

**Madam SPEAKER** - Order. Ms O'Connor, please let the minister talk.

**Mr BARNETT** - I am informed that of the four animal welfare complaints that were followed up in relation to VDL between 2016 and 2019, Dr Klumpp was copied into emails related to the 25 allegations on October 27. Each complaint was taken very seriously. All complaints made in relation to the VDL property were followed up by experienced biosecurity inspectors, as they are with any allegations of poor animal welfare in any location. No evidence of breaches of the Animal Welfare Act were found during these inspections.

VDL is Australia's biggest dairy. The purchase of VDL by Moonlake Investments, a Chinese-owned company, was approved by the Foreign Investment Review Board in February 2016. VDL is the largest dairy farming operation in Australia with, I am advised, some 18 000 cows.

## **Health - Efficiency Dividends and Budget Cuts**

**Ms WHITE question to PREMIER, Mr HODGMAN**

[10.35 a.m.]

Your Government has become so chaotic and dysfunctional that you have lost sight of what is important to Tasmanians. The Tasmanian hospital system is already at breaking point, with multiple reported warnings that patients are dying unnecessarily as a result of system failure. How much will be cut from the Royal Hobart Hospital this financial year, and are you accusing health professionals of lying when they say the cuts amount to \$50 million at the Royal Hobart Hospital alone?

**ANSWER**

Madam Speaker, I thank the Leader for the question but totally reject the implications and assertions made. Our commitment to our health system and improving health services for Tasmanians continues to be an absolute priority, demonstrated by the fact that around 32 per cent of our whole Budget goes into Health, which has been important to deal with increased demand, which has been at unprecedented levels. We have a growing population and many more people presenting to our hospitals needing further support in a hospital system at the Royal, for example, that is now not capable of dealing with it, which is why we are redeveloping it. That is why we are opening additional beds, 130 hospital beds, a project that the former minister, Michael Ferguson, commenced and that will be concluded under this Government.

I dispute any suggestion that we are not approaching with priority and urgency the needs in our health system. I do not accept claims by anyone that the Royal Hobart Hospital will suffer cuts, which the Leader of the Opposition says. She has very little credibility when it comes to the things she says and does. The Treasurer will speak a little more specifically about what we need to do to ensure that our Government remains efficient and productive so that we live within our means and can deliver these increased services we have promised and which the state needs. That will happen, but I have to again reject what the member says.

**Ms WHITE** - Point of order, Madam Speaker. Before the Premier resumes his seat he needs to confirm whether or not there will be cuts to the Royal Hobart Hospital and the amount of those cuts. Otherwise he is accusing the staff of lying when they have stated it is a \$50 million cut.

**Madam SPEAKER** - The Premier will respond.

**Mr HODGMAN** - It is a petty and pointless claim by the Leader of Opposition because it has no substance in fact. I can assure Tasmanians that we will not make cuts to the essential services they need. This Government got the Budget back under control and back into surplus so we could invest more into our schools, our hospitals, into public services, into public housing and the things that Tasmanians need. We are not about making cuts to those things that are important. The only governments that have ever done that in recent history were the Labor-Greens government and the one before it, the Labor government, and former minister, Michelle O'Byrne, who made cuts to our hospital system.

We will not diminish or compromise public services, and that includes our hospitals. We will be a disciplined, efficient manager of our state's finances and its bureaucracy so we can focus on what is important to Tasmanians, and that is investing in the very hospitals you speak about.

## **Tasmanian Budget and Moody's Credit Rating**

**Mr TUCKER question to TREASURER, Mr GUTWEIN**

[10.39 a.m.]

Can the Treasurer update the House on the Budget and Moody's recent credit opinion?

**Ms O'Byrne** - Tell us about the efficiencies.

**ANSWER**

Madam Speaker, I know what the O'Byrnes did when they were tasked with getting efficiencies between the two of them - they sacked nurses and sacked coppers - that is what you did.

I thank the member for his question and his interest in this very important subject. Our economy is the fastest growing overall in the country. It is one of the strongest -

**Mr O'Byrne** - The daily double.

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

**Madam SPEAKER** - Mr O'Byrne, I am sorry, but you have to leave. You can come back after question time.

**Mr O'Byrne withdrew.**

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**Mr GUTWEIN** - Dear me. Glass jaw. You raise one issue and he cannot control himself.

**Madam SPEAKER** - Treasurer, that is not helpful.

**Ms O'Byrne** interjecting.

**Mr GUTWEIN** - Here we go. Now we have the other O'Byrne chiming in.

**Madam SPEAKER** - Excuse me. I have exerted discipline on that. We will refer to her as Ms O'Byrne.

**Mr GUTWEIN** - Ms O'Byrne, Mr O'Byrne. Ms O'Byrne, the one that is remaining.

I will come to the answer to the question. Our economy is the fastest growing overall and is one of the strongest performing in the nation. Our plan is to keep the economy strong and to provide more jobs for Tasmanians.

The Budget that I recently brought down will deliver for Tasmanians. We are maintaining the momentum. It invests for growth. We promised to deliver balanced budgets and that is exactly what we will do. We have been able to continue to deliver our election commitments and further

invest for growth and to maintain the momentum, despite a revenue downgrade, which the other side spent scant time on, of more than half a billion dollars when framing this Budget.

We are investing a massive \$8.1 billion into Health and hospitals, around 32 per cent of the entire state Budget. It is the second highest level of investment of any state in the country. It is a massive uplift from the 25 per cent that they had under the former government not that long ago. We have committed a record \$7.1 billion into Education, with a significant capital upgrade of education facilities, including schools.

The Budget brought down \$3.6 billion in total of infrastructure spending to underpin our economy, to create jobs, and to attract further investment at a time when the national economy is slowing. In doing so, the Budget forecasts the creation of 10 000 jobs over the Budget and forward Estimates period. We will create those jobs by building the infrastructure that Tasmania needs.

We announced in the Budget that to address a significant revenue writedown we would need to find modest savings. We have not hidden that from the Tasmanian people. We have been frank and open with them. We need to ensure that the public service is as efficient and as effective as it can be, which is what Tasmanians expect.

As I announced in the Budget we are also reviewing returns from government businesses. The Budget forecasts for this year a \$50 million efficiency dividend across all agencies, not \$50 million from the Royal Hobart Hospital or \$50 million from Health. The member who asked the question, the Leader of the Greens, understands that it was in the Budget - \$50 million in total.

It is expected that that efficiency dividend will be significantly reduced by revenue from government businesses. 'Around \$15 million this year' means that the efficiency dividend and the savings that are required across all government agencies are only around \$35 million for the year out of \$6.5 billion budget. Effectively around 0.5 per cent. Because other jurisdictions did not take the action that we are taking now, and act early, they have implemented efficiency dividends of between 2 per cent and 3 per cent into their budgets this year.

We will ensure that we will protect frontline services. We will seek efficiencies where they are able to be achieved with a focus on vacancy control, natural attrition and the reduction of discretionary spending. We will look at advertising, promotion, travel and transport, and consultants. We know that across government we can be more efficient and that is what Tasmanians expect.

The savings will be finalised over coming weeks. As was announced during the Budget period an update towards the end of the first quarter will be provided, outlining the savings on an agency-by-agency basis with a further report to be provided in the mid-year update. I cannot be any clearer than that.

I was also asked about Moody's credit rating. Moody's Investors Service recently visited Tasmania to undertake its annual review of the state's credit rating. Despite the best efforts of those opposite to talk down the state's economy and its financial position, Moody's recently provided its draft credit opinion which maintains Tasmania's AA2 stable credit rating with no change. The credit opinion noted that despite softer economic conditions nationally, the Tasmanian economy is resilient. It is diverse with a well-established framework. Moody's also noted that our economy continues to perform above its long-term trend, with healthy GSP growth, sustained strength and consumption, and investment in growing tourism numbers.

Importantly, to finish, Moody's states that Tasmania's debt burden is low and benchmarks favourably against its domestic and similarly rated -

**Ms O'CONNOR** - Point of order, Madam Speaker. The Treasurer has had more than sufficient time to answer this Dorothy Dixier. He is now running close to seven minutes. I draw your attention to ministers who are talking and talking and talking out their answers, in direct contravention of your direction.

**Madam SPEAKER** - Thank you. That is not a point of order under standing orders but you have had a long time, thank you, minister.

**Ms O'Connor** - Seven minutes.

**Madam SPEAKER** - Yes, you have just hit seven minutes now.

**Mr GUTWEIN** - Madam Speaker, I will conclude by saying at a period of very low interest rates clearly Moody's is not concerned about the state incurring what is a very modest amount of debt as we outlined in the Budget to underpin what is without doubt the strongest infrastructure spend in the state's history.

### **Health - Efficiency Dividends and Budget Cuts**

**Ms WHITE question to PREMIER, Mr HODGMAN**

[10.46 a.m.]

Premier, because you have blown the Budget, staff at Tasmania's hospitals have been told that they need to cut millions. Your Treasurer's defence of those savage cuts was as callous as it was out of touch. Tasmanians know the health system needs more funding not less. Do you agree with your tone-deaf Treasurer that already exhausted nurses, paramedics and doctors could be more efficient? Do you have any recommendations on how they might do this? They are ramped with sick patients in ambulances at the hospital for hours or holding the hand of an elderly woman waiting in the emergency department for hours? How do you expect them to be more efficient, Premier?

### **ANSWER**

Madam Speaker, I thank the member for the question. With the investments we are making into our health system, including at the RHH, we are increasing capacity and also employing more staff to work in that increased hospital space with more beds and more services for Tasmanians to deal with the increase in demand that our state's health system is suffering. That will help relieve workplace stress for those hardworking public servants and increase their capacity, and ours, to deliver better health services for Tasmanians.

That is what we are doing. It entirely contradicts the assertions made by the Leader of the Opposition. What we are also doing is ensuring that we can keep our Budget in good shape. That includes running modest surpluses so we can deal with unanticipated shocks: whether it be natural disasters, which come at a significant cost to our state; to respond to increased peaks in demand, for example in Health, which we have responded to on a number of occasions since coming to government; and to provide improved increased services for Tasmanians. Or, as we have recently

done, sit down with the representatives of our hardworking public servants, the unions, and talk to them about how we can finally deliver the pay rise they deserve.

For a long time, we have been trying - I know Labor has been cheering on any obstruction to a resolution - to deliver a pay rise to our public servants. We have had many meetings and many discussions about not only how we can pay our public servants better but how we can also improve their terms and their conditions so that we can also reduce workplace pressures in our hospitals or schools. We can only do so if we have a strong budget, which will continue to be in surplus under this Government.

It was a billion dollars in deficits that we inherited from the former government. We were able to turn that around, not only because of strong economic management -

**Ms WHITE** - Point of order, Madam Speaker, under standing order 45 going to relevance. I ask you to draw the Premier's attention to the question, which was how he expects ambulance paramedics and nurses and doctors to be more efficient. I am very interested to understand how he expects them to operate with less money.

**Madam SPEAKER** - That is not a point of order. I am sure the Premier will do his best to address it.

**Mr HODGMAN** - We are putting more money into our health system. That is the point. We are only able to do that because our economy is strong and our budget is in surplus because we are a government that lives within its means but is also fuelling economic growth in our state. All the things the opposition parties complain about that are delivering jobs and supporting our competitive strengths, the pillar industries of our state but also new and emerging industries, go to our improved budget position which allows us to invest more into those services. That is what we are doing and that is what we will continue to do.

I know the Labor Party would never think government cannot be more efficient or cannot direct its resources into essential services and important areas like the Royal Hobart Hospital, but that shows how out of touch they are. Every government across this country, as the Treasurer has outlined, needs to manage its finances well and make sure that government is as efficient and productive as it can be. I utterly reject the nonsensical claim from the Leader of the Opposition, who lacks substance, including in a question to me, that we are going to do anything to reduce or to increase pressures at our hospitals. In fact, the opposite is true. We are doing everything we can to improve services and relieve stresses for those who work within our health system.

### **Health - North-West Coast Services**

**Ms DOW question to MINISTER for HEALTH, Ms COURTNEY**

[10.52 a.m.]

Your Government originally promised to keep eight rehabilitation beds at the North West Regional Hospital open. However the failed Health minister, Michael Ferguson, decided to shut the rehabilitation beds and perversely argued it would 'improve the level of service for the north-west, resulting in less travelling out of the north-west region for patients'. With the north-west coast having an ageing and highly dispersed population with high incidences of chronic disease, services must be enhanced, not downgraded. This change will mean more travel time for people living on

the west coast and Circular Head and King Island communities, which is simply unacceptable. Is this the first casualty of your \$450 million budget cuts? How much more will be cut from our hospitals on the north-west coast?

## **ANSWER**

Madam Speaker, I start by saying how proud and humbled I am to have been given the responsibility for this very important portfolio. It touches the lives of all Tasmanians, obviously through the many Tasmanians who intersect with the system every day, but also the over 10 000 Tasmanian men and women who work every day delivering high-quality care within our system. I am looking forward to working with the many stakeholders within the system to address the challenges we have and ensure that we are continuing to deliver better services across Tasmania in all areas.

With regard to the question the member asked, the North West Regional Hospital and the Mersey Community Hospital play an important part in delivering our health system. I will continue to ensure they deliver high-quality health care. It was a delight in my first week as minister to visit both facilities and speak with many staff. The new rehabilitation services for the north-west will increase capacity, with a new \$4.2 million dedicated facility, an increase in the number of beds from eight to 12, and a newly recruited staff specialist to oversee high-quality care. Overall, this will be an improved level of service to the north-west which will result in less travelling out of the north-west for patients.

Further, it enables the new stroke telemedicine service which will operate at the North West Regional Hospital to commence later this year, thanks in large part to the generous contribution of the Elphinstone Group, as well as the recruitment of full-time neurologists to service the north and north-west. The new stroke telemedicine service will provide 24/7 -

**Ms O'Byrne** - Are you doing rehabilitation through telehealth now? Is that what you said?

**Ms COURTNEY** - What we are doing is bolstering services to people across Tasmania. We want to ensure that Tasmanians, no matter where they live, have access to high-quality services. This is about providing services that are right for people, right for doctors and right for the patients. This is what this Government has done and this is what this Government will continue to do. The new rehabilitation services will increase capacity for people living in the north-west. I have visited these facilities and we will make sure we are servicing the needs of Tasmanians.

## **Southern Tasmanian Mental Health Integration Taskforce - Government Response**

**Mrs PETRUSMA question to MINISTER for MENTAL HEALTH and WELLBEING, Mr ROCKLIFF**

[10.56 a.m.]

Can you please update the House on the Southern Tasmanian Mental Health Integration Taskforce's report and the Government's response?

## **ANSWER**

Madam Speaker, I appreciate the question and thank Mrs Petrusma for her outstanding service as a minister in the Hodgman Liberal Government. I know her hard work and diligence will continue as a member for Franklin.



I consider it a privilege to be the Minister for Mental Health and Wellbeing. Having a dedicated Mental Health and Wellbeing portfolio signals that the Hodgman Liberal Government is increasing its focus on these important areas as part of our long-term plan to improve health outcomes for all Tasmanians. The reality is that mental illness can impact anyone at any stage in their life and often can be linked to other challenges being faced such as homelessness, substance abuse, or family violence. If we want to prevent a cycle of illness and relapse then we need to look more closely at how we can better integrate services so people can get more holistic support and ensure that support is provided in the right place at the right time.

This is not a new way of thinking. The Rethink Mental Health plan was launched by my predecessor, Michael Ferguson, in 2015, and puts a strong focus on developing an integrated mental health system. I thank Mr Ferguson for his work in this important area. Last year, the Southern Tasmanian Mental Health Integration Taskforce was established to explore world's best practice of the integration of mental health services.

The task force includes representation from clinicians for inpatient and community mental health services, GPs, consumer peak bodies, unions and, importantly, those who have lived experience with the mental health system in southern Tasmania. I am pleased to be in receipt of the task force's report, which I am releasing today together with the Government's response. The recommendations and issues raised by the task force will inform a new approach to improve the integration of mental health supports and services, including in primary and community-based settings.

Key actions the Government will take include the establishment of a mental health hospital avoidance program in southern Tasmania, because we recognise an emergency department is not the best place for a person struggling with mental ill health. This represents a new and improved model of care for those who currently find themselves in the emergency department or other clinical settings and will feature GP out-of-hours assistance, expanded crisis response functions, centre-based alternatives to the ED for assessment and treatment 24/7, and an expanded adult community mental health service. Alongside the hospital avoidance program, we will develop an integrated suicide response that connects after-care support with a community-based crisis response.

We will also use our investment in St Johns Park and redevelopment of the Peacock Centre to establish integration hubs which will provide mental health short-term recovery beds, as well as opportunities for co-location of social housing, employment, disability and health services, all of which play a role in linking people to appropriate supports, help build individual capacity and avoid escalation of mental illness or the likelihood of relapse.

A review of the model of care for the Child and Adolescent Mental Health Service will also occur and focus on the integration of service responses across inpatient community settings. Madam Speaker, I am sure you will appreciate, as we all do, there is no one solution. By working in a truly collaborative way across clinical and community sectors and integrating services, a person who needs help can walk through one door instead of four and feel supported and we can ensure consumers of Tasmanian mental health services have the best chance to lead happy and positive lives, recovered from, or are able to successfully manage, their mental illness.

I sincerely thank the task force members for their work and diligence in this increasingly important area and I table the task force report and the Government's response.

## **Emergency and Short-Term Accommodation**

### **Mrs RYLAH question to MINISTER for HOUSING, Mr JAENSCH**

[11.01 a.m.]

Can you please update the House on how the Hodgman Liberal Government is delivering additional support to Tasmanians in need?

### **ANSWER**

Madam Speaker, I thank my Braddon colleague for her question and her interest in this important matter as well.

Homelessness as we all know, is a complex problem and one which the Hodgman majority Liberal Government is working hard at to deliver our Affordable Housing Strategy right across the state.

Our second action plan provides a broad range of responses to assist Tasmanians in greatest need and we have front-ended the funding for our plan with almost \$68 million for social and affordable housing responses in 2019-20, but we know there are people in urgent need now.

The Hodgman Government is progressing its work plan following the allocation of an additional \$5 million for immediate actions to reduce homelessness and housing stress across Tasmania.

Alongside working with the Tourism and Hospitality sector to secure more emergency accommodation options for people in immediate need, we are expanding the capacity of existing shelters by installing prefabricated units alongside their existing facilities. This new capacity will accommodate around 70 additional people who are currently homeless or at risk of homelessness and will support families and individuals who are sleeping rough.

In principle agreements have now been reached with Bethlehem House to support 18 new units and the Hobart Women's Shelter to support 17 additional two-bedroom units and provide additional support services for the residents of these units as they are placed.

Some of these units are existing houses resulting from discussions with the University of Tasmania and the remainder are temporary accommodation that is being delivered by the supplier Royal Wolf.

New funding is also providing more emergency and short-term accommodation across the state to bridge the gap in demand for housing while we are bringing on new housing stock under our Affordable Housing Strategy and our action plans.

The Department of Justice also is now about to lodge a draft planning directive with the Tasmanian Planning Commission to ensure there are no unnecessary planning impediments to the rollout of the temporary emergency accommodation. This is in addition to additional funding for immediate emergency accommodation and support for Tasmanians in need.

This was implemented ahead of last winter and is funded through our next four years in our second action plan. The funding is used to secure a mix of cabins, hotel and motel style

accommodation with the emphasis on providing safety and security for those in greatest need over the winter period.

The Premier has recently written to tourism providers seeking their assistance to increase the capacity of this initiative and we have received a positive response so far. Housing Connect is working with interested accommodation providers right across the state.

The funding included additional resources for Housing Connect to support people in emergency accommodation and Housing Connect's outreach team regularly visits a number of sites to connect with people in need of this assistance.

The requirements for secured temporary accommodation changed to adapt with every client's unique circumstances and needs. The outreach team connects eligible Tasmanians to appropriate housing assistance and services, including private rental assistance, supported accommodation, crisis and transitional accommodation, after-hours assistance and housing support services.

This builds on the work we have done in our first four-year action plan to provide extra capacity for Tasmanians in need of serviced, supported and secure crisis accommodation. This includes the DIY Dads facility in the south; a centralised and expanded Hobart Women's Shelter providing a 60 per cent increase there; the Colville Place youth at risk response centre for younger people who are at the risk of homelessness; and Eveline House at Devonport, a youth supported accommodation facility managed by Anglicare.

Madam Speaker as you well know we will continue to invest in permanent built capacity for people who require supported accommodation and crisis assistance, transitional accommodation, but until that comes on line we are investing in this temporary increase to the size of the shelters. Within coming weeks, we will see the delivery of these units augmenting the capacity of Bethlehem House and the Hobart Women's Shelter and ensuring that the extra capacity we are providing there comes with management support to ensure that the vulnerable people who need to use those shelters receive support and assistance.

Thank you for your support and we look forward to the continuing support from the House for this initiative to assist Tasmanians in greatest need.

### **Health - Efficiency Dividends and Budget Cuts**

**Ms HOUSTON question to MINISTER for HEALTH, Ms COURTNEY**

[11.06 a.m.]

Your first act as Health minister has been to inflict savage budget cuts on a health system that is already at breaking point. It is clear that no hospital and no health services are safe because your Government has so badly blown the budget. With the Launceston General Hospital already operating at its highest level of escalation more than 70 per cent of the time will you come clean today and detail how much will be cut from the LGH? Can you guarantee that your cuts will not cost more lives?

### **ANSWER**

Madam Speaker, I thank the member for the question. All I can say is that it clearly shows the member has not been listening to any of the answers that we have had on this side of the Chamber

today. Creating fear and spreading rumours among our hospitals is not helpful. It is not helpful to the wellbeing of our staff. The member should be disappointed in that kind of question.

The LGH is reaping the benefits of the Government's strong record of investment in Health with more than 400 additional FTEs recruited at the LGH since 2014, a 23 per cent increase including almost 240 FTE additional nurses. The LGH is also benefitting from the \$87 million redevelopment. This is real funding for real facilities that will deliver services for people in northern Tasmania -

**Ms O'Byrne** interjecting.

**Madam SPEAKER** - Order.

**Ms COURTNEY** - which will be supported by staff. It is really disappointing to have these kinds of falsehoods peddled in here.

It has been made clear by the Premier today as well as the Treasurer that the Hodgman Government has always had health as one of our top priorities, indeed our top priority: 1000 additional staff, and 130 additional beds. It is very unfortunate that in the first question time after the winter break the other side comes in here and peddles unsubstantiated claims. All this does is undermine our staff.

**Ms O'Byrne** - Stand in the ED and say that.

**Madam SPEAKER** - Order. Could we please hear the minister in silence? Thank you.

**Ms COURTNEY** - These men and women go to work every day delivering high quality care. These men and women who are proud of their jobs -

**Ms O'Byrne** - Who are desperate for support.

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

**Ms COURTNEY** - This side of the House has supported our health system with record funding. The other side has a legacy of closing wards and sacking nurses.

**Members** interjecting.

**Madam SPEAKER** - Order, I just asked for silence.

**Time expired.**

## **PETITION**

### **Tasmanian Abalone Council Levy**

**Dr Broad** presented a petition signed by approximately 18 citizens of Tasmania praying that the Government revoke the compulsory Tasmanian Abalone Council levy for the abalone processing sector in accordance with section 279 of the Living Marine Resources Management Act.

**Petition received.**

## **TABLED PAPERS**

### **Estimates Committee A - Additional Information**

**Mr Shelton** laid upon the Table additional information provided to Estimates Committee A by the Attorney-General, Minister for Justice, Minister for Corrections, Minister for Environment, Minister for the Arts and Minister for Racing; as well as information from the Treasurer, Minister for State Growth and Minister for Local Government.

### **Estimates Committee B - Additional Information**

**Mrs Rylah** laid upon the Table additional information provided to Estimates Committee B by the Minister for Education and Training, the Minister for Advanced Manufacturing and Defence Industries and Minister for Infrastructure; Minister for Health, Minister for Police, Fire and Emergency Management and Minister for Science and Technology; Minister for Disability Services and Community Development, Minister for Women, Minister for Aboriginal Affairs and Minister for Sport and Recreation; Minister for Primary Industries and Water, Minister for Energy and Minister for Veterans' Affairs; as well as Minister for Building and Construction and Minister for Resources.

### **HEALTH MISCELLANEOUS AMENDMENTS BILL 2019 (No. 12)**

### **FIRST HOME OWNER GRANT AMENDMENT BILL 2019 (No. 24)**

### **DISABILITY SERVICES AMENDMENT BILL 2019 (No. 10)**

### **REGISTRATION TO WORK WITH VULNERABLE PEOPLE AMENDMENT BILL 2018 (No. 65)**

### **APPROPRIATION BILL (No. 1) 2019 (No. 21)**

### **APPROPRIATION BILL (No. 2) 2019 (No. 22)**

Bills agreed to by the Legislative Council without amendment.

### **GREATER HOBART BILL 2019 (No. 11)**

Bill returned from the Legislative Council with amendment.

Motion by **Mr Ferguson** agreed to -

That the message be taken into consideration at a later hour.

### **HISTORIC CULTURAL HERITAGE AMENDMENT BILL 2019 (No. 31)**

#### **First Reading**

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

### **CIVIL LIABILITY AMENDMENT BILL 2019 (No. 30)**

#### **First Reading**

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

## **MOTION**

### **Select Committee on the House of Assembly Restoration Bill - Extension of Reporting Date**

[11.22 a.m.]

**Ms O'CONNOR** (Leader of the Greens - Clark)(by leave) - Madam Speaker, I move -

That the reporting date for the Select Committee on the House of Assembly Restoration Bill be extended until 15 October next.

**Motion agreed to.**

## **STATEMENTS BY SPEAKER**

### **Mr Shelton - Resignation as Chairman of Committees**

**Madam SPEAKER** - Honourable members, I am in receipt of the following letter from Mr Shelton, member for Lyons -

Dear Madam Speaker

I hereby resign the office of Chair of Committees. When the House assembles I shall be glad if you will inform Honourable Members of my resignation and at the same time convey to them my appreciation of, and thanks for, the courtesy and consideration which has been extended to me during my occupancy of the Chair.

Yours faithfully

Mark Shelton MP  
Member for Lyons  
19 July 2019

### **Mr Shelton - Resignation from Joint Standing Committee on Integrity**

**Madam SPEAKER** - Honourable members, I am in receipt of the following letter from Mr Shelton, member for Lyons -

Dear Madam Speaker

Re: Joint Standing Committee on Integrity

In accordance with section 25 of the Integrity Commission Act 2009, I hereby notify you of my resignation from the Joint Standing Committee on Integrity.

Yours sincerely

Mark Shelton MP  
Member for Lyons  
19 July 2019

## **MOTION**

### **Chair of Committees - Election**

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

That the honourable member for Franklin, Mrs Petrusma, be the Chair of Committees of the House.

**Mr FERGUSON** (Leader of Government Business - Bass) - Madam Speaker, I second that motion.

**Madam SPEAKER** - Does the honourable member consent to such nomination?

**Mrs PETRUSMA** (Franklin) - I do, Madam Speaker.

**Madam SPEAKER** - Are there any other nominations?

**Mr O'BYRNE** (Franklin) - Madam Speaker, it is my pleasure to nominate the member for Braddon, Mrs Joan Flora Rylah.

**Mr BACON** (Clark) - Madam Speaker, I second that motion.

**Madam SPEAKER** - Does the honourable member consent to such nomination?

**Mrs RYLAH** - No, thank you, Madam Speaker.

**Madam SPEAKER** - Are there any further nominations? There being no other nominations, the question is that the motion be agreed to.

**Motion agreed to.**

## **MOTION**

### **Membership of Parliamentary Committees**

[11.24 a.m.]

**Mr FERGUSON** (Bass - Leader of Government Business)(by leave) - Madam Speaker, consequent to the change in Chair of Committees, I move - That -

- (1) The Chair of Committees be appointed to serve on -
  - (a) the Parliamentary Standing Committee on Public Works, in pursuance of section 4(2) of the Public Works Committee Act 1914 (No. 32);
  - (b) the Parliamentary Standing Committee on Subordinate Legislation in accordance with the provisions of section 4 of the Subordinate Legislation Committee Act 1969 (No. 44);

- (c) the Joint Standing Committee on Integrity in accordance with section 23(4) of the Integrity Commission Act 2009 (No.67); and
  - (d) the Select Committee on Firearms Legislation and Policy in place of the Minister for Police, Fire and Emergency Management.
- (2) The Chair of Committees be the Chair of the Select Committee on Firearms Legislation and Policy.

