



**PARLIAMENT OF TASMANIA**

**HOUSE OF ASSEMBLY**

**REPORT OF DEBATES**

**Wednesday 24 March 2021**

**REVISED EDITION**



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

**STATEMENT BY SPEAKER**

**Brittany Higgins - Comments made by Senator Eric Abetz**

**Madam SPEAKER** - I wish to make a statement to the House and I make this statement to the House not as Speaker but as an independent member for Clark to clarify statements I made in the same capacity on ABC Radio yesterday.

It appears that these statements may have inadvertently brought into question the integrity of Senator Jonathon Duniam. I have an obligation to set this record straight.

On Monday 1 March at the Hobart City Council Citizenship Ceremony I casually asked the honourable Senator Eric Abetz if the minister allegedly accused of the alleged rape that occurred around 30 years ago was the honourable Christian Porter MP. The Senator quickly responded that:

Yes, it is was the first law officer of the nation, Christian Porter, but not to worry the woman is dead and the law will protect him.

He then said:

As for that Higgins girl, anybody who is so disgustingly drunk who would sleep with anybody could have slept with one of our spies and put the security of our nation at risk.

My immediate thoughts were, 'What if that girl's drink had been spiked? And even if she was drunk, would not a caring man see that she got home safely?'

No one, no matter how drunk or what they wear or where they walk at night deserves to be sexually assaulted.

I say to the Senator on this matter, 'Ms Higgins did not choose to sleep with this man. She was raped'.

I asked Senator Abetz why the security guards had not stepped in, knowing how drunk she appeared to be. He responded abruptly that:

If any security member dared to question the validity of access to the parliament by anyone who held a security pass, they would be sacked.

I felt sick knowing that the last line of protection for this young woman was not able to be provided due to the practices and protocols of that parliament.

I accept that these are deeply held views by the Senator, however, they are not endorsed by our wider community who view this judgment as 'slut shaming'.

I know that there are many good men, not only in our community but also in our Liberal Party, who would also find these comments completely unacceptable and out of touch.

Senate positions are highly coveted and the selection process is very carefully managed by a select group of Liberals.

If we want the views of our parliament to reflect the views of our community, I respectfully suggest to the selectors we have an obligation not to reward poor behaviour.

## **QUESTIONS**

### **TasTAFE - Restructure**

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

[10.05 a.m.]

Madam Speaker, thank you for speaking out because victim-blaming is never okay.

Premier, the plan by your toxic minority government to blow up TAFE by running the institution on a cost recovery model has already caused panic and confusion. Staff, including teachers, are confused; students are confused; and they want an explanation about how you can achieve full cost recovery without cutting courses.

Your only plan is a privatisation plan, and your explanations make no sense. It makes no sense to people like TAFE aged care teacher, Fiona Thollar, who was concerned that the quality of courses that will be offered will suffer. She said yesterday:

I am worried for my industry. I don't want to go to a coroner's report because someone has died because a student received inadequate training.

Will you provide students, parents and staff with a real explanation? Do you admit that your privatisation plan - where profits, not education, are paramount - will put TAFE out of financial -

**Mr Rockliff** - It seems that you are confused.

**Ms WHITE** - It is privatisation.

**Mr Rockliff** - In what way is it privatisation?

**Members** interjecting.

**Madam SPEAKER** - Order, please.

**Ms WHITE** - It will put TAFE out of the financial reach of most students and offer fewer quality courses and could compromise training outcomes, just as Ms Thollar warns.

## **ANSWER**

Madam Speaker, I thank the Leader of the Opposition for that question. Once again, she has it completely wrong. I refer Ms White to some of her own comments about TasTAFE. I refer to a Facebook post she put up in July 2019: 'Very clearly, the TAFE system is broken'.

The TAFE system is broken - that was the Leader of the Opposition's position back then. We believe that it is going reasonably well, but we want to take it to another level. That is what we, on this side, are going to do.

Labor also has a policy, funnily enough, to review planning, governance and delivery processes at TasTAFE. It sounds similar to the PESRAC recommendations -

**Members** interjecting.

**Madam SPEAKER** - Order. Could we please have a little discipline?

**Mr GUTWEIN** - As I have said on many occasions, that side of the House reeks of hypocrisy. On one hand, the position of the Leader of the Opposition is that TasTAFE is broken. However, 'planning, governance and delivery processes will also be reviewed' - which is exactly what PESRAC has called for. I made the point yesterday that the Leader of the Opposition is struggling with ideology here.

She raises the issue of privatisation. I make it very clear to this parliament that we will not be privatising TasTAFE. We will ensure that it is fit for purpose - a government business that is flexible and can meet the needs of the industry it is there to serve. Importantly, in meeting those industry needs, it will be meeting the needs of young Tasmanians and regional Tasmanians. It will ensure that we have more tradespeople, more trainees and more apprenticeships, and that Tasmanians will be taking the jobs we have on offer.

The only way you can describe it is that the Leader of the Opposition is confused. On one hand, she declares that TasTAFE is broken and their governance and delivery mechanisms need to be reviewed. On the other hand, she continues to take this ideological position supporting the unions as opposed to supporting young Tasmanians and regional Tasmanians who want to become tradies or apprentices or trainees. It beggars belief.

Regarding the recommendation for the transfer to the Fair Work Act, we have made it perfectly clear that no-one will be disadvantaged. We will advantage those people who want to be trained, who want to be skilled and want the jobs that are on offer.

### **TasTAFE - Restructure and Staffing**

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

[10.10 a.m.]

Just two weeks ago your toxic minority Government tried to wash its hands of the sacking of 50 Hydro workers by saying it was a matter for Hydro. Your Energy minister, Mr Barnett, said this was a matter for the Hydro CEO and the Hydro board. Yesterday, you could not rule out staff being sacked, courses cut, or campuses closed under your plan to privatise TAFE. If

we take you at your word, and you cannot intervene to stop Hydro workers getting sacked, how can you stop TAFE sacking staff when you turn this important public training institution into a business with your plan for privatisation?

## **ANSWER**

Madam Speaker, I am very happy to answer that question. I answered a question yesterday from the Leader of the Opposition regarding a similar matter. I said then that we will have more trainers and, importantly, there is a no-disadvantage test in place in regard to any transfer to Fair Work Australia.

This side of the House stands for more opportunity for young Tasmanians, for those who want a traineeship, for those who want an apprenticeship, for those who want to fill one the many trades jobs that are available. In terms of any transfer under the Fair Work Act, staff will not be disadvantaged. I again make the point that we want to see more trainers, not fewer.

## **Anti-Protest Laws**

### **Ms O'CONNOR question to PREMIER, Mr GUTWEIN**

[10.12 a.m.]

The draconian and highly political anti-protest laws which your Government described as urgent a year and a half ago, then parked upstairs gathering dust ever since, look set to be debated in the upper House today.

We have here leaked correspondence from February 2019 between then DPIPWE secretary John Whittington to then Justice secretary Kathrine Morgan-Wicks, which makes clear the startling overreach behind these laws, which were found unconstitutional by the High Court, prompting the amendments being debated today. The DPIPWE secretary was seeking legal advice on the powers to manage protesters on lands associated with leases and licences on all reserve classes, including Wellington Park. He also recommended that the tourism industry be included in the definition of a business premises to protect industries operating on reserve land, on public land.

Your Government wants to stop Tasmanians from standing up for their protected areas, just as your Government is launching an unprecedented assault on them. You want to stop Aboriginal Tasmanians from defending wilderness their people have shaped and nurtured for 5000 years. How do you justify this?

**Mr Barnett** - Nice long speech.

**Ms O'Connor** - I don't care what you think of me - I never have and I never will.

**Mr Ferguson** - It's okay, you've got the support of the Labor Party on this one.

## **ANSWER**

Madam Speaker, I thank the Leader of the Greens for that question and just note the comment behind me. It appears that on this issue the Greens and Labor are locked at the hip.

I believe Labor can see the benefits of our legislation. They have heard the calls from industry and employers that there is a need for a stronger set of laws in this state, as there are across other jurisdictions, to ensure people can go about their lawful occupations without being impeded.

Yes, I expect the bill will be on later today in the upper House and I will not reflect on what may occur up there. However, I hope the Labor Party has the courage of its convictions to accept that we need this legislation. They are desperately trying to weave a pathway to say they actually do support it.

**Members** interjecting.

**Madam SPEAKER** - Order, the Premier is on his feet.

**Mr GUTWEIN** - Thank you, Madam Speaker. It is no wonder they are clamouring and carrying on over there because they know they are caught on this. They desperately want to support the Liberal position, the Government's position, that we want to ensure that people can peacefully protest.

**Ms O'CONNOR** - Point of order, Madam Speaker, under standing order 45. Out the front of Parliament House this morning were representatives of the Tasmanian Aboriginal Centre. That is why we asked the question specific to the concerns of the Aboriginal community about these anti-protest laws. Perhaps you could address your mind to that, Premier.

**Madam SPEAKER** - That is not a point of order, but I ask the Premier to consider the statement.

**Mr GUTWEIN** - Madam Speaker, the Leader of Greens knows the answer to that. There is no problem with peaceful, lawful protests. What we want to do is ensure that businesses that want to employ people are able to go about their lawful occupation and that Tasmanian workers are able to go to work without these dangerous activities occurring. It is very clear that Labor is crab-walking themselves trying to find a pathway to our position. They know this is a problem that needs fixing.

I make the point in closing that we support lawful and peaceful protest. We do not support people stopping Tasmanians going about their lawful occupations, conducting their lawful businesses, by these dangerous stunts that we see occurring time and time again.

### **TasTAFE - Restructure**

**Mr ELLIS question to PREMIER, Mr GUTWEIN**

[10.17 a.m.]

Can you update the House on the Government's clear plan to secure Tasmania's future, including our plan to ensure that TasTAFE is fit for purpose and delivering for business, industry and students? Are you aware of any alternatives?

## **ANSWER**

Madam Speaker, I am very pleased to answer this question from Mr Ellis. The very important challenge we face is to ensure that we have enough skilled and trained Tasmanians to take up all the jobs that are on offer. We do not want to see more fly-in, fly-out workers coming into Tasmania. We want to see Tasmanians skilled and trained taking on those jobs, in a jobs-rich economy, which is what we have at the moment.

Job vacancies increased by 52 per cent in the month of February. Late last year, there was a 90 per cent increase across civil and trade sectors. The jobs are there. We have to ensure that TasTAFE and our public training provider can meet the needs of those businesses it is there to serve.

We have come out of the pandemic with optimism, a strong economy, and strong business confidence. This side of the House has a clear plan to secure Tasmania's future. Importantly, our plan is working. Even the purveyors of doom on that side of the House would have to acknowledge that we are so far in front right now of where we could conceivably have been based on the forecasts that were provided in the middle of last year where we had 12.25 per cent unemployment forecast and more than 30 000 jobs being lost, yet here we are. We have a strong, growing economy, confidence at its highest levels, we have one of the lowest unemployment rates in the country and below the national average and, importantly, after losing 19 000 jobs at the height of the pandemic last year, we have now put 21 500 back on.

We know there is more to be done. We know we need to have a public training provider that is nimble and flexible - and based on your comments, we know you agree with that, too. It is quite obvious that you do not understand what a government business is; that it is an arm of government. We want to see TasTAFE turned into a flexible, nimble organisation that is going to provide more jobs for Tasmanians.

Put simply, on this side of the House we stand for more jobs for young Tasmanians. We stand for more jobs for regional Tasmanians. On that side of the House they stand for ideology - even when they know, out of the words of the mouth of the Opposition Leader herself, that TasTAFE is broken. That is her view.

We were the ones who put it back together. We invested and we have taken it to a point where it needs to evolve further to become even better. That is our plan. On this side of the House we make no apologies for standing for young Tasmanians, regional Tasmanians who want to grasp the opportunities that are available in our strong and growing economy at the moment. I suspect the Leader of the Opposition wants that too, but she is caught up in this ideology. She cannot bring herself to accept the PESRAC recommendations. We are going to get on with them.

## **Traffic Congestion - Solutions**

**Ms OGILVIE question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr FERGUSON**

[10.22 a.m.]

The traffic in Clark is just bonkers. I have been inundated with communications on how and why, for some inexplicable reason, it seems to have become much worse over the past



weeks. It is adding unnecessary pressure to everyone's day, because people just want to get the kids to school and get to work on time. Surely we can do something to help. At this rate, even if you left now, the Easter bunny would not make it in time to drop the eggs off for Easter because he would be stuck in traffic.

I understand you will quite correctly point to the fact that this issue is the council's responsibility. However, can you possibly wave your magic infrastructure wand and investigate a solution? A specialist traffic-flow engineering report for Hobart might be a good start. What do you say?

## **ANSWER**

Madam Speaker, I thank the member for Clark for her question, and for attempting to put forward a positive suggestion for supporting Hobart with its roads.

We also have roads through Hobart including the Macquarie-Davey couplet, which we recently took ownership of and are investing in, as you know, Ms Ogilvie. I agree with you and where you are coming from, to the extent that there does need to be a working together with council. I have to speak well of council. Hobart City Council is working much better these days with the Tasmanian Government and the Department of State Growth, including in running past the department and our traffic specialists some of the ideas they have to relieve congestion.

I must say, while people have different opinions on some of the traffic-calming measures that have been introduced in Hobart in recent months, I hold some concerns about the ways in which that may have impeded the flow of traffic. I understand and respect -

**Ms O'Connor** - Seven years. It has got worse.

**Mr FERGUSON** - Seven years, thank you for the time counter over in the corner.

Hobart City Council's management of those roads is a matter for Hobart. They have slowed the roads on the basis of safety concerns, so I accept and respect that.

We will take on notice your suggestion about engaging a specialist traffic-flow engineer to support Hobart City Council. I am happy to report back to the House on that after I have had advice.

## **TasTAFE - Restructure and Staffing**

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

[10.25 a.m.]

For seven years you have undermined and underfunded TAFE. One of your first acts as Treasurer in 2014 was to slash \$210 million from the Education budget. You are also overseeing a public school system with some of the worst outcomes in the country: our year 12 retention rate is the lowest of any state at 73.9 per cent, and the attainment rate for year 12 has slipped for the third year in a row to 58 per cent.

Now, as the Leader of this toxic minority Government, you have launched a plan to blow up TAFE. The PESRAC report makes it clear that there will be a clean-out of TAFE jobs under your plan to privatise the institution. The report recommends the Government should, and I quote:

fund transition arrangements, including a voluntary redundancy program and support for career transitions;

How many jobs will go under your toxic minority Government's plan to blow up TasTAFE?

**ANSWER**

Madam Speaker, I thank the Leader of the Opposition for that question and for digging herself in deeper, to be frank.

Let us put on the record some of the facts around this. Labor's position on TAFE is a shameful record of failure. Labor pulled TAFE apart in their disastrous Tasmania Tomorrow experiment. They blew it up. They introduced the doomed Polytechnic and the Skills Institute, which later had to be cobbled back together. The Labor-Greens government at the time admitted that blowing it up as they did was a failure, because it was a failure, and after -

**Mr O'Byrne** - And we now have a plan to invest in it and rebuild it.

**Mr GUTWEIN** - Out of the mouth of the unshadow treasurer. He has just admitted that, yes, they did blow it up.

**Members** interjecting.

**Madam SPEAKER** - Order. The parliament is descending into chaos.

**Mr GUTWEIN** - That must have been at the same time as you were looking to build the economy and you took it into recession, I imagine. About that same time.

Under Labor's reforms and the way they dealt with TasTAFE, there were fewer students; courses cost more; and unions, teachers, staff and parents did not support it. There were job cuts and there were course cuts. The cost is still to be counted in terms of what occurred when they thought that what they could do is tear TasTAFE apart - which is what they did. They tore TasTAFE apart.

We have been investing in TasTAFE. We have been working very hard to get the very best out of that organisation. What we want to do now -

**Ms O'BYRNE** - Point of order, Madam Speaker. It goes to relevance. The Premier was asked how many jobs would go. If he could address that question, the staff at TAFE would be delighted.

**Madam SPEAKER** - As you know, I have considerable frustration with standing order 45. I cannot tell the Premier what words to come out his mouth, but I am sure he has his attention focused to the question.

**Mr GUTWEIN** - Madam Speaker, I have made the point today and I made it yesterday: we want more trainers. Importantly, under any transfer to fair work, there is a 'no disadvantage' test applied. That, in my view, should provide great comfort to the staff there, because we want to take them on the journey with us, to ensure that more Tasmanians are skilled and trained, more young Tasmanians can receive apprentices or traineeships, or take on the tradie jobs that are available.

That side of the House wants to oppose it for purely ideological reasons, and at the same time wants to whitewash history, when everybody knows they were the ones who blew it up in the first place.

We are the ones who have been investing in it, and improving it. Now we want to ensure that it is fit for purpose for what we have going on in our economy at the moment, which is a jobs bonanza. We want to ensure that young Tasmanians, regional Tasmanians, get that opportunity to be skilled up and trained.

When you look at the Leader of the Opposition's recent comments, it is that side of the House that has been claiming that TasTAFE is broken. They are the ones who have a policy to look at governance, to look at the procedures around TasTAFE. We have been upfront. We want to make TasTAFE a government business to ensure that it is flexible and nimble and, importantly, to ensure that we can provide skilled and trained people for the jobs that are there in our economy right now.

### **Coroner's Office - Recognition of Legal Status of Relationships**

#### **Dr WOODRUFF question to ATTORNEY-GENERAL, Ms ARCHER**

[10.30 a.m.]

In 2015 Mr Ben Jago was refused the status of senior next of kin by the Tasmanian Coroner, despite having that status under the Relationships Act. This caused Mr Jago a great deal of emotional suffering. Exactly the same thing also happened to another same-sex partner in 2011. That incident was resolved, it seems, through an enforceable order from the Anti-Discrimination Commissioner to the Coroner's Office requiring it to perform its procedures. The Coroner's Office agreed to that order.

After the incident involving Ben Jago, the Coroner's Office stated it had reviewed the Anti-Discrimination Commissioner's enforceable order and declared it could not comply. Why does the Coroner's Office believe it is above the law in failing to comply with an enforceable order of the Anti-Discrimination Tribunal? Why was the enforceable order only reviewed in 2015 despite it having then been in place for four years? Most importantly, what assurance can you give Tasmanians in same-sex de facto relationships that the Coroner's Office will recognise the legal status of these relationships in future?

#### **ANSWER**

Madam Speaker, I thank the member for her question in relation to this matter. First, I express my condolences and deepest sympathy to Mr Jago for the loss of his partner, Nathan. I know that this has been a distressing time for him over many years. I will not reflect on Coroner's Court proceedings, I cannot do that, but the court has now published its judgment on

the decision by the appeal. I am seeking further information from my department on the outcome of this decision and will consider its implications and any possible reform.

I have reached out to both Mr Croome and Mr Jago and arranged to have a meeting with them to discuss these matters and their concerns so that I have all that information in the context of advice that I will receive as well. I am very willing to look at it.

### **TasTAFE - Restructure**

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

[10.33 a.m.]

Can you please provide the House an update on the Government's clear plan to secure Tasmania's future, including a plan to ensure TasTAFE is fit for purpose and meets the needs of industry and business? Is the minister aware of any alternative approaches?

### **ANSWER**

Madam Speaker, I thank the member for Franklin, Mr Street, for his very sound question and interest in the future of job regeneration for young Tasmanians, providing them with the best opportunity possible of being skilled and obtaining an absolutely necessary job as we invest some \$5 billion over the forward Estimates in infrastructure. TasTAFE is going to be crucial to that.

We are delivering more jobs and more training for more Tasmanians. PESRAC was clear on the importance of both our private and public training providers and was very clear on what must happen to take TasTAFE forward, making a great TAFE even greater. Industry and community groups are saying for the sake of the next generation of young learners, let us step up our efforts with TAFE. The TAFE board, chair and CEO are saying that they want autonomy to manage their organisation and their facilities.

During our peak construction period in the summer holidays where young Tasmanians are looking to train up and get work, we want more teachers available, not fewer. When our students need that extra support outside of business hours, we want to support them and guide them in their learning. When new industries emerge like hydrogen, we want TAFE to be able to attract skilled workers to teaching. When a region is growing and TAFE needs to develop facilities and invest in equipment, we as a government want to invest in that equipment.