**Ms O'CONNOR** (Clark - Leader of the Greens) - Madam Speaker, we are certainly comfortable supporting this motion moved by the Leader of Government Business in relation to the membership of parliamentary committees, that is, Standing and Select. Could I seek some guidance from the Leader of Government Business as to who will be the replacement for Mr Shelton on the Select Committee on the House of Assembly Restoration Bill?

**Mr FERGUSON** (Bass - Leader of Government Business) - Madam Speaker, on your indulgence, I will wait for other members to speak and then I will finish my contribution.

**Mr O'BYRNE** (Franklin) - Madam Speaker, this is a procedural motion in relation to the replacement of the Chair of Committees. We echo the question from the member for Clark, Ms O'Connor, about the membership and replacement of Mr Shelton.

**Mr FERGUSON** (Bass - Leader of Government Business) - Madam Speaker, this has been considered. The original motion that was agreed to by this House to refer that matter to an inquiry, in fact was worded that the Government's member on that committee would be by letter from the Leader of the House. That is resolved in a different way by me by further letter to the Clerk. I am very happy to indicate that the member will be Mrs Petrusma.

**Ms O'Connor** - Is the letter in the post, Leader of Government Business?

**Mr FERGUSON** - The matter will be dealt with in the appropriate way. For the purposes of this motion today, this is the correct way to handle the changes of names owing to the way they were set up in the first place.

**Motion agreed to.**

## **MATTER OF PUBLIC IMPORTANCE**

### **Health Cuts**

[11.27 a.m.]

**Ms DOW** (Braddon) - Madam Speaker, I move -

That the House take note of the following matter: health cuts.

Madam Speaker, I rise today to speak on the very important matter of health cuts but, in particular, cuts to rehabilitation service beds at the North West Regional Hospital by this Government.



When the Government came to power in 2014, the then minister for health, Michael Ferguson, undertook what he claimed at the time to be 'unprecedented community consultation on health service provision across the state of Tasmania'.

Where I live, in the north-west, there were to be significant changes to services provided at the Mersey Community Hospital. It was all about improving patient safety and levels of clinical delineation and levels of services to be provided in major centres. This was to be supported by the best clinical advice. I remember this vividly because, as local mayor at the time, I was involved in much of the thorough consultation that was undertaken and had insights into the clinical expertise which would inform the development of the White Paper in 2015.

There were promises and commitments made to the people of the north-west at the time, and one of them was increased services at the Mersey Community Hospital, including palliative care, additional rehabilitation services, and geriatric care, among other things. This was to complement and build on level four services provided at the North West Regional Hospital, including the existing rehabilitation beds and services.

The White Paper of 2015 stated that the THS would open new beds at the Mersey, in addition to those at the North West Regional Hospital. It stated that North West Regional Hospital rehabilitation services would remain at level four, and enhanced rehabilitation services will be through additional development of rehabilitation services at the Mersey site.

The story now is quite different. The rehabilitation beds at the North West Regional Hospital will be replaced with four stroke and four acute medical beds. The Government has shut eight rehabilitation beds at the North West Regional Hospital and created 12 beds at the Mersey. As we know, rehabilitation wards serve an important role as a step-down service to prepare and plan people for discharge to home with community support. It aids in the flow of patients to acute beds also.

Whilst I acknowledge in the answer to my question this morning the minister spoke about the importance of additional specialist care and support services through telehealth medicine, particularly around stroke services, which is absolutely essential and needed but it should not be in place of the rehabilitation beds, there is no doubt there is a need in the north-west for more acute beds. These should not be at the detriment of rehabilitation beds.

Something not discussed by the Government in their expansive consultation process back in 2014 was the budget cuts at the time of \$210 million that are continuing today when we know the need is increasing. I ask the new minister and the Premier, what will be next to be cut from health in the north-west to meet your efficiency dividend? All this is amongst the mantra of a government that claimed to spend record amounts on health.

I have said before in this place, and I will continue to do so, that the people of the north-west coast, be they from the West Coast, Circular Head, King Island or our other population centres, already have to travel long distances to access even level four services. We have a highly-dispersed population and high levels of chronic disease including cardiac disease. GP waiting times and access to specialists is also compromised for our people.

This is an equity issue for the people from our West Coast, Circular Head and King Island communities. The North West Regional Hospital at Burnie has family accommodation services but the Mersey Community Hospital does not. We have an ageing population and equitable

rehabilitation services is incredibly important. This has the ability to reduce the financial burden on our acute services in the long term.

The West Coast Council has raised their concerns about this issue with me, as have many constituents who I have spoken to and who have contacted my office about the matter.

I will reflect on the story of one family from Smithton who told their story to the local paper. Bruce's wife Julie said it would mean an extra hour of travel each way for anyone coming from towns west of Burnie. It is Circular Head, the West Coast, King Island. All of these people are going to be affected if they require this care. I am angry to think that they are going to take it away. The staff here are wonderful. The physiotherapist, the physio attendants, the nursing care, they are all just brilliant. This patient's daughter said that the extra travel for family members back and forth to the Mersey Community Hospital would take its toll. He said that his rehabilitation - this is the patient - would be completed by the end of May but he was unsure if he would need to go to the Mersey Hospital for ongoing treatment beyond that. He said that the decision taken by the Government felt like communities across the north-west coast had been left in the dark.

Before I end my contribution, I will reflect on some of the comments that were made, firstly by the failed health minister Michael Ferguson and his comments in relation to this. He said that recent research identified the need for expanded rehabilitation services in the north-west and that is not what has happened and not the experience of the people living on the coast.

He also said that it would save people travelling outside of Braddon to access services when quite clearly it would mean a significant extension of time for travel for people who live on the West Coast to travel through to Devonport and from Circular Head as well.

The last thing I will reflect on is when the point was put to the new Health minister who did not apologise for the broken commitment to the people of Braddon and who said that she was very impressed with the new facilities at the Mersey Community Hospital.

In an interview with *The Advocate*, she would not be drawn on either honouring the commitment that was made to people or expressing any humility about breaking a promise and what that would mean for the people of the north-west coast.

This is a broken commitment to the people of Braddon. I have not heard anything about the matter from my Liberal colleagues in the electorate, my fellow Braddon members. They have been silent on this issue. The Government needs to step up and commit to reinstating these rehab beds and provide some answers that have been asked by the community about the reasons for the decision that has been taken.

[11.34 a.m.]

**Ms COURTNEY** (Bass - Minister for Health) - Madam Deputy Speaker, congratulations on your appointment.

As I outlined in my previous answer during question time I have addressed this matter. The new rehabilitation services for the north-west will increase capacity with a new \$4.2 million dedicated facility and this is a really high-quality facility, Ms Dow. If you have not had the opportunity I would recommend that you have a look at it: an increase in the number of beds from eight to 12 and newly-recruited staff specialists to oversee the high-quality care. Overall this will

be an improved level of service for the north-west which will result in less travelling out of the north-west for regional patients.

Further, it enables the new stroke telemedicine service that will operate out of the North West Regional Hospital and despite some of the interjections that we had during question time, this is about providing more services to people who live within the north-west. This is going to commence later this year, thanks in large part to the generosity of the Elphinstone Group as well as the recruitment of full-time neurologists to service the north and north-west.

The new stroke telemedicine service will provide 24/7 diagnosis and treatment capability of acute stroke patients at the North West Regional Hospital through neurologists at the LGH as well as Melbourne-based neurologists through the Victorian stroke telemedicine program. This means local doctors at the North West Regional Hospital will have round-the-clock access to stroke experts who can provide treatment advice about patients with acute stroke symptoms.

This is about providing more services, greater breadth of services and bolstered services to people within the north-west. On the record I thank the dedicated staff that work at the North West Regional within this area. I have had the opportunity to meet a number of them and they are very proud of the care they provide and they should be. As with all the other clinicians I have met over the past month or so we have an amazing cohort of men and women who work very hard to create outcomes for their communities. It is real privilege to be in a role to be able to support those people.

The Hodgman majority Liberal Government has consistently made it clear that the health of our community is our top priority. I am very grateful for the opportunity to be able to work within this portfolio and to work so closely with our world class health professionals. The incredible job that they do every single day is simply inspiring.

Since 2014 we have seen unprecedented levels of investment into our health system, rebuilding a health service that Labor and the Greens left devastated following a budget that we saw had cuts across our state. There are now over 1000 additional staff, 130 additional hospital beds across our state, there are new clinics, there are more services being offered and there are facilities that are being built. All of this is because of the Hodgman Liberal Government's strong fiscal and budget management.

Under the Hodgman majority Liberal Government, health spending as a percentage of the entire state budget is 32 per cent, the second highest in the nation and up from 25 per cent a decade ago. We are now spending more than \$2 billion more on health over the coming four years than was spent in the last Labor-Greens budget.

The numbers speak for themselves in terms of our investment. We know that we have busy hospitals and we will continue to invest. We know that there are many attributes within our health system that we see underpinned every day. Over a year we see 160 000 presentations to our EDs, around 600 000 outpatient attendances, 4500 babies are born every year within our health system and 8000 ambulances are dispatched. High quality care is being delivered all around our state and I want to thank the 11 900 men and women who work with passion to be able to deliver that to the people of Tasmania.

Our funding for health is supporting more staff and more beds as we face increasing demand for care. We are growing funding; we are not cutting it despite the allegations from the other side. It has been disappointing today that we have seen from a number of members on the other side just

this quest to create fear and uncertainty with unsubstantiated claims. This is about a Government that is delivering in healthcare, employing more Tasmanians and investing in more beds, and yet the other side, in their first question time after the winter break, come in here and use it to peddle unsubstantiated claims and create fear around our health services. It is disappointing because this is a government that has supported our health system through the good work of the former health minister, Michael Ferguson.

As I have said and has been outlined this morning by both the Premier and the Treasurer, we will continue to hire more doctors, more nurses, more police officers and more teachers in line with our election commitments, which were endorsed by the majority of Tasmanian people last year.

This Government is working sensibly and responsibly through the challenges and we are making sure we are working sensibly and responsibly to identify savings. This is about making sure that every dollar spent on Health is delivering meaningful outcomes for Tasmanians. That is what we all want to see. I am surprised that the other side seems to look at those types of suggestions with shock. We want to make sure that the hard-earned money the Government has to invest within our health system is spent efficiently, and that is a good thing. We are investing more, we are employing more and we are making sure that every dollar spent is spent well.

[11.41 a.m.]

**Dr BROAD** (Braddon) - Madam Deputy Speaker, we hear today once again that the Government's language is about efficiencies and savings, but we really know that these are cuts. We heard the Premier in question time today say that his Government is not making cuts to Health but we know that this Government is making cuts to Health. There is a history of cuts in the health system. In the very first budget of this Government they cut at least \$210 million from Health. Now we have reliable reports from staff that they are having to find \$50 million just at the Royal alone, so there are cuts on the horizon, there is no doubt about it.

We have heard that rehab beds in the North West Regional Hospital have been cut. I thank my colleague from Braddon, Ms Dow, for giving a comprehensive summary of the history of those negotiations that resulted in a promise that there would be new beds on the north-west coast and at the Mersey. The promise was that the beds would remain open at the North West Regional and we have seen a big backflip on that one.

We saw a report in *The Advocate* by Leo McVeigh when the Government announced it would soon close all eight rehab beds at the North West Regional Hospital saying that this would improve access and result in less travelling out of the north-west region. I doubt people in Burnie and further west would agree that closing eight rehab beds would improve access. This is in spite of the 2015 White Paper plan that stated that the Tasmanian Health Service would open new beds in the Mersey in addition to those at the North West Regional Hospital. The failed health minister, Michael Ferguson, said the decision to shut the rehab beds would improve the level of service resulting in less travelling, which is being echoed again by the current minister. Back then, the failed health minister did not clarify how the rehab beds at the North West Regional Hospital would force people to travel outside of the region.

Just a month before the Government claimed record funding in hospitals et cetera, the THS 2019 Project Update said the strategic decision to close the North West Regional Hospital rehab beds was due to cost. It also said that the THS requires the North West Regional Hospital and the Mersey Community Hospital to remain cost-neutral when undertaking service change. Does this mean the additional beds the minister had been talking about have to be delivered at the same cost

as was in place previously? I think the minister really needs to clear that one up. Are these some of the efficiencies the minister is talking about? Will they have to maintain extra beds at the same cost? That should be outlined.

In that *Advocate* article by Leo McVeigh was a number of questions that were not answered by the Health minister, such as when the closure will happen, how many staff will be affected, whether any would have to move to the Mersey, the number of redundancies and whether staff would be transferred to other duties. The minister did not answer these questions. In a report again by Leo McVeigh in *The Advocate* on 11 July we have the current Health minister repeating the strategy of the former failed health minister to not answer these questions.

In this interview Ms Courtney said she was very impressed with the new rehab ward. When asked if she felt she should apologise for the Government turning its back on a promise of two rehab wards for the north-west coast, she said she was pleased about the new ward, again not answering the question. She said:

I want to make sure that north-west coasters feel supported through their rehabilitation and having 12 beds will help support that.

She was not answering the question. When asked if the public could trust the Government on its commitments in relation to backflipping on this and breaking their promise, she said she was pleased to be providing more services to the north-west coast, so she is answering the questions she wants to answer rather than answering the questions that are actually asked.

I also note that since the minister has been in this position she has not outlined a vision for the health system nor addressed any of the issues that have been raised a number of times in this place, including ramping, access strategies, et cetera. All we have heard are crickets on that one and I believe the public of Tasmania deserves an outline of how she is going to tackle all these issues.

This whole issue of not answering questions is a current strategy. I have a letter from a constituent who had been waiting on the shadow list trying to get an appointment with a specialist for a number of months - I think approaching a year - when his doctor wrote that his patient had a hiatus hernia and had been under his care and awaiting surgical assessment, so he would appreciate an early review and intervention of this as he is getting frustrated with the long waiting list et cetera and has had a few suicide attempts recently because of pain and discomfort. That letter was sent on 18 December 2018, so this patient is obviously struggling with pain.

He managed to get himself an appointment and a letter from the THS advised that his name had been placed on the elective surgery list on 25 January 2019 and he was a category 2 semi-urgent, which is a 90-day turnaround and 90 days is the clinically recommended time frame. He had been waiting at least double that clinically recommended time frame when he came to see me again with pain and deteriorating mental health, so this is a very serious case for this gentleman. I wrote a letter on his behalf to the former health minister and then resent it to the current Health minister to question specifically to advise a date of surgery as soon as possible so he could put his mind to rest and work towards the appointment.

I appreciate the timeliness of the reply from the current minister. However the response from Ms Courtney simply confirmed that this gentleman was in an urgency category 2 listing and the agreed Australian guidelines prescribe that this procedure is clinically indicated within 90 days. That was the answer, that he should be waiting 90 days, despite the fact that he has been waiting at

least twice that, not to mention the time he had been waiting on the shadow list unable to get an appointment.

We have this strategy now of the minister answering questions she wants to answer rather than questions she should be answering. I urge the minister, who is aware of this case, that she expedites an appointment as soon as possible.

**Dr WOODRUFF** (Franklin) - Madam Deputy Speaker, I congratulate you on your new position.

I have heard the new Health minister, Ms Courtney, and the previous health minister trumpet the increasing spend this Government has made into the Health budget as though it is an extraordinary amount they have provided towards such an essential service. It is just a statement of fact that every single government from time immemorial has increased the Health budget year on year. That is because there are some fundamental things which happen in the health system in particular more than other portfolio areas which require an increase in actual numbers from the budget every year.

Those things include medical equipment and consumables. Those prices go up. The cost of staffing with CPI goes up every year. The number of patients in Tasmania has been increasing every single year between 5 per cent and 7 per cent. That is the tsunami of people who are turning up at the emergency department needing urgent treatment, to have access to an inpatient bed, to be discharged once they are well enough to go home and be cared for in the community with community health services, which themselves require an increase in the budget because they have staff, consumables and they have medical equipment.

It is nonsense for the Government to claim and to pat themselves on the back as though they have done something good for the health budget in their term of government. A history lesson for the government, since they seem to have forgotten that in 2014 when they came in, they slashed \$220 million from the health budget. Such an outrage. It was a disgusting, cynical move on the part of a Liberal Government to come in and cut \$220 million out of the health budget, particularly after claiming that the previous Labor-Greens government had created a broken health system.

They came into what they said was a broken health system and then crippled it. They made it a much worse situation by taking \$220 million out of the budget. Under intense public pressure, they put \$100 million back in. We are, from that time, \$110 million down already. What have we seen? 2015, 2016, 2017, 2018, 2019 front page newspaper stories, terrible stories of people in the emergency departments of the Royal Hobart Hospital and the Launceston General Hospital in particular, waiting for 36, 48, 72 hours for treatment: older people laying on the floor, young people, people in acute mental health distress unable to receive treatment in the inpatient wards. Staff terribly distressed.

Ambulance paramedics: I heard a story from Friday night of a southern ambulance and volunteer paramedic stuck in the hallway with their patient in the Royal Hobart Hospital Emergency Department, minding them for six hours. There were no ambulances available for people in the south of Tasmania during that period, none. Yet today we have a Treasurer who comes in here talking about the need to get efficiencies from every portfolio in government including from health. Not only has he already stolen \$110 million from the base funding five years ago but he wants to go in again and take another \$35 million, \$50 million - we do not know. We do not have the final

figure. It is disgusting to imagine that Tasmanians should have to bear a further cut to a health system which is already in acknowledged crisis which is why we had the Access Solutions Meeting.

Solutions do not come free. We cannot keep trying to improve a situation with one hand and taking away from it with the other, which is exactly what this Treasurer and this Health minister are going to be doing.

So, the minister, Ms Courtney, will sit here and preside over a hospital which desperately needs more money. The Registrar's letter confirmed that to the Health Executive. They need more staff at the Emergency Department and the inpatient wards and they especially need some funding for preventative health which the Liberal Government has talked about but not provided anything substantial.

We will continue to have more people needing to access emergency department treatment when we do not put the money into chronic care support services in the community, when we do not fund and legislate to reduce smoking rates, when we do not support the work of Chronic Disease Alliance and other community organisations and health agencies who are working to try to prevent people getting to the emergency department in the first place.

This is not fat to be cut from the health budget. Which nurse will end up doing the paperwork because Mr Gutwein has taken away somebody who does the administration of the hospital? There is no space to cut from the health sector. Solutions are about changing culture but that is not enough. The Access Solutions Meeting made it quite clear that there are real costs to improving the health system to bring it back to a basic standard of functioning.

It is not good enough for the Treasurer to talk about getting efficiencies in health. It is a crazy idea to propose that given that the climate where we are waiting to hear tomorrow from the Health minister the report from the Access Solutions Meeting. The minister will present the report from the meeting and the findings that are due at the end of July at the same time as talking about how she will be cutting her own department.

### **Time expired.**

[11.55 a.m.]

**Mrs RYLAH** (Braddon) - Madam Deputy Speaker, congratulations.

The Hodgman Liberal Government has always made health an absolute top priority. Over our time in Government we have added more than 1000 additional staff to our health system with more than 130 additional hospital beds opened. If we compare that to the other side when we came into Government, it was a broken system. Yesterday's hospital with not one brick laid in the Royal. They had sacked a nurse a day for nine months. That is a lot of nurses that they sacked. Doctors and allied health professionals had been sacked. It was a disgrace and yet we knew that Tasmania had appalling health statistics. That is why we have made health our top priority.

We have invested strongly. The best indicator of our health spending is how much of an overall state budget is being spent on health. Under the Hodgman Liberal Government health spending as a percentage of the entire state budget is 32 per cent, the second highest in the nation and up from 25 per cent under those on the other side. We are now spending more than \$2 billion more on health over the coming four years than was spent in the last Labor-Greens budget. The numbers speak for themselves.

Tasmania has simply never had the level of investment in our health system that it is getting now. We are growing funding, growing frontline staff and growing services. This Government is putting in record funding and the north-west is reaping the benefits with more staff in the region including 60 fulltime equivalents, more nurses than in 2014 and new facilities. Just this year we have seen eight new beds opened in the brand new North West Regional Acute Medical Unit. The unit is being staffed by 26 FTEs, a boost in capacity that is seeing more people getting the help and the care they need sooner. This is in addition to four ED beds and four surgical beds which were opened in 2017.

We are getting on with the job of rolling out the much anticipated redevelopment of the Mersey Hospital. This is underway as we speak. At \$35 million this project will eventually see upgraded surgical theatres and dedicated palliative care rooms as well as improved outpatient services and facilities to support a broader range of visiting specialists including an increase in our rehabilitation service which the minister mentioned earlier, \$4.2 million being spent on this with an increase from eight to 12 beds plus a specialist doctor being employed. Other upgrades as part of the work include upgraded air conditioning, a new hospital-wide nurse call duress system, replacing three ageing systems, again part of yesterday's hospital system that we were left with. There will also be a redeveloped medical ward with improvements for specialist geriatric care.

The Government's investment into the Mersey is a far cry from the dark days of the Labor-Greens government. They downgraded the Mersey so badly that then prime minister John Howard had to intervene before we secured the future of this critical hospital. It was the Hodgman Liberal Government that secured the Mersey with a 10-year \$730 million deal. Otherwise it would not be there.

This Government's investment in health services extends beyond our busy hospitals. The newly completed \$1.8 million Latrobe Ambulance Station upgrade has delivered a new adjoining garage, a new large lounge area with bathrooms for paramedic crews, office spaces, training facilities and multipurpose rooms for the paramedic crews to rest and recline. Perhaps, more importantly, these crucial works have increased capacity from holding two ambulances to four ambulances, and one non-emergency transport vehicle.

We are backing our hardworking paramedics. On top of the 12 new paramedics recruited in the north-west in 2016, three new paramedics have been stationed in Wynyard this year to provide 24-hour coverage. These paramedics are the first to be rolled out under our initiatives to progressively recruit 42 paramedics in rural and regional areas, reducing fatigue and improving response times even further.

Ambulance services will be further boosted when the new training facilities at Smithton are completed, while in 2021, the \$6 million Burnie ambulance station will be completed. The Government has also delivered funding for extra drug and alcohol rehabilitation beds which have now opened at Ulverstone and Serenity House at Sulphur Creek. This is under our \$6 million investment to boost the availability of drug and alcohol services for Tasmanians, filling a long-standing gap in the north and the north-west.

Other key achievements of this Government for the north-west, thanks to our strong commitment to funding and boosting services, include completing the North West Cancer Centre and funding its operations. This means that cancer treatment has been able to be delivered for the first time in the North West Regional Hospital. It has resulted in saving thousands of trips into Launceston each year for routine radiology treatment. Labor failed to deliver the North West Cancer Centre on time and did not budget for its operation: a huge risk to the local community that



was very well known. We have delivered a refurbished emergency department in Burnie, significant capital work to extend and upgrade, and a \$720 000 North West Regional Hospital pre-admission clinic to help patient flow and increase efficiency at the hospital. It sees more than 50 patients per week, or 2400 per year. It consists of five consulting rooms, three dedicated offices, a reception area and waiting room, and replaced the hospital's old main entrance.

**Time expired.**

**Matter noted.**

## **STATEMENT BY MEMBER**

### **Member for Franklin, Mrs Petrusma - Election as Chair of Committees**

**Madam DEPUTY SPEAKER** - With the House's indulgence, I want to make a short comment. I want to say it is an honour to take on the role of Chair of Committees and I thank the parliament for this opportunity.

As everyone is aware, a month ago I made the decision to step down as minister. It was quite a tough decision to make and I thank everyone for the comments of care and concern that I have received from just about everyone in this place. That is what reflects the beautiful thing about the Parliament of Tasmania.

Over that month, I have put a lot of time into getting well. I am delighted to report that I have no signs of infection now inside my head, which is a good thing. If I can remain that way, fingers crossed, in early October I will have a major operation which will probably mean I will be away for about two weeks.

I will be coming back to make sure that I take part in all those committees. I am looking forward to doing committee work with all the members of parliament and I am looking forward to working with Madam Speaker, the Clerks of the House, and all members, to ensure that the business of this parliament is undertaken appropriately and effectively in accordance with standing orders, with courtesy and dignity shown for all. Thank you all.

## **CRIMINAL CODE AND RELATED LEGISLATION AMENDMENT (CHILD ABUSE) BILL 2018 (No. 63)**

### **Second Reading**

[12.05 p.m.]

**Ms ARCHER** (Clark - Minister for Justice) Madam Deputy Speaker, congratulations on your appointment to Chair of Committees. I know you will enjoy the position immensely and we will enjoy having you in it, of course.

Madam Deputy Speaker, I move that -

That the bill be now read the second time.

All Tasmanians were appalled by the shocking revelations of child sexual abuse that have emerged from the Royal Commission into Institutional Responses to Child Sexual Abuse.

On 20 June 2018 I tabled the Government's response to the Royal Commission into Institutional Responses to Child Sexual Abuse final report and earlier working with children checks, redress and civil litigation and criminal justice reports. The final report was the culmination of the work of the royal commission over its five-year inquiry. It sets out what the royal commission heard, concluded and recommended to better prevent and respond to child sexual abuse in institutions.

In the 17 volumes of its final report and its earlier reports on specific areas, the royal commission made 409 recommendations across a wide range of policy areas aimed at improving institutional responses to child sexual abuse. Broadly speaking, the royal commission's recommendations aim to:

- prevent abuse or, at the very least, identify it as early as possible;
- improve the way perpetrators are investigated, prosecuted and sentenced; and
- improve survivors' access to justice and ongoing support.

The royal commission's recommendations recognise that governments, institutions and the broader community share responsibility for keeping children safe.

I again wish to acknowledge the courage of people affected by institutional child sexual abuse who shared their stories with the royal commission. Without the bravery of those victims and the families of victims, we would not have the benefit of the vast work of the royal commission, not just that work contained in its final reports but also work that can assist us to address the evils of child sexual abuse derived from the royal commission's case studies and enormous body of commissioned research.

The Tasmanian Government remains committed to better protecting our vulnerable children, and the work of the royal commission will help shape future reforms to achieve this. This bill is just one of many significant systems and legislative reforms we will implement to continue to work towards a safe Tasmania for our children.

This bill fulfils the Government's commitment to introduce a bill to introduce various legislative amendments by the end of 2018. The Criminal Code and Related Legislation Amendment (Child Abuse) Bill 2018 addresses a number of recommendations made by the royal commission, particularly in the area of criminal justice, as well as mechanisms to improve child safety through the reporting of concerns relating to children at risk.

Specifically, the bill amends the Children, Young Persons and Their Families Act 1997, the Criminal Code Act 1924, the Evidence (Children and Special Witnesses) Act 2001 and the Sentencing Act 1997. I will now address the proposed amendments in turn.

The bill amends the Children, Young Persons and Their Families Act 1997 to include members of religious ministry and members of the Tasmanian Parliament as 'notifiers' for the purposes of mandatory reporting risk to children under section 14 of that act. This inclusion of people in religious ministry as mandatory reporters or notifiers is a specific recommendation in the final report of the royal commission, recommendation 7.3.

Further, the bill specifies that such members of religious ministry may not rely on confessional privilege to refuse to disclose information under section 14. I appreciate the significance of this amendment and in particular the opposition made by church authorities. However, it is for the state to legislate in relation to the safety of the community and in particular our children, which should be paramount.

This area was the subject of significant work and consideration by the royal commission. The abrogation of the confessional privilege insofar as it relates to the requirement that clergy be included as mandatory reporters is a specific recommendation of the royal commission's final report, recommendation 7.4.

The bill also includes members of the state parliament as notifiers or mandatory reporters. This reflects that, through positions held in parliament, many of us may receive disturbing information about the safety of children. We should also be required to report any information or concerns that we may have for the welfare of children to appropriate authorities. The bill also amends the Children, Young Persons and Their Families Act 1997 to clarify that the identity of 'notifiers' may be provided to law enforcement agencies.

The bill amends the Criminal Code Act 1924 to provide a new crime of failing to report the abuse of a child. This draws on recommendation 33 of the royal commission's criminal justice report, which recommended that a crime be introduced requiring any person associated with an institution who knows or suspects that a child is or has been sexually abused in an institutional context should report that abuse to police. The crime this Government is introducing goes beyond this recommendation and provides that any person is guilty of the new crime of failing to report the abuse of a child where that person reasonably believes that any child abuse offence has been committed and fails without reasonable excuse to inform a police officer as soon as practicable.