This side of the House has already invested very heavily in TasTAFE, with \$41.8 million invested in new infrastructure, which was in an appalling state when we took government in 2014. Right across every education facility, across TAFE and across our public school system, the capital investment by those opposite was appalling. The infrastructure was falling down around students' and teachers' ears right across Tasmania. We are rebuilding that infrastructure in our public education providers, our training provider TasTAFE, and our schools.

I am proud of the achievements of TasTAFE. TasTAFE has helped Tasmania deliver the highest completion rates in the country, the Vocational Education and Training Student of the Year and Apprentice of the Year. This side of the House has been talking TasTAFE up time

and time again, but what we have seen over the last seven years is those opposite talking it down. Labor has made a habit of talking TasTAFE down, and how do you think the teachers and the trainers feel about that?

Last year in May, Ms White kicked it off saying TAFE was broken. Ms O'Byrne got into the act last August talking Tasmania down and ramped it up in September last year saying TAFE was broken. When Ms O'Byrne talks about TAFE being broken on three occasions in media releases in October, how do you think the teachers feel when they have delivered the highest completion rates in the country?

**Ms O'Byrne** - How do they feel about being made redundant?

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

**Mr ROCKLIFF** - They remember exactly what happened in 2009-10 when Tas Tomorrow was formed and TasTAFE was not just broken apart, it was decimated into a polytechnic, the academy and the skills institute. What happened then? Courses were cut, unions and teachers were devastated, mature-age students were left out, there were job cuts, and that so-called reform is estimated to have cost millions and millions of dollars. We have a plan to fix TAFE, to support TAFE, to make an even greater TAFE. We listened to PESRAC and we listened to industry.

The member asked if there were any alternatives. Not only have I been through the countless media releases of those opposite talking TasTAFE down and constantly saying it is broken, when the hardworking teachers have delivered the VET Student of the Year, Apprentice of the Year and the highest completion rate in the country, I have also looked at this document here, which is a very interesting reading. This is the so-called jobs plan of the Labor Party.

**Ms O'Connor** - Five-and-a-half minutes.

**Mr ROCKLIFF** - This will not take long, Ms O'Connor, because the policy has no substance. There is a lot of red in this document and not much substance. When they ran out of ideas they coloured it all in red. But there is something interesting here and it highlights the hypocrisy of those opposite. I speak of PESRAC and all the work that has been done in PESRAC, the consultation with 3500 Tasmanians, the consultation with industry. What does Labor want to do to create a more efficient training system? Talk about red; that is a red flag for the TasTAFE staff in my view, Madam Speaker. But listen to this -

**Ms O'CONNOR** - Point of order, Madam Speaker, under standing order 48. I usually have a policy of not interrupting the enemy while they are making a mistake, but the minister is now running at six-and-a-half minutes on a Dorothy Dix question where he spent more time talking about Labor, which hardly warrants that amount of time. Could you please stop him?

**Madam SPEAKER** - Yes, and for your own good health. I am worried about your stress levels. Could you wind up in 30 seconds?

**Mr ROCKLIFF** - I will wind up, Madam Speaker. I am actually wound up, because after PESRAC has done all that work, Labor will create a task force to review vocational education and training systems.

They talk about reviewing governance, and wanting to be more relevant to industry. They talk about delivery process. We are already doing it; we are getting on with the job. We have been open and transparent. Those highly valued teachers, that Labor Party keeps talking down, need to be very wary of what an efficient training system means under a Labor Government.

### **TasTAFE - Costs of Courses**

#### **Ms O'BYRNE question to PREMIER, Mr GUTWEIN**

[10.41 a.m.]

Can I start by commending you for your honesty and bravery today? We often ask why women do not come forward. What has been said and done to Ms Higgins, and what has been done to a woman who lies in her grave, explains that.

Premier, for a Certificate III in Early Childhood Education and Care, Tasmanian students currently pay up to \$1826. Under your plan to wreck TAFE by privatising the institution -

**Members** interjecting.

**Madam SPEAKER** - Could we allow the question to be read?

**Ms O'BYRNE** - Tasmanian students will have to pay up to \$10 000 for a Certificate III in Early Childhood Education and Care, under a full cost recovery model.

For the benefit of those Tasmanians who are utterly confused by your plan to blow up TAFE, can you explain how it is not inevitable that course costs will go through the roof? Under your full cost recovery model, how are Tasmanian students possibly expected to afford to study, to set themselves up for jobs in highly needed industries?

#### **ANSWER**

Madam Speaker, I thank the Deputy Leader of the Opposition for her question. It is not a valid question, because the member again makes the dishonest mistake of claiming that privatisation is what is going to occur here when that is not the case.

As I have said repeatedly this morning, we want to see more trainers and more Tasmanians trained. We want to see more trainers employed. Even the Labor Party in its red rage, chasing down an ideology as they are, should be able understand that.

It is very clear from the feedback that PESRAC received from industry, the community and from 3500 Tasmanians, that what we need is a nimble, fit for purpose TasTAFE. PESRAC has identified that moving TasTAFE to a government business framework would make a great deal of sense because it would allow TasTAFE to operate in similar fashion to the businesses it is there to serve. I say to all TasTAFE staff that we want to see more trainers and more students being trained. It unfortunate that on that side of the House -

**Ms O'BYRNE** - Point of order, Madam Speaker, I really do not like getting up and doing this all the time, but the question was about full cost recovery and how that would not be a

reality under this model. If the Premier could address how full cost recovery would work, then we can move onto the next question.

**Madam SPEAKER** - That is not a point of order, but it is a good question.

**Mr GUTWEIN** - This is not a point of order; it is part of the continuous interjection that we receive from the Deputy Leader of the Opposition.

We want to see more Tasmanians trained and more trainers training Tasmanians. We want to ensure that Tasmanians can access training whether they are in regional Tasmania or in our cities. Obviously, we are not going to make that training cost-prohibitive. We want TasTAFE to be fit for purpose, so it can continue the very good work it is doing - and do even more. We want to have young Tasmanians and regional Tasmanians skilled and trained up, so we do not see tradespeople from the mainland, or people moving here, taking up the apprenticeships and traineeships that are in our economy right now. We want more Tasmanians to have those jobs.

It is unfortunate that Labor, on the basis of ideology, wants to oppose more Tasmanians having that opportunity.

### **Hydro Tasmania - Job Losses**

#### **Mr O'BYRNE question to PREMIER, Mr GUTWEIN**

[10.46 a.m.]

Your plan to privatise Hydro by stealth, means you will not lift a finger to save 50 jobs that are due to go. Last week you would not rule out selling the Hydro businesses, Momentum and Entura, which you know are both important in growing Tasmania's reputation as an Australian and global renewable leader.

Two elections ago you promised to bring 70 Momentum call centre jobs back to Tasmania - another of your broken promises. You will not rule out selling off Momentum as a part of your privatisation of Hydro by stealth. However, if you cannot rule out this sale, how can you rule out further job losses?

#### **ANSWER**

Madam Speaker, I thank the shadow treasurer for his question. It must be interesting for Tasmanians who watch question time to see some of this rubbish repeatedly being bowled up by Labor - including this privatisation agenda that they want to push on to us. I have made it perfectly clear that we are not selling the Hydro.

Regarding subsidiary businesses, in 2011, under Mr O'Byrne and the Labor Government, the Hydro sold down its stakes in the three Woolnorth windfarms, divesting its majority ownership position -

**Mr O'Byrne** - What about the jobs now, Premier? What about now?

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

**Mr GUTWEIN** - They put Aurora on the block. We will not privatise the Hydro. Hydro wants to ensure that, in terms of a complex energy market, it is fit for purpose, and that we do not see what occurred under Labor, when there was a 65 per cent increase in power prices over the term of the government. We aim to ensure there is downward pressure on prices, and that Hydro is able to operate in a complex, national energy market - one that brings enormous opportunity for this state. Consider the position we have reached regarding our energy position right now, with 100 per cent renewable; a 200 per cent target set; the progression of Marinus; the progression of Battery of the Nation; all putting Tasmania into a position where, as the rest of the country starts to transition to cleaner energy, the investment that has gone on for 80 years in Hydro will stand this state in good stead. This is our moment.

**Mr O'BYRNE** - Point of order, Madam Speaker, standing order 45, relevance. The question was clear: can your rule out further job losses?

**Madam SPEAKER** - That is not a point of order but I draw the Premier's attention to it.

**Mr GUTWEIN** - Madam Speaker, Hydro will ensure that it is fit for purpose. Its own media release talked about transitioning and ensuring that people could find jobs and that we are setting ourselves up for growth because the National Energy Market is screaming out for what we have. There has never been a better time for Hydro, for our energy businesses, than right now. The 80 years of investment that has occurred is going to put us into a strong position as we assist the rest of the country to transition to greener fuel.

When you throw in on top of that the fantastic work that is going on with hydrogen in this state the future is very bright. Yet, on that side of the House, they want to be negative because they cannot see the future. I say to that side of the House to lift your gaze above your navel and look to the future. That is where we are looking and we are in a fantastic position. It is unfortunate that side of the House wants to talk down our economy, and talk down our opportunity. I say shame on them. This is our moment and we are going to grasp it.

### **Dangerous Criminals - Legislative Framework**

**Mr ELLIS question to MINISTER for CORRECTIONS, Ms ARCHER**

[10.51 a.m.]

Can you update the House on the latest law reform our Government has undertaken to keep Tasmanians safe?

#### **ANSWER**

Madam Speaker, I thank the member for his question and his keen interest in this very important matter. Community safety is a core priority of our Government. Our law and order policies, which we took to the last state election, held this value front and centre and were strongly endorsed by Tasmanians. Keeping Tasmanians safe and putting the interest of victims and survivors front and centre is about actions, not just words. Our strong record on law reform is proof of this.

As Attorney-General, I have remained steadfast in our commitment to deliver on our promise to pursue law reform aimed at keeping dangerous criminals off the street, protecting



the community, and putting the interests of victims and survivors first. In this place I have introduced alternative sentencing options, such as electronic monitoring, which are also designed to keep Tasmanians safe while reducing the reliance on other forms of sentencing where it is appropriate.

This week we passed the Dangerous Criminals and High Risk Offenders Bill 2020. I will not reflect on the debate but it does provide a new legislative framework for dealing with dangerous criminals and serious offenders, and removes unnecessary restrictions that require a dangerous criminal declaration to be made only by the convicting or sentencing judge. The bill reforms Tasmania's indefinite detention laws for dangerous criminals and also creates a second-tier scheme for high-risk offenders that now provides for serious sexual or violent offenders to be monitored post-release. This second-tier scheme applies to serious offenders who do not meet the threshold for indefinite detention. They also operate as a step-down mechanism for a court to consider when reviewing a dangerous criminal declaration.

These changes will all support stronger community safety and are important positive reforms. I am very pleased that the Premier in his Address announced a commitment of \$1.3 million to introduce body-scanning technology in the Hobart and Launceston reception prisons and the Risdon Prison site as well as the Ashley Youth Detention Centre. This technology will minimise the need for personal searches in custody, a move positively welcomed by the Commissioner for Children and Young People. I thank her for her support.

Personal searches are currently necessary for the security and good order of any prison. They not only stop any potential harmful items such as drugs and weapons entering the prison system, but they also reduce the risk of suicide and self-harm. Personal searches may be conducted on prisoners and detainees entering or leaving a prison prior to and on completion of contact visits, and at any other time deemed necessary by a superintendent to ensure that the safety, good order and security of the prison are maintained.

Last year I announced that draft legislation designed to protect young people in custody had been released for public comment. The Youth Justice Amendment (Searches in Custody) Bill 2020 is part of the Government's response to the Commissioner for Children and Young People's memorandum of advice to the Government in relation to the searches of children and young people in custodial facilities. The amendments are intended to minimise any associated trauma, distress or harm in relation to searches of youth conducted in custodial facilities in Tasmania.

My department continues to work through the submissions received by Communities Tasmania. I know the minister for children has an obvious interest in this as well as the Department of Police, Fire and Emergency Management, with the intent to table a bill in the first half of this year. We want to go further, though, and implement steps that minimise the need for personal searches to take place in the first place. Therefore the introduction of these body scanners into our prisons will lead to increased safety and security and will minimise the requirement for personal searching.

Body scanners provide a less intrusive process for personal searches. A body scanner is a device that detects objects on or inside a person's body and clothing without the need to physically remove clothing or make any physical contact with the person being searched. The

scanner is able to provide an instant internal image which can reveal contraband such as drugs, mobile phones, or weapons.

The Royal Commission into Institutional Responses to Child Sexual Abuse recommended that state and territory governments consider technological options such as body scanners to detect contraband and to minimise the need for conducting personal searches on juveniles. I am pleased to now be able to implement this recommendation.

In closing, as well as the benefits to those being searched, the scanners will have a positive impact in our correctional facilities through increased safety for staff, reduction in the time required by correctional officers to conduct searches, and the likely deterrent effect the scanners will have on people attempting to bring contraband into a correctional facility. Our Government will continue to implement actions that keep our community safe and we will continue to make such positive law reform.

### **Hydro Tasmania - Job Losses**

#### **Mr O'BYRNE question to PREMIER, Mr GUTWEIN**

[10.56 a.m.]

Last week and again this morning, you attempted to justify the mass sacking of Hydro workers by saying that a more efficient Hydro means downward pressure on energy prices. Just six days prior to your making that statement, your Energy minister's hand-picked CEO of Hydro, Evangelista Albertini, begged to differ, saying in a statement:

The proposed organisational changes will not impact energy security or electricity prices.

Why are you trying to justify your clear plan to privatise Hydro by stealth and undertake mass sackings by trying to con Tasmanians that it will actually lower electricity prices?

#### **ANSWER**

Madam Speaker, I thank the shadow treasurer for that question. I presume Mr Albertini was talking about the fact that it would not push prices up, which I thought would have given great comfort to you or to the broader Tasmanian community. Let us be clear here: Mr O'Byrne is looking to pick a fight on this particular issue when his record demonstrates that if he had control of the levers, power prices would go up, because that is what they did last time by 65 per cent. When he points in the previous question to the sale or privatisation of Hydro, again, even though it has been ruled out clearly and absolutely categorically, he still comes into this place and talks about privatisation and the sale. No-one can believe anything he says anymore.

As a result of 80 years' worth of investment in hydroelectric assets in this state, we are on the cusp of a fantastic future as we assist the rest of the country to transition to cleaner fuel. I cannot understand why he cannot see that. He wants to talk the Hydro down, talk down our energy businesses. One can only presume that is a vote of no confidence in the new CEO that we have just heard in this place -

**Opposition members** interjecting.

**Madam SPEAKER** - Order.

**Mr O'BYRNE** - Point of order, Madam Speaker. I take offence to that. It is outrageous. The question was very clear. In an answer last week, the Premier claimed that the restructure and the mass sackings would result in lower prices but the CEO of Hydro has completely contradicted him. Why is he misleading Tasmanians?

**Madam SPEAKER** - That is not a point of order. Please continue, Premier.

**Mr GUTWEIN** - Having efficient businesses puts downward pressure on prices. That is the bottom line. Today we have seen a full-frontal attack on the CEO of Hydro. That is unfortunate. On this side of the House we will not be deterred from securing Tasmania's future.

We have, as I have said, a fantastic future in front of us. When you stack up the building blocks of hydrogen, of Marinus, of Battery of the Nation, on top of the 80 years of investment that we have already seen, we are in a fantastic position. This is our moment. We are going to grasp it and we are going to secure Tasmania's future.

### **Tasmania Fire Service - Government Support**

**Mr STREET question to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mr SHELTON**

[11.01 a.m.]

Can you update the House on how the Liberal Government is delivering our clear plan to secure Tasmania's future and support our career and volunteer firefighters to keep Tasmanians safer?

### **ANSWER**

Madam Speaker, I thank the member for his question. The intent of the question is keeping Tasmanians safe. We all have a goal of making sure Tasmanians are kept safe, particularly through the fire seasons. It is only the Liberal Government that has a clear, long-term plan to secure Tasmania's future. A vital part of that plan is to keep Tasmanians safe by supporting our career and volunteer firefighters.

Since we came to government, we have been delivering on this plan. On Monday 1 March, 30 new trainee firefighters commenced the 15-week trainee firefighter development program with the Tasmania Fire Service. These firefighters will graduate on 11 June, and will be stationed all around Tasmania. On 2 August, a further 15 recruits will commence their course. The graduation of these recruits will boost career firefighting numbers to 355 - the highest number in 10 years.

This Government is also supporting our firefighters with better infrastructure by delivering and planning for new medium tankers, heavy pumpers and aerial appliances, and for the replacement and refurbishment of fire stations. In 2020 the Tasmania Fire Service received

three new aerial appliances to replace the current aerial appliances in the south, north and north-west regions. The new appliances have been funded through the \$3.75 million commitment from the Tasmanian Government, and will ensure the Tasmania Fire Service has contemporary appliances, equipment and the latest technology to further enhance their firefighting capabilities.

During the 2021 season, capital projects on the statewide hose repair facility and the Launceston Fire Brigade rear yard and vehicle storage have also been completed, which has provided an undercover parking area for appliances, along with the new security back fence.

The Tasmania Fire Service has made significant investment in the statewide upgrade of the volunteer personal protective clothing separation and storage facilities. Our career firefighters and volunteers rely on their personal protective clothing to keep them safe when attending fires, and the upgrade of these facilities is the key priority for the State Fire Commission and the Government.

Upgrades have been completed at the Curry, Irishtown, Sisters Beach, Somerset, Stanley, Strahan, Ulverstone and Zeehan stations. Areas that will benefit next include Richmond, Snug, Port Sorell, Magra, Gretna, Campania and North Bruny. The following capital works projects are also progressing across the state to improve our brigade facilities:

- the acquisition of a new greenfield site at Campbelltown, and the construction of new TFS and SES facilities there;
- procurement of a new site at Bridport to construct a new fire station;
- the relocation of the existing Marrawah fire brigade, which is a single-base station, to a dual station, to be constructed next to the community town hall; and
- upgrades to the Lachlan fire station will also happen.

The Liberal Government has also invested \$8 million into the State Fire Commission, including an additional \$4 million in 2021 for the creation of a new bushfire unit in the Tasmania Fire Service. I am pleased to advise that Mr Jeff Harper has been appointed Acting Deputy Chief Officer and commences this Friday.

In addition, \$9.3 million is provided annually to deliver the Government's nation-leading fuel reduction program, and we have now completed recruitment of 12 additional crew members.

Unlike Labor, which has no plan and is too close to the Greens, who oppose real fuel reduction programs, the Liberal Government has a clear plan to secure Tasmania's future by keeping our community safe from bushfire. We will continue to support our career volunteer firefighters to ensure they have the equipment, resources and facilities they need to keep our community safe.

## **Brittany Higgins - Comments made by Senator Eric Abetz**

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

[11.06 a.m.]

Last week you told survivors of sexual abuse: I see you, I hear you. Will you stand by your words and your commitment to women and condemn the deeply offensive comments of Senator Eric Abetz against the victim of an alleged rape?

### **ANSWER**

Madam Speaker, I thank the Leader of the Opposition for that question. I have not had the opportunity to speak to Senator Abetz since the Speaker provided her statement this morning. I intend to have a conversation with both him and the party. I believe that would be the appropriate way forward.

If what has been reported was said, that is appalling. In light of the fact that this matter has been raised this morning, I should review the Speaker's contribution this morning. Based on what I heard, obviously I will have a chat with both the party secretariat and also the Senator.

**Time expired.**

## **END OF LIFE CHOICES (VOLUNTARY ASSISTED DYING) BILL 2020 (No. 30)**

**Amendments of the House of Assembly agreed to by the Legislative Council.**

### **MATTER OF PUBLIC IMPORTANCE**

#### **Women's Rights**

[11.09 a.m.]

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

That the House take note of the following matter: women's rights.

This is a matter that all of us should feel passionate about, particularly in light of what has been happening over the last few weeks, and certainly after this morning's statement by the independent member for Clark, which raises serious questions about a senior figure in politics here in Tasmania. That must be investigated both by his party and by the Prime Minister.

The Prime Minister cried crocodile tears yesterday at a media conference, yet they rapidly dried up as soon as he could cast aspersions and blame and make accusations against somebody else as a way of deflecting from the real issues at hand.