It should be noted that the royal commission was only tasked to make recommendations in relation to institutional child sexual abuse. This Government, in considering its response to all of the recommendations of the royal commission, has considered the appropriateness of such reforms to other types of child abuse, regardless of the context in which it occurs. This is because the Tasmanian Government is firmly of the view that all members of the community must do everything in their power to protect children and prevent child abuse from occurring. To quote the royal commission's final report in the preface and executive summary on page 3:

Although the primary responsibility for the sexual abuse of a child lies with the abuser and the institution of which they were a part, we cannot avoid the conclusion that the problems faced by many people who have been abused are the responsibility of our entire society. Society's values and mechanisms that were available to regulate and control aberrant behaviour failed.

The crime applies only where information is obtained on or after the commencement of this act but applies regardless of the date of the alleged child abuse offence; that is, the information may relate to a child abuse offence that is alleged to have been committed prior to the commencement of the act.

A 'child abuse offence' is defined in the bill to include child sexual offences and any serious assaults against a child or ill-treatment of a child. Importantly, the new crime provides a number of safeguards that protects the rights of victims and the vulnerable. The crime does not apply to knowledge held by the victim of the child abuse offence, nor does the new crime apply to

information where it is received by a child or by a person from a victim who has attained the age of 18 years and who wants the information to remain confidential.

A person is not guilty of the new crime if the information relating to a child abuse offence was not provided to a police officer where:

- the information is already generally available to members of the public; or
- a person has a reasonable belief that:
  - the information has been reported or is known to a proper authority; or
  - reporting the information may endanger the safety of any person other than the alleged perpetrator.

The new crime specifically excludes a member of clergy of a church or religious denomination from relying on confessional privilege as a reasonable excuse for failing to report a child abuse offence. This is consistent with the recommendations of the royal commission - criminal justice report recommendation 35.

Finally, the new crime cannot be commenced without the written approval of the Director of Public Prosecutions.

The bill also amends the Criminal Code Act 1924 to extend the Tasmanian 'grooming offence' under section 125D of the Criminal Code to include communications with third parties with intent to procure a child for unlawful sexual activity or exposure to child exploitation material.

The bill also amends the Criminal Code by inserting a transitional provision to clarify that the repeal of section 18(3) of the Criminal Code applies retrospectively. This is also a recommendation of the royal commission - criminal justice report recommendation 83.

The bill amends the Evidence (Children and Special Witnesses) Act 2001 to strengthen important protections that will assist people to participate in the criminal process.

The royal commission undertook a significant body of work in this area, given its importance. The royal commission concluded that supporting victims and witnesses of child sexual abuse to give evidence is critical if the criminal justice system is to work effectively and appropriately in relation to child abuse offences.

The bill extends the pre-recording of audio-visual evidence to all victims in child sexual abuse, any children who are under 18 years, and any other witness ordered by the court upon application by the prosecution where it is in the interests of justice to conduct the pre-recording. This follows recommendation 53 in the royal commission's criminal justice report.

Consistent with recommendation 84 in the royal commission's criminal justice report, the bill also clarifies that the use of earlier audiovisual recordings of evidence is to be tendered as the relevant witness's evidence where relevant to any subsequent proceedings and it is not contrary to the interests of justice. This amendment will assist to reduce the number of times a witness has to give evidence in criminal proceedings and reduce the risk of retraumatisation by multiple criminal trials and appeals.

In line with recommendation 9(g) of the royal commission's criminal justice report, the bill provides that audiovisual recordings of evidence may be used for training purposes by police officers to enable best-practice approaches to police interviewing and ongoing training for specialist officers. The bill also provides the Attorney-General with the power to approve on specific conditions the viewing of audiovisual recording of evidence by a prescribed law reform body for the purposes of a review of the laws of evidence. This may only occur in circumstances where the audiovisual recording is de-identified, or alternatively, the witness whose evidence has been recorded has attained the age of 18 years and consents to the use by the law reform body.

The bill amends the Sentencing Act 1997 to require sentencing courts to indicate the sentence that would have been imposed for each offence had separate sentences been imposed when setting a sentence in relation to child sexual abuse offences involving multiple discrete episodes of offending and/or where there are multiple victims. This is in line with recommendation 75 of the royal commission's criminal justice report.

Finally, the bill also amends the Sentencing Act 1997 to require sentencing courts to consider current sentencing standards when sentencing offenders for child sexual abuse offences, consistent with recommendation 76 in the royal commission's criminal justice report.

The findings of the royal commission threw a spotlight onto the way in which institutions across the spectrum have failed children in the past. This Government is committed to doing all that is in its power to prevent it happening again.

In particular, the royal commission highlighted the need for all members of the community to do everything in their power to prevent child abuse and the failure of institutions to protect children in the past.

To be clear, contrary to suggestions made by some commentators, this bill does not target teachers, nurses or other public sector employees with criminal offences. Such statements indicate a misunderstanding of existing public sector employees' mandatory reporting obligations in relation to suspected child abuse or neglect. This bill places an obligation on the broader community to report knowledge about the commission of a child abuse crime.

This bill represents an important step in implementing a number of the royal commission's recommendations and in doing so provides a number of important protections to some of the most vulnerable Tasmanians.

I commend the bill to the House.

[12.19 p.m.]

**Ms HADDAD** (Clark) - Madam Deputy Speaker, I add my congratulations to you on your appointment to the role of Chair of Committees. I am glad to hear of your health improvements as well.

The Opposition will obviously be supporting this bill as we have supported the implementation of the recommendations of the royal commission and its work since its establishment was first announced in 2012 by then prime minister Julia Gillard.

I am grateful to the Department of Justice and the other state service departments that have been involved over a lengthy period of time on working with the officers of the royal commission and on now bringing to life many of the recommendations into state legislation. It has been no mean feat. It should be recognised how hard Tasmanian state servants and others have worked to bring to light those recommendations of the royal commission.

As the Attorney-General touched on in her second reading speech, the royal commission extends to 17 volumes and 409 recommendations. Just the recommendations summary is over 100 pages. As the Attorney-General said this bill is one step in implementing those many recommendations and one that the Opposition is very proud to support.

It extends the responsibilities of people in positions of authority and people in positions of trust to do all that they can to keep Tasmanian children safe. We support the extension of the mandatory reporting provisions and the responsibility of the people who are placed in those positions of trust and positions of authority to take that responsibility to keep Tasmanian children safe. The bill and the recommendations from the royal commission recognise that it is a shared responsibility of Government, institutions and the broader community to share the responsibility of keeping children safe and to do all that we can to ensure that no child in this country need go through the horrors of abuse that were reported to the royal commission through their five years of work.

Labor has been a big supporter of the work of the royal commission. That is why we are happy to support this bill. Amongst other things, through its work and its conclusions, the royal commission recognised that all children are vulnerable to sexual abuse in institutional contexts and in other contacts as well.

The commission looked at institutions' individual responses to that kind of abuse. They heard from thousands of people who had been sexually abused as children while in an institution in Australia. They also heard from experts in the field from state and territory governments and from services, including community services, who had supported victims through the years and had also supported survivors to come forward and share their stories with the commission. It also worth recognising the work of the many community organisations who supported individuals and families to share their stories. As the Attorney-General said in her second reading speech, it would not have been possible for the commission to receive the breadth of information and evidence they did without the strength of survivors and their families to come forward. In many cases, they were supported by family and by community organisations who should also be commended.

The commission heard from almost 7000 people in private sessions as well as holding 57 public hearings around the country. The commissioners undertook a huge body of work. I am in no doubt about the severity of the information that those commissioners would have heard.

Many of the people they heard from said that speaking up about what had happened to them was difficult. It was not a one-off event. They talked about their experiences in having to tell parents and partners, family and friends, and many institutions at different stages of their lives about the horrors of sexual abuse they had experienced in institutions.

The commission found that it took an average of 24 years for somebody to come forward with information about having been sexually abused. I can certainly understand how harrowing that would be. The commission heard from individuals who spoke about how difficult it was for them to come forward with that information. The people who spoke out should be commended for coming forward to tell their stories to prevent those things happening to others in the future.

Amongst their recommendations were approaches to community-wide prevention, touching on the issues that we talked about earlier - that it is a shared responsibility of government institutions and the broader community to keep children safe. They recommended 10 child safety standards that would help to make institutions safer and ensure that all could be done in the best interests of children being central to the operation of institutions.

The commission also made recommendations about: protecting children's online safety; improving the way institutions respond to and report matters of child sexual abuse; and also about strengthening record-keeping practices and information sharing. I know from my previous job how difficult it was for departments to come up with those records: record-keeping practices dating back to the 1920s and 1930s and might not have been as robust as they are. It has been taken on board by state governments that record keeping is a vital part of service delivery as governments are service deliverers, providers of services and purchasers of services.

The commission also talked about the importance of advocacy and support for victims and survivors of child sex abuse and ensuring that people are able to access tailored treatment and support services for as long as they need. That goes to the hard work that the community sector had done in supporting survivors and families.

One of the very positive things to come out was an increase in community awareness about the failure of many trusted institutions to protect children from child sex abuse. They found that community awareness and shared community responsibility had grown over the five years that they conducted their inquiries.

It is now up to state and federal governments to implement those recommendations. I recognise that this bill is a very important step in increasing the responsibility of people in positions of trust to report and notify authorities of child sex abuse and allegations or suspicions of child sex abuse. I recognise that, in this instance, the Government has gone further than the recommendation and, indeed, improved on the recommendation as far as Tasmanian law is concerned.

The Opposition joins all other people in this place in condemning the horrors of child sex abuse that occurred in institutions around the country. We commend the work of the royal commission and the commissioners of the Department of Justice and other departments in the Tasmanian State Service who have worked and are continuing to work hard to implement the recommendations.

[12.28 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Madam Deputy Speaker, the Royal Commission into Institutional Responses to Child Sexual Abuse shocked the nation. It revealed in the most appalling and confronting detail the systemic abuse of children who were entrusted to religious institutions. Some of these children were wards of the state. Some of these children were altar boys. Many of these children were attending church-run educational facilities or they were just there as part of the congregation.

What we learned through the royal commission is that there was a culture of mistreating and abusing children at multiple layers of multiple religious institutions and that in too many cases those abuses were covered up. Only today there are reports about a former Victorian Catholic priest, Paul Ryan, from Warrnambool who, over the course of his career in the church, abused boys and has now been sentenced again as the result of an investigation that was initiated through evidence that was tendered to the royal commission. In one instance he abused a child in the confessional. We

know that in the confessional, which is to the Catholic Church the most sacred of places, children have been abused. The confessional has been used to cover up crimes by priests of the Catholic Church.

I note the Attorney-General acknowledging the concerns of church leaders about this legislation but rightly standing firm on ensuring this parliament recognises that there is no safe place for paedophiles and that we will enact legislation that protects children however we can, wherever we can. I do commend the Attorney-General for bringing this legislation into this place.

We note that this amendment bill amends four specific pieces of legislation including the Children, Young Persons and Their Families Act 1997 to provide that priests, members of the church, who hear information relating to child abuse in the confessional are notifiers for the purposes of the Children, Young Persons and Their Families Act as are now members of parliament. It surprised me that we were not already mandatory notifiers for the purposes of the Act and I hope that every member in this place believed they were before this legislation came to this place.

What these amendments do is ensure that no member of the clergy may rely on the confidential space of the confessional in order to justify not notifying law enforcement authorities of a crime against a child. The amendments provide for the identity of notifiers to be given to law enforcement agencies.

The bill also amends the Criminal Code Act 1924 to institute the new crime of failing to report the abuse of a child. We are in this position because for decades and historically, globally for centuries, churches have been covering up and, in some cases, facilitating the sexual abuse of children. It is something that religious institutions have been guilty of in the past and we want to make sure that they are not given the opportunity to be guilty of it in the future.

The legislation, the amendment bill, also amends the Evidence (Children and Special Witnesses) Act 2001 to provide for video evidence that has previously been given by a victim to be tendered to the court in another case. This is really important so that the law does not require us to retraumatise victims in hearing other matters that relate to the abuse of children. I note that the Attorney-General has responded to a request from the Tasmanian Law Reform Institute in relation to being able to, with the Attorney-General's approval and in limited circumstances, view audio-visual recordings of evidence for a review of the laws of evidence.

This amendment bill amends the Sentencing Act 1997 to require courts when setting a sentence in relation to child sexual abuse offences involving multiple discrete episodes of offending and/or where there are multiple victims to indicate the sentence that would have been imposed for each offence had separate sentences been imposed. Again, that is another important recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse.

I will read into the *Hansard* what the royal commission had to say about the treatment of religious confessions. At recommendation 35 the royal commission report states:

Each state and territory government should ensure that the legislation it introduces to create the criminal offence of failure to report recommended in recommendation 33 addresses religious confessions as follows:

- a. The criminal offence of failure to report should apply in relation to knowledge gained or suspicions that are or should have been formed, in



whole or in part, on the basis of information disclosed in or in connection with a religious confession.

- b. The legislation should exclude any existing excuse, protection or privilege in relation to religious confessions to the extent necessary to achieve this objective.
- c. Religious confession should be defined to include a confession about the conduct of a person associated with the institution made by a person to a second person who is in religious ministry in that second person's professional capacity according to the ritual of the church or religious denomination concerned.

I have appreciated that after the initial statements of concern by Catholic Church leaders that they have had the grace not to persist in trying to prevent this legislation from being debated and passed by the Tasmanian Parliament.

We are all too familiar with the fall recently of former Cardinal Pell. Through that court case we learned there had been systemic repeated abuses of children and at the highest levels of the church hierarchy in Australia there had been a cover-up of the abuse of those children.

The victims of child sexual abuse by the clergy, many of whom are broken people, who live with persistent post-traumatic stress disorder, would have felt some measure of justice seeing that, even at the highest levels of the church, you can be found guilty, you can be convicted and you can be sent to jail for your crimes against children.

It was an important case to reaffirm justice for the survivors of child sexual abuse at the hands of the Catholic Church in this instance. No-one in this place is pretending that it is only the Catholic Church that has been responsible for profound damage to children. In some instances, the damage has been so profound it has broken people and they have taken their lives. We need to acknowledge that in this place.

I have a question, Attorney-General in relation to definitions. In the section that amends the Criminal Code Act of 1924 it defines a child as meaning a person under the age of 18 years, yet when we go to the Sentencing Act Amendments, in the interpretation section, it defines child sexual offence as meaning 'an offence committed in relation to a person under the age of 17 years, against section 124, 125, 125A, 125B, 125C, 125D, 126, 127, 129, 130, 130A, 133 or 185 of the Criminal Code'. Maybe the Attorney-General in her closing remarks on the second reading could explain to the House why in one section of the bill a child is defined as a person under the age of 18 years and the child sexual offence in these amendments applies to a person under the age of 17 years.

The Greens will be supporting this bill. I commend the Attorney-General for working to bring this legislation forward and echo Ms Haddad's thanks to members of the Department of Justice who have been working on implementing the royal commission's recommendations. Thanks also to every learned professional and staff member who worked on the royal commission and listened daily to those harrowing stories of the survivors.

[12.40 p.m.]

**Mr HODGMAN** (Franklin - Premier) - Madam Deputy Speaker, I speak on this important bill as the state's new and first minister responsible for the Government's and the community's efforts

to reduce and prevent family violence, and sexual violence perpetrated in our community. I also speak as the Premier and leader of a government team that has a very strong commitment to our shared objectives in this regard, and also to our participation in what has been a national effort.

I was leader of the opposition back in 2012 when then prime minister, Julia Gillard, announced the proposed establishment of a royal commission to inquire into institutional responses to child abuse.

It goes back some time, but it was not until early 2013 when the commission was constructed with terms of reference established, six commissioners were appointed. I had been premier for close to four years by the time in December 2017 when the commission released its final report of 17 volumes and detailed the conclusions and recommendations of what was a five-year inquiry into 6953 cases of people who contacted the commission within the terms of reference, 7981 survivors of child sexual abuse of which 2562 matters were referred to police. Many others as well were responded to.

Often and regularly, I was confronted with the scale of the undertaking in the inquiry when we in my office, and I would expect also in other offices, received the update reports and briefings from our agencies as well as Commonwealth agencies, as to the progress of the inquiry and the harrowing detail contained within it. It was one of those moments where, as a nation, finally deciding to act, and the report in its conclusion points to the fact that there had been, for many years, a lot of debate, discussion, calls for inquiry by courageous victims and their supporters, but also within our parliaments in the broader community as to when this matter might be finally and properly addressed.

Sadly, it was too late for many people but it was an enormous piece of work that, while we, as a nation, perhaps held our breath as to what it might uncover, we are better for it. As other members have acknowledged, sadly, many survivors are no longer here to see the work conclude nor the steps taken by government and non-government organisations. So many have taken their own lives because of the abuse, the emotional trauma they suffered, including by the organisations and the institutions in which it occurred, and which were entrusted to care for them.

The report also notes very distinctly and clearly that there was a reluctance by institutions to properly address the issue for far too long and that has compounded and exacerbated the trauma suffered by so many people, and we mourn the tragic circumstances. We praise the courage of those who were able to come forward during the process to tell their story. I have met with many of them, and it was a difficult and distressing process, the Attorney-General and myself, and I know other members have gone through, in meeting these people, innocent victims. The commission also said very clearly that just in coming forward and revisiting their own traumatic circumstances, many victims have seriously compromised and impacted upon their lives.

During the inquiry many spoke of their innocence being stolen; their childhood lost: any real prospects of a good education or a job and some stability in their lives is taken from them. They are often unable to have fulfilling relationships with others. Those close to them are impacted by that as well. It is a trauma from which they will never escape or recover. It is a heartbreaking thing. Tasmania was a part the national apology when it was delivered on behalf of our community. It was a heartbreaking thing to realise no matter what we say and how much we think we can understand or even how we might respond to this, it will never ever be anywhere near enough.

We have as a government, a community and a parliament representing it come together to respond to the commission's findings and, importantly, its recommendations. It will be ongoing work. It brings us together today on this particular bill; it is one part of it. It led to us joining the National Redress Scheme, which was the key recommendation. It built on the strong track record in our state of supporting victims: the \$54 million Abuse in State Care compensation scheme that commenced in 2003 and assisted for the better part of a decade more than 1800 survivors who were the subject of physical and emotional abuse whilst in the state's care. The commission reflected the fact that much more must be done, which includes in non-government organisations within which there have been circumstances of sexual, physical or emotional abuse and, sadly, too often an inadequate response.

We also responded as a government to a number of other important reforms. We have established a new registration to work with vulnerable people in Tasmania. There are important amendments to the Limitation Act to allow victims of historic sexual abuse to make a claim to pursue civil action against perpetrators. We have introduced aggravating factors into our laws for crimes of serious sexual abuse. We have addressed the good character mitigating factor for perpetrators of sexual abuse when that good character facilitated their offending. That is a most perverse and harrowing scenario but, as the commission found, is so often the case because people entrusted to care for these victims were seen to be people of good character in important positions within our community. We will always move to strengthen our laws in a way that provides greater protections for our victims and support for our survivors but also appropriately penalises those who commit these offences.

We very publicly called on the leaders of our non-government institutions here that may be liable to acknowledge the significance of the issue to participate in the scheme. Our Government has shown leadership in expecting organisations that should be part of the scheme to address the damage caused to those to whom they once had a duty to protect. A number did immediately but the work to ensure that all organisations are involved in this important scheme is critical for its success. It is a very strong message to all survivors of our taking collective responsibility and making a shared effort to address this as best we can.

There is no doubt that this commission, its recommendations and the work done since has finally ripped a horrible scab off our community and revealed the extent of what so many people know, or at least suspected, and what is occurring today is another important step in relation to a clear recommendation from the commission. The Government has taken a very strong position in response to it and I know that will be well supported not only in this parliament but within the broader community. By establishing stronger provisions within our laws and to make it a crime to not report child abuse seems obvious and it is impossible, as far as I am concerned, to find a justification for that not to be so. Noting, as we do with respect, different perspectives on this matter and important beliefs and views held, we believe it is unconscionable and indefensible for there not to be a new crime of failing to report child abuse. There has been some debate around us so doing, but the Government stands very strongly with the victims and will ensure we do all we can to exercise strong leadership and to support, not only through government but also non-government organisations, better practices and views of how communities can better deal with matters such as this than we have in the past.

I want to finally go through each of the important elements that have been outlined by the minister and other members and also again acknowledge those within government and our broader community who are endeavouring to implement the recommendations from the royal commission to the highest standard. Things come at a cost and often take a little longer than we might like, but

none of that will in any way diminish our effort. That includes that which non-government organisations on a daily basis are dealing with, not only what has happened in the past but also what is happening now. That is why I think it is appropriate that we have a renewed and increased focus in government and as a minister amongst colleagues to be very much held to account but also supported and prepared as a parliament and as a community to take strong leadership on these matters, because it is the least we can do to best support those victims and survivors and, tragically, those who are no longer with us to be supported by all we are doing. We do this in their name and we do so again today through what we hope will be a seamless passing of the legislation.

I commend the Attorney-General and her agency for the enormous amount of work in her office and I thank members.

[12.54 p.m.]

**Mrs RYLAH** (Braddon) - Mr Deputy Speaker, I rise in support of the Criminal Code and Related Legislation Amendment (Child Abuse) Bill. The findings of the Royal Commission into Institutional Responses to Child Sexual Abuse have thrown a spotlight onto the way in which institutions across the spectrum have failed children in the past, failed spectacularly, with tragic and enormous harms to those so vulnerable. This Government is committed to doing all in its power to prevent it happening again.

This process took too long. The institutions resisted, obfuscated, hid and disgracefully shut down many victims, effectively bribing them into silence. It has been one of the darkest times in our country, and protecting our children and the strong messages to support survivors is today's response. As I said, it has taken too long, but I congratulate the Attorney-General and the Justice Department for their work.

This bill implements a number of recommendations of the royal commission, particularly from its *Criminal justice* report published on 14 August 2017. Understandably and for good reason, there has been a lot of focus on the aspects of this bill that relate to the seal of the confessional. However, there is also a number of other important reforms in this bill that I will touch upon.

The royal commission noted in their *Criminal justice* report that they had evidence of grooming behaviour in a number of their public hearings. Examples of this behaviour were reported in a number of the case studies published by the royal commission and included examples of chaplains building relationships of trust with their victims, as well as teachers handing out lollies for certain students. The royal commission also heard of parents being groomed in order to allow an offender to gain access to their children. The royal commission spoke of offenders 'enmeshing themselves' in a victim's family life, in one case to the point that the offender would be coming to dinner with his victim's family twice a week while abuse was ongoing.

The royal commission talked of having heard from a number of parents of victims and survivors who expressed great distress at having been groomed by a perpetrator so that they came to trust that person and encouraged their child to spend time with a person who they later discovered had abused the child. Such a tragedy. Such grooming behaviour can cause damage over and above that of the abuse itself. To quote the royal commissioners in the *Criminal justice* report on page 96:

We have also seen the damage grooming behaviour has done, including in relation to establishing circumstances where the victim will not disclose the abuse even once contact abuse occurs and circumstances where parents or carers might

be unlikely to believe a disclosure because they too have been groomed to trust and respect the perpetrator.

To be frank, such behaviour chills me to the core and reinforces the need to pursue whatever legislative measures are required to protect both Tasmania's children from such predatory behaviour as well as punish those who would seek to do children harm.

As part of their work, the royal commission analysed sentencing remarks in 283 matters involving institutional child sexual abuse. In one-third of these cases, some form of grooming had occurred and of those cases, some 22 per cent involved cases where the offender ingratiated himself or herself with the victim's family. It is little wonder, then, that identifying and responding to grooming behaviours was a significant focus of the royal commission's work. Grooming was addressed in a number of areas of the royal commission's work including in child-safe organisations and institutional response to complaints.

For today's purposes, however, we are focusing on the criminal response. As part of the consultation process that informed the royal commission's *Criminal justice* report, the commission received a number of submissions in support of broad grooming offences that extend beyond the grooming of a child.

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

## **CRIMINAL CODE AND RELATED LEGISLATION AMENDMENT (CHILD ABUSE) BILL 2018 (No. 63)**

### **Second Reading**

**Resumed from above.**

**Mrs RYLAH** (Braddon) - Madam Deputy Speaker, Tasmania's Criminal Code also contains a grooming offence, section 125D. In light of what it heard and reported on, it was the recommendation of the royal commission that states and territories should broaden their grooming offences to the grooming of persons other than the ultimate victim of abuse. This bill does just this at clauses 7B, 7C and 7D. They broaden the existing crime of grooming to provide better protections to vulnerable victims. Though the amendments to these clauses are small in terms of words added to the Criminal Code the addition of 'and to any person' makes clear that the grooming offence applies to those who would seek to exploit the trust of parents or carers for the heinous of reasons.

Another important reform made by this bill is in the area of pre-recording of evidence. Given the trauma already suffered by victims of child sexual abuse, it is important that the criminal justice system does what it can to avoid further trauma when a matter comes before the courts. The royal commission stated they were:

... satisfied that prerecording the entirety of a witness's evidence is likely to have clear benefits for both the witness and the parties in a case. Where the witness is a child complainant of child sexual abuse, the benefits are even greater in

minimising the trauma associated with participating in the criminal justice process.

Therefore the amendments made by this bill to strengthen the Evidence Children and Special Witnesses Act 2001 are an important part of the Tasmanian Government's response to the royal commission's recommendation. The act will be amended to ensure that the recording of audio-visual evidence is extended to all victims in child sexual abuse proceedings, regardless of their age at the time of the proceedings. All child witnesses of prescribed offences including child sexual offences under the act and the crimes of murder or manslaughter under the Criminal Code and any other witness determined by the court to be in the interests of justice on application by the prosecution.

In addition, the bill will provide that the pre-recording of audio-visual evidence may be used as a relevant witness's evidence in any subsequent trial, re-trials or appeals if relevant and not contrary to the interests of justice.

I am pleased to be able to stand here today to speak in support of this bill and measures to protect Tasmania's children and hold offenders to account. Before I close I want to acknowledge all the victims and survivors today. This is a strong and clear response to their suffering and a positive legacy that their suffering is bringing about positive change in Tasmania.

I support the bill.

[2.35 p.m.]

**Mrs PETRUSMA** (Franklin) - Mr Deputy Speaker, I support the Criminal Code and Related Legislation Amendment (Child Abuse) Bill 2018. As other members have today, I commend the Attorney-General, as well as the department for its work on this bill; for the passion to address what we are debating today and for their commitment in tackling one of the most heinous of crimes, child sexual abuse. I also commend all members for their contributions today. I found the first day in the Chair to be quite emotional, as I know that everyone else has.

When we reflected on the transcripts, the evidence and the hearings of the royal commission, I, and all members in this House, and all Tasmanians, were truly appalled and shocked by the revelations of child sexual abuse that emerged from the commission's hearings. It also had to happen: we had to shine a light on the way in which institutions across the spectrum, including government, have failed children in the past. I know that all members in this House, together with the Government, are committed to doing everything in our power to prevent it from happening again.

I also commend the Attorney-General and her work with the department for undertaking extensive consultation with stakeholders as well as with members of the community. Today we are debating a bill that contains a number of reforms arising from the recommendations of the royal commission. The bill makes a number of important changes to how Tasmania's criminal law responds to the issue of child sexual abuse.

As the Attorney-General has outlined, there is no avoiding the fact that some measures introduced by this bill, while they are the subject of passionate debate - and I speak of the provisions relating to the confessional - let us not lose sight of where these reforms have come from. The member for Clark, Ms Haddad, as well as other members, reflected on the work of the royal commission, and how it was just so far-reaching and comprehensive. The various reports published by the royal commission describe in harrowing detail the abuse inflicted by those in a position of

trust on some of society's most vulnerable children. The commission heard over 8000 personal stories of child sexual abuse, and held 57 formal public hearings over 400 days across Australia, during which it heard evidence from 1200 witnesses. These numbers, to me and I am sure to all of us here, are overwhelming. However, I have little doubt that there were many, many more. Over the years I have spoken to people who understandably did not want to come forward to tell their stories or, tragically, are no longer with us to speak about the abuse that they suffered themselves as children.

I believe the findings of the royal commission should cause all of us, not just institutions, to reflect on how, as the Attorney-General said, society's values and mechanisms, which were available to regulate and control abhorrent behaviour, failed. It failed the children it was meant to protect.

As far as the Government is concerned, the findings of the royal commission are in indictment, not just on how institutions in Australia operated in the past, but also on the society in which these institutions existed.