We have seen some horrific things come to light about the culture of the parliament in Canberra, the culture of the Liberal Party, and the culture of a number of workplaces. Something we all need to reflect on is the fact that, as women, if we cannot be safe in our own

home or on the street, then who is to say we are going to be safe at work? No one should make that assumption. Sadly, too many women are not safe at work.

We have seen story after story come to light about what is happening in parliament. I will, in particular, reflect on the words of the Australian of the Year, Grace Tame, whose bravery in speaking out about her own horrific abuse has shone a national spotlight on an issue that so many women have been dealing with, and have been trying to find the courage to speak up about for such a long time. Grace's courage has inspired others to have courage.

Grace spoke about her experience in a speech when she accepted her award, but also in an opinion piece published in the *Sydney Morning Herald*. I will provide an example of the impact sexual abuse can have on women, whether it be in their home, or as it was for Grace, in her school; or in workplaces. I think particularly about Brittany Higgins in this instance. Grace's experience was horrific. She shared publicly what it meant for her, and I quote:

Repairing myself in the aftermath of all this was certainly not simple. I saw counsellor after counsellor. I abused drugs. Drank. Moved overseas. Cut myself. Threw myself into study. Dyed my hair. Made amazing friendships. Got ugly tattoos. Found myself in violent relationships. I starved. I binged. And starved again. One of the toughest challenges on my road to recovery was trying to speak about something that we are taught is unspeakable. I felt completely disconnected from myself and everyone around me. Many people did not know how to respond. That said, the ones who listened, the ones who were eager to understand, even when they couldn't, made all the difference.

It matters that people like Grace have found the courage to speak up. She has empowered so many other people across this country, including people like Brittany Higgins. I will reflect on some of the words that she gave at the March 4 Justice rally held in Canberra. I also acknowledge all the other women and allies of women who turned out to those rallies across the country. There were incredible speakers in Hobart representing Tasmania, but across the country, women stepped up and they shared their story. They shared their stories of what a culture of male privilege, power and dominance has meant for their ability to feel safe at work, at home, and in the community. They also shared how that culture has constrained them from speaking out to be able to change that culture, to ensure that when stories are shared, that victim shaming does not happen.

Victim shaming, such as we have heard alleged in this parliament this morning by the independent member for Clark, as she recited the words told to her by Senator Eric Abetz, as she referred to it, the slut shaming that occurred about a young woman in parliament who was abused, raped, and sexually assaulted, and who was not at any fault. It did not matter what she was wearing or that she had been drinking.

Brittany talks about the courage it took for her to speak up about that experience. In her speech at the March 4 Justice at Parliament House in Canberra she said, and I quote:

I am cognisant of all the women who continue to live in silence. The women who are faceless. The women who do not have the mobility, the confidence or the financial means to share their truth. Those who do not see their images and stories reflected in the media, those who are sadly no longer with us.

Those who have lost their sense of self-worth and are unable to break the silence, all of which is rooted in the shame and the stigma of sexual assault. One out of every five women in Australia will be sexually assaulted or raped in their lifetime, and if you are a woman of colour those statistics are even higher.

Brittany went on to speak specifically about what happened to her and said:

I was raped inside Parliament House by a colleague and for so long it felt like the people around me only cared because of where it happened and what it might mean for them. It was so confusing because these people were my idols I had dedicated my life to them. They were my social network, my colleagues and my family and suddenly they treated me differently. I wasn't a person who had just gone through a life changing traumatic event, I was a political problem.

That makes me feel incredibly sad for Brittany Higgins - that she was so tormented with those emotions about whether she should be able to come forward, because she feared there would not be support for her and she was concerned about the political ramifications.

We have seen those political ramifications as they have echoed and rippled through the parliament building, to the point where yesterday the Prime Minister again got to his feet and spoke about what he knew and when he knew it. The frustrating thing for me watching that, was that part way through that speech and his crocodile tears he was reflecting on what it meant for him as a father and as a husband, rather than just as a human who cares about this issue. That should be the only thing he needs to reflect on when he is thinking about whether this is right or wrong.

He deliberately distracted that conversation by referring to another incident that apparently occurred in a news organisation. He had to apologise for that, because he lied about it. How could he have known about that, but did not know it was happening in the office next door?

**Time expired.**

[11.16 a.m.]

**Ms COURTNEY** (Bass - Minister for Women) - Madam Deputy Speaker, I thank the members opposite for bringing up this important topic as a matter of public importance today. The action we have seen in the community over the last few weeks is incredibly important. I endorse the comments from the Leader of the Opposition, particularly about Grace Tame - her bravery, and the fact that she has given a voice to so many people. In her role this year as Australian of the Year, she will be able to provide confidence and, importantly, to ensure these important conversations are broached. The choice of her as Australian of the Year is timely. I am in awe of her and her ability to continue to find strength in what is an extraordinarily difficult story to tell. She would be hearing many stories as well. All parliamentarians wish her strength this year as she embarks on her duties in that role.

It is important that we have the opportunity to have stories heard, and it is important that we in this Chamber, or as community leaders, look at what roles we can play. All of us have engagement with our community. We all play roles in a range of different organisations. The

breadth of them is enormous. If you look around the Chamber, while we might not necessarily agree on a lot of things, ensuring we have respect and gender equality is something that we do agree on. In our parliament, we see a great deal of respect for others and from the perspective of our parliament, the fact that we have achieved such high rates of females and representation endorses that. As parliamentary leaders we have an important role to play.

As Minister for Women, I have reflected on that a few times over the past few weeks as we have had International Women's Day. The role you played as my predecessor in this portfolio and the important policies that you, along with Will Hodgman brought in have made a difference. It also clearly demonstrates that as a government, if you implement policies and you drive to deliver them, outcomes can happen. We have seen that in our *Women on Board* strategy. I am impressed with the gains we have made. When we came into government, the representation of women was 33.8 per cent in June 2015. We are now at 46.4 per cent. That is the direct result of the leadership that has been played by yourself, by premier Will Hodgman, and all my Cabinet colleagues in the processes we embedded around that strategy.

I am also very proud of the fact that we have continued to be able to deliver the Tasmanian Women's Strategy. We have delivered a range of action plans already underneath that and we still have the safety one to come in coming months which will be very exciting.

I am very motivated in this portfolio to ensure that we are able to share our learnings from government with industry. I have had productive conversations with a range of sectors that recognise the fact that there are still challenges within their industries and the positive attitude of the leadership within these organisations is incredibly heartening. We are able to do this through the funding that was delivered in last year's budget for both support within the department to liaise with industry and also significant funding to ensure that we can work with industry on their initiatives.

We have a great deal of diversity in industry. We know that the challenges between sectors is different. The challenges facing participation in the fishing industry is different from the barriers and challenges for the mining, building and construction, and forestry industries. I am pleased that through my roles as minister for many of those portfolios but through this portfolio particularly, we will be able to get some change on the ground.

There is an enormous opportunity and by supporting women into leadership roles in these industries not only are we strengthening those industries, we are strengthening the opportunities for those women, often because they have pathways into some kind of permanent employment. which is very empowering financially to be able to support yourself and loved ones, but also it provides for stronger communities. We know that many of these roles and employment opportunities are in regional areas.

If you look at employment across the north-west, the north-east and the east coast, some of the industries have traditionally been male dominated and we need to look at how we can support women into these industries, support them when they are in those industries and ensure that we have those role models there, not just for young women but also for young men.

I am a big believer in role models. They allow young people to aspire to great things but also ensure that we have our young people growing up in a culture of mutual respect. It is an area that I feel very passionately about. I am very pleased that through this portfolio and the funding we received in last year's budget, we will be able to deliver those outcomes for industry,



ultimately because they are ways that we can empower women. We can get more women into leadership positions. We have demonstrated that we are able to do that and now we are partnering with industry and with sporting organisations, through the Minister for Sport and Recreation, Jane Howlett, to ensure that our learnings are spread across Tasmania.

[11.23 a.m.]

**Dr WOODRUFF** (Franklin) - Madam Deputy Speaker, women in Australia are angry. We have had a gutful. We are sick of the false promises, we are sick of the crocodile tears, we are sick of the confected empathy, and we are sick of the lies. We are particularly sick of violence and sexual harassment in the workplace being swept under the carpet. We are sick of the failed investigations. We are sick of the pretence that something is going on over here, when the real issue is happening where everyone can see it is happening in the corridors of Parliament House.

It is happening in female ministers' private offices. Liberal members of staff are masturbating on women MPs' desks. It is disgusting to see the perversion where male staffers feel they are empowered to perform acts of dominance on female women MPs' desks, that they are enabled within their workplace to perform those sorts of acts in an utterly depraved way to demonstrate that they are in control and in charge. They feel they are given licence to do those things and they will not be called out. The fact is that, under this Liberal Prime Minister's culture, they will not be called out. There has been no independent investigation called into the rape allegations against Christian Porter.

There has been no proper accounting for why DPAC ordered cleaners to go into minister Reynolds' office and clean up after the rape of Brittany Higgins. Disgusting. The very next day they went in there and according to the words of a former previous senior DPAC member of staff, this was a well-oiled machine. It has not happened just once, it has obviously happened many times. DPAC call in the cleaners to make sure there is no evidence of events that have happened; lewd, violent criminal acts against women staff perpetrated by male staff who are empowered to walk into Parliament House, no questions asked, with a young woman, Brittany Higgins, clearly so drunk, according to the testimony of the woman security officer, she spent five minutes unable to put her shoes on and was found lying naked in the minister's office.

Yesterday in front of a full media pack the Prime Minister stood there crying crocodile tears talking about his wife, his widowed mother, and his daughters. He managed to get tears into his eyes. The master spin doctor himself had tears in his eyes, tears of self-pity. In the next instant when he was asked a question by a journalist about his actions, he turned on them. He recognised the sexual harassment complaint of a young journalist for his own political advantage to take the pressure off him, an attack which not only would have broken the private confidentiality of that journalist if a complaint had been made but in fact was wrong. No complaint had been made. The Prime Minister will do anything to turn the heat from himself and direct it to anybody, especially if they happen to be a woman. This is a sick, perverted culture.

Australian women can see what it is and there were many thousands of women who marched for justice this week or if they were not there were watching, looking, shouting and encouraging them on, all the other women who could not be there on the streets to listen to the wonderful Grace Tame on the steps of Parliament House in Hobart. How blessed we are as a state to have a young woman so empowered, the Australian of the Year, speaking about these

issues. This cannot go on and it will not go on because women in Australia understand that we need more than a Prime Minister crying crocodile tears.

We will investigate. We want strong statements of condemnation. We want independent investigations. The Speaker said this morning by her words, that a Liberal Senator for Tasmania, Senator Abetz, said:

... anybody who is so disgustingly drunk who would sleep with anybody, could have slept with one of our spies and put our national security at risk.

If those words were spoken, they are deeply concerning. They are deeply distressing, offensive and they need a strong statement of condemnation not only from the Premier, Mr Gutwein, but from the Prime Minister. That is a disgusting statement. If it is true it must be condemned. The fact that a young woman who was raped and found naked in a minister's office could be slut-shamed in that way is utterly offensive to all women in Australia.

We do not want a Prime Minister who cares about women only because we are daughters and widowed mothers. It is revolting. We are people. That is fundamentally what women want. We want to be treated like people, equal people. It is not too much to ask.

#### **Time expired.**

[11.30 a.m.]

**Ms O'BYRNE** (Bass) - Madam Deputy Speaker, I will start by explaining something that Grace Tame explained to me about coming forward. The thing that made it easier for her was that she was believed. When she told her story to her family, she was believed. We must believe women. We have to believe women.

There is a notice of motion on the books in this parliament from Ms Courtney, the Liberal member for Bass, and I will quote one line: as parliamentarians, we have a responsibility to walk the talk by choosing to challenge and call out gender bias and inequality when we see it.

I commend the Speaker for doing exactly that today. As for the rest of the party, I await the strong response from the Liberal Party to matters that have been raised locally and nationally. I await the outcome of the meeting that the Premier says he will have with Senator Abetz, because if this becomes a 'he said, she said, sweep under the carpet' issue, then we have made no progress. If Senator Abetz said those words, he must resign. If he does not resign, the party must sack him. That is very clear.

I await a lot of things in terms of women having their voices heard and their truths listened to. I await a prime minister who does more than brag about not shooting protesters on the days of mass rallies. I await a prime minister who will not mislead parliament by talking about ongoing inquiries, when he knows already that they are on hold. I await a prime minister who cares about survivors of violence and truth-telling more than he does about mates and political survival. I await a prime minister who knows that rape is wrong, without having to check in with his family and think about it being his child. I await the understanding that a rape is a crime.

I struggled with the language that I want to use in this. It has been the most enraging process over the last few months. I read this last night from a respected journalist, Bronwyn Hill, and she has agreed for me to read it in:

I hope everyone saw the PM in full flight today. I am finally driven to address the issue because his party is rancid and his polling is in freefall. So because he has nothing resembling any empathy or respect for anyone really but especially women, he put on his whispering voice and pretended to cry without any tears, and spoke about Jen and the girls, and the polling must really be bad because he spoke about his mother too, and was so upset about the crap women deal with.

Until the Sky News journo asked him about his pathetic response to date, whereupon the mask dropped like a slippery wineglass and he started snarling and then weaponised something he had heard about a sexual harassment case at Sky News with no regard for the privacy of anyone involved in that. So he could turn it into more whatabout-ism and then threaten the media. And then Sky News, of course, said the allegation was factually incorrect anyway and didn't involve sexual harassment, and gave him a dressing-down for trying to use a confidential HR matter to score political points whilst undermining the message that women should come forward.

We really are at a low point in this country. We are sick to death of men shaming women and telling them how we should feel. We are sick to death of walking under the lights, of clenching our keys in our hands and texting that we have got home safe. We are sick of men promising safer workplaces and nothing changing. We are sick of laws perpetuated by those same parliaments that make women unsafe.

Want to make workplaces safer? Want to do more than platitudes? End casualisation. Women can't raise these issues if their jobs aren't safe. Promote women to positions of power to call out the leadership spin and make sexual harassment a dismissible offence. Stop caring more about his reputation than her truth.

The Premier, in a speech on rape culture in this place, said he had asked for a review to see if there were any sexual harassment issues in parliament, and said no-one was aware of any incidents of sexual harassment in the Tasmanian parliament. But why would that be? Because there is genuinely no problem here? Because there was not for the period that he asked about? Or is it because women know what happens to them when they speak out? The Speaker demonstrated that today. They know they are disbelieved. They know they are discredited. They know they are defamed.

As Louise Milligan said in relation to the allegations around the federal Attorney-General, Christian Porter -

Why don't women come forward? Take a look at what is being done to a woman who lies in her grave.

I have spoken about women's rights for years. I have marched, I have attended rallies, I have spoken in this place, and we are still not safe. Women are speaking out about gendered injustice, inequality, and the need to be safe - safe in their homes, in their workplaces, on the streets, to be safe as children and at every age. One in three women are assaulted. Every woman knows another woman who has been assaulted - but how many men know a perpetrator? Statistically, you all must.

What can men do? I can assure you that a consent app is simply not going to cut it, so stop making it about you. Recognise that women are speaking up because they are angry, they are scared, they are sick to death of this being our reality. Listen to women. Believe them. Call out behaviours and act to make workplaces safe.

There are practical things you can do. Insecure work means that women are vulnerable. Act to give them job security so that they can say if they are feeling unsafe. Act when complaints are made. Use your voice - your very much ingrained-privileged voice - to call out the behaviours and to demand consequences. Do not be more concerned about his career than her assault. Do not believe him over her just because you know him. Do not undermine women who speak out: demand more funding for support services, demand access to housing for those fleeing violence. Recognise that child care is an issue for all of us, and not just for women.

Demand better responses to sexual harassment and assault, and do not have to imagine you know a woman in order to care that she was raped. Believe women.

Do not for one moment think that the implied threats from our Prime Minister in parliament and in the media conferences will silence women. I do not know if I am more offended he said these things, or that he spends time workshopping them as the best response to the voices being heard about our country, led by courage and story-telling survivors.

More than one woman a week dies to gendered violence - nine this year already, and another one since I stood in this place only days ago. One in three women have been assaulted.

Do not think that telling women we should be thankful we were not shot for protesting against systemic discrimination and violence will silence the thousands upon thousands of women who are calling for change.

Before I finish in the last minute, let me say this: women in Tasmania need agency, and reproductive rights are about our agency. Women in Tasmania cannot access safe affordable abortions easily, not because it is illegal, not because they do not want to, but because this Government's previous Health minister would not let them. He lost his fight to stop the legalisation, and used his position to block access, because he makes a choice for women. I note our current Health minister, who suggests that parliamentarians call out bias and equality, has not fixed it.

It is about time that those who are in positions of power and privilege stop making decisions for women. Do not deny us our reproductive rights. Do not act to remove our agency. Do not demean women who speak the truth. Do not deny our safe homes, safe streets and safe workplaces.

The Prime Minister is shocked at the stories coming out; leaders here are shocked. Women are barely surprised. We are barely surprised, and we are filled with incandescent rage

at the continual attacks on our very being, our right to exist on an equal footing in the world in which we live. Men keep telling us that we have been heard. Well, we want to see the actions of being heard, because there has been nothing yet.

**Time expired.**

[11.37 a.m.]

**Mr STREET** (Franklin) - Madam Deputy Speaker, I thank the Leader of the Opposition for bringing this matter of public importance to the parliament today. I concur with everything she contributed on this debate.

I have a list of notes about programs we put in place since we came to power. They are all programs or strategies that I am proud of - the Tasmanian Women's Strategy, the Financial Security for Women Action Plan, the Health and Wellbeing for Women Action Plan, the Women on Boards Strategy.

What has become absolutely clear is that what we have done in the past, what we are doing now, is not enough. We have a deeply embedded cultural problem. I do not know whether it is an Australian problem, or whether it is a Western world problem, but for the time being let us concentrate on the country that we live in.

For too long, we have convinced ourselves that somehow there is equality in this country for men and women. Whether we have done it because we genuinely believed it, or whether we did it because for men it was more comfortable to think that it existed, is a question we can talk about at some later stage. The fact is, there is a lack of equality and lack of respect for women in this country. Quite frankly, men who respect women do not rape women. Men who respect women do not assault women. Men who respect women do not attack women.

When the Leader of the Opposition is able to get up and give a statistic such as one in five Australian women will be sexually assaulted or assaulted in their lifetime, it is a clear demonstration that we have deep, deep problems in this country. The only way we are going to fix them is by talking about them.

I recognise the marches that took place across the country a couple of weeks ago. I was not able to attend due to a funeral. I only want to put that on the record because I would have been at that march because in some quarters this has been framed as a women's problem or a women's issue - and we are talking about women's rights today - but let me be very clear: as a man this is a man's problem, not a woman's problem.

Calls for women to speak up and to be believed are important, but at the end of the day it is about men changing their behaviour in terms of this problem so that women do not have to speak out because it does not occur any more. Yes, we have to change to the point where women feel comfortable to come forward and talk about these things, but that is only the very first step in fixing this problem. To eradicate the problem, men have to accept responsibility for this.

It is not that long ago in terms of human history that Australia gave women the right to vote in this country, and the fact that when this country was established women were not given the right to vote is an indication of just how deeply embedded the gender bias has been in culture for far too long. How did we ever exist as people thinking that men somehow had a

right to something that women did not in anything, let alone something as important as choosing who would lead us?

There have been calls for female parliamentarians to stand up, speak out and be brave. Well no, I am sorry, not enough. Male parliamentarians have to take the leadership role on this so that female members of parliament do not feel they have to fight for their own cause, that their male colleagues understand what they are talking about and are there with them to fight with them for equality. Male members of parliament have a far greater responsibility than female members of parliament in this particular debate because, as far as I am concerned, female members of parliament have already done the bravest thing possible by putting their hand up to be involved in this line of work.

I have spoken to female members of the Labor Party, I have spoken to female members on our side, in the Greens, and Independents, and the level of scrutiny about the way they behave, the way they speak and the way they dress, compared to the scrutiny we receive as male members of parliament, the imbalance is just absurd. For females to put their hand up to be involved in politics, to be involved in such a high-profile business, is bravery enough. Once they get here they should not have to then be trying to fight for equality with their male colleagues. It ought to be a given that once they are elected to this place we are all equal, we all have one vote in this place.

I cannot tell you how devastated I am that women are not able to feel safe at work. It is not an excuse, maybe it was my naivety, but I am only now just realising the depth of the problems we are dealing with and that women face. A friend of mine sent me through a couple of things to reiterate that point and I want to read a couple of them out:

Every woman you know has taken a longer route, has doubled back on herself, has pretended to dawdle by a shop window, has held her keys in her hand, has made a fake phone call, has rounded a corner and run. Every woman you know has walked home scared. Every woman you know.

Then she sent through another thought:

For anyone who might say we need to encourage boys and men when they speak out against sexism, why do we? Apart from anything, are we not always being told how most men are good and decent and would always speak up? If that's true, why on Earth would they need constant encouragement? Could it be that it's not true and that most men are silent and passive at best and upholders of the patriarchy?

The fact is that the status quo suited too many men for too long. The time for ignoring it or thinking that if you personally do the right thing or say the right thing is enough is over. It is not and we need to call this behaviour out.

**Time expired.**

**Matter noted.**

## **LAND (MISCELLANEOUS AMENDMENTS) BILL 2020 (No. 42)**

### **Second Reading**

**Continued from 23 March 2021 (page 97).**

**Bill read the second time.**

**Bill read the third time.**

## **BRICKMAKERS POINT LANDSLIP BILL 2020 (No. 15)**

### **In Committee**

#### **Council amendments to clauses 7 and 11 -**

**Mr JAENSCH** - Mr Deputy Chair, I move -

That the Council amendments be agreed to.

The Government acknowledges that the Brickmakers Point landslide in northern Tasmania has had a substantial impact on affected property owners, both financially and emotionally, over the past four years. It is our intention to make financial assistance available to property owners as soon as possible so they have the opportunity to move from their landslide-affected homes and ensure the affected land can be appropriately managed.

The Government introduced the Brickmakers Point Landslip Bill 2020 in March last year to provide a transparent legislative framework for delivering targeted financial assistance to owners of the five properties. The bill was passed unanimously in this place.

The bill would establish a process whereby the five affected property owners can, within 24 months from the enactment of the bill, voluntarily apply to have the Government make an offer to purchase their properties. The bill provides that offers to purchase affected properties are to be calculated at 75 per cent of the value of the property, as assessed by the Valuer-General based on the value that the property would have had on 1 May 2016, and assuming it was unaffected by the landslip.

Questions were raised when the bill was debated in the Legislative Council as to the methodology for calculating assistance under the bill, and debate was adjourned. In response the Government undertook to review the terms and conditions of the proposed financial assistance. The review involved comparing the proposed financial assistance under the bill to previous Tasmanian landslip schemes and to schemes in other jurisdictions. The review confirmed that the financial assistance that the Government proposed and that this House passed is reasonable and is comparable with previous Tasmanian schemes.

The Government acknowledges that over four years has elapsed between the landslip event and the offer of financial assistance. The Government wants the affected property owners to have the opportunity to access fair and reasonable financial assistance on compassionate

grounds, while balancing consistency with the long-term Tasmanian Government policy principles in these situations and terms agreed with the West Tamar Council.

Therefore, in the Legislative Council the Government proposed an amendment to the bill that would adjust any property purchase offers to take into account the time elapsed between the landslide event and the provision of assistance - that is, approximately four years. The amendment applies a consumer price index adjustment factor to any offer made by the minister to purchase an affected property. The CPI adjustment factor would be the aggregate percentage increase in the Australian Consumer Price Index as reported by the Australian Bureau of Statistics between the 2016 June quarter and the quarter preceding the minister's offer. The CPI adjustment would be applied to any offer as calculated under the bill as it currently stands. That is, on top of the 75 per cent of 1 May 2016 unaffected value, as assessed by the Valuer-General.

At a practical level, the amendment will effectively backdate any purchase offer as though it had been provided and paid immediately following the landslip event. Importantly, the amendment will not affect the agreed cost sharing arrangement with the West Tamar Council. The government will accept additional costs associated with the amendment.

The member for Rosevears, Jo Palmer MLC, officials from the Department of Premier and Cabinet, and representatives from my office have met with the affected property owners to discuss the proposal to apply the CPI adjustment. I appreciate that not all property owners may be completely satisfied with the financial assistance offered. However, the proposed financial assistance, like previous landslip assistance programs in the state, is not compensation. It has therefore not been calculated on that basis.

Financial assistance is being offered on compassionate grounds and not as a result of any legal liability on the part of government or the council for the damage caused by the 2016 landslide event. The intention is to provide the property owners with the option of assistance to move on from their current situation, rather than provide recompense for all costs or damages incurred.

The bill was passed in this place in March and this amendment, if passed in this place, will provide additional financial assistance to those property owners. The West Tamar Council has agreed to sign a binding deed in relation to these arrangements, and this will be finalised and executed at the same time as the proclamation of the legislation, should it pass this place.

I commend the bill, as amended, to the House.

**Ms STANDEN** - Mr Deputy Chair, I will make a brief contribution to note Labor's agreement to the amendments that have been put forward. As the minister has outlined, our thoughts are with those five property owners. Four years is a long time to be sitting with the emotional and financial uncertainty. There has already been considerable impact through that passage of time.

I am satisfied that this strikes the balance of access to fair and reasonable financial assistance on compassionate grounds, with balancing consistency with other matters and the terms agreed, including the terms agreed by the West Tamar Council. In terms of applying an amendment that, as the minister said, provides for an effective backdate of any purchase offer



as though it had been provided and paid immediately following the landslip event, is a reasonable outcome.

I note that this is an opt-in option that will provide assistance rather than compensation to those property owners, and that property owners maintain the option for civil action as an alternative should they wish to pursue it. I am satisfied and happy to support the amendments.

**Ms O'CONNOR** - The Greens supported the Brickmakers Point landslide bill when it was through this place last year, and we are quite comfortable supporting the amendments.

I take on board what the minister said about this not being compensation, but an act of compassion. On behalf of the Greens, I make the point that as we face more and more extreme weather events, and there is an increase in the level of natural hazards and impacts on property owners created by extreme weather events, there are questions that will need to be resolved about where liability lies. This applies not only to a potentially increased risk of landslip as weather patterns change and more extreme rainfall events occur; it also applies equally to people, for example, who live along Roches Beach, or at Lauderdale, who have faced storm surge events and the potential for significant impact on property owners, only a few years ago.

I was the Minister for Climate Change at the time. We went to Lauderdale after an extreme weather event, and at one of the properties the owners' pool was perched out over the beach because the waves had undermined the foundations of the pool. Other homes had waves lapping in their backyard. There is a body of work to be done by government, which we started when we were in government, around where liability lies and who potentially has rights as a property owner, to challenge government decisions that enabled properties to be built in places of significant risk.

I know there are natural hazards codes in the planning system. However, it is a fact that successive state and local government planning authorities have approved developments in places where there is increased risk to property owners. We have our State Coastal Policy of 1996 which, unfortunately, lacks the teeth to have any real effect on planning decisions - but it should have. We should be very cautious, for example, of developing in the coastal zone particularly around areas where the shoreline is soft, where there is not a hard-rocky coast. We will have impacts in communities. Mapping of coastal inundation hotspots was already done when we were in government, and we know that Lauderdale, and places like Port Sorell, face significant inundation risk in the future.

We encourage the Minister for Planning, as well as the Attorney-General, and the Minister for Climate Change to have a meaningful conversation about how we balance those issues of looking after property owners while ensuring we look after the broader public interest in terms of the state not always being held liable for decisions that people have made about where to build their homes and live.

I am not saying that it applies to Brickmakers Point at all. This was an extremely unfortunate natural hazard event that impacted property owners, but the bigger question must be resolved by Government, and it is a body of work that should be done urgently.

**Ms OGILVIE** - Mr Deputy Chair, if I remember correctly, we put this bill through urgently, mid COVID-19 crisis. Is that a correct recollection, minister? Yes, and I supported it at the time because it was very sensible and practical and, like everybody in this House, I felt

the landslip was a dreadful thing to happen to families, through no fault of anyone's, to have caused such horrible damage and distress.

Obviously, I will support the amendments. The amendments are really about making sure the offer takes account of the time value of money, in a very micro-economic sense, and CPI.

I have a couple questions for the minister, which I will quickly pop on the record. Then, do you want to talk about the magnificent value of our fabulous democracy in which we live, in which we have a social contract, whereby we all get together and are able to support people through our government, from the ground up, who are having a hard time? That is really a big part of what we are here today to do.

Minister, are you aware of any other homes or families that might not be captured by this particular bill, that are in the wind as having been affected by landslips elsewhere in Tasmania? That is just a question really of scope. I am sure you have done that work, if I could just understand that. My recollection is that we spoke in the original debate about it not establishing a precedent in a legal sense - but certainly I think it does establish a political precedent, as it should. In my view, government should step up. I am interested in that question.

I want to talk about why it is so important we take care of people who are in distress, particularly when it comes to homes and housing. We know there is a huge amount of pressure on the housing situation. I am certain it is all around Tasmania, but particularly in my electorate - of course I am here for my constituents - I hear regularly, if not incessantly, on this topic.

I am very concerned to ensure that when we build, build, build - as I say we ought to - apartments in particular, that we are very safe in doing so, that our planning laws and regulations through council manage those safety and security issues - and the engineering, in particular, of course. We do need to build. Particularly throughout Hobart, there are many opportunities for in-fill housing and accommodation, so I would very much like to see that happen.

The reason I am talking more broadly about homes and housing is that it is an area in which government plays. It is a complex area in which there are multiple actors - private, public, social and other organisers of accommodation space. People have a right, but also demand, that their government pays a lot of attention to homes and housing.

There is a lot of pressure in Tasmania on housing at the moment. I am very keen to understand more deeply whether the bill before us is, for want of a better phrase, the end of the matter from a political trajectory. Certainly it will not be the end of the matter for the people who have been affected by this very distressing situation.

Are there other areas around the state that might be in a similar or same category? Certainly, the security and safety of buildings is something we need to be thinking about from a broader perspective across the state. As I go about my political life - and I do talk about building, building, building, building to get people in homes, get those homes going - I want to make sure that those issues around safety and security, both physical and economic, are also taken care of.

I, of course, will support the bill. Minister, I am interested to know what information you have about those issues.

**Mr JAENSCH** - Mr Deputy Chair, I thank members for their contributions, and I will work back from Ms Ogilvie's contribution.

I am advised that the five properties referenced in this bill are the only properties known to be affected by this landslip event.

I take your broader point that it is important we ensure that our housing stock is safe and adequate for the future. That strays to matters raised by Ms O'Connor, and referred also by Ms Standen, in terms of what prevention can be built into the planning process as well. Some of that comes down to those matters of building design and certification, et cetera, and that in our efforts to make our processes more streamlined, we ensure the rigour of the standards apply.

That is front of mind as we try to make it more possible to deliver more housing where it is needed, more quickly, and do so in such a way that maintains all standards of that housing. It just makes the administrative processes of getting there and reducing cost and time more efficient, working, in some cases, across different parts of government and different legislation to do that. That is our challenge, and we are up for that.

More broadly, though, and this goes to that longer-term planning issue, which Ms O'Connor touched on, we need to ensure that where we are planning to build in the future takes account of the fact that we now understand that the world changes. The best available information at the time cannot be based on an expectation that the world is static. Things like sea level rises, the incidence of extreme events, et cetera, are not things that can be known only by looking at history; we have to be able to cast forward.

Ms O'Connor also touched on the issue of whose responsibility it is to be informed of these things, to make informed choices about how we proceed, and to ensure the information that people need is available to them. These are the sorts of matters that, through the balance of this year, we will be addressing through the development of Tasmanian planning policies. They will then be used to inform the review of our regional land use strategies, which will put a policy intent around things like how we deal with natural risks and hazards, and how we deal with changing climate, and patterns of events such as those that precipitated the landslip here.

I am hopeful that we will see a more contemporary approach to dealing with these sorts of complex risks in our planning system, in our provision of housing for people, and that we will also have a more sophisticated way of apportioning liability and responsibility as we go.

With those comments I believe I have touched on the important matters that were raised in the contributions, and I support the amendments.

**Council amendments agreed to.**

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

**Resolution agreed to.**

## **FOOD AMENDMENT BILL 2020 (No. 41)**

### **Second Reading**

[12.11 p.m.]

**Ms COURTNEY** (Bass - Minister for Health - 2R) - Madam Deputy Speaker, I move -

That the bill be now read the second time.

The purpose of the Food Amendment Bill 2020 is to clarify and enhance the data exchange provisions in the Food Act 2003 and to correct references to out-of-date Australian Government legislation.

The Food Act seeks to ensure the provision of food that is safe and suitable for human consumption and to prevent misleading conduct in connection with the sale of food. It also enables the application of the Australia New Zealand Food Standards Code in Tasmania. Since the act was proclaimed almost 20 years ago, there have been numerous changes and reforms in food safety regulation. These changes reflect the evolving nature of the food system, technology and business practices.

In 2015, the Food Act was amended to allow a greater range of mobile food businesses to apply for a single statewide registration. Before these amendments, many mobile food businesses were facing significant cost and administrative burdens associated with the requirement to register in each of the 29 local government areas in which they operated.

The previous 2015 amendments successfully reduced these compliance costs for mobile food businesses, as they now only need to register with one relevant council and, importantly, pay only one fee. The administrative burden on councils associated with processing applications has also been reduced, enabling environmental health officers to concentrate on compliance and inspection activities in order to more effectively protect public health.

While these previous changes have been effective at reducing the regulatory burden for small businesses and enhancing public health protection measures, their operation has highlighted some deficiencies in the current data exchange provisions contained in the Food Act. Specifically, the existing provisions do not easily allow councils or departmental officers to exchange food safety data with each other or with other jurisdictions.

The Food Amendment Bill 2020 amends the Food Act to address these issues and provide for enhanced and clarified information exchange mechanisms. These changes will create benefits for many Tasmanian small businesses by providing councils the opportunity to share administration costs and use resources more effectively and efficiently.

For small businesses, we know that supplying the same information over and over again to government agencies, councils and regulators can be one of the most unnecessary burdens related to complying with regulation. This is one of the reasons that prompted the previous amendments to allow for statewide registration. Conversely, the collection, administration and dissemination of information by multiple regulators on the same business can also lead to inefficiencies. By removing duplication and allowing for shared data, councils can reduce administrative costs and operate more efficiently, which will in turn achieve better service

delivery through a connected and seamless registration process for their local business community.

The bill enables the Director of Public Health to establish and maintain a food business database, provides clarity on when food safety information may be exchanged, and ensures that this may occur when appropriate. Importantly, these amendments to create a more systematic collection of food business information will facilitate compliance with, and enforcement of, the Food Act's provisions to enhance food safety and prevent food safety incidents.

Under the new provisions, the Director of Public Health has the power to establish and maintain a database containing information in relation to a food business obtained under the Food Act that the director considers necessary for the purpose of ensuring compliance or enforcement of the act. The provisions also provide the Director of Public Health to authorise a council, State Service agency, authorised officer, persons or classes of persons to enter, access, use or disclose the information contained in the database if the director is satisfied that this would assist in achieving or implementing the Food Act's objectives.

It is important to note that the provisions clearly define how the information will be shared, who is accountable and the strict requirements for access. Our food businesses can be assured that these provisions provide clarity on when food safety information may be exchanged and to ensure that this may occur when appropriate. As such, these changes will allow councils to have more accurate and up-to-date information, which means they can deliver better quality services and programs to small businesses and the community.

These changes will also help regulators to better manage food safety in Tasmania. They will allow an environmental health officer from anywhere in the state to access information relating to a food business' compliance history, regardless of where the food business is registered. This will in turn enable environmental health officers to prioritise food business inspections in a risk-based manner.

The bill clarifies that information obtained in connection with the administration of the act may be disclosed to a person developing, administering or enforcing a law of New Zealand, the Australian Government or a territory or other state that corresponds to the Food Act. The ability to exchange data in this way is important when authorities are managing a food safety issue that involves the movement of food across jurisdictional borders or when working to coordinate a national food recall or incident response.

These changes will support a consistent regulatory environment for our local councils and departmental officers, thereby helping to protect our community's health and Tasmania's reputation as a supplier of safe and suitable food. They will also facilitate responsive actions to food safety incidents, support national food safety response efforts and strengthen local council performance in regulating mobile food businesses across the state. The bill also makes minor consequential amendments to correct outdated legislative references associated with the Food Standards Code.

These amendments rectify an omission in the current framework that will not only provide administrative efficiencies for councils and regulators but will also benefit our small business food operators and the broader community. They will further protect public health by allowing regulators to more effectively exchange food safety information across the state, as well as enable enhanced compliance and enforcement activities to prevent food safety incidents

occurring. This will mean that councils can move their attention to improving the health and wellbeing of the community, rather than repeatedly seeking information from business owners, some of which may have already been collected in another part of the state.

Importantly, the development of a consistent and transparent data register will also create a better user experience for the many Tasmanian mobile food businesses operating around the state by removing the need to provide the same information to multiple councils time and time again. I commend the bill to the House.

[12.18 p.m.]

**Ms O'BYRNE (Bass)** - Mr Deputy Speaker, I appreciate the opportunity to speak on the Food Amendment Bill. That was probably one of the more comprehensive second reading speeches for what are effectively reasonably small changes to the Food Act and we will be endorsing it today.

As the minister has said, it fixes up out-of-date references to the old ANZFSA of 1991 and replaces it with the Food Standards Australia and New Zealand Act 1991. I am assuming that the minister is now a representative on FSANZ and I wish her well with that. I remember many long debates at FSANZ. One of the issues FSANZ has always had is that different states substitute different ministers, depending on the issue of the day, so your very strong health agenda does not always become a very strong health agenda at the next meeting. I wish the minister well in that. We have had many long discussions on that space in the past.

We were supportive of the original legislation when it came in in 2015 which was really about providing that regulatory framework to ensure FSANZ had a structure that was meaningful and not too complex. However, the nature of our environment is that it remains somewhat complex. I appreciate that this provides that level of exchange of information between local governments or departmental officers to make sure everyone is not producing the same work again and again, and that nothing is lost in that translation.

Our biggest concern is, one council might have done the work and another one has missed out on some of that information, which might put consumers at risk but also makes it a bit complex for councils and those businesses doing the right thing.

I spent some time, because one of the worries was about the collection of data and access to the data and there will be reasonably commercial-in-confidence information within that. I looked at the new clause 133A, Disclosure of information, and I believe it is important to put on record how restricted that process is and how that has to be met. It has to have the consent of the person, which I think is important. Perhaps the minister might talk about what happens if there is not written consent of that person and how you then prioritise that information. There will be some information sought that everyone is going to be quite happy to be shared; there is going to be some information that people may have a discomfort about, but it is still really important to share. I do not know if the minister in summing up wants to address where things might fall in that space.

I am confident there is a genuine will to get this to work properly. Obviously, if there are legal proceedings the bill is very clear that the information must be shared with or without consent. There are issues around compliance of the bill - public health safety and the risk of serious consequences for public health. They are all extremely good reasons.

There are some issues around research and development of international policies and standards, and I consider they make sense. However, it would be interesting to know what kinds of things might fall into that space that we think somebody might not give consent for. Beyond that, I consider it is sensible legislation that resolves issues that arose out of the previous legislation. We were comfortable the intent was good, and with that we will support the legislation.

[12.22 p.m.]

**Dr WOODRUFF** (Franklin) - Mr Deputy Speaker, the Greens are happy to support this bill. The Food Act is a very important mechanism to ensure the food we eat in Tasmania is safe. The aim of the act, as the minister stated, is that it is not only safe but is suitable for human consumption. That is one of the incongruities that we are faced with in this bill. We support the bill. It is important that we remove the regulatory burden that all small businesses suffer under, just as we all suffer under in the modern economy.

As a society, we are increasingly concerned with managing risk in all areas and, because of our litigious system, we end up being in a situation where governments increasingly outsource the management of risk to the private sector. That comes at a cost to us as individual citizens in an enormous amount of form filling, and a burden of work where we are constantly filling in forms to prevent any type of risk occurring and the possibility of any type of litigation.