I note that the new crime of failing to report child abuse that is contained in this bill does make it abundantly clear that it is incumbent on all of us, including us now as members of this House, in this parliament, as well as the members of the wider community, to report child abuse, to give a voice to those who are so often so tragically without a voice or the power to speak out. We must do everything we can within our power to prevent child abuse from occurring in the first place.

I note that the provisions that create this new crime also provides that those in religious ministry can no longer rely on the confessional as a reason for not reporting. As has been outlined in this House those provisions are the subject of strong feelings. In supporting this bill, the Government is absolutely mindful that such provisions are particularly difficult for the Catholic Church and the implementation of these recommendations has caused soul searching and deliberation around Australia.

I place on the record today that the ACT Government has gone so far as to commission a retired federal court judge, the Honourable Julie Anne Dodds-Streeton QC, to prepare an analysis of the recommendations. Her resulting report, *Implementation of Royal Commission into Institutional Responses to Child Sexual Abuse Recommendations Regarding the Reporting of Child Sexual Abuse, with Implications for the Confessional Seal* was published early this year. This report ran to more than 100 pages and was a comprehensive discussion in support of law reform in this area. Importantly, for our media purposes, that report considered the bill we are debating today in its discussion of how the ACT Government should create a crime of failing to report child abuse. Having considered similar measures adopted elsewhere, albeit not always with reference to the confessional, I note that it was Ms Dodds-Streeton's recommendation that the Tasmanian approach be followed as well.

In fact, to the credit of Tasmania and in particular I acknowledge the work of the Attorney-General and her department and our Office of Parliamentary Counsel, Ms Dodds-Streeton has made a number of favourable comments about the approach adopted in this bill that we are debating today. Therefore, it is worth recording for *Hansard* some of the comments in Ms Dodds-Streeton's report in full. In providing drafting instructions for the consideration of the ACT Government Ms Dodds-Streeton makes the following observation at pages 86 to 87 of her report. She says:

The offence described in the drafting instructions is modelled largely upon the proposed Tasmanian offence to be inserted into the Tasmanian *Criminal Code*. In our view, that offence is simply drafted, easily understood, and imposes an obligation to report in appropriate circumstances. The drafting instructions outline an alternative form of a new 'failure to report' offence that avoids some of the significant difficulties and disadvantages inherent in the Royal Commission model offence ...

The difficulties and disadvantages referred to by Ms Dodds-Streton have been touched upon by the Attorney-General in her second reading speech and referred to the royal commission's recommendations being limited to sexual abuse that occurs in an institutional setting. As Ms Dodds-Streton comments at page 74 of her report about extending such a crime beyond institutions, ... 'a departure from the Royal Commission model offence by enacting a simpler offence of wider application, which can be committed by any adult, has much to commend it'. Such an approach accords with the express view of survivor stakeholders, the Roman Catholic Church, Bravehearts and the Care Leavers Australasia Network, or CLAN, that all adults should have a duty to report child sexual abuse.

Likewise, Ms Dodds-Streton voiced concern about limiting such a crime to sexual abuse, noting at page 78 of her report that, 'Logically, it may be difficult to justify different requirements for reporting child sexual abuse when other harms to children are equally serious.'

I also hasten to add that what I have just said should not be seen as a criticism of the royal commission's work. Its recommendations are a result of its terms of reference, which placed its focus on child sexual abuse that occurred in institutions. However, by building on these recommendations Tasmania will be ensuring that our crime does provide a broader reach and more extensive protections for Tasmania's children.

Importantly, the bill contains a number of provisions that make clear how the crime will work in practice. Again, this is something that drew approval from Ms Dodds-Streton who found at pages 82 to 83 that the Tasmanian approach 'helps to provide certainty to potential reporters, particularly those in professional contexts, about when the obligation to report arises with respect to information subject to lawful claims of privilege and clearly implements the Royal Commission's recommendation that the obligation to report information imparted to a member of the clergy during a religious confession should arise despite religious confessional privilege.'

This bill has been the subject of not just careful development and consultation by the Tasmanian Government, it has also been considered and endorsed by learned minds elsewhere. This is because all members of the community must comply with the laws of the state in which they live. This is how our society functions and the Government believes that these changes are important to protect our children and that is why we have pursued them.

Let me make it again clear that this reform does not just isolate members of the religious ministry because the royal commission highlighted the need for all members of the community to do everything in their power to prevent child abuse and these reforms that we are debating today respond to this. This bill makes it clear that, under these reforms, all members of the community have an obligation to report child abuse because there is no excuse for failure to report the horrific abuse of children least of all for institutions who have been named in the royal commission as failing to prevent child abuse in the past.



The bill also makes a number of other important reforms including strengthening the use of prerecording of evidence for sexual offences to ensure that victims in so far as possible are not required to give evidence twice to reduce the risk of re-traumatisation. It also broadens the existing crime of grooming to provide better protections to vulnerable victims.

This bill is an important step in implementing recommendations from the royal commission that will see our children better protected into the future. It is an appropriate and a necessary reform that sends an important message to the community and in supporting the bill I commend the Attorney-General and the department.

[2.47 p.m.]

**Mr TUCKER** (Lyons) - Madam Deputy Speaker, I support the Criminal Code and Related Legislation Amendment (Child Abuse) Bill 2018. This bill implements a number of recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse particularly from this *Criminal justice* report published on 14 August 2017.

Understandably and for good reason there has been a lot of focus on the aspects of this bill which relate to the seal of the confessional. However, there are also a number of other important reforms in this bill that I would like to touch upon.

The royal commission in its *Criminal justice* report that they had evidence of grooming behaviour in a number of the public hearings. Examples of this behaviour were reported in a number of the case studies published by the royal commission and include examples of chaplains building relationships of trust with their victims as well as teachers handing out lollies to certain students.

In addition to inquiring into specific institutions, the royal commission also held hearings to explore specific issues including the operation of out-of-home care providers, the provision of redress and the need for civil law reform as well as how the criminal justice system responds to such cases of sexual abuse. The commission also conducted roundtable discussions with various experts, government and non-government officials, service providers, churches, victims and survivor advocates to consider what institutions and governments should do to better protect children against sexual abuse. The roundtables were designed to bring together a range of perspectives, expertise and experience in order to exchange ideas on areas that will inform the commissioners' work and recommendations.

The work of the Royal Commission into Institutional Responses to Child Sexual Abuse made plain to all Australians not just the scale of abuse that occurred in institutional settings but through the evidence of brave survivors, we gained a greater understanding of the lifelong and often catastrophic impacts of such abuse. To quote the chair of the royal commission, the honourable Justice Peter McClellan:

What many may consider to be low levels of abuse of boys and girls can have catastrophic consequences for them leading to a life which is seriously compromised from what it might otherwise have been. Both boys and girls are left with a distrust of adults and difficulties with intimacy. Inappropriate touching of boys may leave them with confusion as to their sexual identity. This can manifest in lifelong difficulty in relationships which can cause difficulties in other aspects of their lives. Although the impact on the lives of abused persons has been reported within the academic literature I have no doubt that it is not well

understood by the general community. In my role as a judge I have been called upon to review many of the sentences imposed upon people convicted of the sexual abuse of children but I readily acknowledge that, until I began my work with the Commission, I did not adequately appreciate the devastating and long-lasting effect which abuse can have on an individual's life.

In an interim report, the royal commission noted that there are both short-term and long-term effects of childhood sexual abuse and many effects may be lifelong. Children and adolescents face emotional, physical and social impacts. These impacts often extend into adulthood, affect life choices and mental health, and may lead to victims committing suicide. The nature and severity of the impacts may vary between survivors. The impacts extend beyond the immediate victim, affecting parents, colleagues, friends, family and the community.

Indeed, in 2016 the Australian Institute of Family Studies released a report that outlined the ways such child sexual abuse can negatively impact on victims and their relationship with others, finding that it impacts mental and physical health, levels of tension, anxiety and conflict in the family, long-term relationships with family members including extended family such as in-laws and cousins, marriage and partnerships, victim survivors' education and employment opportunities as a result of traumatic stress, and social connectiveness.

The royal commission talked of having heard from a number of parents of victims and survivors who expressed great distress at having been groomed by a perpetrator. They came to trust that person and encouraged their child to spend time with a person who they later discovered had abused their child. Such grooming behaviour can cause damage over and above that of the abuse itself. To quote the royal commission themselves:

We have also seen the damage grooming behaviour has done, including in relation to establishing circumstances where the victim will not disclose the abuse even once contact abuse occurs and circumstances where parents or carers might be unlikely to believe a disclosure because they too have been groomed to trust and respect the perpetrator.

To be frank, such behaviour chills me to the core and reinforces to me the need to pursue whatever legislative measures are required to protect Tasmania's children from such predatory behaviour as well as punish those who would seek to do children harm.

As part of their work, the royal commission analysed sentencing remarks in 283 matters. It is little wonder, then, that identifying responding to grooming behaviours was a significant focus of the royal commission's work. Grooming was addressed in a number of areas in the royal commission's work, including child-safe organisations, institution and responses to complaints.

Tasmania's Criminal Code already contains a grooming offence in section 125D. In light of what I have heard and reported on, it was recommended at the royal commission that states and territories should broaden their grooming offences for the grooming of persons other than the ultimate victim of abuse. This bill does this at clause 7(b), (c) and (d). Through the amendments these clauses are small in terms of words added to the Criminal Code. The addition of 'to any person' makes clear that the grooming offences apply to those who would seek to exploit the trust of parents or carers for the most heinous of reasons.

Therefore the amendments made by this bill to strengthen the Evidence (Children and Special Witnesses) Act 2001 are very important to the Tasmanian Government's response to the royal commission's recommendations. The act will be amended to ensure that the pre-recording of audiovisual evidence is extended to all victims in child sexual abuse proceedings regardless of their age at the time of the proceedings, all child witnesses of prescribed offences, including child sexual offences under the act and the crimes of murder or manslaughter under the Criminal Code, and any other witness determined by the court to be in the interests of justice on application by the prosecution. In addition, the bill will provide that the pre-recording of audiovisual evidence may be used as relevant witness evidence in any subsequent trials, retrials or appeals if relevant and not contrary to the interests of justice.

I am pleased to be able to stand here today to speak in support of this bill and measures to protect Tasmania's children and hold offenders to account.

[2.56 p.m.]

**Ms ARCHER** (Clark - Minister for Justice) - Madam Deputy Speaker, I thank and commend members for their thoughtful contributions in relation to this bill. I know members have also expressed their deep appreciation for the work that not only the royal commission did in the five years of its work and the 409 recommendations that resulted from the hearings, but the enormous amount of work that has been done in each state and territory and, of course, by the Commonwealth Government, but certainly not least our own Department of Justice and indeed other departments. It is cross-agency work that is continuing to happen in relation to the 409 recommendations.

Today deals with a snapshot, just a few recommendations, but they are really important ones, as members have highlighted in their contributions. We have a very small team that has been responsible for the work arising from the royal commission. There is only one out of not many in the box today and I am always reluctant to name people without their agreement, but I thank Amber for leading that team, who has done and continues to do an enormous amount of work in this area, not least of all travelling quite a bit in relation to a lot of the meetings that occur between department officers to get the national redress scheme up and running and operating efficiently in this state. We are abiding by all of our time restrictions and timelines.

With anything to do with a redress scheme or other national scheme where we have to have cooperation not only between states and territories but with our Commonwealth departments, there can be a few hiccups in establishing that scheme, but overall it is now starting to be administered, people's applications are being assessed, and from our perspective as a government the information we are supplying and the records we are able to provide because of the previous scheme we have had I think is certainly a model for all of the other states and territories.

Members will be aware that this Government set aside \$70 million for the national redress scheme. That is a significant part of our state budget through the forward Estimates, but a necessary figure, for obvious reasons. This Government has not shied away from participating in the apology for and on behalf of the government of the day in relation to state-owned institutions; it has accepted responsibility for the actions of those governments. Many other members touched on the fact that we, as a government, have called on other institutions to join the National Redress Scheme. I can report that all of them have signed up or are in the process of making those arrangements to formally sign up to the scheme, which is good news. It is good news for the survivors. Nothing can compensate survivors for their experiences.

A redress scheme is not a compensatory scheme; it is to provide some sense of justice to those survivors for the wrongs done to them in the past. In some cases, an apology is something that goes a long way to part-way heal some of the trauma they have experienced. Nothing will ever erase that trauma, we know that, but the National Redress Scheme coupled with the other actions that can be taken may help. I have already provided two written apologies to survivors. I have signed them in my own hand, on behalf of the Government. They have been well received, because it is a very personal way of receiving an apology to such abhorrent acts.

I thought the House might appreciate that update. Thank you to those survivors who came forward and thank you for appreciating the National Redress Scheme and what it is for. We also appreciate that it will not take away the pain and the hurt and the trauma that was caused.

I thought also what I will do before going into something that I thought members might find useful, is something I wanted to get on the debate's record in relation to freedom of religion and the issue around that because of the confessional issue that we are dealing with and being quite a sensitive issue.

Before we go to freedom of religion and the confessional, I will turn to Ms O'Connor question. That question is: why does the amendment to the Criminal Code define 'child' as under 18 years when the amendment to the Sentencing Act defines a child's sexual offence as, among other things, an offence relating to a person under 17 years. I could outline the definitional issues with each of the acts that we are amending to put this into context.

A child is defined as a person under 18 years for the purposes of the Evidence (Children and Special Witnesses) Act 2001, and the Children, Young Persons and Their Families Act 1997. The Criminal Code defines a child in relation to child exploitation material as a person under 18 years, which is section 1A. However, the Tasmanian Criminal Code provides that some children can consent to sexual activity when they have attained the age of 17 years, such as in the crime of unlawful sexual intercourse with a young person contrary to section 124.

It was considered appropriate to align the new crime of failing to report when they have a reasonable belief that a person under 18 years has been abused, to the approach to child exploitation material, so we have related it to that. What crime or whether the charges could be commenced is a matter for the police and not the reporter of the crime. This also removes arguments that may arise over whether a person believed a child of 16 or 17 years. We know that can be difficult in some circumstances. This approach is also consistent with the exception for reporting where a person is now 18 years and does not want their abuse as a child reported.

**Ms O'Connor** - Attorney-General, is the definition of child sexual offence, which is in the amendment bill, reflected in any other acts or regulations?

**Ms ARCHER** - For that we may have to do a comparative exercise of legislation.

**Ms O'Connor** - Is this a new definition of child sexual offence?

**Ms ARCHER** - Is this a new definition? I don't believe so; just let me check.

I am advised that we are not attempting to redefine; it is simply a way of how a judge will be recording it. As I just said, there are going to be instances where the person reporting the crime is

not aware of the age. This is more dealing with the procedural aspect as opposed to a new definition of child sexual abuse.

I will deal with the similarity in the Sentencing Act, which you referred to. That act does not define child. It is fair to say that the rights and obligations in relation to offences or criminal proceedings involving children depend on a number of issues, including consistency with existing crimes. It is important to consider whether any law reform will confuse the existing practices and lead to unintended consequences. The proposed definition in the Sentencing Act of a child sexual offence recognises that many of those offences cannot be committed against a 17-year-old and ensures that the provision is internally consistent. There is nothing in the proposed amendment that prevents or prohibits the court from defining its sentence in relation to sexual matters as the bill provides, regardless of whether the matter falls within the definition. The definition is intended to direct the practice of separating sentences or indicating what the attributable sentence would have been for child sexual offences as defined.

**Ms O'Connor** - For the purposes of Tasmanian statute then, a child is defined as a person under the age of 18?

**Ms ARCHER** - Yes. Before moving onto the other issue I just flagged I want to highlight that the royal commission's work resulted in 409 recommendations. This was across a number of reports, spanning a wide variety of policy areas. That is why we now have interagency cooperation in relation to the implementation of all of these recommendations. Not all of them fall within my portfolio. Some of them are within Communities, some of them will be in Education and some of them perhaps even in Health. Predominantly, the matters that we have attended to quite urgently have been these matters that require a legislative framework in terms of protecting children from perpetrators.

We have already responded to a number of the recommendations. I have already brought in a few bills responding to recommendations to date and we are also in the process of responding to many more.

The focus on this bill is of course on the *Criminal justice* recommendations and my second reading speech touched on the relevant recommendations. For the sake of summing up I thought I would clarify which recommendations this bill responds to in the *Criminal justice* report. That is, recommendation 9 dealing with the use of police interviews as evidence in chief; recommendations 25 and 26 dealing with grooming offences; recommendation 33 dealing with failure to report offence; recommendation 35 dealing with treatment of religious confessions; recommendations 53 and 56 in relation to prerecording; recommendations 75 and 76 dealing with sentencing; and recommendation 83 dealing with juvenile offenders. It also deals with volume 7 of the royal commission's recommendations regarding improving institutional responding and reporting, namely recommendation 7.3, which was specifically the mandatory reporter groups recommendation, and finally recommendation 7.4 dealing with treatment of religious confession in mandatory reporting. Some of the mandatory reporting provisions were dealt with in volume 7 and then the *Criminal justice* report dealt with the crime aspect to that which, as I have stated in my second reading speech, we have taken one step further and made it a community obligation so we are not just dealing with those in religious ministry in isolation. It is a whole-of-community response to this issue, as indeed it should be.

I want to deal with the issue of freedom of religion because I know in this debate it is a very valid issue and a very valid point to make. I will go through some of the background because it is really important to get this on the record so that our position is very clear as to why we have taken this course. Although this question was not asked during the debate I have given this considerable thought, particularly in relation to the legal rights of freedom of religion. Following the recommendations of the royal commission this is an issue that has been aired publicly against the introduction of such laws, so it is something that has certainly been in the public domain.

Now that Tasmania is moving to implement these laws it is worthwhile to state for the *Hansard* and for the benefit of any person in future who reads the record of the second reading debate how these laws relate to various instruments that provide for freedom of religion.

Freedom of religion and belief are recognised as human rights in the Universal Declaration of Human Rights which was proclaimed by the United Nations in 1948. Specifically, article 18 states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in the community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

That is a direct quote so that is why I used the word 'his'; we could add 'his or her'.

Freedom of religion and belief is also recognised in the International Covenant on Civil and Political Rights which was adopted by the United Nations in 1966. The Australian Government became a party to the covenant in 1980. Therefore it has obligations set out in article 2 of the covenant, including to respect and to ensure the civil and political rights of all individuals within its jurisdiction.

**Ms O'Connor** - Therefore we don't need federal religious freedom legislation, Attorney-General.

**Ms ARCHER** - That is another debate entirely. I just want to deal with the issue that has been raised by some commentators.

**Ms O'Connor** - It had to be said.

**Ms ARCHER** - It is an issue that I want to clearly differentiate and why our Government has taken the position we have.

Article 18 of the covenant states:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

The Australian Constitution addresses religion and religious freedom in chapter 5, section 116, stating:

The Commonwealth shall not make any law for establishing any ... religious observance or for prohibiting the free exercise of any religion and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

The Constitution does not affect the legislative powers of the states and territories which have more responsibility than the Commonwealth for the social regulation that may affect religious practice. In Tasmania the freedom of religion is limited by public order and morality. Section 46 of the Constitution Act 1934, which is our Constitution Act, provides that:

1. Freedom of conscience and the free profession and practice of religion are subject to public order and morality guaranteed to every citizen.
2. No person shall be subject to any disability or be required to take any oath on account of his religion or religious belief, and no religious test shall be imposed in respect of the appointment to or holding of any public office.

Freedom of religion and belief is often understood in relation to freedom from persecution, freedom of conscience, freedom to convert and freedom to practise and manifest one's religion. However, it is generally recognised that freedom of religion is not absolute. In *Adelaide Company of Jehovah's Witnesses Inc v Commonwealth*, (1943) 67 CLR 116 at page 149, Justice Rich noted that freedom of religion is 'subject to powers and restrictions of government essential to the preservation of a community'.

There is a wide range of justifications advanced for laws that interfere with freedom of religion, including but not limited to protecting people from discrimination in public life, preventing a greater harm and limitations where laws directly interfere with other legal rights and freedoms.

The vulnerability of children has been recognised. By way of example, there are cases where courts have allowed blood transfusions for a child where their parents or guardians have refused on religious grounds. Courts have not insisted on life-saving treatment where an adult has made the same decision to refuse life-saving treatment.

In considering how restrictions on freedom of religion may be justified, we can also use the example from the ICCPR that I quoted earlier in Article 18(3), which provides that freedom of religion may be limited where it is necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Australia ratified the United Nations Convention on the Rights of the Child in 1990. Article 19 provides for protection of children by the state as follows:

1. State's parties should take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parents, legal guardians or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described hereto for, and, as appropriate, for judicial involvement.

To that end, it could be said that while the consequences are significant for a Catholic priest, the disclosure of child abuse discovered during the course of confession or any other communication with a priest does not breach the right to religious freedom or if it does, it is an appropriate limitation to protect public safety, order, health or morals or the fundamental rights and freedoms of vulnerable children. That is the basis upon which the Government has proceeded in this instance.

I acknowledge, that in essence is what every member has said in the House. To arrive at that point, I wanted to provide some legal context for the basis of when it is acceptable for the state government or any government to make laws to protect our most vulnerable.

The Royal Commission into Institutional Responses to Child Sexual Abuse has demonstrated through its extensive work over five years, and the continuing work that is now being done in relation to our responses to all 409 recommendations, that there is a pervading culture of protecting individuals and the church over the safety of children. Wherever this information comes to light within any church, through the seal of the confessional or more ambiguously during interactions between a member and a priest or a priest and a priest, the confessional privilege should not be used as a shield to protect a perpetrator of child abuse or people in authority, from failing to prioritise the protection of a child above all else. In essence, that is our position for proceeding along these lines, as I have stated.

In my second reading speech, I appropriately paid tribute to people affected by institutional child sexual abuse who shared their stories with the royal commission. A number of other members in the House today have also, quite rightly, echoed these same sentiments. It is worth restating that without the bravery of those survivors and their families, and their support networks and the community groups who have supported them throughout this process, that we would not have the benefit of the vast work of the royal commission. It is also important to commend survivors and survivor groups who are keeping the recommendations of the royal commission at the forefront of the minds of Australian politicians as well as the community as a whole. Their continued representation for those who did not survive the abhorrent acts of others - and there has been mention of this in the House today - I am sure everyone's thoughts will be with their families as we proceed with protecting vulnerable children to prevent this sort of abuse from happening again.



Many members of this House have been contacted by or have met with representatives of such groups. I personally thank people like Steve Fisher from Beyond Abuse, who has provided a lot of support for what the Government has done, a lot of feedback and contributed to this work. Thank you, Steve and Leonie Sheedy from CLAN - two passionate survivors who I have no doubt will continue to lobby Australian governments over coming years to ensure that the important lessons learned from the royal commission continue to inform our law reform as it has to date and, indeed, the policy development aimed at protecting children into the future.

I never cease to be amazed and have great admiration and respect for the vigour of such groups who pursue their cause, have done so for many years and are now seeing action after many, many years of fighting for recognition of their cause. Their deep passion should be an inspiration for us all.

On that note, I thank our department for the enormous amount of work being currently done, particularly by our very specialist unit that continues to do a power of work in this area. To the Office of Parliamentary Counsel that implements all these things in the form of our amendment bills and who work very closely with our policy and legislative division within the Department of Justice, thank you to those staff for the enormous amount of law reform work you continue to do on behalf of this Government. I commend the bill to the House.

**Bill read the second time.**

**Bill read the third time.**

## **LOCAL GOVERNMENT (HIGHWAYS) AMENDMENT BILL 2019 (No. 17)**

### **Second Reading**

[3.28 p.m.]

**Mr FERGUSON** (Bass - Minister for Infrastructure and Transport - 2R) - Madam Speaker, I move -

That the bill be now read the second time.

I present to the House today the Local Government (Highways) Amendment Bill 2019. The purpose of this bill is to modernise the legislation to reflect advances in parking payment technologies and also ensure the effective operation of controlled parking on state highways in municipal areas.

The Local Government (Highways) Act was drafted at a time when coins were the only option available to pay for parking. It is now timely to modernise the legislation to ensure that it reflects the range of payment options that are currently available and also future-proof it going forward for new and emerging payment technologies.

While coins remain an option to pay for parking at parking meters and voucher machines, there is a trend towards offering the community greater choice and convenience with respect to parking payments. Councils are increasingly providing options such as payment by credit or debit card and we are also seeing the uptake of new parking payment technologies that allow parking payments to be made via an application on a mobile phone or device.

It is foreseeable that this shift towards mobile phone or device-based parking technologies will continue, particularly as these technologies become integrated with real-time information such as the availability of parking spaces. The bill seeks to future-proof the legislation by introducing the concept of a 'virtual meter', which is defined as a piece of software that can be run on a computer, mobile phone or other electronic device and that allows payment to be made for parking in a parking space. The bill also modernises the language used in legislation with respect to payment methods. The legislation retains the requirement for parking meters or voucher machines to be available where there are parking spaces.

The bill also presents an opportunity to make some further amendments to the Local Government (Highways) Act to ensure the effective operation of controlled parking on state highways in municipal areas.

The bill clarifies the respective powers of the minister who has responsibility for state highways and the municipal councils regarding controlled parking on state highways. In particular, it provides that the minister remains responsible for establishing the location and hours and days of operation of controlled parking on state highways, while councils are responsible for the day-to-day management of controlled parking and enforcement activities on state highways.

The bill also addresses a statutory impediment in section 100 of the Local Government (Highways) Act to the minister who has responsibility for state highways, prescribing the penalty for parking infringements on state highways in municipal areas.

Finally, the bill makes a number of minor and technical amendments designed to ensure the effective operation of controlled parking under the Local Government (Highways) Act. I commend this bill to the House.

[3.31 p.m.]

**Mr O'BYRNE** (Franklin) - Madam Deputy Speaker, this is the first time I have been on my feet since you have taken on the new role, so I pass on my congratulations on your election to the position and wish you all the very best.

I acknowledge that this is the new Minister for Infrastructure and Transport's first bill after the reshuffle. We will not oppose it; we think there are a number of amendments to the act which are sensible and clarify the role of the minister, which talks and pitches forward in terms of responding to the changes in technology and the changes that are already being undertaken by local government areas in their various regions in how to collect money and how to do that, and clarifying the roles of the council in their ability to ensure that penalties and revenue, as such, is taken by them. I am assuming this is a mirroring of the needs and changes that local governments have made in terms of clarifying their ability to levy these parking bays on their roads and now this bill for the state roads.

Whilst I have a couple of questions which I will get to in a minute, it would be remiss to not note that this is obviously connected in part due to the glacial response of the state Government in dealing with traffic congestion in Hobart and Launceston. There was a crisis of traffic congestion in Hobart declared by this Government in 2016 - three years ago - by the then minister, Mr Hidding. There were crisis talks and committees brought together, and around 2016-17 the big pitch forward was that the state government would take control of major roads in our capital cities, particularly in Hobart and Launceston, with Hobart being Davey and Macquarie streets and Launceston being

Bathurst and Wellington streets. From that declaration of war on the congestion by taking over those two roads a number of years ago, here we are, nearly 18 months into the new government at that time and years after the declaration of war was declared, and nothing much has happened. This is the glacial approach of this Government in dealing with congestion.

Last year we dealt with legislation that gave the state Government authority to manage those two roads. Here we are, six months later, still cleaning up some of the more technical aspects of that undertaking to ensure that the minister and the state Government are acting consistently with local government areas. I note that in the second reading speech and the material circulated, it was made clear that the fees and charges applied by the state Government would be consistent with the local government region in which the state highway or road is. We think that is good but, surely, if you made the decision to take over these roads back in 2017 and leading up to the last election, you could have pulled together a series of amendments at the time so that you were not just dealing with the taking over control of the two roads, which we did late last year in a parliamentary sitting.

I know the minister was not on the job at the time but with his demeanour, commitment and application to the task he will be onto this sort of stuff and I wish him all the best, despite the fact that we will have some disagreements along the way. I wish him well. It is important that he does well in this portfolio because the Tasmanian people have been failed by the two previous Infrastructure ministers. I admit that Mr Rockliff was a short-term minister. He ran away from it pretty quickly and he has given the task -

**Mr Ferguson** - You could play a positive role.

**Mr O'BYRNE** - In the spirit of bipartisanship I will work with this minister to try to find those resolutions but, my goodness, you have inherited a mess. Unfortunately I think we are reaping the outcomes of the amalgamation of the Department of Infrastructure and Economic Development at the time, the creation of the Department of State Growth and the cutting of resources that was made in your first term in the first budget in 2015, because stuff like this should have been picked up and it would have been picked up if the department had the resources to do that.