In saying that, I am not in any way trying to trivialise the real requirement to have very good food security, and to ensure that the food that is sold in mobile food premises and businesses is safe to eat. The last thing we want is to have a system in Tasmania that does not ensure that when we are buying a coffee or a hamburger or any other beautiful piece of Tasmanian produce, that the food that we eat is not contaminated with any toxins and does not have any pathogens that are going to make us sick. It is very important that we have good regulations. We want to make sure, wherever we can, that the regulatory burden on people to demonstrate that their food business is safe, is as small as possible. We support the fact that the database would be established. That is certainly a good idea.

The incongruity I referred to before is, that although the Food Act says that the aim is to ensure that food for human consumption is safe and suitable, what we really have is a focus on safety with effectively no focus on suitability. We do not have any good food labelling in Australia. There is a long history of that as Ms O'Byrne, the member for Bass, mentioned. Anyone who has been involved in the Food Standards Australia New Zealand (FSANZ), which has been going on for decades - there have been lively and continuous debates about the failure in Australia at the federal level and the failure of FSANZ to implement anything approaching good food labelling: the sort of labelling that should be provided to us as citizens when we go into a shop and buy a product, or when we go to a take away in their fixed premises, or to a mobile food business; the sort of security that we ought to have, that the food that we are purchasing is actually healthy for us, is going to make us well if we continue to eat it - not just that day, but if we repeatedly eat it over a lifetime.

I believe everybody understands the way things are - that the food industry has enormous corporate power worldwide. Some of the largest corporations on the planet are food industry related, and they totally control the way labelling occurs in Australia, as in most other nations. We do not have clear, simple, evidence-based labelling on a product that will tell us the real risks of consuming a particular food.

We have a whole lot of risk management around drugs and, yet, as a society we allow our supermarket shelves to be overwhelmingly stacked with sugar, saturated fats, and refined grains. These are all the sorts of things which epidemiologists and nutritionists are showing very clearly will give us a far shorter life than if we ate something without those things in them. It is left up to the consumer. Typically, women are the principal purchasers of food for a family home, or a couple. In a couple, the woman would still do the majority of shopping. Women have the responsibility of trying to wade through the social media conversation about what food makes you fat, what food makes you sick, what food makes you generally feel appalling, and what food shortens your life.

Shoppers are left to wade through the contents - usually in 7 point or 6 point font, so tiny they can barely read them - trying to understand whether the food they are buying is actually going to make them sick, trying to understand if they just have been diagnosed with a stroke, or another life-shortening illness, how they can keep themselves from dying early. If we want to lengthen our lives, and not just lengthen them, but have healthy lives, then we need information to tell us what we can put in our mouths, and what is going to make us well, and what is going to make us sick.

There is no doubt there is a difference between having something once a year, once a month, once a week and having something every single day three times a day. This is basic information, but I can be quite sure that the food database this amendment bill enables means they will not be providing that genuinely helpful information. Instead it will be looking at the other part of food management which is required by the government. That is to make sure that what is sold over the counter, whether it is mobile or fixed, does not have contaminants that are toxic and does not have pathogens. This ticks that box, but there is a huge deficit.

I am sure all members make donations to health charities such as the Heart Foundation or other chronic disease alliances. All of these bodies, these good people, spend their lives desperately trying to look after and support people who are dying an early death, living in pain, living without the capacity to exercise or to just enjoy life. The largest part of that, the largest component, is related to the food we eat.

The difference we have in our diet in Australia is driven in greatest part by the open-door policy we have given to predatory food industries, which make a motza out of us. That is why Tony Abbott and John Howard - Liberal prime ministers - refused to put any bans on advertising of junk food in children's television time. They would never go there. As John Howard told us, it is the responsibility of parents to make decisions about what their children watch. Parents should educate their children. Parents should turn off the television.

Yet a decade later, we have an incredible obesity level in Australia and enormous chronic diseases resulting from that, terrible rates of diabetes, a huge number of people who will have arms and legs amputated because of diabetes, related to the food they eat. These are all solvable problems. If we take predatory food organisations and their bottom dollar, their return to their shareholder, out of the equation and look at what we ought to be able to do as a society, we ought to be able to ban junk food advertising everywhere because it is toxic. It is dangerous food. It is dangerous to have that on a regular basis all the time.

Almost nothing is a problem if you have it occasionally, but we have no information about how often we should have food and what is too much. We do not go there. We leave it up to individuals to make up their own mind and be responsible for educating their children,



pretending that the influence of the environment we live in has no effect. Clearly it does. Other cultures have a completely different approach. It is no surprise that all the indicators of health in those societies are far better. Their obesity levels are down, chronic disease rates are down, and life expectancy is up, especially for poorer people.

It is the poorer people in Australia, Aboriginal people, people who are severely disadvantaged, who bear the greatest burden of our appalling food labelling. These are the people who have the least capacity to choose food which is healthy and to be educated about food that is healthy. We have labels which are written in tiny font. I have plenty of degrees and I have spent a lot of time - and I see other women in the supermarkets doing this too - with my iPhone turning the torch on and shining it on the back of a label trying to understand what is in there, let alone if you have a child who has a food allergy. Good luck to you trying to wade through what is on the back of a label to make sure you are not literally killing your child by putting something on the table that is going to make them sick.

We have a long way to go. We support this. It is important that we have safe food that is sold and that small businesses do not have that regulatory burden, but let us not kid ourselves. This is not going to produce food that is suitable for human consumption, it is only going to provide us information about what is safe.

[12.35 p.m.]

**Mrs PETRUSMA** (Franklin) - Mr Deputy Speaker, it is a pleasure to speak in support of the proposed amendments to the Food Act 2003. I commend the Minister for Health, her staff, and the team at the Department of Health, especially Public Health Services, for all their efforts during this unprecedented COVID-19 pandemic and for all the hard work they have been undertaking in the minister's portfolio over the last year. I know that the safety, health, and wellbeing of all Tasmanians has been at the centre of the minister's decision-making and I commend her for all of her efforts.

This bill today is to make sure our safety is further increased. While these amendments may appear relatively minor, they are at the same time very necessary to improve the operation of the act by removing obsolete references and to also correct omissions in the current framework to allow food safety regulators to more effectively exchange information right across our beautiful state.

What I like about these changes is that they will allow our councils and our environmental health officers to increase inspections of all food businesses, which will protect Tasmania's enviable reputation for fine food. The last thing we want when we have our visitors coming from interstate or when we go all around the state is that any of us experience any ill-effects of food, so it is great that it will now increase inspections of all food businesses.

These amendments also complement the previous changes enacted by this Government which have effectively and appropriately reduced red tape and compliance costs for many of Tasmania's mobile food business operators. Through the changes made to the act in 2015 by the previous minister for health, Michael Ferguson MP, Tasmanians and visitors are already enjoying greater food choices with the removal of financial barriers and duplication costs for the many mobile food businesses that move widely across our great state.

Specifically, we introduced changes to allow for statewide registration of all mobile food businesses. Previously, statewide registration of food businesses was restricted to those that

operated out of vehicles, while all other food businesses were required to register with every single local council in this state. We all know we have 29 councils so that was quite a burden on a food operator.

Accordingly, the Tasmanian Government extended statewide registration to a wider class of mobile food businesses, including those now conducted in tents or from trestle tables, for example, those operating in any of our wonderful food markets across the state, as well as businesses operating with custom-built barbecues or pizza or bread ovens. Every single one of us in this House has been able to enjoy the gorgeous delights served from our wonderful food vans across Tasmania. For example, my family and I love Yeastie Beastie Doughnuts which come from Geeveston. It is the thing we look forward to.

**Dr Woodruff** - I will also have a Yeastie Beastie Doughnut, just maybe not every day.

**Mrs PETRUSMA** - It is true that I do not indulge every time either. You can smell them if you do not want to eat one. Our kids love it when we go to the Taste of the Huon or the Huon Show or the Taste of Tasmania and they are also in quite a few other locations. If Yeastie Beastie Doughnuts, just to take one example, had to pay \$350 for every single local council area they took their van to, imagine the cost to that one organisation, simply by appearing at different events. There are hundreds of these food vans across Tasmania, visiting all these locations. I believe it is a great initiative that this requirement to pay \$350 to each local council has been removed, saving thousands of dollars in annual fees as well as the time that was taken up by these small business owners, in seeking approvals from their local councils.

We now have in place one statewide approval and one registration fee. That is all that is now needed to register these local Tasmanian businesses.

To further support these changes, I went on the Public Health Service website and found some fantastic resources which I have been having a look at today in the Chamber. There is information for mobile food businesses. If I was looking to start up my own mobile food business, I can go there and find everything I need to know about the legal framework - including what constitutes a mobile food business -and the registration options -where and how to register as well as the information I need to provide as part of the registration process. There is information about what will happen following the application for registration; whether I can go anywhere once I am registered; whether I have to tell councils that I am operating; whether I can be inspected. Additionally, there is information to assist me once I have a registration, including what I have to do; whether I can operate at festival XYZ; whether my food van trailer needs to be registered and whether I need to register as a food business, if I am part of a charity sporting club that only runs a sausage sizzle once a year.

There is a lot more information on the website. I encourage people thinking about operating a food van or a sausage sizzle to go on line and find out further information.

There is also the guideline for mobile food businesses, which I encourage everyone in this Chamber to read. Again, it talks about registration requirements, especially for potentially hazardous foods. It talks about the duration of registration; design, construction and location, including the importance of adequate space, layout, site selection, equipment, fixtures, fittings, floors, walls, ceilings and ventilation. It also covers other considerations, including washing facilities; hand sanitizers; equipment washing facilities; waste management; waste water; operational requirements for the protection of food samples and food displays; food supply;

transporting food; food storage, in terms of food handling and hygiene requirements; temperature control; cooking, reheating and cooling food; thermometers; labelling; gloves; skills and knowledge; cleaning and sanitizing of surfaces; as well as temporary food store guidelines.

I encourage people to look at the great resources that have been developed. These guidelines are available for individuals, businesses, charities and community organisations that operate mobile food businesses, to provide guidance on the changes to the framework. The guidelines clearly set out many of the things they need to do to comply with the Food Act 2003 and the relevant provisions of the Australia New Zealand Food Standards Code.

These guidelines are also used by Tasmania's local councils who manage the registration, inspections and enforcement of food laws in Tasmania. These administrative changes were made last year by the Department of Health, with the previous multiple approval forms issued under the Food Act now consolidated into a single form; a great red tape reduction under the Minister, under this Government, which has simplified the application process for food businesses and notification registration even further.

These changes have now resulted in a far fairer and more streamlined registration process for these small businesses. The changes have also benefited local governments, through cutting the duplication of council resources and having to reassess compliance as well as processing application forms.

This is not the only support measure we have delivered to Tasmanian businesses in relation to the food safety framework during 2020, as part of the Governments COVID-19 support. Temporary measures were also put in place to postpone the requirement for businesses to formally renew their registration under the act. This was done to reduce both the administrative and financial burden on businesses during the height of the COVID-19 restrictions. Additionally, during the height of the restrictions, food policy measures were put in place to enable the rapid transition to takeaway-only food service options.

A key issue to be considered was enabling businesses that did not normally have to label food, to be able to trade while still providing them with sufficient product information that could be relied upon by their consumers.

In addition, significant resources were developed in Tasmania to assist food businesses, both food service and manufacturing, to better understand food allergies and allergen-management processes. This includes the development of a number of fact sheets to provide easily accessible and useful allergen information and advice for our food businesses right across Tasmania. A further, recent initiative to support greater food safety involves the partnership by the Tasmanian Public Health Service with the Victorian Department of Health in securing the free, online trading program, Do Food Safely, which is for use and access by all Tasmanians in early 2021.

I have been on line and have looked at the Do Food Safely program. It is free for us all to use. Every one of us can come out with a certificate on completion. I am half way through going through it. I have not quite reached the end for pushing for my free certificate. It is quite good. I encourage all of us, not only businesses, to look at it. It gives you so much knowledge. I have already done the food safety, personal hygiene, food handling, food contamination, food delivery storage and display, cleaning and sanitising and food allergen sections; that is where

I am up to so far. It is a great resource, and a good refresher of what we should all be practising in our own homes as well. I note that this program is also currently provided in four languages, catering for English, Arabic, Chinese and Vietnamese, and that future translations in Hindi, Punjabi, Korean and Nepali are also expected to become available later this year.

In summary, I welcome the further amendments proposed in this bill, which provides further support by this Government to help food businesses and community groups produce and sell food safely. I believe they clearly demonstrate the strong and proud record of achievement this Government has in supporting our many food businesses across Tasmania.

I commend the Minister for Health, her staff and the team in the department for all their efforts, not only in food safety, but for keeping us all safe, especially during the COVID-19 pandemic. I know that the safety, health and wellbeing of all Tasmanians has been at the forefront of all their minds. I commend the bill to the House.

[12.47 p.m.]

**Ms COURTNEY** (Bass - Minister for Health) - Mr Deputy Speaker, Mrs Petrusma's contribution has very much demonstrated a gold star for putting bills at this place into action. You have somewhat shamed me because I have not gone through that program. I might have to. If I went for a show of hands, perhaps we could all see if we can get it done today. We will know whose sausage rolls and sandwiches to eat because they have the right hygiene practices. Thank you, Mrs Petrusma, that was a very interesting contribution. It demonstrates how hard the team at Public Health work to try to ensure that when we have rules in place to ensure public safety, that it is as little burden on businesses as possible.

We know starting a small business is challenging. We know that the risk involved in a small business, and the numbers of different types of regulations that must be complied with at local, state and federal government levels is quite overwhelming. As Minister for Small Business, Hospitality and Events, I am in awe of small businesses. Their tenacity, their work ethic, and their ability to navigate what governments put on them is extraordinary. It is why, as a government, we have had such a strong agenda around red tape reduction.

I spoke on this bill when it went through the House in 2015. I was looking at it previously. I believe my comment is still very similar, considering the yeasty doughnuts was my opening statement when I contributed to the original bill. All the people who are rising today to talk about this bill obviously have food very close to their hearts. It is quite clear that that has not changed. As active members of our community, I know we attend many of these events. We have strong relationships with many of the food vendors in these mobile vans. We have seen a surge in recent years. They used to be something that you would only see occasionally at events but now they are part of our community. There are many locations in different communities where they set up on a semi-regular basis to provide food to communities and I know that for many families it is a welcome opportunity to get out and about and have dinner and catch up with friends.

We have worked hard as a government to reduce red tape across a range of areas and this was one of the clear examples that was beneficial. I know from engaging with many of these operators that reducing the burden of having to re-register at every single council was welcome and particularly when we look at regions where there is an intersection between many municipal boundaries. Launceston is a great example of that. Between Meander Valley, Launceston, West Tamar, George Town and Dorset, you can easily be crossing municipal

boundaries for different parts of your day as a food operator, so being able to instigate these has been helpful for small businesses.

The information sharing between jurisdictions also enables a faster response. That is important because at the heart of regulations such as this is the safety of our community and we know that food safety is something we need to take seriously. If we have food safety incidents the consequences can be horrific for the people involved but they can do significant brand damage as well to our state and our produce.

Many of our businesses and regional tourism destinations are predicated on the food we produce and the quality of the offering, so ensuring we have high standards in food safety is paramount to be able to ensure that visitors to our state have confidence. It also ensures we have protection for all businesses because the reputational damage to other businesses with food safety incidents can be extraordinarily high. This is an area where we are pleased to have taken action. This bill that we have before us today removes doubt and ensures we have the correct practices involved. We have a robust system to ensure information can be shared and I am pleased that, as with the original bill that came through the House, it is supported by other members.

In response to a question from Ms O'Byrne with regard to consent not being required or using without consent, it is clause 133A, disclosure of information, subparagraph (ii) under subsection (b), which gives a range of examples where they may be disclosed without written consent. A couple of examples of these might be if there is a suspected offence or question around compliance. Another example that has been provided to me is where perhaps an academic organisation wanted to do a study involving many records where it might not be feasible to be able to seek consent from a large number of people or businesses. The provision allows for sharing without consent in these situations and they are outlined in the subsection going through those.

**Ms O'Byrne** - By interjection, I assume that would be de-identified information anyway if it was a larger sweep of things.

**Ms COURTNEY** - It would depend on the circumstances but yes. For clarity, the people who can access this are the people who are already authorised officers under the existing provisions so it is not extending the range of powers more broadly, it is ensuring that those powers are clarified and removal of any doubt with provision of those.

I am happy that we can progress this bill because having spoken on it when it originally came to this place in 2015, we recognised, as did Ms White who made a contribution during that debate, the importance of supporting small businesses. Particularly after the year they have had, the Government has demonstrated its strong support for small businesses throughout COVID-19 and we are continuing to do that.

I thank the councils and the small chambers of commerce for the role they have played supporting their local businesses throughout COVID-19. It was a very challenging time financially but quite clearly also from a mental health perspective. I am very proud as a government that we are continuing to roll out our mental health initiatives through Tasmanian Lifeline as well as specific industry-based programs so that we have that continuing support

for business owners and are also providing them with the tools that they need to support their staff as we recover.

We know that small businesses are the lifeblood of many rural and remote communities and indeed many CBDs if we walk around Launceston or Hobart. They create vibrancy and obviously create jobs and are an important part of us as a tourism destination, and particularly when we have businesses celebrating the local food we have in Tasmania it is a key part of the proposition that we have as a state.

**Bill read the second time.**

**Bill read the third time.**

## **ALCOHOL AND DRUG DEPENDENCY REPEAL BILL 2019 (No. 40)**

### **Second Reading**

[12.57 p.m.]

**Mr ROCKLIFF** (Braddon - Minister for Mental Health and Wellbeing - 2R) - Mr Deputy Speaker, I move -

That the bill be now read the second time.

The purpose of this bill is to repeal the Alcohol and Drug Dependency Act 1968, the ADDA. It important to review legislation and review laws that are no longer relevant. The act proposed for repeal today is more than half a century old. In the last five decades, our society, our knowledge and our practices have changed greatly. This act - its purpose, its language and its format - no longer reflects community expectations or contemporary medical or treatment practices.

To give members some sense of the context of when this legislation was made, consider for a moment the name and date of legislation it replaced, namely the Inebriates Act 1885 and the Inebriate Hospital Act 1892. The bill today recognises this and repeals the ADDA and its subordinate legislation. The bill also makes minor consequential amendments to definitions in three other pieces of legislation.

Rather than speak to the bill, which is the mechanism, I think it is more useful today to consider the substance of the act we are repealing. In its current form, the act defines alcohol and drug dependency and provides for the admission and detention of persons suffering from alcohol or drug dependency to a designated treatment centre for up to six months, but it does not provide authority to actually treat that person. The act also establishes a tribunal to hear applications from a person who is seeking discharge from the treatment centre.

We can summarise the issues with the act into five points. First, the ADDA is out of date, confusing and difficult to apply. There have been, by my count, more than 20 amendments to the act since it was first made. Large parts of the act have been repealed or superseded by new legislation. Court-mandated treatment orders, for example, were removed in 1997 with the making of the Sentencing Act that year.

Second, contrary to basic human rights, the ADDA permits a person with decision-making capacity to be detained against their will for up to six months, yet the act does not provide authority to treat a person who has been detained without their consent. This effectively means that treatment may only be given to a person who is being detained if the person consents, or if the treatment is authorised under the Guardianship and Administration Act 1995. This essentially makes the ADDA redundant.

This leads us to the third issue, which is that the approaches underpinning the ADDA are out of step with current evidence-based approaches to alcohol and drug service delivery. There is some evidence that compulsory treatment for short periods can be an effective harm-reduction mechanism for some people, but there is no evidence to support long-term involuntary detention as an effective treatment approach, especially if that detention is without treatment.

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

### **STATEMENT BY SPEAKER**

#### **Brittany Higgins - Comments made by Senator Eric Abetz**

[2.30 p.m.]

**Madam SPEAKER** - Honourable members, I have a statement to read to the House. Unfortunately, I feel compelled to make another statement to the House.

Further to my statement this morning, Senator Eric Abetz has publicly accused me of making false allegations. In other words, lying about his comments. Instead, he suggested I made the statement out of revenge. As can be expected by Senator Abetz, he has responded with denial and very grubby politics.

I am highly offended by this misleading and mischievous commentary. This is why the women of Australia are angry. This is why they do not speak out.

I have witnesses who can testify that I told them of the discussion at the event and immediately afterwards. Since that date, I have also discussed it with others, including senior members of the party in both the political and administrative wing a couple of weeks ago, well prior to my removal from preselection discussions.

The reason I raised it today was because I saw the ABC *Four Corners* story regarding the inability of the security guards to intervene in the Higgins incident, and I felt compelled to call this out.

No amount of denial by the Senator will remove this conversation from our community dialogue, or my clear and concise memory of the revulsion I felt at the time. His spiteful accusations today cannot be used as an excuse or a distraction.

I call on him to be honest and apologise for his misogynistic views, no matter how deeply he believes them.

He argues that his record of assisting the establishment of a women's shelter before he entered politics demonstrates his support for women. I remind the House that Senator Abetz was first elected in 1994 - some 27 years ago - and this comment is evidence that he is completely out of touch with current dialogue nationwide.

My kind offer to buy him a coffee recently should not be taken as an endorsement of his comments.

I have called out Senator Abetz's behaviour on the public record on many occasions and I stand by my comments.

I will not be making any further comments on this tawdry affair.

## **RESIDENTIAL TENANCY (RENT CONTROL) AMENDMENT BILL 2021 (No. 7)**

### **Second Reading**

[2.33 p.m.]

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

That the bill now be read for a second time.

I note with a heavy heart that most of the Labor members have left the Chamber already.

The Residential Tenancy (Rent Control) Amendment Bill 2021 replaces the current unworkable rent control provisions in the Residential Tenancy Act of 1997, the principal act, with rent control provisions substantially similar to the model used in the Australian Capital Territory.

Tasmania is currently, and has been for some years, in the grip of a housing and rental crisis. Data compiled by the Tenants' Union of Tasmania by the MyBond system run by the Rental Deposit Authority shows that between September 2016 and September 2020, the weighted medium rent per week in Tasmania has increased from \$266 to \$357 - a 34 per cent increase over four years.

As we know, many of our constituents among the 54 000 residential tenants in Tasmania have received notice of a rent increase since the coronavirus protections expired on 1 February.

We have, for example, a case put forward by the Tenants' Union of a Huon Valley household where the rent went from \$378 a week to \$450 a week. A mum on the eastern shore whose rent jumped by 60 per cent, from \$220 to \$350 a week. The 63-year-old woman in West Hobart who had lived in her home for 15 years and received a 70 per cent rent increase notice.

As we know, the Residential Tenancy Commissioner has limited capacity, if any, to rein in those rents.

This is an urgent issue. In six days' time, the JobSeeker and JobKeeper COVID-19 supplements will come to an end, and we know that will have a devastating impact on



household budgets for Tasmanians who live in rental homes. Data from SQM Research shows that between March 2017 and March 2021, the weekly rents for houses have increased by 42 per cent in Launceston, 41 per cent in Hobart and 29 per cent in Burnie. The SQM Research data also shows an increase in rental costs for units of 43 per cent in Launceston, 32 per cent in Hobart and 20 per cent in Burnie over the same period.

The 2020 Rental Affordability Index, produced by SGS Economics and Planning, Bendigo Bank, National Shelter and the Brotherhood of St Laurence, found that the average rental household in greater Hobart would pay 31 per cent of its total income for a median-rate dwelling. Thirty per cent is the commonly used threshold for housing stress.

Before I outline the effect of this bill, I will address some of the issues raised by opponents. Opponents to this reform have broadly relied on two arguments: that this bill will not resolve supply issues in the rental market, and the bill will have unintended negative consequences on rental availability and affordability. This bill is not intended as the silver bullet to the housing and rental crisis. The supply issues in the housing market need to be resolved with further government investment in social housing - investment that was neglected for the first three years of the Hodgman Liberal Government.

We need to address the tapped-out construction workforce, and of course, as a priority, we need to regulate short-stay accommodation. These are actions the Greens support, but they cannot be addressed by an amendment to the Residential Tenancy Act 1997.

In terms of speculation over unintended consequences, this is exactly the reason why we have drafted this bill in the way that we have. The provisions in this amendment bill are modelled on the provisions in the ACT Residential Tenancy Act 1997 - provisions that were supported by Labor in the ACT because they are good policies. The only salient distinction between the ACT model and the proposed model here is that in the ACT, their Administrative Appeals Tribunal is the first point of assessment. Our bill retains the current process in the principal act of an initial assessment by the commissioner, with an appeal process to the Magistrates Court's civil division.

Tasmania's Civil and Administrative Tribunal (TasCAT) is currently in the process of being established. In addition to a second-tranche amendment bill being prepared this year, a consequential amendments bill to, quote:

confer jurisdiction onto TasCAT within both its original and review jurisdictions is being prepared.

If the bill passes, we expect the TasCAT reform process, including the consequential amendments bill, to consider amendments that may be necessary or desirable to the amended Residential Tenancy Act.

The ACT model has operated in some form since 1997. SQM Research data shows that between April 2009 and March 2021, rental prices in the ACT have increased from \$501 to \$660 - a 32 per cent increase over eleven and a half years. Rental prices for units have increased from \$372 a week to \$494 a week - a 33 per cent increase over eleven and a half years.

In Tasmania rents have increased more over three years than rents in the ACT went up over 11-and-a-half years. The claim that this model would perversely result in increased rents is not substantiated. The evidence strongly suggests the opposite.

I will now outline the changes that the bill will introduce. Under the current provisions in the principal act, rents can be increased if a written residential tenancy agreement allows for an increase or there is no residential tenancy agreement. This bill will allow for rent increases in the case of a fixed-term lease if the lease allows for it or in any other case if the increase is not above CPI plus 10 per cent of CPI, or the increase is above CPI plus 10 per cent but the agreement allows for the increase, or the tenant agrees to the increase in writing, or if the landlord applies to the commissioner and an order allowing the increase is issued.

These provisions notwithstanding, under both the current and proposed arrangements rent increases can be challenged as unreasonable by a tenant, but as we know, under the current arrangements, all that the commissioner looks at is the current state of the market and what the market can bear.

As it currently stands, under section 23 of the principal act, a tenant may apply to the commissioner for an order that a rent increase is unreasonable. Proposed new section 24F has similar provisions. However, current arrangements allow for an application at any stage during the 60-day notification period. The proposed amendments require the request to take place at least 14 days before the rent increase would come into effect.

The bill also provides under proposed new section 24H for rents to be frozen while an assessment takes place and contains provisions in clause 24K to retrospectively allow for payments to take place based on the decision of the commissioner.

The recent *Muddyman vs Nest Property* decision of the Magistrates Court of Tasmania makes it clear that under the current system the burden is on a tenant to establish that an increase is unreasonable. The court noted:

While neither the act nor the minor civil regulations expressly allocate any burden of proof, legal or evidential, to the tenant, it was common ground that it is for the tenant to establish that the increase in rent is excessive.

The model proposed by this bill provides a fairer and more considered allocation of the burden of proof. Proposed section 24(1) stipulates that if the rent increases below the rent increase limit, that is CPI plus 10 per cent of CPI, the burden of proof is on the tenant to prove the increase is unreasonable. If the rent increase is above this limit, then the burden of proof is on the owner.

One of the current issues with the principal act is outlined in the *Muddyman vs Nest Property* decision, which notes:

Section 23(1) makes it clear that the issue is whether the increase in rent is unreasonable. The issue is not whether the resulting rent is unreasonable.

Proposed new section 24(4A), consistent with provisions in the Australian Capital Territory act, allows for consideration of the amount of rent payable before the proposed rent

increase. This will in effect allow the question of the reasonableness of the rent after the proposed rent increase to be considered.

The current provisions also only require the Residential Tenancy Commissioner to have regard to the general level of rents for comparable residential premises in the locality or a similar locality and any other relevant matter. While the provisions of the catch-all of 'any other relevant matter' in the *Muddyman vs Nest Property* decision make it clear that it is up to the commissioner or the court to determine what is relevant, the absence of a prescribed list also fails to provide a guide to tenants, owners, the commissioner and the court on what matters may be relevant.

Under proposed new section 24I, the commissioner is required to consider a range of matters, including current rent and past rent increases, costs, services, goods and repairs provided by the owner or the landlord, works carried out by the tenant, the general state of the property, rental rates for comparable premises and any other matter the commissioner considers relevant.

Proposed new section 24M(3) allows for the commissioner, on application from a tenant, to issue or refuse to issue a rent reduction order. A rent reduction order must be issued if the tenant's use or enjoyment of the premises has diminished significantly as a result of:

- (1) the loss or diminished utility of a feature of the property service supplied by the owner;
- (2) the loss of the use of all or part of the premises; or
- (3) interference with the tenant's quiet enjoyment of the premises or the tenant's ability to use the premises which is caused by the owner.

This order can also be appealed to the civil division of the Magistrates Court for a fresh decision.

The Council of Homeless Persons says nationally they expect the end of the coronavirus support payments will lead to a 24 per cent increase in housing stress and a 9 per cent increase in homelessness nationally. In Tasmania, the most unaffordable rental market in the country, the impact is likely to be even worse. As we know, in Tasmania around a third of the population are dependent in some way or another on a Commonwealth income supplement or support. Adrienne Picone from TasCOSS says:

We are gravely concerned. We feel like last year what we talked about a lot was this potential cliff, and what we are seeing right now is people poised on the end of that cliff.

Members of this House have two options today. They can vote in favour of this bill, this modest reform proposal, that would provide immediate relief to thousands of tenants to whom we are responsible and answerable. If they vote in favour of this bill they are giving thousands of vulnerable people a basic level of protection. Or they can vote against it, thereby endorsing every massive rent increase we will hear about in the coming months and years and condemning everyday Tasmanians to extreme financial hardship and potentially homelessness. It really is that simple.

This bill, while not providing a panacea or silver bullet for housing and rental stress, will contribute to downward pressure on rents and, importantly, provide individual tenants with workable rights to challenge unreasonable rent increases.

On Twitter the other day there was an interesting exchange between a Mr Adam Burling and Louise Elliott, who is the spokesperson for landlords. Mr Burling tweeted:

Do you support a 59 per cent increase in rent for a tenant who is renewing a lease?

Ms Elliott replied:

Yes, I support an owner's right to set the price for their product, the same way private healthcare professionals, pharmaceutical companies, supermarkets, private schools and clothing stores do. And what's the back story? Rent before, after condition, bad egg tenant, et cetera.

With the greatest respect to Ms Elliott, a home is not a product. It is someone's home. It is a family's home, like that woman in West Hobart who has lived in her home for 15 years whose landlord served notice of a 70 per cent increase in rent. We have another approach from a landlord who wrote into the *Mercury* newspaper's comment section and said:

We own a rental property for investment reasons. That investment is looking very good due to the increase in the value of the property that we are seeing. For this reason we are not increasing the rent. We are coming out of a pandemic, and we all have a part to play. Our tenants play their part by paying the rent, although we gave relief in the depths of the closure, and looking after the property.

Being decent is an option for owners; not trying to maximise is also okay.

On the weekend, I had the great pleasure of going to the Hobart Mosque to see the beautiful exhibition of the history of Muslims in Australia which was sponsored by the Tasmanian Muslim Association. Towards the end of the event, I spoke to the President of the Tasmanian Muslim Association, Mr Kazi Sabbir. He was very supportive of this rent reform. He said that within his wider community, there is an enormous level of financial stress and fear of rising rents. To paraphrase, he said that many people who are renting within his community are worried about the decisions they will have to make about where they prioritise their spending. He was encouraged to contact members in this House, to help our colleagues understand the extent of the distress in this community. Here, in this House today, we could do something about that.

I will finish with a quote from Montana Bradshaw, who is facing a rent increase of 59 per cent, from \$220 a week to \$350 a week. When asked by the ABC if she thinks that members of the Tasmanian Parliament should support the bill we have before us today, Ms Bradshaw said, '100 per cent, I think that is the best thing they could do'. I plead with all members to listen to Miss Bradshaw, and to vote to protect her and her family and so many like her.

Madam Speaker I commend the bill to the House.

[2.52 p.m.]

**Ms ARCHER** (Clark - Attorney-General) - Madam Speaker, I rise to make a contribution on the second reading speech of this bill brought on by the Leader of the Greens, Ms O'Connor. I will start by saying I have absolutely no doubt that the reason for bringing this on by Ms O'Connor is extremely well intentioned.

Our Government has demonstrated and taken strong and decisive actions to protect Tasmanian tenants and landlords throughout the COVID-19 pandemic. We have shown a deep commitment and remain committed to supporting tenants and landlords as work to recover and rebuild a stronger Tasmania.

I remind the House that it is our Government which has stood shoulder to shoulder with tenants and landlords during COVID-19.

**Ms O'Connor** interjecting.

**Madam SPEAKER** - Order, it is import that the Attorney-General gets a voice.

**Ms ARCHER** - There is a reason why I am going through all this, Ms O'Connor. It is very important for the Government to demonstrate our strong commitment to tenants and landlords at this difficult and challenging time. We were the first Government in Australia to legislate protection for tenants through the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 for an initial 120-day emergency period, with the support of the parliament. Those amendments, by way of protections, were created to assist both owners and tenants in reducing the spread of COVID-19 within the community and to address the economic impacts of the pandemic on parties to a residential tenancy agreement.

**Dr Woodruff** - Do not write the Greens out of that.

**Ms ARCHER** - Already the Greens are rewriting history on this.

These protections were put in place to prevent evictions in most circumstances and to prevent rent increases, to recognise the unprecedented and extraordinary nature of the COVID-19 pandemic.

In June last year, our Government extended certain protections for residential tenants until 30 September 2020. At that point in time, this action brought Tasmania into line with the expiry of protections in most other states and territories. The protections were extended on two further occasions, coming to an end on 31 January 2021. This decision was not taken lightly by our Government. We did so in recognition of the progress made, not only in the community in response to the pandemic but also our economy since the start of COVID-19, and also with the significant improvement in the unemployment rate.

To support this transition, we extended access to our financial support through the COVID-19 Rent Relief Fund and COVID-19 Landlord Support Fund up to 31 March of this year. I note that we have provided the most generous financial support for tenants and landlords of any jurisdiction in the country. I have repeatedly said that we will continue to provide support to Tasmanian tenants and landlords where necessary.

To that end, I am pleased to announce today that our Government will again be extending financial support through the COVID-19 Rent Relief Fund and COVID-19 Landlord Support Fund for eligible tenants and landlords until 30 June this year. That is another recognition of the success of these funds. They have provided a significant relief for tenants and landlords to date, in settling a substantial amount of rent arrears, coupled with our repayment plan options, which will not be necessary at this time if tenants and landlords still wish to access and qualify under the hardship provisions for those two funds.

To date, we have already paid out \$3.65 million of those two funds. Members would acknowledge that is significant. The COVID-19 Rent Relief Fund, which became available from 25 May last year offers up to \$2000, or four week's rent, whichever is the lesser, to eligible tenants per round. Each time we have extended it, that is taken as a separate round and a separate application so tenants can keep applying on top of previous applications. In other words, if they have already been paid, they are not prohibited from making further application for subsequent periods that we extend the fund. Tenants who sublet or are not Australian citizens, such as migrants or temporary visa holders, are also able to access this payment if eligible.

The COVID-19 Landlord Support Fund for private residential landlords experiencing financial hardship due to tenants being behind in rent as a result of the pandemic, also offers financial support of up to \$2000 per round for eligible landlords. The COVID-19 Rent Relief Fund and the COVID-19 Landlord Support Fund have both been well received by the Real Estate Institute of Tasmania and Australia, as well as advocacy groups such as the Tenants Union of Tasmania.

I will make some general comments in relation to the bill itself. As with all law reform, it is important that we consider proposed changes in the context of the relevant legislation that exists and the environment in which the laws operate. Not doing so has the potential for perverse outcomes and possibly can further harm vulnerable people. I am not surprised that the Greens have brought this bill forward, feeling they have the right to control the private rental market with a cap on residential rents in Tasmania. It is not what we prefer to do as a Government -

**Dr Woodruff** - You have distorted neo-Liberal thinking. That means let the market rip, regardless of the impact on people.

**Ms ARCHER** - Madam Speaker, the Greens have their view, the Government has ours - if I can express our view. Democracy is a wonderful thing; we do not always agree because it is important that we represent the views of the free market. The Government wants to see markets function freely -

**Dr Woodruff** - It is not a free market.

**Ms ARCHER** - Madam Speaker, the Government wants to see markets function freely while putting in place supports and assistance when required. What we are seeing here is the desire to dictate and restrict how the private market operates. We do not support that.

**Dr Woodruff** - What do you do to the logging industry?

**Madam SPEAKER** - Order, please.

**Ms ARCHER** - Our Government wants markets to be competitive but at the same time we are supporting those people in our community who may be struggling due to the impacts of the pandemic. That in our view is a very balanced approach and the approach that the Government prefers. That is why our Government has and will continue to provide financial assistance to the private rental market to support both landlords and tenants with hardship caused by COVID-19. As demonstrated by the introduction of the residential tenancy protections, our Government will introduce and amend legislation based on need and evidence.

A cap on rents is likely to have the perverse impact of making tenure less secure for tenants. In the event a landlord needs to increase rents, for example to deal with increased costs of owning and maintaining a property, they will only be able to do this by terminating an agreement at its expiry and finding new tenants. This is likely to see tenants, including vulnerable tenants, forced to move more frequently than they otherwise might have to. This is an outcome which can be more costly and difficult to manage than the increase in the rent itself.

I urge any tenant who believes a rent increase to be unreasonable to apply to the Residential Tenancy Commissioner rather than allegedly reporting it to the Greens, who, at the risk of inciting them, are clearly playing politics on this issue, but that is my view. There is a mechanism -

**Ms O'CONNOR** - Point of order, Madam Speaker. That is offensive. We are actually in here trying to do the right thing by 54 000 Tasmanian tenants. It is not about playing politics. We have tabled an amendment bill. It is about being legislators and doing our job for the people who elected us.

**Madam SPEAKER** - Your comment is recorded.

**Ms ARCHER** - If I could explain my comment, I said at the start of this debate I had no doubt that Ms O'Connor was introducing this bill out of good faith. My comment related to the fact that if tenants believe a rent increase to be unreasonable they should report it to the Residential Tenancy Commissioner and not to the Greens.

**Ms O'Connor** - They've been doing both.

**Ms ARCHER** - If they are, the Greens or any other member of parliament should be referring it through to the commissioner. That is my point. There is a mechanism for review of rent increases and tenants should feel that they are able to use it. If there was no such mechanism I am sure that members of this House would be complaining about that too but we do have a mechanism and tenants should feel they can use it.

When assessing an unreasonable rent increase application, the commissioner already considers issues such as the value of the increase compared to the trend in similar suburbs or regions - and we saw that in the case quoted by Ms O'Connor - the condition of the property and its maintenance by the owner, a property's location and any other relevant factor which may increase or lower a property's appeal.

The Residential Tenancy Act 1997 already outlines existing protections regarding rent increases, namely that a rent increase must be given in writing with a minimum of 60 days notice before it is to take effect; rent can only be increased once in a 12-month period; and a

tenant who considers a rent increase is unreasonable can apply to the Residential Tenancy Commissioner for an order declaring the rent increase unreasonable.

To date the Residential Tenancy Commissioner has received just five applications for unreasonable rent increases following the expiry of the emergency period on 31 January, which is a similar number to the same period last year. We have not seen an increase. Of those five applications received by the Residential Tenancy Commissioner, one was found to be valid and reasonable, one was found to be invalid due to it being issued within 12 months of the lease being renewed and three remain under assessment. As demonstrated by the introduction of the residential tenancy protections, our Government will introduce and amend legislation based on evidence.

I want to turn to an article written by Greg Barns. I know it is rare that I would quote Greg Barns, but in the *Mercury* of 22 March this week he quotes Megan McArdle in *The Washington Post* from 15 June 2019, stating:

Pretty much every economist agrees that rent controls are bad.

Ms McArdle goes on to state, rightly so, that rent control also reduces the incentive to supply rental housing.

As Mr Barns states:

This description of the problem of rent controls can be found in repeated academic journals, opinion pieces and elsewhere. It is pretty much a uniform view.

I will quote Louise Elliot, president of the Tasmanian Residential Rental Property Owner's Association, from an article in the *Mercury* yesterday where she stated:

Although the way to address the root cause of the problem is widely known to be through increasing supply, the Greens want to cap rents, thinking it will eliminate the rent increase headlines. We disagree and go so far as to say it will worsen the situation for tenants who are already struggling ...