We are of the view that now you have a minister, you have inherited a budget and you have inherited a mess. We have not seen ferries on the rivers yet and the underground bus mall is yet to be achieved, as is this mythical fifth lane on the Southern Outlet and all the other promises. There was the big bridge over the Tamar that Mr Hidding was very excited about in the election of 2018. There is a lot of work for you to do in this portfolio and, sadly, this is indicative of the lack of resources the department has. There are good people in the department who do good work and care very deeply about the work they are doing, but if they had the resources they would have picked up that it is no use taking over the roads unless you have the authority and the clarity as a minister in dealing with the penalties and fines up and down those state highways and roads.

It was not and so now you are bringing this in and hopefully this is the end of it and you have all the tools that you need in front of you to actually deal with the congestion on our roads and particularly in Hobart, Macquarie and Davey streets, and the ability of the minister to levy those penalties. We sorted out the ownership of the roads last year. Hopefully this is the last package of tools this parliament needs to give the minister to get on with the job. We are asking you to get on with the job because the people of southern Tasmania are in desperate need for that.

The point needs to be made, and you made it in your second reading speech, of the consistency between the levies from the state and the local government area. That is very important so there is no inconsistency there.

As to the other question, I am not sure if you are able to answer it at this stage but it would be good for you to give some indication. Clearly there is a number of options in terms of the technology that could be applied by local government, particularly the Hobart City Council. I know there are a couple of sites in Launceston where there is a particular software program being used. I use it on my phone with an app and it is so much easier than having a bag of coins in the car. You can get out, get the number and quickly do it on the application on your phone and then you can plot your time and know when you need to be there and if you leave early you can stop the parking, so it is a very good app.

I commend the Hobart City Council, despite having lost a couple of coats of paint in terms of those machines. They have had a very difficult time with those machines. The app they have provided to facilitate payment is very efficient and good. I suppose as a minister you have to be technology and software-blind; you cannot as minister sign up today with a certain software program, a certain app or a certain company - and I am not asking you to - but now that you have the power to be able to levy those things from a technological perspective, it would be good to be consistent with the app or the technology applied, implemented or used by that local government area. Could you give an indication on *Hansard* that it is not the intent of the Government to create a new agreement with a separate software company providing that? I think you are agreeing with what I am trying to say but if you could indicate on *Hansard* that it is the intent of the Government to be consistent with the parking apps that are currently used in Tasmania, particularly in that region because there is nothing more frustrating than to have to move multiple technologies. It just adds to confusion and it runs contrary to what I think is the best of intent of this bill.

Keeping with the times, adopting new technology, clarifying the role of the minister and the powers that you have, and the other minor and technical amendments that are being proposed is all sensible work. It would have been good if the minister could indicate when he is starting, particularly on Macquarie and Davey streets. When are we going to see any difference because of the work you are doing to reduce congestion in Hobart? The lack of action by this Government in responding to what have been growing and are significant issues for the Tasmanian travelling public is beyond a joke.

With that I indicate our support and my best wishes to the new minister in the spirit of bipartisanship.

[3.41 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Madam Deputy Speaker, the Greens will be supporting the Local Government (Highways) Amendment Bill 2019. As most southern members here do, who regularly experience the congestion in Greater Hobart, I find it very hard to get excited about this amendment bill. It is tinkering around the edges of the real problem, which is a lack of vision for transport in and around Greater Hobart - a lack of commitment to mode shift and public transport, passenger transport, cycling and walking infrastructure.

We have some legislation that provides for the use of virtual meters and removes specific references to that quaint notion of cash money. As we all know, more and more transactions are being done electronically and coins are becoming a thing of the past. It is interesting to remind

ourselves of how quickly that has happened and how quickly technological change can change the way a whole society operates.

It clarifies the powers of a minister I did not know existed before. He is the minister responsible for state highways and municipal councils with respect to controlled parking on state highways. It clarifies that the prescribed penalty on an infringement notice is the sum specified in council by-laws in any particular municipality. It makes a number of minor and technical amendments designed to ensure the effective operation of controlled parking on local and state highways in municipal areas.

We have a new minister for Infrastructure and Transport, a new minister for the poorly named Department of State Growth, but this legislation is a really disappointing start for the new minister in his portfolio. Let us face it though, he is hamstrung by the realities of the most recent state Budget in relation to Hobart congestion, which allocates \$1 million to a congestion study. Excellent; we are all so thrilled. Parents who are my constituents and constituents of other members in the south who get caught in the traffic when they are trying to take their kids to and from school, those people who live just outside North Hobart, and try to get into town some days and are taking a trip that is taking three times longer than it should, they will not be reassured by a \$1 million allocation towards a congestion study.

If the minister wants to understand the impact of congestion on the community and on productivity, he should stand on Macquarie Street or Davey Street, or one of the feeder streets. In Barrack Street, for example, the cars sit still long enough for him to do some quite effective vox pops through the car windows and talk to commuters about what they think of a \$1 million allocation for a congestion study.

It is now five years since the Liberals came to government. Congestion year on year only gets worse. The public transport infrastructure is inadequate. It is not encouraging people to make the mode shift. We are not investing enough in cycling infrastructure for example, but the Budget allocated \$2 million towards matching grants for council for cycling infrastructure. Again, it is a drop in the ocean. What we know is that over the course of this Budget, through the forward Estimates, there is \$1.6 billion allocated for roads and bridges. That is \$1.6 billion that is only going to intensify the congestion problems that we have in Greater Hobart.

While we are on the subject of planning decisions that only add to congestion problems, let us have a quick chat about Huntingfield. Every person in this House wants to know that the Government is investing in and increasing the supply of social and affordable housing. Every member in this place wants to get behind efforts to increase such housing, that is liveable and energy efficient and part of creating communities. I do not think though that every person in this House wants to see that good intention translated into a planning instrument, which has, in the case of Huntingfield, in all likelihood, trickery at its heart.

We have a proposal from the Minister for Housing, who is not in the House at the moment, to introduce a housing supply order. We will call that 'the order' that would rezone stage 2 of Huntingfield to inner residential. For any member in this place who has not been to Huntingfield as it is now, I recommend you visit and ask yourself whether this lovely piece of currently rural residential land is inner residential. Inner residential land should have the infrastructure attached to it and a plan for infrastructure. We have gone from a situation where, under the previous minister for Housing, the Huntingfield redevelopment stage 2 was going to have 230 houses in it. Now a

minister has come in with this tool, the housing supply order, and more than doubled the footprint of that development.

We have not seen the order but what we know is this: it is a massive escalation of the master planning for stage 2 of Huntingfield. There is no sign on the part of the minister that there has been any investment in infrastructure or an understanding of the infrastructure needs that 500 new homes will have. There has been no mention of somewhere between 500 and 1000 extra cars on the road each day and many of them will be travelling down the Southern Outlet into the city, down Macquarie Street. We know that there are hundreds of people who live in and around that area who are really concerned. They too want to see an increase in social and affordable housing. They too want to see government create 21st century communities that are liveable but they do not want to be trodden over or ignored. They want to know that the local Kingborough Council has a seat at the table. At the moment, none of those things are happening.

To be honest, I breathed a sigh of relief this morning when the Huntingfield land supply order was not tabled. I always try to look for the best in people; I see that as both a strength and a weakness of my character. I like to think that it is because Mr Jaensch has come to appreciate the depth of concern about the manner in which he is seeking to increase the supply of housing. The use of a housing supply order to undo all that master planning that went into the Huntingfield site is being viewed with enormous concern and suspicion in parts of the Kingston community. I hope that the Minister for Housing is going back to the drawing board on the housing supply order. I hope that his colleague the member for Franklin, the Premier, and his other colleague the member for Franklin, Mrs Petrusma, have spoken to the Minister for Housing about concerns that are being raised within that community.

We can do this so well. We can create a really outstanding modern housing community at Huntingfield without resorting to planning trickery, but an essential part of that has to be planning for the infrastructure needs of a substantial increase in the number of people living in the Kingborough municipality. I hope that the Minister for Housing has taken stock and thought perhaps there is a better way to deal with this. What is so wrong with going through the normal council process?

This is a piece of land that the state government has owned since Gough Whitlam was prime minister. When I was the minister for housing between 2010 and 2014 we were master planning this piece of land. We knew there would be significant infrastructure requirements in order to make that development the very best it could be to serve the people who buy into or rent in that development when it is delivered in the future.

As a parliament, we need to think beyond simplistic objectives. In this case we all know there is a housing crisis. We all know that people are living in unaffordable rentals, that the housing wait list is the highest level it has been in more than a decade and that there are still people sleeping at the Domain, sleeping in the rivulet, sleeping at the Coleman stadium up there at the Regatta Grounds. We know there is a crisis, but this Government should not use that crisis in order to ram through an approach to increasing a supply of housing, which is alienating a community and a council.

With those few words I indicate to the minister for state highways that the Greens will be supporting this amendment bill.

[3.53 p.m.]

**Mr TUCKER** (Lyons) - Madam Deputy Speaker, I support the bill brought on by my good friend and colleague, Michael Ferguson, the Minister for Infrastructure and Transport. This legislation is reflective of the Government's approach to infrastructure and ensuring the latest advances in technology can be put to work in practical and useful ways that benefit everyday Tasmanians.

In the modern world there is an expectation from consumers that they would be able to interact with the services in the way that is most convenient for them. This includes facilitating multiple types of payment options. We know that many people find it convenient to pay for things using a phone or app rather than coins, notes or even a credit card. This trend seems only to be gaining more momentum.

With this bill we are looking forward and engaging with these shifts in technology to ensure that our legislation keeps pace and even leads the changes that are occurring, even for everyday things such as parking meters.

While perhaps relatively minor in the broader scheme of things, these changes are all about reducing the frustration associated with transport and increasing the accessibility of our cities, particularly in Hobart where there can be high demand on parking facilities.

The Hodgman Liberal Government has a broad and comprehensive plan to address Hobart's traffic issues. These include the extension of clearways on Davey and Macquarie streets, the deployment of tow trucks in key locations to rapidly clear immobile vehicles, either breakdowns or vehicles parked in clearways; implementation of bus priority measures on key routes to improve the attractiveness of public transport, so the Opposition can catch their bus; a Bellerive to Hobart ferry service and more park-and-ride facilities; a better bus interchange at Kingston; and using the latest technology to warn motorists in real time about the congestion points. Already we have changed the operation of the traffic lights at the top of Davey Street to allow traffic to operate more efficiently during the afternoon peak, and changed operation of four other intersections to improve efficiency. Further improvements are on the way that will make a difference to road users and help to keep commute times down.

We also want to make sure that commuters are looked after when they arrive in the city, including by having accessible parking and easy and quick payment options. This will help to speed up and improve the experience of commuters. While the operation of parking meters may seem mundane, it is these everyday matters that Tasmanians expect those of us in this place to take care of. We are ensuring that the legislation is keeping pace with society and we are removing any barriers preventing the adoption of the latest technology, including for parking payment options and the operation of virtual meters.

By ensuring that legislation is modern and contemporary so that the latest technology for transport solutions can be used, the Hodgman Government is building the infrastructure our growing state needs. I support this bill.

[3.57 p.m.]

**Mr FERGUSON** (Bass - Minister for Infrastructure and Transport) - Madam Deputy Speaker, I thank everybody for their contributions. It is great to have the support around the Chamber.

To address some questions in relation Mr OByrne's question, the legislation, as he was hoping to identify, is technology agnostic. This legislation contemplates that the City of Hobart will continue to enforce parking provisions and collect payments, using its choice of technology. I agree with you, Mr O'Byrne, that for those of us who feel comfortable with that technology, it seems to work quite well. I enjoy using it; I think it is called EasyPark and I use it in Launceston as well. I am sure everybody will be thrilled to know that I recently used it and paid the princely sum of 22 cents for my parking, which is actually a direct reference to your comment, Mr O'Byrne, that the innovation has allowed people to pay the actual value of their parking period, not the smallest denomination coin they happen to have in their pocket, which might be a \$2 coin. I am a fan but I recognise not everybody is and it is important that councils respond to their local communities ensuring that the means of payment affect their community in an appropriate way.

I could not agree with Mr O'Byrne where he made negative comments about the Government's commitment and pace of effort in dealing with congestion. Such is our commitment, that our \$30 million forward budget for our congestion measures, particularly in greater Hobart, are already making a difference, particularly with the steps that were taken with the takeover of the couplet. There have been additional efforts, and I will outline those briefly in a moment.

The first works to be undertaken were minor changes to traffic signals. That has happened to improve traffic flows, including the installation of right turn arrows at the Southern Outlet and Davey Street, and also Harrington and Macquarie streets. These changes were completed earlier this year. The state government is also undertaking community consultation prior to implementing any material changes to the operation of Macquarie and Davey streets, which includes the implementation of the new clearways which have been referred to, and the clearway extensions that are identified in the Hobart Congestion Traffic Analysis 2016 report.

We definitely acknowledge the frustrations of commuters who have been caught up in traffic congestion in greater Hobart. It can be very frustrating and, for many, at times, annoying in the sense of a waste of time. The Government has a comprehensive vision to reduce annoying, time wasting congestion and our plan is being rolled out. In relation to helping where there are breakdowns, we are deploying tow trucks at key locations to rapidly clear immobile vehicles, whether they are breakdowns or even vehicles that have been inappropriately parked or gone over time, in clearways.

We are committed to building a fifth lane on the Southern Outlet and to the Bellerive to Hobart ferry service. We are committed to more park-and-ride facilities and a better bus interchange at Kingston. We are also committed to rolling out technology that assists people to know in real time what is going on in the wider road network so that motorists can in real time understand what the congestion points may be on their commute. This is all in addition to the suite of infrastructure projects which are huge in southern Tasmania and will make a massive difference to hundreds of thousands of Tasmanians.

I mention this in relation to the Tasman and Arthur highways on the eastern approaches to Hobart that will service the communities of Midway Point, Sorell and the southern beaches, and of course the Hobart interchange project which is another massive government project. We are in the market for that right now and members should be really optimistic about that and be saying that is a good thing. It is an important piece of infrastructure to replace the roundabout that is there.

In relation to timing, the state Government is introducing incident response capability through the strategic placement of tow trucks. That starts next week, with full capability in place by



14 October. We have been very careful, and I have taken expert advice on the best way to manage this. It would have been possible to snap your fingers with some of these things but you might actually create more of a problem in doing so. We will see the commencement of tow-away activities on 14 October to remove parked vehicles from clearways, no parking and no standing zones. This is a major change to the way those streets are already being managed. We want to do a proper community consultation and community education piece on this so that people understand what the changes will be, because if your car is towed that is a pretty serious intervention by the Government. We want people to be part of this and on the journey with us. This has required a fair bit of planning to ensure that the towing away of vehicles is properly managed. We are going to be warning people, letting people know, that in future this clearway will be policed with a tow truck.

Significant projects such as the fifth lane, a new transit centre, bus priority lanes and ferry services are also part of our plans. We are going to do this carefully, prudently and assertively so that we get the results we need for our community and are also taking the community with us and doing a proper job of it and not rushing.

**Ms O'Connor** - Are you talking about Huntingfield? No, I'm kidding.

**Mr FERGUSON** - I am happy to address that but as you know, Ms O'Connor, that would be far better to address to my colleague who has responsibility for that project, which is all about opening up more housing for Tasmanians.

That is my response to the issues raised. I thank members around the House for their support to this legislation, noting that this is a small but important element in our overall stewardship of these now state highways.

**Bill read the second time.**

**Bill read the third time.**

## **GREATER HOBART BILL 2019 (No. 11)**

### **In Committee**

#### **Council amendments to clauses 4 and 5 -**

**Mr FERGUSON** - Mr Chairman, I move -

That the Council amendments to clauses 4 and 5 be agreed to.

I first acknowledge the work of my predecessor, the Minister for State Growth, Mr Gutwein, who has done a great job working through this process of the Hobart City Deal, which is a fantastic collaboration between state Government, the Commonwealth Government and the greater Hobart constituent councils and also this parliament. It has been a great effort and he deserves a lot of credit for the work that he has undertaken. In taking up my new responsibilities as Minister for State Growth I have the honour of shepherding this bill through its final stage.

The Greater Hobart Bill was previously introduced to the House in April and has since been considered by the other place. I am returning the bill to our House to provide members with an update on progress and to present the amendments made to the bill during that debate and process.

As members would be aware, the development of the Greater Hobart Bill is a key deliverable identified in the Hobart City Deal signed in February of this year. The bill has been developed over the last 18 months, working closely with the Clarence, Glenorchy, Hobart and Kingborough councils, with the scope, approach and drafting instructions for the bill being guided by a working group comprising the general managers of each of these councils, the secretary of the Department of State Growth and the CEO of Infrastructure Tasmania. This is reflective of the collaborative approach we are taking to implement the Hobart City Deal, a 10-year partnership that provides the opportunity for us, alongside the four councils, to work with the Australian Government to progress the shared vision we have for our state's capital, Hobart.

An implementation board comprising senior officials from each of the three tiers of government is meeting regularly to support the early stages of implementing this partnership. I look forward to formally meeting with the Lord Mayor and mayors of Clarence, Glenorchy and Kingborough councils as well as the Australian Government Minister for Population, Cities and Urban Infrastructure in coming weeks.

I thank members for their comments and support for the bill when it was last presented to this House.

As we have previously advised, the bill has been collaboratively drafted working closely with Clarence, Glenorchy, Hobart and Kingborough councils. The importance of this bill and the opportunity it presents to support cross-government decision making and integrated strategic planning was demonstrated by the Lord Mayor and her colleague mayors of the Clarence, Glenorchy and Kingborough councils who, alongside the Government, jointly briefed the Legislative Council prior to its consideration of the bill.

When this bill was last presented to the House the member for Franklin, Dr Woodruff, proposed two amendments. These were to, first, amend the proposed definition of transport infrastructure in clause 3 to include references to pedestrians and cyclists so that we had that notion of active transport; and second, to expand the objectives of the Greater Hobart Bill listed in the bill to facilitate the efficient flow of transport in the Greater Hobart area to also capture the safe flow of transport, equitable access to transport and to reduce transport emissions.

I understand that the debate in our House at that time was adjourned to allow the Government to then go off and liaise with those four partner councils, because this is a collaborative process for government - state, federal and local. The first of these amendments was presented and agreed to in this House before it went to the other place. As committed to by the then minister for State Growth before taking the bill into the Legislative Council, representatives from the Department of State Growth met with the member for Franklin, Dr Woodruff, to understand more and to discuss possible amendment to the bill by the Government to capture the intent of the second amendment she had proposed.

I can advise that these were then discussed and agreed to by the four councils before the Leader of the Government in the Legislative Council tabled those amendments in that House during Committee stage as part of consideration of the bill as a whole. The amendments were adopted and are reflected in the revised bill that we have now and are reflected in the amendments before us.

No other amendments were made. To be clear, the two amendments that have been made by the Government with the agreement of the Legislative Council are as follows -

First, to clause 4, insert the following paragraph after subclause (1)(a):

- (ab) ease of access to infrastructure, in all locations, for persons of all abilities and needs; and

The object of the act has been amended to insert subclause (ab) to indicate that the act will also seek to assist the Greater Hobart area councils and the State Government, to better coordinate across the Greater Hobart area, ease of access to infrastructure in all locations for persons of all abilities and needs. I am emphasising the words 'ease of access to infrastructure, in all locations, for persons of all abilities and needs'.

The second amendment made by the Government with the agreement of Legislative Council was to clause 5(b). The objective related to transport infrastructure. Leave out paragraph (b) and insert:

- (b) to facilitate the efficient and safe flow of transport, to improve access to, and to further the use of, public passenger transport, and to encourage and promote the use of transport with low-carbon emissions, in the Greater Hobart area; and

As I have previously mentioned, these amendments have been considered by and agreed to by the four councils in keeping with the collaborative nature of the development of this bill and the commitments to be made in this House. This is a good way for us to have considered non-political and very worthwhile suggestions that have been offered and received in good faith. That is a very good exercise. The only point I will make is that in so doing that at a very late stage in the development and presentation of this bill to our parliament, it necessitated buying some time to go back to the councils to consider the proposals and ensure that everybody remained on the same page. Keeping everyone on the same objectives of this process has been a terrific but nonetheless rare exercise in governance of our state.

Each council has different objectives, even within the greater Hobart area. Councils have slightly different perspectives on issues, different pressure points and certainly different understandings and experiences with regard to the issues faced by their respective communities. Issues may be how congestion is experienced or not experienced in their local communities and how they each see each other potentially as cooperative councils or perhaps there is a little competition.

For example, when you think about attracting people to your council municipal area, it is understandable that councils may like to have slightly different policies in order to maintain something that is special and different about their municipal. We understand that. Bringing them each to the task of supporting and helping to develop this legislation sends a very positive message about the future of greater Hobart under the governance of this new act of parliament. It sets out a very clear future for us. It countenances and supports the very comprehensive commitments made in the City Deal. Again this is a document that outlines a range of infrastructure and social and environmental benefits for southern Tasmania, specifically around greater Hobart. It is a very good thing for our state that we actually have two city deals when there are only about 10 deals around the whole country. We have done extremely well in our dealings with the Morrison Commonwealth Government. It is fantastic that we have been able to achieve that.

For us, work remains in front of us to deliver on those objectives. We have a 10-year horizon for the overall objectives of the City Deal, but even within a small number of years, significant developments, infrastructure improvements and improving the way of life for people in greater Hobart are going to be delivered. It remains for all politicians, mayors and councillors on their respective councils to share the load, and share the task of delivering on that. I believe that the demonstration that this parliament is making in having a sense of unity of purpose and objective is a really good thing. It is very laudable. I commend my predecessor minister, Mr Gutwein, for his work and commend the bill, as amended, to this House here today.

[4.15 pm]

**Dr WOODRUFF** - Mr Deputy Chair, I am very happy to stand here today and see these amendments that have come from the other place. They are very welcome changes to the bill. I endorse what the minister has said and thank the staff very much for their work in making the language of these amendments correct and for doing the extra work with the councils to get their sign off and support so that they could be included and passed through the upper House. That is very welcome, thank you very much.

Following on from what the minister said, the Greens often propose win-win legislative amendments and we often provide non-political, non-controversial solutions to legislation. It is very welcome to see that the Government is so collaborative and open to working on this bill. We look forward to a bright future of collaborative, cross-party, cross-government and party working on bills in the future. It has rarely been the case in the past that they have been picked up. Clearly there has been a change and we are happy to continue in that vein. I believe all Tasmanians want to see parliamentarians working together on win-win solutions. Fundamentally, that is what we are here for. Thanks to the minister and the previous minister, Mr Gutwein, for shepherding those changes through.

I want to make a few points about the changes and what they were motivated by. Fundamentally, what we know now is that the future has to be green and it has to be clean. We must have a clean, green future. The United Nations and scientists around the world tell us that we only have 18 months to get our skates on. We have such a short time as a global community to address the dramatically escalating heating of the planet. We have to come together to make the sorts of changes that the Greater Hobart Bill seeks to usher a spirit of collaboration across councils in the central part of southern Tasmania to make the changes to the city living, to increase public transport, to fundamentally rapidly reduce our carbon emissions. This is just like the start of the work, but there is so much more that we need to be doing. We need to be doing it urgently.

In clause 3, the change is about actively reminding councils to make sure that pedestrian and cycling, the active transport modes, are included when they think of the all-encompassing term of transport infrastructure. Not only is it good for the planet, it is fundamentally good for all of our waistlines to get out walking, riding, spending time out of the car and moving ourselves around the place. In order to do that it has to be safe; it has to be possible to get from A to B via a footpath or a cycleway. That is a really important component to change our thinking because it has been very car-dominated the approach to urban infrastructure for about 80 years.

The second amendment, the change to clause 5, will now read:

to facilitate the efficient and safe flow of transport, to improve access to, and further the use of, public passenger transport, and to encourage and promote the use of transport with low-carbon emissions, in the Greater Hobart area;

Where we landed is not exactly what the Greens proposed in the initial amendment that we tabled and spoke to in the second reading debate. What we proposed was to facilitate the efficient and safe flow of transport, improve equitable access to transport, and reduce transport emissions. It is fundamentally very similar and I do not have a problem with where we have landed but I want to make the point that it now reads: '... promote the use of transport with low-carbon emissions ...'.

Although it is true that transport with low carbon emissions is most likely to produce less harmful diesel and petrol particulates, they are not necessarily identical. Yes, we need to move towards renewable forms of transport; there are other ways to have lower carbon emissions that still involve the emission of harmful particulates. The more we find out about the impact on human respiratory systems from breathing in harmful diesel and petrol particulates the more we are coming to understand the huge burden of disease they cause in populations all around the world.

Even in Tasmania we are not immune from the impacts of diesel and petrol particulates. Although we do not have the sort of smog and build-up of pollution that major cities in most other countries in the world experience, we still definitely have diesel particulates. If you are sitting in traffic you can be exposed; depending on the state of the Southern Outlet, you might be exposed for hours in amongst other people's diesel and petrol particulates.

We also need to be looking at the impact on people's health of cruise ships coming to Tasmania although it appears that this Government is going to refuse to act on reducing the sulphur pollution that is coming from cruise ship diesel emissions. They refuse to act ahead of the international maritime changes that are happening to the guidelines that will mandate a reduction in burning of sulphur fuels -

**Ms O'Connor** - It did not stop Sydney or the EU.

**Dr WOODRUFF** - No, that is right. Thank you, Ms O'Connor.

This Government is prepared to let stinking, old bunker fuel-burning cruise ships turn up at any old time they want to in Tasmania. They are banned in European countries fully and they are banned in North America for the obvious reason. The incredibly harmful impacts that bunker fuel has on people's health has been very well evidenced from epidemiological studies. Why does the Government continue to expose Hobart residents - not to mention tourists who mix with the cruise ships - to dangerous levels of bunker fuel? It is something that other countries have said, 'Do not come here if you have bad rubbish running through your engines. It is something you can fix.' I look forward to the minister taking those sorts of issues back to his colleagues because having a focus on human health is not just good for people but for the planet that sustains us.

I am very pleased that we have specific inclusions in this amendment to clause 5 to facilitate the safe flow of transport. Although we can have the increasing electrification of transport, which we must have, there are some concerns about the safety for people as they are crossing roads, and when they are in the proximity of electric cars being able to hear them, how we manage those changes and what sort of new city designs we end up with. I look forward to the day when it happens. Thanks very much, minister, for shepherding that through, and I am very happy to support them.

**Time expired.**

**Ms DOW** - I apologised before as I thought we were going to be debating amendments then summing up, but it felt like you were summing up as well, so I will do a bit of both. We are very happy to support each of the amendments that have been tabled together today and we support the intent of each and are happy for their inclusion.

Overall, from the point of view of the process, it has been great to have that ability to have influence into some of the amendments in the bill. It is also good to know that there has been that cross-collaboration with councils about each of those and that there is good consensus amongst each different council that has been involved in this process regarding those amendments.

More broadly, the strategic intents of this piece of legislation are very important. Not only do they underpin the Hobart City Deal, but they are also largely symbolic of greater collaboration between councils in the south of the state. That is in the major population centres. That can only be a very positive thing.

Our communities are changing. Our economies now are not confined to municipal areas. People are living and working across different centres and that creates other additional issues, which call for a strategic approach to planning around infrastructure, essential services and amenities of communities. They are all things that these councils, through this collaborative agreement can work on together, which will be very important. Of course, that will be aligned with funding negotiation and deals throughout the City Deal as well.

I thank the Government for bringing forward this strategic approach. We look forward to seeing how it goes and how the outcomes are delivered through the City Deal. We are very happy to support each of the amendments that has been proposed and think that they are very sensible.

**Council amendments agreed to.**

**Reported the Committee had resolved to agree to the Council amendments.**

**Resolution agreed to.**

## **RIGHT TO INFORMATION AMENDMENT (APPLICATIONS FOR REVIEW) BILL 2019 (No. 14)**

### **Second Reading**

**Ms O'CONNOR** - Point of order, Madam Deputy Speaker. I need to make a point. Because there has been such poor planning around the blue we were being told we had to debate the right to information amendment bill at a time when we have not been able to seek briefings. It has been dumped on us and I want to express, from the Greens' point of view, how disappointed we are at the way this afternoon has played out. We do not have Labor's shadow spokesperson - she just walked in - and it is a poor way to run the House when we are told five minutes before a bill is coming on that it is coming on.