If rent caps were to be legislated, we would see many owners sell up at premium prices to owner-occupiers ... We would see the price for rental properties being set at the highest rate the market would tolerate from the outset, knowing any scope for increases during a tenancy are severely restricted. Many tenants would likely no longer enjoy the financial benefits of stable rent in exchange for being a great tenant. Instead, rents increasing annually by the maximum allowable amount would become the norm as owners would be too wary of letting the gap widen between what the tenant is paying and the true market rate, knowing catch-up would be impossible.

The sad reality is that those punching for rent caps are already making it worse for those they are trying to protect.

As the Productivity Commission has said in its 2019 research paper *Vulnerable Private Renters: Evidence and Options*:



Rate controls are an ineffective lever to improve affordability of private rentals. While controls may benefit tenants lucky enough to occupy rent-controlled dwellings, this comes at the cost of ultimately reducing the supply of rental housing. They can also have other negative effects including reducing the quality of the rental stock, increasing the cost of matching tenants and landlords and reducing tenant mobility. Somewhat perversely, rent controls may also limit the availability of affordable accommodation to low-income tenants as landlords may use a range of selection criteria (such as a higher income) to lower the risk of rent arrears.

It is not just the Productivity Commission which does not endorse rent controls. Last week's issue of *The Economist* highlighted the failure of rent controls in Berlin, and I quote:

The caps have made the city's housing shortage much worse. The number of classified ads for rentals has fallen by more than half.

The Government is concerned that this bill, whilst well meaning, will ultimately have adverse impacts on tenants, particularly vulnerable tenants.

**Ms O'Connor** - They're already bleeding.

**Ms ARCHER** - It does this in two ways. It increases the likelihood that a landlord will terminate an agreement on expiry and it reduces the power of tenants when looking for new properties. In particular I am concerned that the removal of the existing rent increase provisions at section 20 and replacing them with the requirement that a rent increase can only occur where the amount of the rent increase or its method of calculation is specified in the new section 24D will render void the existing rent increase clauses in standard residential tenancy agreements. This means that no increase, even an increase within the rent increase limit, will be possible within these agreements.

In this circumstance, for rent to increase a new agreement will be necessary and the most flexible way for a landlord to achieve this will be to terminate on expiry and find a new tenant. This clause significantly reduces the likelihood that tenants will be offered a new lease on expiry. As we know, moving house can impose significant cost, uncertainty, can obviously be traumatic and stressful on tenants, particularly vulnerable tenants, and this bill exacerbates that risk.

With regard to the case of *Muddyman vs Nest Property*, it is important to consider the impact the bill would have had on the tenant in that case. Assuming the landlord had increased the tenant's rent by the rent increase limit each year since 2014 when the lease commenced, the tenant's rent would be between \$320 and \$330 per week. That is only \$10 less than the current rent of \$340 which was found to be not unreasonable by the Residential Tenancy Commissioner and then the Magistrates Court. It is important to think about what would have also happened during that period. Each year the rent on the property would fall further behind the rent level of similar properties in the area. This means each year the incentive on the landlord to end the agreement and find new tenants would increase.

This is the key to the weakness of the bill. I know the Greens are well meaning in bringing this bill to the House but it does have the potential to hurt vulnerable tenants due to

the risk of termination on expiry, and for this I am concerned about the perverse outcome that this bill will have on tenants on the amount of rent that they pay.

I implore and encourage tenants to come forward and report rent increases they feel to be unreasonable to the Residential Tenancy Commissioner - to use that process.

We now know we have a Tasmanian Civil and Administrative Tribunal. I can commit to the House that I am already looking at bringing residential tenancies under that umbrella as part of another tranche of what that tribunal will deal with. It seems very sensible to do that, and I think I have mentioned that a few times in the House, so I hope members realise I am very serious about that. I think it is something that is on top of the list for the next tranche.

Once that tribunal is up and running, we can look at other opportunities to join other areas the tribunal would cover for greater consistency, and so you are not necessarily dealing with a commissioner and then the Magistrates Court - people can go straight to the civil tribunal itself. For that reason the Government will not be supporting the bill.

I am very pleased that we are extending the relief funds to tenants and landlords until the end of this financial year. As I have said, we will as a Government constantly review these things based on conditions and evidence, and I will commit to continuing to do so. The Government has supported both landlords and tenants throughout this entire process, and will continue to do so as we recover from the effects of COVID-19.

[3.12 p.m.]

**Ms O'Connor** - Yes, get up and do some handwringing and then vote against the interests of tenants.

**Madam SPEAKER** - Ms O'Connor, this is a kind and safe workplace. Thank you.

**Ms STANDEN** (Franklin) - Madam Speaker, it is no surprise that the Greens throw rocks at me as I stand to make a contribution in this place. They have one standard for themselves and another for everybody else. Nonetheless, I thank the Greens for bringing forward this bill, because it does bring forward an important discussion about the mechanisms to improve rental affordability within this state.

Some of the comments the Leader of the Greens makes in relation to rental stress are beyond dispute. She has outlined some of the figures relating to private rental stress, and there is one point that I disagree with. I think that when we are thinking about private rental stress, my understanding is that the figure of 54 000 includes those in social housing, and that those in the private rental market amount to about 40 000.

In the social housing space - those in public and community housing - those tenants are already operating under what is effectively a rent control arrangement through support.

**Ms O'Connor** - Thank you, Greens minister.

**Ms STANDEN** - Let us just be clear about what we are dealing with in terms of defining the problem, without throwing rocks, Ms O'Connor.

Nonetheless, 40 000 households is a big figure, and prior to the pandemic, something like 8000 households were described as being in rental stress. I have no doubt that figure is larger now. We have had all sorts of disruptive influences in terms of the pandemic - a deepening

housing crisis, people in economic difficulty throughout the pandemic, losing income support. A number of those jobs have come back, but there is no doubt that those in insecure employment within the hospitality and retail sectors, in particular, are doing it tough. Women as a cohort, and younger people in particular, are still highly vulnerable.

I take the opportunity to note and welcome the Attorney-General's announcement today to extend the tenants and landlords relief funds to 30 June. Thank you for taking that step, and for once not having me standing at your back pushing you to further support measures.

I have been in lock step with the Government. Tasmanian Labor has been in lock step with the Government in supporting measures to support both landlords and tenants. At times, in reflection, we may have got it a bit wrong. I have had representations, for instance, around the evictions and rent increase moratoria that unfortunately may not have provided strong enough protections, so that tenants have not needed to demonstrate financial stress, and that is regrettable. But as a parliament, people across the political divide have done their best to extend the strongest protections we can, balancing the interests of all those in need.

On this side of the House we do not believe that rent control or capping is the solution, despite the depth of the problem. There is a significant shortfall to demand in social and affordable housing - some 11 400 - and that, too, is an outdated statistic that predates the pandemic. We are still in a situation, though, where those data that existed prior to the pandemic - I do not believe any of those housing performance measures have improved in more than a year.

Tasmanian Labor moved successfully to establish the Select Committee on Housing Affordability. It was notable that there was an amendment to the original terms of reference for that committee - and before you say it, Leader of the Greens, yes, that was a Greens amendment, and it was to specifically look at rent control measures with reference to the ACT model. In the six months or so that I chaired that select committee, there were 37 submissions and five public hearings across the state, with 54 witnesses. It was a comprehensive piece of work that delivered 61 recommendations for consideration to ease housing stress, including rental affordability. Despite those broad terms of reference that were passed by the House, rental affordability and the rent control measures in particular did not receive strong support in terms of the submissions and witnesses.

There were a number of recommendations that came forward, though, specifically in the short-stay accommodation sector. Tasmanian Labor has long held the position - reflected in recommendation 8 of that paper - that the Tasmanian Government place a freeze on the number of short-stay accommodation permits that can be issued for entire dwellings in areas of high demand for rental housing, until the market conditions ease.

I take the opportunity to note that the fourth data report for short-stay accommodation under the Short Stay Accommodation Act is late once again - about four months by my reckoning. The third report was about four months late, and it was heavily qualified with a mea culpa around data quality issues that had plagued that data collection since it was first commenced, I think, in late 2019. I make the point that peak bodies, the community sector and others besides stood shoulder to shoulder with the Government at the time, arguing for that data collection as the solution - the evidence base, if you will, for finally regulating short-stay accommodation - and it has proved not to be the case.

We are now in the situation where I am sure the Government will argue - as they did, six months later in response to the select committee findings that there was no case to be made around regulating short stay accommodation because they were unconvinced around market failure. What is the saying about statistics? Lies, damn lies, and statistics. I say again, those bodies were sold a pup. There has never been any doubt in my mind that regulation of short stay accommodation was required prior to the pandemic. In my view, it was inexcusable that the Government allowed the short stay sector unfettered entry into the market. Now, regrettably, we are seeing the impact of that unfettered entry into the market.

As I said, the third data report showed some 2000 entire dwellings had potentially been transferred from the long-term private rental market into short stay accommodation. In Tasmania's very small housing market, that amounts to a substantial impact. The Tenants' Union has noted that the Australian Housing and Urban Research Institute (AHURI) has found that 12 per cent or so of the housing stock in the greater Hobart area has led to a greater density of short stay accommodation listings as a percentage of overall private rental markets here in Tasmania.

There is no doubt that there needs to be strong action on regulating the short stay accommodation sector. The Housing minister knows the easiest way to do that, and have a consistent approach to provide certainty across the state rather than a patchwork approach, is to amend the Short Stay Accommodation Act. However, he will not do it - although we have pushed him several times to consider it. I do not know what it will take for the Housing minister to agree that there is already substantial market failure here in Tasmania. His heart is not in it, he has taken a philosophical position.

I agree with the points the Attorney General makes about security of tenure. That is perhaps the most important consideration at this time, as we recover from the pandemic. Tasmanian Labor believes that rent control measures are not the solution. It could lead to removal of properties from the long-term rental market, or a shift to the short stay accommodation market - or perverse incentives to reduce investment, that may lead to reduced quality for tenants.

The other aspect of the select committee that relates to this specific area was recommendation 50. Tasmanian Labor has committed to implement and support all these recommendations from the Select Committee on Housing Affordability. Recommendation 50 clearly recommends that the Tasmanian Government conduct a full review of the Residential Tenancy Act 1997, and reform it to take into consideration the changes in the current market with specific reference to the provisions relating to minimum standards and their enforcement, energy efficient standards, security of tenure for tenants, rent controls, standard leases and applications and pets. I make the point: that is the suite of considerations that need to be reviewed, rather than plucking out rent control.

**Ms O'Connor** - We wrote to you twice asking for cooperation on housing stress. We had no answer.

**Madam SPEAKER** - Order, thank you please.

**Ms STANDEN** - If you do not want to take it from me, Leader of the Greens, then why not take it from the people. In their recent submission to the state government budget process for 2021-22, Shelter Tasmania has a specific section about improving the private rental market and consumer voice. If it was the pre-eminent issue that the sector was pushing the government

on to reform, you would expect rent control would come up. No. I quote from page 14 of the submission:

Shelter Tas is ideally placed to consult key stakeholders and deliver a report with recommendations to help modernise the Residential Tenancy Act and improve the tenancy security of all Tasmanians in private rental housing. This would assist Tasmania to align with best national practice on matters such as exemptions from the RTA, pets, digital rights, energy efficiency and emerging disruptive technologies such as apps for tenants and landlords.

Madam Speaker, there is nothing here about rent controls.

**Ms O'Connor** - That point you make is irrelevant.

**Ms STANDEN** - Why don't you write to Shelter Tas and tell them that they are irrelevant, Leader of the Greens? I am sure they would be delighted to hear from you.

**Madam SPEAKER** - Order, please. This is not how parliament works. It is not a dialogue between different members of the House. It is straight to the Speaker. Thank you very much. You may respond.

**Ms STANDEN** - Thank you, Madam Speaker. I, too, have reviewed evidence available to me in this space, not just recently but over the couple of years that I have held this shadow portfolio. Intuitively, as low-hanging fruit, one would think rent control or capping might be worth considering. However, having looked at the evidence interstate - and the Attorney-General cites bodies like the Productivity Commission - and overseas, including the evidence in the United States where there is a sort of patchwork quilt approach to rent control, it is incredibly contentious and the jury is out.

The small housing market in Tasmania, the destructive influence of short-stay accommodation and, in particular, the undersupply of social and affordable housing - which I put entirely at the feet of Housing minister, Mr Jaensch, and his government - the past seven years of failures, particularly in the first term of the Liberal Government, has led to the incredibly overheated situation we have today, with a housing wait list of some 3600 people, a burgeoning homelessness issue, and the issues go on.

**Ms O'Connor** - Which will get worse.

**Ms STANDEN** - It is. It is getting worse. This is not the answer to the homelessness problem.

**Ms O'Connor** - We never said it was the answer. I have some sorbolene in the office for that chafing from all your hand-wringing, if you like.

**Madam SPEAKER** - Order. That is completely inappropriate, Ms O'Connor.

**Ms STANDEN** - If you do not believe Shelter Tas as the peak body for housing and homelessness in the state, take the word of the Tenants' Union. They highlight - and I agree - that the rent control laws are the weakest in Australia.

I take issue with the Attorney-General about avenues for tenants to ask for a review through the office of the Residential Tenancy Commissioner. There may only have been five applications, but the Leader of the Greens is right when she says that people are scared. For a start, people do not necessarily know those avenues for review are open to them.

I am pleased to note your comments regarding the tribunal. I would like to see significant resources -

**Ms Archer** - That is what I am doing.

**Members** interjecting.

**Madam SPEAKER** - Order.

**Ms STANDEN** - What about looking at recommendation 51 from the Housing Affordability Report, that specifically looks at compliance checking of the Residential Tenancy Commissioner?

**Greens members** interjecting.

**Madam SPEAKER** - Order, please.

**Ms STANDEN** - There is a range of things that you could do, starting with a full, comprehensive approach for 61 recommendations within the Housing Affordability Report, which was simply brushed aside by the Housing minister and his government. In a recent opinion piece, I understand the Tenants' Union also concedes that rent control measures cannot be done in isolation. They say that stronger protections against eviction need to be considered; that action on short-stay accommodation policy needs to be considered. Even the Tenants' Union agrees that taken in isolation, rent control is not the solution. Tasmanian Labor will not be supporting this bill.

**Ms O'CONNOR** - Madam Speaker, I believe I am entitled to wind up on the bill in the two minutes I have left.

**Madam SPEAKER** - Just let me take advice. I am sorry, if someone is seeking the call, you cannot wind up. Please proceed, Mr Ellis.

**Ms O'Connor** - Do you own your own home, Mr Ellis? It must be comforting.

**Madam SPEAKER** - That is not appropriate, Ms O'Connor.

**Ms O'Connor** - It is an entirely reasonable question.

**Madam SPEAKER** - I know this is an extremely passionate concern. I appreciate that, but it is not appropriate to speak to Mr Ellis in such a fashion.

[3.30 p.m.]

**Mr ELLIS** (Braddon) - Thank you, Madam Speaker, but for the benefit of the House we had the great joy of buying our first home last year. It was one of the proudest moments of my life and I strongly believe in home ownership.

The Government provides rent-controlled accommodation to about 14 000 Tasmanians through the public housing system. Rents are capped at about 25 per cent of income. That is something that is perhaps lost in the broader discussion and it is important to keep people informed.

**Madam SPEAKER** - The time for debate has expired. The question is that the bill be read a second time.

**The House divided -**

**AYES 2**

Ms O'Connor  
Dr Woodruff (Teller)

**NOES 21**

Ms Archer  
Mr Barnett  
Dr Broad  
Ms Butler  
Ms Courtney  
Ms Dow  
Mr Ellis  
Mr Ferguson  
Mr Gutwein  
Ms Haddad  
Mr Jaensch  
Mr O'Byrne  
Ms O'Byrne  
Ms Ogilvie  
Mrs Petrusma  
Mr Rockliff  
Mr Shelton  
Ms Standen  
Mr Street (Teller)  
Mr Tucker  
Ms White

**Second reading negatived.**

**MOTION**

**Forestry Protests - Legislation**

[3.37 p.m.]

**Dr BROAD** (Braddon) - Madam Speaker, I move -

That the House:

- (1) notes that protest actions by the Bob Brown Foundation continue to hinder the legitimate activities of the Tasmanian timber and mining industries;

- (2) further notes that protests that include standing on loose log piles for photos, locking on to moving machinery and treesits in logging coupes are all incredibly dangerous and could easily lead to the serious injury or death of protesters;
- (3) calls on the Government to work with Labor to draft legislation that mirrors Part 7A of the Victorian Sustainable Forests (Timber) Act 2004 to enforce timber harvesting safety zones on public and private land that include significant fines for unauthorised entry; and
- (4) further, calls on the Government to work with Labor to draft legislation that creates an offence of aggravated trespass for protesters who enter resource processing, primary production or export facilities for the purpose of disrupting or obstructing a lawful activity.

As I said in a recent op-ed in *The Advocate*, as we approach a state and federal election in the next 12 months we can expect the Bob Brown Foundation to ramp up their protest stunts to end all native forestry. At least Bob Brown has been consistent; he has been calling for an end to all native forestry for quite a while but recently has ramped up his attacks, including in the courts, attacks against the Regional Forest Agreement, but members of the Bob Brown Foundation have also blockaded Artec in Bell Bay, McKay Timber at Brighton and various coupes around the state, including on the east coast and in the Tarkine. Recently they have also started up their anti-mining activity against Venture Minerals at Riley Creek.

In terms of forestry, this is despite all native timber operations being approved by the Greens and the environmental movement as part of the Tasmanian Forest Agreement. However it now appears that the Greens are walking away from their previous commitments and are also calling for the end of all native forestry. I argue that no-one else in the debate, particularly in the forestry debate, has ever called for all of anything. That is not how you negotiate, but now the Greens are part of what is effectively blackmail.

We have to also recognise in this debate that half of Tasmania is in some form of reservation, and that the state itself has net zero carbon emissions. We are actually in a far better place than the vast majority of the rest of the world - yet you would not get that admission from Bob Brown or indeed the Greens. We should be very proud of that record, that half the state is in reservation, and that we have net zero carbon emissions. This should encourage people from all over the world to move here, but also businesses to set up operations in Tasmania because they can, in effect, offset their carbon emissions.

The protests that Bob Brown has been undertaking are illegal and dangerous. In particular, standing on loose log piles for photos, and locking onto moving machinery, and tree sits in logging coupes are all incredibly dangerous and should be stopped on safety grounds alone. Standing on loose log piles: if those logs move - and it does happen; they can be quite moist if they have been debarked and so on - then they could roll on top of people and cause serious injury or death. Locking on to moving machinery is incredibly dangerous. Machines like excavators with harvesting heads on them, or other machinery, have blind spots. The operator sometimes has limited vision as they are swinging around and so on, and could quite easily come into contact with a protester. Indeed, if someone gets caught in certain hinge points



on that machinery, they could be seriously injured or killed. Yet, as I have pointed out in this parliament, our OH&S laws are not being enforced, and that is something the Government could do right now.

In question time, the Attorney-General washed her hands of enforcing these WorkSafe regulations. However, one thing the Government could do right now is fund more WorkSafe inspectors so that when there is a protest, they can ensure that they are actually operating safely, they have the appropriate PPE at least, and that they are not endangering themselves and the workers. Unfortunately, instead of fixing the problem - and this includes the attacks on Venture Minerals that are going on right now - the Government has brought on amended legislation that it has been sitting on since November 2019.

I argue that the Government strategy here is purely political, but also that the legislation goes too far, in that it would deliver Bob Brown a fundraising gravy train that he would take all the way to the High Court again, where he is likely to win. We have to remember the legislation the Government is proposing as the solution has already been thrown out of the High Court. We are heading back there if this indeed gets passed. The first thing that would happen is that Bob Brown would get himself arrested again, and then he would take it all the way through to the High Court.

There is no doubt this legislation goes too far. If the Government gets its way, then campaigns similar to the Fair Dinkum Food Campaign, tractor rallies or protests in response to the looming Liberal war with TAFE teachers could all result in fines or even jail. Things like the Australian Manufacturing Workers' Union, which stood outside supermarkets like Coles and Woolies, protesting about imports of potato chips being dumped on our markets - those sorts of protests would be illegal if this legislation was used.