**Mr O'BYRNE** - We were not wanting to join in, but an RTI bill of this type is an important bill that needs proper consideration. We had discussions and we understand that there were issues with getting some advisers for some of the other bills that were not put on the blue and they cannot get here. We acknowledge and understand that that is an issue, but that is not necessarily our issue.

It is an issue that the Government needs to manage. It is very poor that we have had to bring on this bill at this time without due consideration or briefing.

Of course it is in the hands of the parliament and the Government needs to manage themselves but in terms of the good order of the House, appropriate debate, appropriate assessment of the bills before us, ensuring that the Tasmanian people get value for money about how things are dealt with in this House, we really want to send the message that this is not appropriate.

**Mr FERGUSON** - Madam Deputy Speaker, this is a little mini grievance debate that has just kicked off, which is entirely out of order, but since we are having it I would like to join in on your indulgence to make the point that this bill has been on the Notice Paper for at least five or six weeks minimum, and -

**Ms O'Connor** - And you told us five minutes ago it was going to be debated.

**Mr FERGUSON** - The maturing time frame is two days; they are the rules of the House. Second, I will draw attention without criticism to the fact that it would have been widely anticipated that the Labor Party might have shown a level of scrutiny of a bill that we had thought very reasonably a substantial landmark bill that would take at least a number of hours.

It is disappointing given that Ms O'Connor had the opportunity of a briefing but I am advised she cancelled that. We are operating in good faith and are prepared to wait if necessary to allow everyone to be here. I urge that members be understanding that the Government has a significant legislative program we are seeking to manage appropriately and it is right and proper that the best people be available to support ministers and the House in the conduct of the debate.

[4.32 p.m.]

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

That the bill be now read the second time.

This bill seeks to address a gap in the current rights of applicants and external parties to apply to the Ombudsman for a review of certain decisions in relation to applications for assessed disclosure under the Right to Information Act 2009.

A recent decision of the Supreme Court in Tasmania has clarified that a decision made by a minister or a minister's delegate under the act in respect of whether or not to release information in the possession of the minister, is not currently reviewable by the Ombudsman. Following the Supreme Court decision in *Gun Control Australia Inc v Hodgman and Archer* on 8 February 2019, it is now understood that a decision in respect of an application to a minister for assessed disclosure does not give rise to the same right of external review to the Ombudsman as a decision in respect of whether to release information where the application was made to a public authority.

The Government remains committed to improving the openness, accountability and transparency of the operations of government in Tasmania. That is why we have acted quickly to address this matter.

Section 43 of the RTI Act provides a right of internal review for an applicant who has applied to a public authority for information under section 13 of the act in relation to assessed disclosure where a decision has been made by a delegated officer as to whether or not to provide the

information under the act. This section also provides a right of internal review to external parties who have been consulted under section 36(3) or 37(3) as to whether the information is exempt information under the act where a decision has been made by a delegated officer to release the information.

Specifically, section 43 provides a right of internal review to external parties where the delegated officer has made a decision to provide information relating to the personal affairs of a person referred to in section 36, or information that is likely to expose the external party to competitive disadvantage under section 37.

Part 4 of the RTI Act also provides a right to external review by the Ombudsman of such decisions, either following an internal review where the original decision was made by a delegated officer, or where the decision was made by a minister or the principal officer of the public authority in the first instance and no right of internal review is available under the act.

An applicant for assessed disclosure may also seek a review by the Ombudsman under section 45 in relation to certain other administrative matters relating to decisions of a minister or a public authority, whether the decision was made by a minister, the principal officer of a public authority, or a delegated officer. This includes, for example, a decision that the information requested is not in the possession of the minister or public authority, or where following a decision being made by a minister or public authority the applicant believes on reasonable grounds that there is an insufficiency in the searching for the information by the minister or public authority. The bill maintains these existing review rights for applicants.

This bill makes a number of changes to ensure that a right of external review by the Ombudsman is available for applicants for a decision on whether information will be released under assessed disclosure, regardless of whether the application is made to a minister or to a public authority, and of whether the original decision is made by a minister, a principal officer of a public authority or a delegated officer.

The proposed amendments also provide that an external party who is consulted under section 36 or section 37 in relation to whether the information is exempt under the act will have a right to external review by the Ombudsman in relation to the circumstances I have just described, where a decision is made to release the information to the applicant.

As I mentioned earlier, Part 4 of the RTI Act provides that an external party may apply for external review by the Ombudsman of a decision of a public authority to provide information relating to the personal affairs of that external party under section 36, or a decision to provide information that is likely to expose the external party to competitive disadvantage under section 37.

It appears this right to review by the Ombudsman for external parties may be limited to circumstances where the application was made to a public authority and the original decision was made by a delegated officer. Section 44 provides that the external party must have first applied for internal review and either been informed of the results of the review, or 15 working days must have elapsed since the application was made, before the external party can apply to the Ombudsman for a review.

The bill inserts a new section 45(2A) to provide that a person who is an external party may apply to the Ombudsman for a review of a decision in relation to an application to a public authority where the decision was made by a minister or principal officer and therefore an application for



external review cannot be made, and also where a decision is made in relation to an application to a minister.

The Government remains committed to furthering transparency in government in Tasmania. These changes will further the objectives of the RTI Act by ensuring that both applicants and external parties have a review to the Ombudsman in relation to decisions on whether or not information should be provided under the act, regardless of whether the application for that information is made to a minister or a public authority.

I commend the bill to the House.

[4.39 p.m.]

**Ms HADDAD** (Clark) - Madam Deputy Speaker, how embarrassing that on the first day back after a five-week winter recess the Government criticises Labor for its contribution on a landmark bill that was passed earlier today that implements many of the recommendations of the Royal Commission into Institutionalised Child Sexual Abuse. Labor supported that bill. It was made entirely clear to the Government that there was no objection to any of the clauses of that bill and we would not seek to go into Committee. The debate that played out today showed that the Greens were of the same mind as the Government and the Opposition in supporting that bill.

We have just had a five-week winter recess and two bills were put on the blue for the first day back, both non-controversial in terms of likely opposition from Labor or the Greens. It is embarrassing; I would be embarrassed if I were a member of this Government. It is like a teacher coming back to school after the summer break not having done any of their timetabling. We have seen other days where the Government stacks the blue towards the end of the year or at any time it suits their purposes. Yet, at the first opportunity for the Government and the parliament to return and for the people of Tasmania to hear what are the priorities of the Governments and of the parliament, we have run out of business. In the afternoon session of the first day, we have run out of business.

The reason it is really poor form to bring this bill on today is not because I do not think RTI legislation is important. Funnily enough, I am passionate about administrative review. Not everyone in this parliament might feel extremely passionate about administrative review and some in the community probably find it mundanely boring. Personally, I have a very strong commitment and a very strong interest in administrative review and, particularly on right to information legislation. I know I am not alone. There are countless people in Tasmania who feel very passionately about what this Parliament does with the right to information laws that we have on our books, and particularly about these loopholes.

As the Attorney-General said in the second reading, there was a recent decision in the Supreme Court that displayed more starkly a problem that existed with the law as it sat, requiring legislative change to make clearer the parliamentary intent in the sections of the act dealt with in that case.

I know for a fact there would be people who would like to be here observing this debate. Members of the legal, public service and our general community in Tasmania would have liked to be here or to have been told, 'Heads up, we are about to bring on this bill with no notice', so they could watch it on the web. At the very least, they should have been given the opportunity to do that, if not to attend here in the public gallery, which is their right as a citizen of this state. It is poor form that the Government would run out of business on the first day back.

That said, I welcome this bill. Despite what the Premier said in question time today about there being no ideas from Labor, the Government is taking its lead from Labor with this bill. As members would be aware, Labor has its own RTI amendment bill on the books, which did much of what this bill achieves, seeks to achieve, and more. In Estimates, the Attorney-General acknowledged that Labor's bill was a necessary step and committed to act, and the result of that is this bill which we see today, which we will support. I note that this bill does not go as far as Labor's did, and I will say why it is relevant to explain now.

The Labor bill sought to enhance transparency within government, to improve public access to information, to reduce the length of time the public must wait before they are provided with information, and to clarify rights of appeal. All those things are important because being open and honest about what you are doing as a government and how you are spending public money and how you are making public decisions is a fundamental feature of good government. Openness and honesty ensure propriety in government decision-making and imposes accountability on ministers. Just as importantly, they give the public confidence that decisions are being made in the public interest. Their absence leads to an erosion of public trust and to cynicism about politics and public administration in general.

Over the last five years, we have seen that the Liberal Government is addicted to secrecy. We saw it in the Premier's claim after the 2018 election that he had a mandate for over 200 policies his Government had hidden from everyone except selected interest groups during the campaign. We saw this addiction to secrecy in the disgraced former health minister's determination to hide the true extent of the health crisis by refusing to release multiple independent reports detailing just how bad things really are. We saw this addiction in the Government's refusal to provide information to Tasmanian disability education about the number of students not receiving support at school, information they needed for a funding submission to assist students with disabilities.

We saw this addiction to secrecy in the Government's move to shield the new children's commissioner from right to information requests just days after her appointment. We saw it too in the Government's refusal to disclose key housing statistics for months leading up to the 2018 election, keeping keeping Tasmanians in the dark about the true extent of the housing crisis.

We see it in the slate of editorials published by the *Mercury* since this Government was first elected. It is, indeed, not a good sign when an even-handed local newspaper begins an editorial by saying:

Another day and another example comes to light of our state Government's natural aversion to openness - a position it now appears is deeply ingrained in our public service.

That is a quote from the *Mercury*.

We also see it in the administration of the Right to Information Act. Since coming to power in 2014 Mr Hodgman and the Liberals have overseen the chronic underfunding of the Ombudsman's office, notwithstanding a recent funding allocation that means in practice it currently takes almost 18 months to access information this Government wants to keep hidden.

They say a week is a long time in politics. In 18 months, ministers will often have moved on to new portfolios or be moved on to new portfolios by others and some will have left the parliament altogether. The nature of issues and problems will have changed. Accountability will have been

avoided and controversies forgotten. Most seriously, what the backlog means is, if there is any information the Government wants to keep hidden from the public in the 18 months before the next election, the public may not see it before casting their votes.

Labor's bill went further than the Government's bill in removing the internal review provisions of the Right to Information Act. Ordinarily, with my interest in administrative law I would not normally have felt very comfortable about the idea of removing any layer of administrative review. As I said, I recognise the importance of administrative review of public decisions. A major factor in the delays faced in the Ombudsman's reviews is the internal review process.

Many other states, Victoria, the ACT and the Northern Territory, do not have internal reviews as part of their RTI processes and neither do New Zealand, the United Kingdom or the United States. For those unfamiliar with internal review what it means is where a department or a minister refuses a particular information request from a member of the public, that member of the public can appeal that decision, if they wish, first to that same department or minister in the first instance. The experience for all of us in using that act over the last 10 years shows us that this process is a waste of time. Internal reviews almost never result in substantive change to decisions. They simply take up time of departments and of ministers and they waste the time of the applicant for the information.

In the anecdotal advice that I was given by individuals who had gone through that RTI process when I was forming Labor's bill on this topic, we were told time and time again that an internal review either led to a decision continuing to refuse release of the information, but may have relied on a different section of the act to do so. Or second, it may have released a small extra part of information, but the substantive result to the applicant was the same.

That means a restriction on the public's right to information about what government is doing. There is legitimate concern that the very nature of the internal review process fuels distrust in the community and that distrust in politics and distrust in public administration. When a member of the public seeks information held by government, has their reasonable request rejected, is then told they must appeal the decision to the same body that denied their original request, then followed the process to have that body review that request, what are they going to think, realistically, about the level of openness about their government? Are they likely to feel as though they are a welcome participant in public affairs? Or are they likely to think the government is doing everything it can to prevent their right to know. Given one of the core purposes of the RTI Act is to promote transparency and public confidence in government, why would we retain such a provision?

The final effect of Labor's bill, which is what the Government's bill goes to as well is to address the issues raised in the Supreme Court in the case of *Gun Control Australia v Hodgman and Archer*, which found that the act as it currently stands does not allow the Ombudsman to review decisions made by a minister or their delegate. In other words, the external review had been found by the judge not to apply to decisions made by ministers.

It is really important at this point to differentiate between the decision of a minister made in their executive capacity as minister for a certain portfolio and a decision made by a minister in their capacity as an RTI officer, in effect, a person capable of making a decision under the RTI Act. My reading of that judgment is that that differentiation is very important.

It is my view that it is important to make that distinction on the *Hansard* today because there is argument to say that decisions made by a minister in their executive capacity should not be subject to external review in the way that a decision made by a minister in their RTI capacity should be.

That is indeed what this bill does today and that is why it will be gaining Labor support, but I see it as a lost opportunity to increase confidence in public administration and increased transparency in government decision-making not to remove the internal review decision.

The problem that had been identified by Justice Brett in that decision was known for some time and the Premier personally committed to resolving that problem more than three years ago. However, instead of following through on that commitment, the last three-and-a-half years were spent by the Government exploiting that loophole for all it was worth and hiding information from the public at every opportunity. I believe ministers should be held to a higher standard than anybody. They certainly should not be held to a lower standard, and it is a shame that this was not a priority of the Government immediately on recognition of that problem.

I note that the Government is following Labor's lead in acknowledging this problem that existed in the RTI Act as it stood and was highlighted in that decision of the Supreme Court.

I conclude by putting on the record my view that the purpose of the Right to Information Act is to improve openness in government and to enhance the capacity of Tasmanians to participate in public affairs. We should be direct about the decisions that government makes and as the spirit of the RTI Act dictates, there should be a spirit in government of sharing as much information as possible and making as much information available to the public as possible rather than the kneejerk response we have seen from this Government, who are indeed addicted to secrecy and addicted to keeping information in the dark from members of the public. That is a real shame.

In conclusion, there are a number of problems that have arisen under this Government in hiding information. One of those is what was previously a grey area in understanding the Ombudsman's capacity to review decisions made by ministers. I welcome the fact that this will be rectified by this bill but feel it is a shame that it has been brought on in such rushed circumstances, without the ability for members of the public -

**Ms Archer** - It is not rushed.

**Ms HADDAD** - You say it is not rushed. Yes, the bill has been on the Notice Paper for a number of weeks -

**Ms Archer** - The member had a briefing planned and then cancelled it and did not rebook.

**Ms HADDAD** - That is not relevant to my point. The point I am trying to make -

**Ms Archer** - You could have had a briefing in the last six weeks.

**Madam SPEAKER** - Order, please.

**Ms HADDAD** - Madam Speaker, with respect, through you, the point I make is not about the parliament's ability to deal with this legislation. We are all able to get up here, and as you can see from my contribution today, I understand this bill and I have explained what Labor's bill would have done similarly and where ours diverged from the Government's attempt.

My point in criticising the Government for bringing this bill on today is not with the parliament's capacity to deal with it. It is with the fact that the public has a right to see what the parliament is doing. It is almost amusing that we are dealing with legislation here, the Right to

Information Act, that goes to the heart of transparency to the public of the decisions of government, and in this decision of Government - this decision of the parliament, in fact - the public was not given any information about when this bill would be debated. As I said, a few rushed text messages might have let a few people who care very much about RTI the opportunity of tuning in on the webcast, but I note that it is poor form and pretty scrappy to come back to the parliament after a five-week break without enough legislation to debate.

[4.55 p.m.]

**Dr WOODRUFF** (Franklin) - Madam Speaker, the right to information is a core principle of an open and democratic society. The principle is that we the people, all citizens of a democratic community, are able to hold a government to account for the deeds they say they will do or the deeds they have done. To be able to shine the light of transparency and openness into all the mechanisms and the decision-making of government is an incredibly important principle. It is one of the most essential tenets that differentiates democratic and fair and just societies from authoritarian dictatorships. It is one which helps us to sort through terrible trends towards propaganda, spin, obfuscation and secrecy, all of which are designed to hide the actions of governments that ought to be representing the people who voted for them in a fair and just way.

That is the society that all Tasmanians and all Australians want to live in. That is the society we expect to be living in. The right to information has long been an important mechanism for people in the community to be able to have checks and balances on members of parliament, members of government, members of local government and people who are paid in public service who are meant to be acting in the best interests of the community. It is the mechanism by which we can check that what they say they do is what they are actually doing.

One of the hallmarks of this Liberal Government has been a dramatic slide into obfuscation around the decision-making of ministers and the processes of government for awarding contracts and tenders for making decisions about management plans for World Heritage Areas, approvals for massive expansions of the fish farm industry and the workings of businesses who have alleged acts of animal cruelty that occur. All of these things are questions of great interest and concern to people in the community, but we have seen this Government time and again use the Right to Information Act in the most cynical way to hide the workings and decision-making of ministers and provide a veil of secrecy behind which ministers and the Liberal Cabinet hope to be able to carry out the intentions of the Government without the openness and conviction they ought to have.

If a government is so convinced they are right, what have they got to hide? This has always been the question I do not understand. I sincerely do not understand why ministers hide behind right to information and provide members of parliament and members of the public with this rubbish RTI decision responses where we have pages and pages of blacked-out email responses, pages which have no information in there that would be of a personal or confidential nature.

Obviously you would expect to have people's names and addresses and it is taken as a given that that sort of sensitive personal information would be redacted. However, this Government has used the right to information and misused the office and essentially provided direction, either spoken or cultural, I am not sure. We cannot know for sure but the decisions of right to information officers under this Government are fundamentally different from the decisions that were made under the previous Labor-Greens government - the same act but a different application.

What we see at play here is an approach from this Liberal Government of sneakiness, special deals and a determination to go about things in the way that they want to without the guts to be clear

with Tasmanians about what they are doing. Last year in budget Estimates we had the Leader of the Greens, Ms O'Connor, asking questions about the processes for the South Coast Track; expressions of interest and the potential for developments in the beautiful Tasmanian Wilderness World Heritage Area. The minister obfuscated and did not answer the questions. We found out subsequently he ended up delegating that decision to the secretary of the department. Consequently, under the interpretation of the act that this Government makes, it was no longer possible for an internal review and therefore that decision was not able to be externally reviewed.

Core decisions of this Government about developments in wilderness areas in world heritage areas in national parks are kept from the community because they stink. They are about special deals being made with private developers to get a leg up with public land, to get free public land made available to them with a special deal to go into areas which the world community has recognised for their globally unique characteristics. They are wilderness areas and in wilderness areas there is no place for private developments. There is certainly no place for the sort of process, the expression of interest process, the secret process which this Government has been undertaking now for years.

We are seeing the results of that coming through with advertisements and bits of information popping up as though they are foregone conclusions where the public has been completely written out of the opportunity to have a say about public land - land which we hold in trust for the rest of the global community not just for today, not for the next 20 years, but forever. We Tasmanians are responsible for looking after that land and for ensuring that it stays in public hands and is not privatised off to whoever this current crop of Liberal ministers is doing a special deal with.

This is where we have sunk to with the right to information in Tasmania. It is a mechanism of stonewalling. I was speaking to Ms O'Connor about the experiences of the Labor-Greens government - the same right to information act but a totally different approach. The culture of the Greens ministers, the two Greens ministers, was utterly hands off. A clear and direct signal was sent from the minister's offices: do not come near us with a right to information request, we do not want to know. It is not the business of ministers to meddle at all in right to information decisions. That is a role for the department to take. We will stand aside from that. We will let the department go through the processes.

As Ms O'Connor said on a number of times, the first time as minister she heard about a right to information result of an application was just before the opposition member stood up in parliament to speak about what was found in there.

That is how it should be. If you have nothing to hide, then you have nothing to worry about. You are making decisions the best way you can. As a minister, you have to be prepared to stand up and justify your decisions but if you have done nothing wrong, then you have nothing to hide. By that way of thinking, what does it say about all of the redacted information that we have had for years. The converse is probably the case. If you hide everything then you have a real lot to hide.

Let me go to another example which is in relation to the Marine Farming Planning Review Panel and the decisions about the correspondence in relation to the resignation of the two expert members of the panel, Ms Louise Cherry and Professor Barbara Novak. They resigned in protest and sent a resignation letter to the minister, Mr Barnett, last year about the appalling handling of the panel and the process for the assessment of the Storm Bay marine farm sites and the massive expansion of the fish farm industry into Storm Bay. We sought information about the correspondence relating to their letters of resignation because the minister was not upfront about

that process and was not upfront about the resignation. He basically denied there was anything to see.

What we got was redacted information for no reason other than it was going to cause a stench for the Government because of their mishandling of those two expert witnesses. The circumstances leading up to them resigning in protest clearly related to not being heard, not being treated seriously as experts in their field, and all of that information has been removed from the public eye. We are left to fill in the blanks ourselves. We can only assume from the actions that have followed that the blanks provided to us, reflect poorly on the minister and his handling of the matter. Otherwise there would be nothing to hide.

Given that the previous Labor-Greens government dealt with right to information requests so utterly differently, kept them at arms-length from ministers and did not stonewall on people's ability because there was no hiding from having an internal review, it also meant that there was every prospect for a person to seek external review through the Ombudsman's office.

Why are we here today? What has changed? What has fundamentally changed is the work. I put on the public record the great work of Roland Browne from Gun Control Australia regarding the secret negotiations that were made between the previous police minister, Rene Hidding, members of the firearm and shooters' lobbies around the Liberals' firearm policy commitments that were made to that community before the 2018 March state election.

As we know because of the public outrage that followed when the Greens made that information available to the Tasmanian community only days before the state election when it was provided to us by a member of that stakeholder group, people were deeply concerned and terribly distressed that the Liberal Government was negotiating secret deals to weaken Tasmania's firearms laws, and the Premier declared in media interviews around the 2018 state election that his police minister had given him advice that the Liberal Party's election policy to water down the state's gun laws did not breach the National Firearms Agreement.

Gun Control Australia's Mr Roland Browne and others sought release of that information under the Right to Information Act. The advice was expected to make interesting reading when, for example, the Government proposed 10-year gun licences, even though the National Firearms Agreement had set a five-year maximum. On the face of it, it was clearly the case that the Liberals' gun policy was in breach of the National Firearms Agreement. Gun Control Australia sought to get evidence of the advice that had been provided to the Premier and in an April 2018 decision, the Premier's delegate made reference to some communications, apparently, about the advice and refused to release that information under the Right to Information Act.

Gun Control Australia then took that decision to the Supreme Court and challenged it with Justice Brett on 8 February 2019. Justice Brett set aside the Premier's decision and sent it back to the Premier to make a decision in accordance with the law. The Supreme Court found that the Premier had not acted according to the Right to Information Act -

**Ms O'Connor** - Shock!

**Dr WOODRUFF** - Yes, what a surprise - and the Premier had been entirely deceptive in his application of that.

Since then, the Premier appeared to have changed course after that decision by the Supreme Court, and on 12 March he asserted that the advice was given in the context of an election policy and was not part of the official business of government. What a disgrace. Clearly, it was the police minister acting in his role as the police minister who met with stakeholders - people from the shooting community, the TFGA and a number of other groups. He met with them in his capacity as police minister, but the Premier had the gall to try to suggest it was somehow outside the operation of the Right to Information Act because it was a Liberal Party policy matter and not a government policy matter. Well, that just does not wash, Madam Speaker, and it did not wash with Justice Brett from the Supreme Court.

In all of that information, there was never any written documentation that was provided about communication between the police minister and the Premier with advice from the police about whether the firearms policy of the Liberals would breach the National Firearms Agreement. Since then, we know, and the *Hansard* records from the Firearms committee, that Firearms Services and police did not, in fact, provide advice to say that the Liberals' firearms policy did not breach the National Firearms Agreement.

Last year the Premier said that they did. He said that the police minister had received advice from the police that it did not breach the act, yet we found from the police in the Firearms committee hearings that that is not true. What else can we conclude from this? The Premier said he had been given that advice from the police minister. Maybe he had been given a 'You'll be right, it's fine', and maybe that is what he considers to be advice.

**Ms O'Connor** - A nod and a wink.

**Dr WOODRUFF** - It is pretty shabby when we are talking about weakening the state's firearms laws that the Premier is happy to get a wink and a nod from the police minister to say, 'Yes, it'll be right, I've got it sorted, there's no problems with this.' Either the Premier was not honest or he did not bother to pay attention to the detail about the firearms laws and whether they were going to breach the National Firearms Agreement. It is an outrage to Tasmanians that a Premier would take such a serious matter so lightly and would not inquire and want to see written evidence about it. That is a stain on this Premier. This information must continue to come out to the Tasmanian community to understand that Mr Hodgman as Premier of Tasmania was prepared to do anything to buy an election, including doing secret deals with the firearms lobby about weakening the state's laws that were never made available by the Liberal Party to the Tasmanian people.

This is far from a digression, because this goes to the heart of what the Right to Information Act needs to be providing. The Right to Information Act is there as the mechanism for Tasmanians to investigate the actions and decisions of ministers and premiers about issues that may be small to some but very significant to others. It covers everything from how the expressions of interest and tendering process is conducted in our Wilderness World Heritage Area to whether the Liberal Party is misusing the office of minister to trade away the safety of Tasmanians and weaken gun laws simply to get a few more votes in the rural community to buy a state election.

These are important issues. The only way we can be confident of honesty and transparency in government is if a Right to Information Act gives people the opportunity to have decisions reviewed, have the proper internal review processes and the external review processes by an independent body, and in Tasmania that is the Ombudsman.



We strongly support the changes in this amendment to the Right to Information Act. We also foreshadow that we have a number of amendments to make. These amendments go to ensuring that journalists, people who are the custodians of truth and who seek to bring things to public light and who do so in the public interest, these people who are in the practice of editing or recording for media reports to providing news and scrutinising, holding the government to account, holding the actions of politicians and members of Cabinet to account on behalf of all Tasmanians, have proper access to information that has been produced in the process of decisions being made. I foreshadow that we will seek to go into Committee to table those amendments at a later date.

I finish by saying how important it is to have an open and accountable government. Given the changing landscape of media reporting and news, now more than ever it is important to be able to challenge people in positions of authority - leaders, politicians and especially government ministers - and to give people in the community confidence that if they doubt the actions of a minister, they should be able to inquire. The first thing they would obviously do would be to pick up the phone or write an email to the minister's office. You do not jump to an RTI.

In the case of this Government, unfortunately people do go straight to RTIs because often it is a total waste of time trying to get responses to letters. I have members of the public who contact my office saying they have tried to ask reasonable questions and find things out but they have to resort to a right to information process and could we put one in on their behalf. These things should be sorted out by much simpler means than a right to information request. We should not have to tie up the machinery of an RTI section in a department for simple answers to questions that should be provided as a course of everyday business by a minister's office. If the Government wanted to do one thing to improve the Right to Information Act and its application, it would be to not leave people in the situation where they need to put in an RTI request. Just provide the information.

**Ms O'Connor** - Active disclosure.

**Dr WOODRUFF** - That is right. Make it available. Put it on the website. The more ministers withhold information, the more people need to get reams of information and it becomes a burden because you are not really sure what people are hiding. The scope can sometimes be wider than it needs to be, simply to make sure that you can get access to how the decision was made and to the correspondence around that with the relevant parties.

I look forward to the discussions from other members on our amendment in Committee and we are very pleased to support the bill as it is.

[5.22 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Madam Speaker, I want to make a brief contribution of the Right to Information Amendment (Applications for Review) Bill 2019 and to state unequivocally that I agree with everything said by my colleague, Dr Woodruff. We will be supporting the legislation, but it is grindingly frustrating to know that we have been here before. The Greens tabled an amendment bill in 2016 to deal with this issue that was identified by the Supreme Court and it was voted down by Government members.

Earlier this year, my colleague, the member for Clark, Ms Haddad, tabled a Right to Information amendment bill that dealt with this issue and some others and then, as was detailed by Dr Woodruff, we had the Supreme Court decision.

The Premier, his ministers, the people to whom they delegate, have known about this issue going back to 2015. We have raised this across the Estimates table with the Premier year after year because we identified that the Right to Information Act 2009 was being abused, that the objectives of the act which are about the disclosure of information in the public interest acknowledge that the information is held for and on behalf of the people of Tasmania. We could see what was happening under this government that undermined the principles of the Right to Information Act.

We have a filing cabinet full with redacted RTI applications. We have numerous pieces of correspondence where we were having departmental officers come back to us, try to refine the scope and then make excuses for not responding within the statutory time frame.

We have had repeated instances of ministers knowingly delegating decisions that they know, under the act as it currently stands, cannot be internally reviewed and therefore are not subject to external review. When I asked the Premier about this across the Estimates table back in 2016 he said - and I am paraphrasing here: if he wants to come in and restate the commitment that he did not meet at the time - 'we will make sure that that practice, we will have a look at that, and that practice will cease' and it did not cease.

As recently as 2017 Estimates, a decision was wilfully delegated by the Minister for State Growth, Mr Gutwein, to his secretary, Mr Evans, in relation to the south coast track. It was knowingly delegated in order to provide zero information. In many ways that was confirmed by Mr Evans after repeated questions from us across the table where he said that is right, that decision is not subject to internal review. Last year, three full years after the Premier was first made aware of this abuse of the Right to Information Act 2009, we have his minister for State Growth delegating a decision around a controversial expressions of interest process knowing that it could not be internally reviewed, knowing that that was a dead end to that application.

We already have enough trouble getting information out of government in relation to a secretive expressions of interest process that is underpinned by a flimsy statutory framework and calling all decisions and processes internal to the Government and the Office of the Coordinator-General's commercial-in-confidence. We already have that to deal with, where public lands are being traded with private companies and no information is released to the owners of that land because the government of the day has decided it is all commercial-in-confidence. We have seen the act being abused over and over and over again by this Government.

A memorable example was when Basslink had broken in the summer of 2016. The minister responsible was on holiday on the east coast and did not make a public appearance for some days after Basslink broke. We wanted to determine in the middle of an energy crisis where the minister was and what level of interest or concern he had taken in the fact that the cable had fried. We made an application for the minister's diary. If anything should be available to the public - in fact, I would argue that ministers' diaries should be published online - it is a minister's diary. They are a public official, paid for out of the public purse, administering public funds and they are the front line of the interface with private business and commercial enterprises. Tasmanians should understand how the ministers they pay are spending their time. They should have the right to know who ministers of the Crown are meeting with on their job, paid for by the public purse. That you can have such opacity in relation to something as basic as a ministerial diary says everything we need to know about this Government's lack of respect for the principles and the objectives of the Right to Information Act.

We waited months. The statutory time frames blew out, there was the seeking of clarification, more time frames blown out and then what did we get? We got a compilation. It was not a diary: it was a compilation of times and events that had been prepared, I would assume, in the minister's office. It had all these redactions. For meetings with his own agency, it would just say 'meeting' and with a private operator it would say something like 'private meeting'. There was a deliberate attempt not to be transparent about a minister's fairly laissez faire attitude to his portfolio in the middle of an energy crisis.

There was the Safe Pathways right to information saga - that is the only way to describe it. This is where a government agency had contracted a for-profit provider and placed some of our most at-risk, vulnerable children in the hands of a for-profit provider who we find out as a result of national ABC media coverage was taking about \$9000 a week from the Government for a child and spending plus or minus \$100 a day on them - children without proper shoes. The Safe Pathways right to information request was the same frustrating obstacle course that we had to go through. It was very clear to us that the department should have provided the information because there was no legal, legitimate impediment for it not to do so, but it came across as if the department was protecting itself and therefore protecting the minister.

Over and over again, when we submit Right to Information applications with Government all we have is obfuscation, extensions or breaches of statutory time frames, and invariably information that comes back redacted and not even compliant with the act. We all received a letter that said, 'We've got all of this information, we're not telling you what it is, but it is not in the public interest that we release it'.

In the olden days, like five years ago, when a department said that we have information but for these reasons we will not be releasing it, you received a table of the documents they had at the very least. You received a proper statement of reasons for why the information would not be released to the public or why it had been so heavily redacted. That does not happen anymore. We need to remove the loophole, which was identified to Government three or four years ago, that prevents internal reviews when Government ministers take it upon themselves to delegate decisions. Of course we need to do that. But we also need to be really honest. In the second reading speech, with an Orwellian touch, the Attorney-General says:

The Government remains committed to improving the openness, accountability and transparency of the operations of government in Tasmania. This is why we have acted quickly to address this matter.

What a load of utter rubbish. We pointed this out to the Government three years ago. It was during a debate on our amendment bill that we detailed the problem and how it was being exploited. It was dealt with through an amendment put forward by Ms Haddad. The Government has been pushed into this kicking and screaming as a result of pressure in this place and finally a Supreme Court decision, which tells the Government what we have been saying in this place for close to four years.

Pardon my frustration, but to have such Orwellian language used in a second reading speech is a bit like saying, 'hate is love, peace is war, lies are truth'. The Government did not act quickly. The Government stalled and stalled. It continued to exploit the loophole as recently as late last year when the Minister for State Growth, who did not want to put information on the public record about the secretive expressions of interest process, delegated the decision to his secretary knowing that it would be the end of it.

I also want to raise a concern about the substantial backlog in the Ombudsman's office. It is our understanding that only four decisions came out of the Ombudsman's office last year. There were four external review decisions. My understanding is that there are currently dozens of decisions sitting there waiting to be signed off by the Ombudsman. I urge the Attorney-General to take a direct personal interest in the backlog of cases sitting in the Ombudsman's office. I understand that some resourcing has been put into the Ombudsman's office. I urge the Attorney-General to make some discreet inquiries about why decisions are going into a Rip-Van-Winkle land in the Ombudsman's office, particularly given that extra resourcing has been allocated to the office.

We will be supporting this legislation. I want to support the amendments that have been put forward by Dr Woodruff that formalise in the act that a person who is a journalist has an exemption from costs for requesting information under the act. As it is with us, when we are at our best as the Greens are every day of the week, journalists are acting in the public interest. Therefore it should be formalised that when members of the press seek information in the public interest under the Right to Information Act they should not have to pay for that information to be provided to them.

[5.36 p.m.]

**Mr TUCKER** (Lyons) - Madam Speaker, the Hodgman Liberal Government remains committed to improving the openness and transparency of government. Since first taking office, we have adopted a number of measures in line with this commitment. The Government has made a commitment and a concerted effort to improve openness and accountability of government decision-making, continued efforts to improve government transparency and accountability, accrued through numerous extensions to the information released under our routine disclosure of information policy.

Since June 2018, the Government has released more than 60 new routine data sets online. It continues to expand public access to information on the activities of government: launching a new government information gateway webpage that is available on DPACs website to make government information proactively disclosed easier to find; and continuing to publicly report on gifts, benefits and hospitality received and given by officers across all agencies at least quarterly on agency websites; implementing the updated ministerial Code of Conduct and supporting parliament's adoption of a new member's code of conduct; undertaking a review of the Electoral Act 2004 including electoral donations; continuing to publish information released under the Right to Information Act 2009 within 48 hours of release of applicants, and ongoing publication of public consultation submissions.

In April 2019, the Government released the latest round of routine information including key information on ministerial and parliamentary support expenditure in accordance with the Government's commitment to routinely release information on a six-monthly basis. The Government is committed to continue in its approach to regularly release ministerial expenditure information during this term of government.

The Government has also instructed agencies to regularly release updated information on major policy and program initiatives, departmental policies, procedures and guidelines and any changes to organisational structures and functions within 10 days of internal approval.

In accordance with the Government's decision to routinely release information, departmental information is released by the end of April and October each year. Departmental information includes: organisational structures and functions; departmental governance policies; major policy program initiatives and reviews; employment and workforce statistics, Senior Executive Service

details, telecommunication and mobile device expenditure, and contract and consultancies awarded that are greater than \$50 000.

Since December 2016, information on all gifts, benefits and hospitality received by officers and employees is now reported at least quarterly on agency websites. The DPAC website is updated monthly. All agencies release information on the website in April 2019 for information up to 31 March 2019.

As a result of the Government's extension of the routine release of information policy in June 2018, new information routinely released includes additional information about open procurement, particularly around contracts awarded to Tasmanian businesses; Department of Justice data, including the number of community-based orders, prisoners, same-sex marriage registrations, case lodgments, consumer inquiries and complaints; Service Tasmania data, such as the number of transactions and services provided, the number of local government investigations conducted by the Director of Local Government, a LISTmap of liquor licensed premises, additional property data such as the information concerning dealings lodged at the Land Titles Office, the Valuer-General's office information around the number and value of properties and the number of valuations recently completed, the number of crop protection permits issued, the number of industrial hemp and poppy active licences, the number of taxi licenses in Tasmania and the number of members of the taxi subsidy program. The Government launched the new information gateway website in October 2018 as part of the agency's routine disclosure schedules and further extended the routine release of information policy.

Other Government initiatives to improve government transparency and accountability have included implementing a public submission public policy requiring agencies to publish all submissions received in response to major policy and legislation reviews, delegating ministerial responsibilities under the Right to Information Act to departmental officers, improving the integrity of parliamentary decision-making by expanding the disclosure of spouses' interests and financial information for amendments to the Parliamentary (Disclosure of Interests) Act 1996, and requiring disclosure to be published on the parliament's website. These efforts to expand on the Government's commitment to transparency will continue during this term of government.

We continue to regularly release information on ministerial and parliamentary support expenses and departmental information via the routine disclosure log on the DPAC website. This has the added benefit of reducing the expenditure related to right to information requests, given that there is a substantial associated cost due to the time and effort it takes to undertake an assessment. The right to information annual report prepared by the Department of Justice reports on the right to information process across all state and local government entities, including a number of statutory bodies, by collating figures provided by public authorities. The overall number of applications received and determined has dropped from the previous year.

In the recent state Budget the Government provided the Office of the Ombudsman with additional funding of \$245 000 per annum. I understand that this funding will enable the office to undertake reviews on right to information decisions made by public authorities referred to the office in a more timely manner. An application for assessed disclosure, commonly called a right to information application, is made under section 13 of the Right to Information Act 2009 and can be made to a public authority or to a minister. A decision in respect to the right for information application to a public authority may be made by the principal officer of the public authority, the minister responsible for the administration of the public authority or a delegated officer. Note that the delegated officer may be a delegate of the principal officer or the minister.

A decision in respect of the right to information application to a minister may be made by a minister or a delegated officer. As a matter of practice, decisions are normally made by a delegated officer in the first instance. A decision in respect of the right to information application must be made and an applicant notified of the decision within 20 working days of the application being accepted. In certain circumstances the time can be extended. In certain circumstances, notice of the decision must include written reasons for a decision not to release certain information.

If reasons are given pursuant to section 22 and the decision was made by a delegated officer in respect of an application to a public authority, the applicant may seek internal review within 20 working days. If reasons are given pursuant to section 22 and the decision was made by a minister or the principal officer in respect of an application to a public authority, there is no right to an internal review. If the right to information application was made to a public authority and has been the subject of internal review, the applicant may seek an external review within 20 working days of receiving notice of the internal review decision, or if no decision is received, within 15 working days.

If the right to information application was made to a public authority and the decision was made by the principal officer or the minister, the applicant may seek an external review within 20 working days of receiving notice of the decision. Currently the RTI application was made to a minister and the reasons are given pursuant to section 22 not to release certain information. There is no right of internal or external review for an applicant or a third party.

Sections 36 and 37 provide that third parties must be consulted in certain circumstances. A third party has 15 days to provide a response to consultation. If consultation with a third party is required, the time for a decision to be made is extended by 20 working days for a total of 40 working days. If following consultation the information consulted on is to be released, the third party must be notified of the decision. The information may not be released until the period allowed for seeking a review has elapsed. If the application was made to a public authority and the decision was made by a delegated officer, the third party may seek internal review of the decision or release the information. Following an internal review, a third party may seek external review.

Currently it appears that there is no ability for a third party to seek external review of a decision to release information if the initial decision was made by the principal officer or the minister. This bill will fix this issue. In most cases where there is a decision not to release certain information under the act there is a section 22 notice under the act. Section 45 of the act provides for a range of other external review rights for applicants and external parties.

Assessed disclosure is a disclosure of information made in response to a formal application in accordance with section 13. Active disclosure is a disclosure of information in response to a request from a person made otherwise than as a request for assessed disclosure. Required disclosure is a disclosure where the information is required to be published by the Right to Information Act or any other act or where the disclosure is otherwise required by law or enforceable under an agreement.

Routine disclosure is a disclosure of information by a public authority, which the public authority decides may be of interest to the public, but which is not a required disclosure, an assessed disclosure or an active disclosure.

The act excludes information in the possession of 17 named public authorities or bodies from its operation unless that information relates to the administration of the body or authority.

Operational information relating to the actual work that authority or body carries out is excluded. The relevant bodies and authorities are listed in section 6. They are:

The Governor, a court, a tribunal, the Integrity Commission, a judge, an associated judge, a magistrate, the Solicitor-General, the Director of Public Prosecutions, the Ombudsman, the Auditor-General, the Anti-Discrimination Commissioner, the Public Guardian, the Health Complaints Commissioner, parliament, a member of parliament, the Commissioner for Children and Young People.

The Right to Information Act only applies to information in possession of public authorities and ministers. Having said that, there are many private organisations funded by or performing the role of a public authority. If that is the case, section 8 of the act provides that a person is entitled to information relating to that performance, the progress of work, the evaluation of work, the expenditure of public monies. This is still limited to information in the possession of the public authority that is not exempt information. You are not entitled to access it directly from the private organisation. To access this information, you submit your application to the public authority that has funded that private organisation or on whose behalf it is performing a role.

The act sets out clear time frames for processing of an RTI application by a public authority or minister. Time frames vary depending on which stage of the process is being undertaken. The following time frames are those contained in the act, but they can be changed by negotiation in some circumstances. The following time frames run from the moment your application has been accepted. The original decision on your application must be made within 20 working days of its acceptance.

An internal review decision must be made within 15 working days of your request. Sometimes a third party might need to be consulted by an authority, which can increase the time frame for a decision by another 20 working days.

A decision on an external review is to be completed as soon as practicable after receipt of the application. Third party consultations in two circumstances where the information is the personal information of another person or it is related to a third party's business affairs. If a public authority or minister is of the view that in either of these situations a third party would be reasonably concerned about the release of the information then consultation occurs and the additional 20 working days are added.

[5.54 p.m.]

**Mrs RYLAH** (Braddon) - Madam Speaker, as the minister has advised in her second reading speech this bill addresses a gap in the rights of applicants to apply for a review and has come about through a recent decision by the Supreme Court of Tasmania clarifying this matter. This decision was made in February this year and today, the first sitting day after the winter break, indicates our commitment to fix this matter and its importance.

The Government is committed to openness, accountability and transparency and that is why we are addressing this issue. These changes highlight this commitment. RTI information is taken very seriously by this Government. There are clear processes to be undertaken for applications received both by our departments and by our ministerial offices. There are delegated RTI officers who are independent. In many cases, these are the same RTI officers who operated under the

previous government and it is these officers who undertake RTI assessments for both applications to departments and to ministerial offices.

As members know, under the RTI act, a minister may delegate his or her function and responsibilities under that act, typically to a departmental RTI officer. Under this government, all such functions have been delegated and by delegating these responsibilities, this further supports the Government's transparency agenda. It also supports the consistency in the application of the RTI act and reduces any perceived conflict of interest there may be in ministers or ministerial staff conducting such RTI assessments.

Our RTI officers across government also strive to ensure that applications are completed within the legislated time frame or within an agreed extension period. It is worth reiterating the process which is applied to RTI requests for information that come through the ministerial offices. When an RTI application is received in a ministerial office it is forwarded to the delegated RTI officer in the relevant department.

The delegated RTI officer assesses the scope of the request to determine whether it requires refining and clarification. If clarification is required, it is done in consultation with the applicant. When the RTI scope is agreed, the delegated RTI officer issues a request notice to the ministerial office with instructions to search for information, print documents and submit them to the delegated RTI officer.

The delegated RTI officer assesses the information and drafts a response including a schedule of documents as soon as practical but wherever possible, not less than five days before the due date and wherever possible. No later than three working days before the release a response decision notice which attaches the letter schedule and any documents to the application, is provided to the secretary of the department and the relevant chief of staff.

Provided no extension is required, within 20 days of the initial application the response is provided to the applicant, so you can see the process is independent and totally removed from political offices. I am advised the process and approaches relating to the ministerial delegations in other jurisdictions is similar to that which operates in Tasmania.

The majority of ministers in other states delegate their RTI requests to their associated departments for assessment. This legislation will further the objectives of the RTI act, as the minister has indicated, by ensuring that both applicants and external parties have a review mechanism in relation to decisions on whether or not information is to be provided under the act.

Since taking office, we have undertaken considerable reforms to meet our commitments towards transparency. We have disclosed information made available on websites since 2015 so all Tasmanians have access to that. Agencies have been directed to actively disclose key information that was previously kept secret. Information on ministerial and parliamentary expenditure and other departmental information is now routinely and actively disclosed on a six-monthly basis.

Nonetheless, there have been differing views whether an RTI decision made by a minister's delegate was reviewable by the Ombudsman and the Supreme Court decision has cleared that up. This legislation fixes that problem to enable a right of review to the Ombudsman in such circumstances and additionally, funding was provided in the 2019-20 Budget for workforce support



for the Ombudsman. This increased funding of \$245 000 per annum for the Office of the Ombudsman supports his RTI work.

This additional funding will enable the recruitment of a new principal officer and a new investigation and review officer to increase the capacity of the office in relation to right to information requests. I can only describe a recent discussion with the Ombudsman as seeing delight on his face when he was speaking to me about the increased funding and that the recruitment is well underway and he was optimistic of clearing the backlog and improving report times around this.

**Debate adjourned.**

## **ADJOURNMENT**

### **Horse Carcass - Location**

[6.01 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Madam Speaker, I rise on adjournment tonight to speak about a horse - again. During this year's budget Estimates we asked the Minister for Racing, Ms Archer, and Mr John King from the Office of Racing Integrity about the circumstances surrounding the death of a horse on 31 May at Brighton. In order for people to understand that we are not just talking about a four-legged cash cow, this horse's name was A Loan Again from New Zealand. Over the course of A Loan Again's 11 years, that horse won for its owners in the vicinity of \$150 000 and according to the racing guide information we have, the last race that A Loan Again ran in was on 19 May, 12 days before the horse died at Brighton.

We came into Estimates having received information from a racing industry insider to say that the horse had died and then had disappeared from the Brighton tracks and had been sent to Zoodoo and fed to the lions. We asked the minister and ORI these questions on 6 June in Estimates, and the information we received - and anyone can check the *Hansard* to confirm this - is that ORI began its investigation on the day before Estimates, 5 June, although it had found out on 1 June, which was the Sunday after the horse had died. In the follow-up week, on 12 June in the Estimates reply debate, I again got up and asked the minister what happened to that horse, what level of investigation there had been, whether there had been a vet present, whether there had been an autopsy done and whether the carcass had been found. The minister came into the House on 12 June and stated:

Ms O'Connor referred to the issue she raised while I had the Director of the Office of Racing Integrity with me. I can update the House. I reiterate that under the Australian rules of racing, there are reporting requirements in place in relation to the death of horses that are part of the racing industry. The Office of Racing Integrity is currently investigating an allegation made in relation to the non-reporting of a death within the required time frame. I can advise the ongoing investigation by ORI staff has confirmed the carcass was buried and not fed to lions, as was alleged by the Leader of the Greens at Estimates.

I asked, 'Has ORI actually seen the carcass?', and the minister replied, 'That is my advice; they have confirmed it was buried'.

Madam Speaker, on 12 June in parliament the minister came in and confirmed that the Office of Racing Integrity had confirmed that the carcass was buried. Because we had so little information,

on 18 July this year I again wrote to the minister and said that I wanted an update on the ORI investigation and that the information we had did not align with the statements made by the minister and ORI. This morning before we sat I received a response from the Minister for Racing, which makes it clear. It said:

I can assure you that both the Tasmanian Government and the Office of Racing Integrity take any allegation of mistreatment or wrongdoing very seriously when it pertains to the welfare of animals.

This is the kicker paragraph:

I can confirm that the carcass of A Loan Again was exhumed from the Zoodoo property on Sunday 9 June 2019 for the purpose of identifying the body via its body markings and freeze brand. The body was confirmed by both Racing Integrity and stewards manager Mr Anthony Latham and the ORI regulatory veterinarian as being A Loan Again NZ. No autopsy was performed as ORI did not deem it necessary following the visual inspection verifying identification.

Madam Speaker, this is deceit by omission, because on 12 June the minister knew that the carcass had been located at Zoodoo, which is exactly where we said it had been sent. On 12 June the minister came into this House and knowingly withheld that information which confirmed that the horse was dumped at Zoodoo. We have a statement here from Zoodoo at the time we raised this that says it has nothing to do with Zoodoo. Then Ms Donna Cuttriss-Smith says:

I can confirm that Zoodoo has not received the racehorse as a meat supply for our carnivores. The allegations being made are false.

The allegation was actually partly true. We were told it had gone to Zoodoo. There are lions at Zoodoo and we know, according to the owners of Zoodoo, that horsemeat has been fed to the lions. So we have the owner of Zoodoo withholding information because by that stage surely they knew the horse had been dumped in one of the kill pits on their property, and then we have the Minister for Racing running cover for a commercial zoo. There has been absolute deceit here from the Minister for Racing and an attempt to conceal by the owners of Zoodoo.

The question is, how often does this happen? Is it common knowledge in the horseracing industry, the pacing industry and the greyhound industry that if you have a dead animal on your hands you can take it to Zoodoo? We have spoken to former staff who have raised very serious concerns about the number of animals that are taken to Zoodoo and disposed of in the kill pits. We have spoken to a former staff member who has seen greyhound carcasses in the kill pits. We need much more transparency from the Minister for Racing and we need a response from the Minister for Primary Industries and Water who is responsible for the animal welfare inspectorate in Tasmania.

What I hear today is that the Minister for Racing is demanding that I apologise to Zoodoo and to the Office of Racing Integrity. Well, no, because we know that horse was dumped at Zoodoo and that the owner of Zoodoo was at best mistaken when she said it had nothing to do with Zoodoo and, at worst, deliberately misleading. How often does this happen? Is that where the industry takes animals that are past their use-by date? There is no transparency about this and it is very possible that what we are dealing with here is the tip of the iceberg. Before I sit down I seek the leave of the House to table Ms Archer's letter to me.

**Leave granted.**

**Ms O'CONNOR** - Thank you, Madam Speaker, and for context I will add the letter I wrote to the minister.

### **Latrobe Demons Football Club**

### **Penguin Football Club**

[6.08 p.m.]

**Mr ROCKLIFF** (Braddon - Minister for Education and Training) - Madam Speaker, I want to talk about local footy on the north-west coast very briefly tonight. I had the pleasure of attending the 300th game of Adam Jeffries, otherwise known as Jiffy, for the Latrobe Demons on Saturday. I pay tribute to Adam, who I met and got to know very well when I was president of the club for three years starting in 2007. It is not just Adam's 300 games that should win congratulations, but he is a great club person as well.

Through my experience of meeting people like Adam at the Latrobe Football Club and engaging with a number of volunteers over that time and since that time, I got a real appreciation of the value of local footy clubs and what they do for the community, not just for spectators such as myself who go and watch the games occasionally, but more importantly, the social value of the clubs and the activity, the training of young people, the discipline and the games they play on the weekends as well is of enormous social benefit to the community as is, of course, the support of their families. Adam had his 300 games and I pay tribute to him. He is a great player to watch. Unfortunately the Dees lost against Wynyard but nonetheless I want to pay tribute to Adam and his family, particularly his wife Elissa for the support that they have provided him over the years.

I also rise tonight to congratulate and commend the Penguin Football Club on the fantastic function it held last Sunday at Dial Park Sports Complex. When I arrived, there were about 150 supporters who were out in force to support their beloved Two Blues, which is in transition in many respects to the new fantastic venue at Dial Park. The club recently moved from its long-time headquarters in the town of Penguin to a spacious AFL-standard playing surface and brand-new facilities at Dial Park and a sporting complex capable of holding local, state and national sporting events of which that community should be very proud.

The Penguin Football Club which was formed in 1890 has a strong history of producing well-known AFL talent with names such as brothers Brendan and Michael Gale, Justin Plapp and Russell Robertson of Melbourne. Brendan Gale has gone on to be the CEO of the Victorian power club Richmond, and he has been for the last 10 years.

During the NWFU's final 10 seasons of competition between 1977 and 1986 Penguin, or the Two Blues as they are more commonly known, emerged as one of the competition's leading clubs contesting five grand finals for three wins, a record that only the Cooe Bulldogs could better over that period of time, I am informed. In more recent times, the Two Blues have undergone something of a resurgence, contesting finals on a regular basis and then losing grand finalists in 2011, 2013 and 2016.

The highlight of the club's move last weekend was the two guest speakers at the Sunday function. Mick Malthouse was one, the longest serving coach in AFL history, I am led to believe. I am sure you could probably correct there, but I believe he coached the Western Bulldogs, West Coast Eagles, Collingwood and Carlton. Along with Mick Malthouse was ABC commentator

Alistair Nicholson. He was outstanding. He was wonderfully entertaining. We had a local lad present at the club, engaged in a speaking event. He was asked questions by Gary Carpenter, the Deputy Mayor of Central Coast, and Alistair asked questions of Mick Malthouse. Alistair's story of a young person growing up in Penguin was fantastic and very entertaining. The Penguin President, Brian Lane, a former school teacher, stated he was blown away by the support of the community and believed the event was an overwhelming success and a confidence builder for the club.

I pay tribute to Alistair for not only was he willing to assist with the organisation of the event but also volunteered his time and services free of charge to assist the financial situation of his childhood club. Brian Lane also noted that the advice that Alistair provided on auction items he organised for the club was invaluable.

Clubs such as the Penguin Football Club are the hub of the community life, as I said before, particularly in the region and have a strong player and support base which will encourage and boost participation of equal importance. I alluded to this before: the research tells us that communities that participate in team sports and develop strong social bonds are generally healthier and happier people.

I commend my beloved Latrobe Demons, congratulate Adam Jeffries and also the Two Blues on what was a wonderful event on Sunday.

### **Bill Casimaty AM - Tribute**

[6.14 p.m.]

**Ms WHITE** (Lyons - Leader of the Opposition) - Madam Speaker, I rise tonight to pay tribute to Bill Casimaty AM who passed away on 6 July this year. Bill has been a stalwart of the Tasmanian community. I last saw Bill on Anzac Day this year in Richmond at the service. He, as always, made time to say hello and ask how I was. That was the nature of the man.

There was a meeting last night of the Coal River Products Association where more than 50 attendees turned out to recognise his contribution as a founding member of that association, to pay tribute to him and reflect on his contribution to our state.

I take the opportunity to read into *Hansard* the eulogy delivered by his son, Frank. It is a beautiful description of the impact Bill had on, not just his family, but our entire state.

Firstly, on behalf of Bill, I would like to thank you all for coming, especially those who travelled from the north and from interstate. There is a great number of people who have flown from all over Australia and this is great testament to the number of people's lives that Bill has impacted over the years. He would love to be the centre of attention in such a large gathering.

Bill was born in Hobart in 1935 to his Kitharian migrant parents, Gregory and Katina, and was fourth born of six. They were the first Greek family in Hobart, and this created many challenges for Bill. He attended school here, at what was Hobart High School, and talked fondly of his time being the only migrant family. He quickly learnt how to fight and proudly told us the bear hug was his go-to move. He was determined in all his endeavours here, becoming a school leader.

He was part of first rowing four, which he said went undefeated, captained the Tasmanian schoolboys' hockey team and was also a keen sailor.

Rather than involve his sons in the family fishing business, Bill's father, Gregory, bought Bill and his oldest brother, George, a farm each. As George had first choice, Bill ended up with the StrathAyr property at Richmond. Bill attended Dookie Agricultural College in Victoria so he could learn how to farm and where he made many of his lifelong friends and in 1957 started farming StrathAyr.

He married Janet Pease from Burnie in 1961. They restored the convict-built hop kiln on the farm and made it their family home.

However, life on a dryland sheep and cereal farm in the Coal River Valley at the end of the '50s wool boom was not much of a life, so Bill started on his quest for other business and farming opportunities. He built a farm dam to commence irrigated cropping and started growing mushrooms.

Bill won a Nuffield farming scholarship in 1967 and this was huge benefit for him and helped him with his foray into the many different agricultural ventures.

The 1967 bushfires went through part of the property while he was away. However, as Bill was a man of foresight and had seen fire devastation in Victoria while at Dookie College, he had been instrumental in setting up the Richmond Fire Brigade in 1965. So when the 1967 fires came, Richmond council had the only fire tanker truck in the state.

On his return from his Nuffield trip, he founded the Coal River Products Association, based on a farming group he visited in England. Coal River Products was and still is a unique farmers organisation that, under Bill's leadership, was instrumental in lobbying for the South East Irrigation Scheme, which has turned a dust bowl into a rapidly growing horticultural centre that all other irrigation schemes in Tasmania since have been trying to emulate. Coal River Products is still going strong today and Bill was still attending meetings right up to last month.

Bill was also very active in the very early days of the poppy industry. As the chairman of the poppy growers association, he presented to hearings in the United States that ultimately opened up the US market to opiates from Tasmania. He received a Member of the Order of Australia medal for services to agriculture in 2009.

Regarding his own farming, on returning from his Nuffield scholarship one of the crops he planted was turf. Tony Trumble, who was a friend from Dookie, was growing turf in Victoria and suggested Bill look at turf while he was away. Soon after Tony closed his turf farm and Bill bought his equipment and started growing on StrathAyr. Bill had immediate success, particularly in selling to the mining towns on the west coast. However, he soon realised the small size of the Tasmanian market and started growing in Victoria in 1972.

Not content with the domestic turf market, Bill looked to the sports turf market, looking for problems to solve. In this field his innovation knew no bounds and the quality of sports fields and racetracks all over Australia today are thanks to these innovations, including washed turf, reinforced sand profile, ready-to-play turf replacement and drop-in cricket wickets. With washed turf he set up a global group of turf growers who were washing turf called the StrathAyr team. This covered such countries as England, the US, Canada, Japan and Austria, as well as the eastern states of Australia. The group met at many and varied locations for many years, not only to exchange ideas but to have a lot of fun. Bill was always up for a good party wherever and whenever.

In marketing terms, Bill had no peers in both innovating market techniques and sheer persistence. His optimism and persistence are legendary. He persisted in marketing products that any normal person would have given up on long before and, in many cases, this persistence paid off.

One of his proudest marketing achievements was selling turf to Hong Kong. He heard that the Sha Tin Track was being rebuilt and so on a visit to Hong Kong with Janet he decided to take a couple of rolls of washed turf in his suit case. He showed this to the Hong Kong Jockey Club engineer and soon after ended up with a contract to send 80 000 square metres in 20 jumbo loads to Hong Kong in 1988.

Following this, StrathAyr started its unique brand of all-weather racetracks and sports fields starting with the MCG in 1991 and Moonee Valley Racecourse in 1995. Many of the top racetracks and sports fields in Australia and Asia can now thank Bill's persistence in those early years for the quality of their playing surfaces now. Bill would have loved to be around for the first race meeting at Elwick that we are constructing at present.

Bill was never content with any one business venture and so he was always looking for new crops and business opportunities. He became involved with many diverse ventures including Peppones takeaway in Sandy Bay, Argyle Cook gear, Featherstone Interiors and the New Town Squash Courts.

At the same time, the range of vegetable, seed and essential oil crops he tried increased and he also ventured into wine grapes with the Glenayr and Tolpuddle vineyards. Business and marketing were Bill's real passion and he was involved right until the end, whether we liked it or not.

Nothing could stem his passion and enthusiasm. However, Bill was not all about business and community. Family was also very important to him and he was very proud of his three children and eight grandchildren. He has always been involved with the extended family as well and he was always very free with advice and help to anyone in the family, whether they wanted it or not.

He was very conscious of the impact his long work hours and many trips had on his family so he always made sure we had lots of family holidays. Every year we had a week at Janet's family's shack at Sisters Beach but there were always other trips away such as trips to Cretans shack at Swansea or trips to Partridge Island.

Partridge Island was a favourite and a very unique type of holiday which we had for many years. How we survived many trips in big southerly swells across from Dover in the grossly overloaded family runabout is a minor miracle.

In his forties, Bill decided snow skiing would be a good family endeavour. We had countless family trips to Ben Lomond, and this is still a favourite sport of the entire family. Bill never really mastered the finer points of skiing himself, but like all his endeavours, his passion and dogged determination made up for his lack of finesse.

He also took us to Europe and around Victoria and on various fishing and boating trips. We can thank him as a family for having a go at a huge variety of sporting and holiday pursuits.

Bill was very charismatic and outgoing and had a keen sense of fun. He loved a practical joke and made full use of April Fool's Day. Many he tried on the family were fairly lame but from time to time when he put a bit of effort in, he had some great successes. One of his greatest successes was when he got his practical joker mate Neville Moane. Neville was desperate to get his sheep shorn in the middle of the shearers' strike so Bill arranged for someone to call Neville and tell them that he would shear his sheep but he had to get the sheep in that day.

Neville spent all morning rounding up his sheep out of his rough bush run and as he was coming over the hill with his mob of sheep, covered in sweat at noon on April Fool's Day, he looked up to see Bill waiting for him with a huge grin.

People with Bill's energy and enthusiasm and a sense of fun for all aspects of life are a rare thing and he has indeed left a lasting legacy.

### **Parkrun Event - Burnie**

### **NAIDOC Week**

### **Hans Bluhm - Tribute**

[6.23 p.m.]

**Mrs RYLAH** (Braddon) - Madam Speaker, tonight I rise to speak on a number of issues and events that I have attended and things that I have seen.

Most of you will have heard of Parkrun. Parkrun events take place in a range of locations and comprise a collection of a five-kilometre running event held every Saturday morning and there are 14 parkruns in Tasmania but I will turn to one in particular that I have seen on many Saturday mornings. In June, the Parkrun in Burnie held their first anniversary with participants turning up in fancy dress for this special day. I am no runner so I was not there.

Burnie Parkrun begins at the West Beach foreshore and travels along the coastal pathway to Cooee and return and we often see them really slogging it out on the way back. The Burnie course has hosted 840 participants who have completed 2993 parkruns covering a total distance of 14 965 kilometres.

Parkrun was the brainchild of Paul Sinton-Hewitt and although founded in London in 2004, parkrun now involves more than 5 million registered runners in 23 countries. Parkrun events are free, run by volunteers and include shorter distances and events for kids. Parkrun is not only for the serious runner as I alluded to before. Parkrun is for families, individuals and groups of friends. You can walk, shuffle, jog, run or whatever; there are no hard rules. It is about communities, participation and promoting a healthier and active lifestyle.

I pay tribute tonight to the Burnie run director, Dane Febey, the volunteers and all the participants of Parkrun Burnie on their one-year anniversary in June.

I commend our Aboriginal communities for NAIDOC Week recently. NAIDOC Week is a national cultural awareness program for indigenous and non-indigenous communities. As Braddon has a population which consists of nearly 16 per cent of Aboriginal and Torres Strait Islander people, NAIDOC is significant in my electorate.

On 11 July, along with my parliamentary colleague and minister, Roger Jaensch, I attended a celebration hosted by the Circular Head Aboriginal Corporation at Trawmunna. It was a raining, wet day and it was foggy and we were getting warned about not driving off the gravel, because you will not get your cars out and all of that sort of thing. The parking was absolutely jam packed. We were cheek by jowl.

There were over 170 people at this event, squeezing into the marquee, squeezing into the sheds with lots of food, smoking ceremonies and all sorts of things going on. It had a real vibe, despite the weather.

The formal ceremony included the Welcome to Country by Dr Auntie Patsy Cameron and the address was given by Dr Terry Cox, a lecturer at UTAS and a strong friend and member of CHAC. Dr Terry Cox spoke strongly on listening to the voice of Aboriginal people in the community: in particular, the importance of the voice of the elders, of understanding dementia within the community and the importance of bringing Aboriginal people through their culture to the community.

Dr Cox also spoke of the spirit of reconciliation. Dr Cox told us a very inspiring story that he was born at Nabageena, which is just east of Smithton and he is not dissimilar in age to me. One of his parents was of Aboriginal descent, but his parents were illiterate. Now he is a lecturer at UTAS and has a PhD. A fascinating story and really local, amazing people.

After the speeches, Leslie Dick invited us all to join him in the smoking ceremony in which he welcomed a circle of onlookers into a very well-presented demonstration. It was educating us all on the significance of each step. I am told that everyone was then invited to attend lunch and try some traditional dishes, but unfortunately, I could not stay for that part. I would like to congratulate Dr Auntie Patsy Cameron, Dr Terry Cox and the management of CHAC and the local community for attending in such large numbers, a very respectful, moving and inclusive event.

Finally, I pay tribute to a special person I call an angel, who has arrived in our community. My electorate of Braddon is certainly not alone when it comes to litter. With the National Litter Index suggesting that smokers are the worst litterbugs in our state, recently Burnie has been given a 'litter buster' in the form of Hans Bluhm, a 70-year old retiree who moved to Burnie about 18 months ago. I saw him Saturday.



While Mr Bluhm brought his social conscience to Burnie from Canberra during his life he has collected litter across many parts of the world. It all started when, as a child, he watched his father empty a car ashtray into the gutter.

Mr Bluhm has not gone on the warpath and does not hold people accountable for dropping litter. He is merely using the time he has for some good. He spends about two hours each day wandering the streets of Burnie picking up cigarette butts and other trash. Mr Bluhm quotes one statistic that claims that for each piece of litter dropped 10 cigarette butts are dropped.

Cigarette butts are not only unsightly, as we all know, they are also toxic. Mr Bluhm says that education about damage to the environment needs to start at a young age in both schools and at home. By now Mr Bluhm is happy giving back to his community while enjoying a social event that is physically and emotionally healthy for him and he was out and about last Saturday. I would like to thank Mr Bluhm for his community awareness and commend this community-minded pensioner for his contributions to Burnie.

### **Child Notification Process**

[6.30 p.m.]

**Dr BROAD** (Braddon) - Mr Deputy Speaker, I rise tonight to talk about the very serious issue of the child notification process. Last week I had a constituent come into my office and recount quite an horrific story about family violence and the way the system has unfortunately let her down and retraumatised her over a period of several weeks. That is probably a topic for another day, but during the process of speaking with this constituent I formed the view, as did my member of staff, that we should put in a notification to Child Protection because we both came to the opinion that the former partner posed a risk to the child's safety.

Here in parliament, the minister, Mr Jaensch, often asks, 'Have you made a notification?', and I know that I am a mandatory reporter, as is my staff member. My staff member, through previous experience, is also a mandatory reporter of potential children at risk. I heard the minister say that if somebody has a child protection issue to raise they should call the 1800 number, so that is what I did. I sat down at about 2.30 in the afternoon and called the child protection number. I immediately got through and spoke to somebody who I suppose answers the calls and triages, and I made it quite clear: I said that I had significant concerns about the safety of a child and I wished to make a notification. I was asked the child's name and then I was asked what my relationship to the child was. It was only when I got to that point that I said, 'I am a member of parliament and therefore a mandatory reporter and I wished to make a notification because I hold significant concerns for this child'. I made that very clear.

It appears that that child's name was known. However I was put through to another person, only to be told that was the incorrect person and I would be put back through to the appropriate person, et cetera. After a bit of phone tag I learnt that the person I should have been talking to was not at their desk or answering their mobile phone but they would get back to me before the end of business that day at 5 p.m. I waited until after 5 p.m. but still no call back. The next day I had a firearms committee to attend in Launceston so I could not follow up on that call, therefore my staff member followed up on my behalf first thing in the morning and again got the runaround and could not make the notification. They could not explain what the situation was because the appropriate people were not present in this workplace. This was already a good 12 to 18 hours after wishing to make this notification about serious concerns about the safety of a child.

It was not until towards the very end of that working day, just before 5 p.m., that my office received a phone call from somebody from Child Protection Services querying what we were on about. The excuse was that they thought I was seeking information about the safety of that child, whereas I made it very clear that as a mandatory notifier I was concerned about the safety of the child and wished to make a notification. It was not until far more than 24 hours later that we were contacted back to find out what our concerns were.

This is a system that is just failing. How can it be that somebody with a serious concern about the safety of a child is not directly spoken to for more than 24 hours? There was no consideration. We held and still hold significant concerns about the safety of this child and yet the system let us down. This 1800 number is not effective and it needs to be fixed. As to using the excuse that I was seeking information and that maybe I was using this for political purposes, maybe that was in the background minds of people but that was not the case.

I am a mandatory notifier and I must notify if I have concerns about the safety of a child. I attempted to do so on the 1800 number and that process let me down. I am a member of parliament, I am literate, I have navigated government systems for a number of years so I am quite experienced, but what would have happened if I was not literate or if I was scared about the repercussions of the notification or the challenges of simply making a notification about a family member, et cetera? It would only take the merest obstacle to probably put someone off and not make that notification. That is why if we are going to have a 1800 number - and this is what the minister is relying on - then that 1800 number must work, because there cannot be barriers put between the notification of a child safety matter and a bureaucratic system that gives you the runaround for well over a day.

That is not a system that protects children: that is not a system that has the best interests of children at heart. You should be able to make a notification and that should be noted immediately or if not, within a matter of hours, not days.

### **National Tree Day and Landcare Australia Anniversary**

[6.36 p.m.]

**Mr O'BYRNE** (Franklin) - Mr Deputy Speaker, I rise to acknowledge an event I attended on the weekend at the Peter Murrell Reserve. It was a combination of National Tree Day and the twenty-fifth anniversary of Landcare Australia. In Tasmania there are over 200 member groups across the state that provide a range of amazing volunteer work that supports and improves the health of our natural and working environments. The work of members includes the eradication of invasive weeds, revegetating bushland, managing farms, improving sustainability, controlling erosion, cleaning up beaches and much more.

Sunday was a tremendous day of celebration. The CEO, Rod Knight, was there, along with more than 150 members of the local community. There were families, mum and dad and the kids all getting their hands dirty planting trees and revegetating a small creek in Huntingfield. A number of community members took the opportunity to raise the issue of some of the plans the state Government has, but they were very much focused on planting trees and revegetating that section of that community which leads to the Peter Murrell Reserve. The local Landcare group there, the Friends of the Peter Murrell Reserve, also took the opportunity to take people for a bit of a trip into the reserve to do some bird-spotting. That particular Landcare group has been very active in that community and last year or the year before they received an award from the Kingborough Council

for their work for the community over many years in protecting and rehabilitating vegetation and supporting that very important bushland in that community. It was a fantastic event.

We know there are Landcare groups all over the state doing various things, all volunteer work, all people very passionate about their local community. I was fortunate about a month ago to visit and go for a walk around Castle Forbes Bay with the local Landcare group down there who are doing amazing work, but it was great to see all the cubs and the scouts and the local communities coming together. I want to congratulate the Kingborough Council and the mayor, Dean Winter, for supporting the event, the local Rotary for putting on the barbecue, which was great - as soon as the smell of sausages wafted across the region you could see people sort of looking away from planting the trees and looking at the sausages, but they fed an army and did a fantastic job.

I just wanted to acknowledge the 25 years of Landcare in Australia. We know that -

**Mr Barnett** - We've just doubled their funding.

**Mr O'BYRNE** - That is fantastic bipartisan support. We know that success has 1000 parents and there was a discussion around where Landcare started. There are various arguments and beliefs on where it started but there was a view that the late Bob Hawke was a big supporter of Landcare but also that Joan Kirner, the former premier of Victoria, off the back of a devastating weather impact in rural and regional Victoria, particularly the dust storms taking away a lot of the topsoil of some really fertile sections of regional community, also played a leadership role. I think this is something we can all get around so I want to congratulate Rod Knight, Landcare Tasmania and the local community for getting together to support our environment.

### **Motor Neurone Disease - Ridgley Football Club Big Freeze Event**

[6.40 p.m.]

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

Motor neurone disease is the name given to a group of diseases in which the nerve cells (neurones) controlling the muscles that enable us to move around, speak, swallow and breathe, fail to work normally. With no nerves to activate them the muscles gradually weaken and waste. The patterns of weakness and rate of progression vary from person to person.

Recent data around the incidence of mortality demonstrates an increase in the number of deaths from MND in Australia during the last decade. The ageing population and interventions that improve life expectancy in MND are likely to result in a steady increase in the number of people living with MND in Australia.

I take those words from the Menzies Institute for Medical Research. Until a cure or effective treatment for motor neurone disease is discovered care and research must go hand in hand.

That is important, because on 14 July it was a woolly, wild winter's day in the community of Ridgley. I attended the Ridgley footy club, which was holding a big-freeze event for one of the beloved members of their community, Michelle McCullough and her family. It was a very small gesture, which I undertook to participate in the Big Freeze. I considered that the least that I could do for Michelle and her family and make a contribution by way of donation to that cause.

It might have been cold outside, but it was tremendously warm inside the footy club rooms with a fabulous show of support for Michelle and her family on a really great fundraising event. I would like to just commend the Darwin Football Association, the Ridgley Football Club themselves, their membership, the Ridgley community, the Ridgley Rascals who are the local Relay for Life Team and many, many others who rallied around Michelle. For those who participated in the Big Freeze and made a donation, it was an outstanding community event.

A presentation was given on the day that was provided from the point of view of Michelle. It was about the importance of greater investment in palliative care services on the north-west coast, and also the importance of continuity of care for people living with motor neurone disease and their families, due to the impaired communication that occurs as part of that disease process, as well as the importance of people having access to continuous care with the same carer each day who is able to understand their needs, provide support and ongoing assistance to the family as well.

All-in-all I just want to extend my sincere congratulations to all of those who participated on the day, but I also want to give Michelle and her family my very best wishes.

### **Motor Neurone Disease**

#### **Bill Casimaty AM - Tribute**

#### **Ray Leonard - Last Survivor of the *Armidale***

[6.43 p.m.]

**Mr BARNETT** (Lyons - Minister for Primary Industries) - Mr Deputy Speaker, it is an honour to be here tonight. I commend Anita Dow, member for Braddon, on her wonderful contribution in support of people with MND and particularly her local football club for the work they did.

My father had motor neurone disease so I know the disease and its impact on families very well. I am a former president of Motor Neurone Disease Tasmania and lifetime ambassador for Motor Neurone Disease Australia. The Big Freeze is a wonderful cause to be involved in, supporting people with motor neurone disease and their families. I reflect on an event held here in Parliament House just a few months ago with Graeme and Anne Page, jointly hosted with Jim Wilkinson, the former President of the Legislative Council to raise funds and to promote support for MND. I wanted to note that in my initial contribution.

I also acknowledge and pay a tribute to the late Bill Casimaty. I was not able to attend the wonderful service in his honour after his passing. I pass on my sincere condolences and sympathies to his son, Frank and the family. What a wonderful man Bill was. He was a leader, he was a visionary and he was a pioneer. He was also kind, gentle and affable, and such a likeable man.

I know the Coal River Products Association has honoured him. He loved the Coal River Valley and did so much as a pioneer to put Tasmania on the map in agriculture in terms of StrathAyr on the mainland and likewise internationally, including in Hong Kong, horse racing grounds all around Australia, obviously football grounds and others as well. It is a testimony to his character and his contribution to Tasmania. I know I can speak on behalf of the Government to say thank you for his service and contribution to the state of Tasmania, agriculture in particular, but to our economy and our community.

I would like to say what an honour it was to meet with Ray Leonard and his wife Beryl last Friday in Melbourne. Ray is the last remaining survivor of the *Armidale* that went down on 1 December 1942. He is the last remaining survivor and friend of Teddy Sheean who went down with the *Armidale*. Ray told me his story and his friendship with Teddy: how they set off together on the *Armidale* from Sydney and headed north and then into the Timor Sea until that fateful day. I heard his story and that of Beryl who was also recounting the story. I put on record my sincere congratulations to Ray who is 96 years of age and Beryl who is 92 years of age. They have been married 75 years. What an amazing story that is in and of itself and hearty congratulations to them. They were married on 6 June 1944 on D-Day. Their romance started five days before they embarked on that voyage from Sydney with a dance and then five days of romance. Then off they went.

He was a friend of Teddy Sheean. He served with Teddy Sheean. He was one of the seven independent adult witnesses whom I quoted before the Tribunal that heard the case of Teddy Sheean's valour and the fact that he does deserve a Victoria Cross. Ray, likewise wrote a letter of support in honour of Teddy Sheean to support the various submissions I have put forward over the 16-year campaign and his strong support for Teddy Sheean to get that Victoria Cross.

In that letter he talked about the 10 minutes when he was in the water, when he was machine gunned by the enemy, when he saw the *Armidale* sinking and when he met with a number of the crew in the life raft. There were two life rafts. He was chosen for one and, sadly, all those in the other life raft were never seen again.

He had eight tragic days without food or water in a life raft after the sinking of the *Armidale*. He was in the water swimming to the life raft and got oil all over him. He was on the starboard side, the ship was leaning to port. He was trying to get the life raft off to help his mates in the water and could not. That was distressing enough and then he was swimming away. Likewise, after the ship went down, for another 10 minutes he was strafed in the water by Japanese Zeroes. Frankly, from my point of view, that is a war crime. That is totally unacceptable, not only then, but it is now - that is for sure. Only 49 of the 149 crew survived, and Ray Leonard was one of those.

He is the only remaining survivor. I can only hope and pray that we get a decision that gives him some respect and honour and for those men who fought and died for us and for our safety here in Australia today. Ray Leonard said in his letter:

... a Victoria Cross awarded to Ordinary Seaman Teddy Sheean, the first in the Royal Australian Navy as we, the last survivors, live out our days. We are all over 90 now.

That was in 2017 and sadly they have passed away. He goes on and says:

It would give us all a sense of rightness and recognition for all our shipmates who did not survive. Recognition for Teddy's actions of paying the ultimate sacrifice would give us a sense of satisfaction to all those who did survive.

Finally, recognition would give some comfort to his family and a sense of justice for all veterans and the community.

Thank you, Teddy.

That was written by Ray Leonard in 2017. What a wonderful letter and what a wonderful tribute to Teddy Sheean and to all members of the Royal Australian Navy, to all veterans and their families. I say thank you to Ray and Beryl for the opportunity to meet with you and to share some hospitality with you. Thank you to your daughter Carol whom I shared some time with on that day. We talked about the submission put forward to the tribunal and the many submissions over many years, 16 long years for me and more than 30 years for Gary Ivory, who is a nephew of Teddy Sheean.

I say thank you to Gary, a wonderful person and it was a wonderful tribute to you as well.

I want to just correct something for the record. They do live independently in their home in Kew. He is sprightly, he is alert. Ray is a fine man, he was asking great questions and Beryl likewise over those 75 years of marriage. What a wonderful tribute they have paid to the people of Australia in the service to our country on that ship.

It is now with the tribunal, the report and recommendation I understand has been forwarded now to the federal government for consideration and I hope that there is a positive outcome in the awarding of a Victoria Cross for Teddy Sheean. It would be a wonderful tribute to Ray Leonard, the last remaining survivor, a tribute to all member of the Royal Australian Navy and all veterans and their families.

## **Youth Parliament**

### **Bruny Island Ferry**

[6.50 p.m.]

**Ms STANDEN** (Franklin) - Mr Deputy Speaker, I reflect on my time during the break in Youth Parliament and how delightful it was joining young people in this place. I had the privilege of sitting in the chair for a session whilst the students were debating climate change.

I had the experience of being in that big seat and adjudicating over how to give the call. It is a difficult thing indeed and I learnt how difficult it is to see into the corners of this Chamber so I well understand being overlooked for the call earlier this evening. That is just an aside.

I raise an important issue concerning the Bruny Island ferry. I had the privilege of attending a public meeting organised by the Bruny Island Community Association at the Adventure Bay Hall on 14 July, some weeks ago, where there were over 100 Bruny Island residents, ratepayers and business owners. The Bruny Island Community Association, or BICA as they are sometimes called, hosted the meeting to discuss the ongoing concerns about the ferry service.

Unfortunately, notably absent was the state government minister, Mr Ferguson, or a representative of the Government, and also a representative from the ferry operator. As I understand it both declined at short notice and it was a pity because people gathered there expressed their disappointment publicly and privately also to me that they were not in attendance to hear and to respond to their concerns directly.

This issue has been going on for far too long since the tender was let probably more than 12 months ago. In fact, it is about 12 months ago that I recall attending a similar meeting as the tender was being considered. Much the same issues and concerns were raised again, about community consultation, about communication, about the proposed booking system, about

infrastructure both on the island and at Kettering and about prioritising medical services and how to deal with emergency services and priority services of a range of types.

At the heart of the 90-minute meeting was a lack of confidence in the operations and transparency of the Bruny Island Ferry Reference Group, its governance and its communication strategies. The facilitator of the meeting went so far as to seek a show of hands from those gathered as to the confidence in the reference group and unfortunately it was a strong show of concern in regard to its operations.

I believe that simple changes could restore the trust and the confidence of the community but unfortunately the Government clearly is not listening and has not been listening. As far back as 7 September I was copied into correspondence from the former president of the Bruny Island Community Association about consultation mechanisms and so on and it appears that these issues are ongoing.

I note for the record that four motions were carried, I think all unanimously - sorry, I should say there were two or three people voting against these motions but in a room full of 100 people there was a very strong voice in support of the following motions:

- (1) That the Bruny Island Ferry Reference Group must provide an effective means of communication between the local community, the Government and the ferry operators on all matters relating to the operation of the ferry service and must be open to community observers. The individuals and groups must be given the opportunity to present issues and concerns directly to the ferry reference group.
- (2) This meeting agrees that the ferry service is part of the State Road Network and its primary purpose is to provide an effective and affordable means of transport to and from Bruny Island for all islanders and visitors. Therefore, policy decisions about the Bruny Island Ferry, such as the introduction of a booking system, significant operational changes or increases in capacity must remain the responsibility of the state government.
- (3) That the meeting opposes the introduction of a booking system on the Bruny Island ferries.

I note at this point that there is still ongoing concern as to the conditions of the tender as to whether or not that is an issue.

- (4) That through the Ferry Reference Group SeaLink be invited to revisit the question of family members of aged pension residents being adequately supported to visit Bruny Island to assist their needy resident families.

Mr Deputy Speaker, on 15 July I wrote to the minister, Michael Ferguson, urging him to engage with the Bruny Island community as a matter of urgency to resolve these ongoing concerns. I believe that some simple measures could be put in place in order to hear these concerns and iron out some of the division that has occurred over the past 12 months as a result of the Government's mishandling of this tender. I am yet to receive a response.

I hope that members of BICA have heard from the minister in the couple of weeks that have elapsed, but I urge him to very quickly get around the table to provide some support to the community to heal these divisions that have occurred.

### **Listeriosis - Deaths**

[6.56 p.m.]

**Dr WOODRUFF** (Franklin) - Mr Deputy Speaker, I rise tonight to make some comments about the very sad death last week of two people from listeriosis, a food-borne illness. These two people were over the age of 70 years and they had multiple underlying health conditions. They lived in New South Wales and Victoria.

Listeriosis is a complex illness because it has multiple potential sources of the bacteria. It is a bacterium, *listeria monocytogenes*, that unfortunately can live in refrigerated environments and is very impervious to being removed by normal cleaning methods. It is really quite difficult to manage it as a source. It is ubiquitous in soil and it is also ubiquitous in many animals. It is something that must be managed very carefully from a public health point of view.

I have a few comments about the management of that outbreak from the Tasmanian Government. The Premier and minister, Guy Barnett, both had a press conference on 24 July when the outbreak was first made known to the community by the media. Primary Industries minister, Guy Barnett, confirmed that Tasmanian salmon products were the source of the two deaths, but he would not provide further information about the source. He made the comment:

I won't go into those details. It is obviously a very important matter, but what I will say is the Department of Primary Industries has investigated the matter.

He said:

There has been no breach of the law in terms of food safety in the production of salmon in Tasmania.

And he wanted to say that food safety is a top priority for the Government.

The Premier at that press conference also made comments. He said:

Investigations had already cleared the Tasmanian producers involved of any breach of national health standards.

I make the point - and I did at the time - that it was very premature of the Premier to make those comments because it had only just been announced and it beggared belief that a full and comprehensive investigation could have been done in the time available.

Can I clarify that I have seven minutes for this debate?

**Mr DEPUTY SPEAKER** - No, there is one minute to go. It finishes at 7 o'clock.

**Dr WOODRUFF** - Even though I started -



**Mr DEPUTY SPEAKER** - The House has one hour for debate.

**Dr WOODRUFF** - The point I want to make since I do not have time to go into the details is that our management of this issue in Tasmania has been very poor. Both the Premier and Mr Barnett have been making contradictory statements. The day after on the 25th the Premier made comments and he said that:

It is important to note the information to date while it indicates a link to Tasmanian salmon, all relevant authorities within the national jurisdiction are working towards the matter and the investigation is ongoing at a national level.

Clearly it had not been clarified. The public must have confidence that -

**Time expired.**

**The House adjourned at 7 p.m.**