The reason for bringing this motion today is that Labor actually wants to tackle the actions of the protesters, rather than infringe on the right to protest. We are suggesting creating timber harvesting safety zones on public and private land. The offence of aggravated trespass for protesters who enter resource processing, primary production or export facilities for the purpose of disrupting or obstructing a lawful activity is something that would actually be effective and not come into question in the High Court.

It is not only Labor that wants this, it is industry as well. Industry wants a solution to this issue. They do not want bills put up that are going to fail.

I have written to the minister, Mr Barnett, offering to work with the Liberals to tackle these job-destroying stunts, and provide certainty and protection for the resources sector. I have a response from the minister to that letter, which I will read into *Hansard* when I get a chance.

What I really hope, and Labor hopes as well, is that Mr Barnett and the Liberals abandon this cynical action, which has been timed to drive a political wedge on the eve of two important upper House elections, and work with us to find a genuine solution. We are more than willing to do that. To start the conversation, we are making those two suggestions on mirroring Part 7A of the Victorian Sustainable Forests (Timber) Act, which is the timber harvesting safety zones, and then also create the offence of an aggravated trespass.

It is not only just us wanting to work together with the Liberals to come up with a solution. That is exactly what the industry wants as well. In the *Advocate* on Tuesday 16 March 2021, Shawn Britton had an opinion piece in response to the Bob Brown protests that shut down McKay Timbers in Brighton for a number of hours. He rightly pointed out that no-one should feel threatened or intimidated in their workplace, but towards the end he added:

It is critically important that Tasmanian business and their employees and clients are protected from these capricious actions and I call on the State Minister for Resources to join with his counterparts in the ALP and ensure legislation is passed before the Parliament that can be passed and can offer real protection.

The time for politicking on this matter is now well past.

That is not Shawn Britton saying that Labor should pass the Liberals' bill. This is a very important industry player from Britton Timbers asking for Labor and the Liberals to work together to come up with a solution. It is in that tone that I sent the letter to Mr Barnett.

Britton Timbers has a fantastic operation. They have been key stakeholders as part of the Tasmanian Forests Agreement process. They have had a long-term presence in Circular Head. They have operations that stretch back well over 100 years. In fact, some forests that they are harvesting are coming up to their third rotation, so they have been involved in the forest industry for a long time. They have done everything they can to get maximum value out of Tasmania's forests, including purchasing Somerset Veneers to allow them to use special species timbers like Blackheart Sassafras in veneers. You glue a thin veneer over the top of particle board or something like MDF, and that way you have presentation-grade timber, but you are absolutely maximising what is a limited and expensive resource.

They have also produced premium products such as flooring and architectural timbers, structural timbers, that are well regarded, and there is a growing market. Yet they are still under continual attack from the Bob Brown Foundation, going about their everyday business in areas of forests that should not be contentious, because the debate was had in 2013 as part of the Tasmanian Forests Agreement.

It is not only Shawn Britton who is asking for Labor and Liberal to work together and come up with a solution. Tasmanian Forest Products Association wrote to a number of members including me, the Premier, Guy Barnett, and Labor Leader Rebecca White, asking for Labor and the Liberals to work together. I will read part of that into *Hansard*:

Dear Premier, Minister for Resources, Leader of the Labor Party and Shadow Minister for Resources,

I am writing to you collectively regarding the ongoing invasion of forest industry workplaces by environmental activists, and the need to take urgent action to address it.

The situation is becoming increasingly desperate for our members.

Over recent months we have seen workplace invasions (primarily but not solely undertaken by the Bob Brown Foundation) expand from the

occupation of forestry coupes and disabling of harvesting machinery, to what now appears to be a 'roster' of invading timber processors and sawmills right around the state.

Most recently, this culminated in the occupation of the McKay Timber sawmill at Brighton.

Each of these invasions cause not only significant financial loss to these businesses, but also significant emotional harm to those who work there.

Unfortunately, despite arrests for trespass, these environmental activists are showing no signs of slowing down their activity, and many of our members now must expend thousands of dollars each week in private security costs to try and protect their livelihoods.

We are strong supporters of free speech, but it is our view that such workplace invasions and blockades are a curse on our civil society and stronger action is required to protect our members who are lawfully going about their business.

We are aware that the Minister has indicated that the *Workplace (Protection from Protesters) Amendment Bill 2019* will be brought on for debate in the Legislative Council at the earliest opportunity. To be clear, we strongly support this Bill and encourage its passage.

But we also can count, and it is clear to us that while Labor continues to oppose it, the Bill's passage is in serious question.

In recent months we have engaged by what appeared to be a strengthening bipartisanship between both the Liberal and Labor parties in support of our renewable forest industry. The recent co-convening of the Parliamentary Friends of Forestry by Messrs Barnett and Broad was a clear demonstration of this.

In that same spirit, we strongly encourage both Parties to sit down together, and negotiate a way forward which will enable legislation to be urgently passed into law that protects our members.

I understand and respect that Labor has strong in-principle and practical concerns about some aspects of the Bill.

I also understand that it would be tempting for the Government to use Labor's refusal to support the Bill as a political weapon in the lead-up to next year's election.

Unfortunately, neither of these scenarios is going to provide my members with the protection they urgently need.

I would like to make it clear that neither I nor the TFPA is seeking to cast any judgement on any of your individual or Party positions on this legislation. But politics is the art of the possible.

What we are doing is asking for you to sit down together in good faith and seek to find an agreed compromise position which would allow both the Liberal and Labor parties to vote into law the stronger legislative protections our renewable forest industry so desperately needs.

I thank you for consideration of this request, and please don't hesitate to contact me any time.

Yours sincerely

Nick Steel  
Chief Executive Officer

It is in that spirit that I wrote to Mr Barnett with some suggestions. You may note it is rather similar to the wording of this motion we are debating. It says:

Dear Minister Barnett

I write to you to discuss correspondence we have both received from the Tasmanian Forest Association (TFPA). It is clear from this letter that the TFPA are seeking leadership from the Tasmanian Labor and Liberal parties to take a bipartisan approach to tackling workplace invasions by the Bob Brown Foundation and others targeting our resource industries.

It is with this request from the timber industry that I offer to work with you to draft legislation to tackle these job-destroying workplace invasions and dangerous stunts. I am extremely concerned that the actions of the Bob Brown Foundation are inherently dangerous and put the safety of protesters and workers at risk.

In the spirit of the TFPA's request for bipartisanship, I propose that we work together to expedite the drafting of legislation that achieves the following:

- Mirrors Part 7A of the Victorian Sustainable Forests (Timber) Act 2004 to enforce timber harvesting safety zones on public and private land that includes significant fines for unauthorised entry; and
- Creates an event of aggravated trespass for protesters who enter resource processing, primary production and export facilities for the purpose of disrupting or obstructing a lawful activity.

I look forward to your response and beginning a bipartisan approach to protecting our vital resource-based industries.

I recently received a response from the minister which I will now read into *Hansard*:

Dear Mr Broad

I refer to your letter of 21 March 2021. You say you oppose radical protesters invading workplaces, and denying the right of Tasmanians to work. However you go on to say you oppose our Government's workplace protection legislation soon to be debated in the Legislative Council. This is very disappointing.

The reasons you give to oppose this legislation are either misplaced, misleading or wrong. The Labor Party has a clear choice. Stand with the Bob Brown Foundation and the Greens and oppose this important legislation or vote for the right of business to operate and Tasmanian workers to work, without interference, impeding or harassment.

Our legislation has the support of Tasmania's productive industries representing farmers, foresters, miners, fishers and the business community, not to mention the Tasmanian workers.

Furthermore similar legislation has passed in the federal parliament with bipartisan support as well as in most mainland states with bipartisan support.

For all these reasons I have outlined publicly over a long period of time I urge you and the Labor Party to reconsider your position and support our legislation.

I offered the olive branch but the olive branch was not enough.

I will go through the reasons I disagree with this response from the minister. I believe he has several things quite wrong in this legislation, but I still remain committed to offering that olive branch. That is why I put this motion to the parliament. I am very interested to see how the minister handles this and whether he is willing to take that bipartisan approach, or whether he will continually go down the political line. I suspect that maybe the bipartisan approach will be dismissed and we will be heading back into politicking because the minister has already belled the cat on that.

For a start, if the minister was serious about protecting workers he would not have brought on the heat. First of all, he would not have scrapped the original bill that was thrown out by the High Court and would have come in with an entirely new bill rather than attempting to amend something that Bob Brown got so much mileage out of.

Second, you may recall, Mr Deputy Speaker, that it was brought on as an emergency. The Standing Orders were suspended and we debated long into the night. Then debate was guillotined and the vote put. That was in November 2019, some 14 or 15 months ago. This is the so-called emergency that has sat gathering dust waiting to be brought on for debate in the upper House, which I understand is happening as we speak.

If the Government was serious they would have brought this on sooner so we could have had this debate and potentially been working on that bipartisan solution to fix the problem rather than put forward a bill that is more than likely going to get thrown out by the High Court again. The minister has basically belled the cat.

I will refer to *Hansard* from Tuesday 2 March. I imagine this was the first question time when we came back from the summer break. The minister, Mr Guy Barnett, said, 'be assured it is a priority that is coming up in the Legislative Council', so this is a priority after 16 months. That is some emergency. Mr Barnett continued:

This will be a key question for the Legislative Council election, so watch this space for the Labor candidate absent member for Derwent and his position. What will the Labor candidate in Windermere say? What is their position? Will they support the workers and their right to work?

It looks very much like the timing of this legislation and the timing of this debate coincided not with the requirements of the industry but with an election coming up in the upper House seats of Derwent and Windermere. Anyone can draw that inference. These were the conversations that I was having with the industry some six or more months ago, saying, 'I bet the Government is going to sit on this and when we get in the shadows of the upper House election for Derwent and Windermere it will be brought on again so that the Government can play a political game rather than solve the industry's issue'.

The minister goes on to say in response to a Dorothy Dixier:

We know the position of Nick Duigan, the Liberal candidate for Windermere. He stands up for the little guys, the workers and their right to work. We know the position of Ben Shaw, the Liberal candidate for Derwent. Sadly, this is all coming to Mr Farrell, the Labor member for Derwent. ... Will there be a backflip in advance of that decision in only a few weeks' time?

It would have to be an amazing coincidence after waiting for 16 months while these workplace invasions were going on, all through that summer period where indeed the Greens joined with Bob Brown in events on the east coast with the lock-ons, the stunts, everything that was happening. What has the Government done? The Government has sat on this bill waiting for upper House elections. That is shameful. If the Government really stood up for workers it would have been an emergency and they would have put that so-called emergency series of amendments to the upper House immediately some 14 or 15 months ago.

Of course the Government knows that we would not support such sweeping anti-protest legislation. This is one thing the minister has definitely got wrong in his letter when he said, that similar legislation has been passed in the federal parliament with bipartisan support. That is not true. None of the other states ban protests on roads and footpaths. None of the other states ban protests on vehicles.

I will go into some detail on what other states do. What they do is narrow and targeted. It is not catch-all anti-protest legislation and that is why we have a problem. No; what we want to do is tackle the illegal and dangerous actions of the protesters, not the protesters themselves. Labor is a movement that was built on protest. The shearers' strikes and so on were the genesis of the Labor Party. We know that laws like this, that ban protests, have been used in the past. One only has to look back to the years in Queensland under the then Premier, Joh Bjelke-Petersen. In 1978, Joh Bjelke-Petersen's ban on all street marches led to violent clashes between police and protesters and the arrest of more than 2000 people in 26 separate incidents. There were many people arrested.

These protests were about issues like apartheid, land rights, nuclear testing in the Pacific, and corruption. The legislation to ban protests on streets and footpaths was enough for those 2000 people to be arrested and for a rather draconian government to use them on 26 separate occasions. We cannot have catch-all anti-protester legislation on the books; the Government knows that. They know we have a fundamental problem with any bill that is so sweeping in the way that it bans protests. Indeed, the High Court of Australia also had a problem and threw it out - yet, here we are again.

Another problem with the Government's approach relates to sections that could criminalise actions. For example, I have previously talked about a young prankster on Facebook who urged people to storm the woodchip pile. That caught the attention of Tasmania Police. Under one of the clauses in the Government's bill, this would be criminalised. The joke played by some young guy on Facebook would be a criminal offence. Whether the government of the day would enforce these types of laws, and take them to the fullest extent, is not necessarily the issue. The issue is that if we had a government like that of Joh Bjelke-Petersen, these laws could be applied to ban all protests.

Let us talk about what other states have done, because the minister says other states have done exactly the same thing. Do a bit of research, minister. What has Queensland done?

**Mr DEPUTY SPEAKER** - Dr Broad, do not incite the minister if you do not want him to interject.

**Dr BROAD** - I would like some clarification on where these identical laws are, because the laws in other states are narrow and targeted. In Queensland, there is an amendment to the Summary Offences Act. It is limited to farming and agricultural properties. It is not a catch-all protesting regulation. It prohibits the assembly of three or more people on farms where a reasonable person would fear violence to personal property, et cetera. A maximum penalty of two years applies if violence is perpetrated; one year if not. There are increased penalties for trespassing on primary production land, and the creation of the specific offence for such trespass. In other words, that is an aggravated trespass type of approach. That is Queensland. It is targeted specifically to farming, to agricultural properties - not to businesses, as the minister would like.

In South Australia, there has been an amendment to the Summary Offences Act 1953. It is limited to primary production properties; very narrow, very targeted. It creates specific offences for trespass and aggravated trespass on primary production land. It establishes a liability for compensation payable to the owner of the premises. It is targeted to primary production.

Western Australia made changes to the animal welfare and trespass legislation. The amendment is not yet in force, but the bill only applies to farms, abattoirs and knackereries. It creates a new offence of aggravated trespass. It creates an offence where a trespasser interferes with an animal source of food production, assaults, intimidates, harasses a person on the premises or intends to do so. It creates a maximum penalty of \$12 000 or 12 months in jail; \$24 000 or two years, if there is aggravation. It allows for a court to make a misconduct restraining order for people the court considers likely to commit aggravated trespass. Western Australia does not have similar legislation. It is specific to agriculture, abattoirs and knackereries.

In New South Wales there was an amendment to the Inclosed Lands Protection Act 1901. It applies only to agriculture, livestock, forestry and aquaculture businesses. It is more generalised in that it includes not only farms but also livestock and, for the first time, forestry, and prohibits interfering with or attempting to interfere with the conduct of business, or doing anything that gives rise to a serious safety risk - this is a very sensible approach; or introducing or increasing our biosecurity risk.

Then it goes on: possesses, places or uses any net, trap, snare, poison, explosive, ammunition, knife, hunting device or hunting equipment - it appears they have very different issues in new South Wales - or wilfully or negligently releases any livestock; and a person must not direct, incite, counsel, procure, commission or induce the above offences.

It is very targeted. It is not talking about streets, footpaths and roads. It is not talking about all businesses.

The federal government amended the Criminal Code. It only applies to primary production land. It creates a new offence of using a carriage service to incite trespass, incite property damage and so on.

That is going through the legislation. Nowhere in Australia are they proposing such sweeping anti-protest laws that the Government wants us to pass. What other states do have, is similar legislation - especially when it comes to aggravated trespass. That is what we are suggesting, because that tackles the aggravation of the trespass. It does not stop people protesting, but it does stop that aggravation - it stops the locking on, the interference in logging coupes and mining operations. Indeed, as we have seen on the mainland, vegan protesters have been kidnapping goats -

**Dr Woodruff** - Saving them?

**Dr BROAD** - Those people who kidnapped those goats do not know anything about animals, I can tell you that.

I understand the Victorian Government has in place, as part of their Sustainable Forests (Timber) Act of 2004 Part 7A, which is the timber harvesting safety zones. It gives the government power to declare certain areas for the purposes of this act. It defines a coupe. It defines a timber harvesting safety zone as a coupe, and any road within that coupe that is enclosed for the purposes of timber harvesting, and any area of state forest that is within 150 metres of the boundary of that coupe. It then gives guidance on how the notice of that timber harvesting safety zone will be put in place. It creates an offence for people ignoring a direction for people to leave that timber harvesting safety zone. A person must not refuse or fail to comply with any direction under the subsection. It sets up a buffer zone to those timber harvesting operations. There is also a section about direction to remove a dog; Victoria may have some slightly different issues with their protesters bringing dogs along.

It also creates an offence to enter or remain in a timber harvesting safety zone; and an offence to be in possession of a prohibited thing - and that prohibited thing could be something like equipment used to lock onto devices. It goes into quite some detail. It is an offence to remove or destroy a barrier or fence; an offence to remove or destroy a notice, and so on.



The effect of that Part 7A and the creation of timber harvesting safety zones is about safety. It is about removing protesters from being in that zone where they could be harmed; and where if somebody is felling a tree, and protesters rush into that zone they could be killed. They could be killed by machinery; they could be killed by logs rolling. A timber harvesting operation out in a coupe is inherently dangerous. It could be wet, slippery and steep, and there is large machinery in operation. There are log piles, uneven ground and it is inherently a dangerous place.

Yet we have people like the Bob Brown Foundation running out, locking on and protesting in these zones. There have been a number of notifications to WorkSafe about it. It is actually mandatory for operators in these coupes to notify when these serious breaches of OH&S regulations occur.

There have been a number of notifiable incidents, including those reported by Britton Brothers, by harvest contractors, and by STT. Some of those notices included actions that involved the member for Clark, Ms O'Connor and Greens Senator Peter Whish-Wilson for climbing over unsecured log piles.

**Ms O'Connor** - We take the risk.

**Dr BROAD** - The member who is interjecting actually was taking risks. But these are risks that can have devastating consequences. It is not a joke. If those log poles that the member for Clark was standing on rolled there could have been serious injuries or a number of deaths. You have to take this seriously, which is why I am proposing that in addition to mirroring other legislation in other states looking at aggravated trespass, we also work on timber harvesting safety zones.

We do not, however, support legislation that goes so far that it has the potential to ban any protest on any road or any street in front of any business. That is the breadth of what the Government has put in place. That is why the union movement is against it, despite the clause about protected workplace action, because unions quite often protest about things that are not protected action. What happens if these are social issues? It could even be a case of somebody who gets bad service and protests outside that business about bad service or being ripped off or something. If they are on a footpath outside that business and it could be argued that they intend to impede that business, then bang, you get pinged.

You cannot have statutes like this on the books because if we have another government like the Joh Bjelke-Petersen years, they will be used because they are on the books. This is how law works. It may not be the intention at the time it is drafted but it has the potential to be used in such a manner.

I am absolutely no supporter of the Bob Brown Foundation. It is very disappointing when members from the other side try to claim that I am by manufacturing quotes from debates and sticking sentences together 360 words apart. I am no supporter of the Bob Brown Foundation. I have argued in this place that they are in effect a green Ponzi scheme because they are basically a protest organisation that raises funds to fund more protests. I have talked about the fact the membership subscriptions to the Bob Brown Foundation are only a little over \$9000 which dropped \$6000 from the year before. In 2020 it was \$9555 and the year before was \$16 364, so they are not a membership-driven organisation. They are an organisation that

spends their fundraisers' million dollars and receives grants of some \$200 000 last year. I am not sure where all those grants came from.

They spend all that money on consulting professional fees, employee costs and travel. The Bob Brown Foundation has seven full-time employees that they have reported, four part-time employees and one casual. They claim volunteers number 350 but I am not sure how accurate that is. The Bob Brown Foundation registered charity has a full-time equivalent workforce of 10.2 individuals, so let us say there are 10 people working for the Bob Brown Foundation and the employee costs are \$76 000. That works out on average around \$76 000 for each of those employees. No doubt there are some on more and some on less, but that is a reasonably good living for professional protesting and fundraising.

Mr Deputy Speaker, they are not a mass movement but they are so clever with their social media that they appear to be one. You even see it in the protests and their actions in the forests. There is a very limited number of individuals who appear in all these different photos. It does beg the question -

**Ms O'Connor** - What about those people outside the House yesterday?

**Dr BROAD** - They were a whole bunch of people on all sorts of issues including animal rights. It was not just the Bob Brown Foundation, I think you could say.

**Ms O'Connor** - So you're not going to denigrate them even though you scuttled past without talking to them.

**Dr BROAD** - No, because they were busy shouting and getting a photo. I did not want to interfere with that.

**Dr Woodruff** - There was no shouting, they were silent. They had their mouths taped shut. You didn't even look.

**Mr DEPUTY SPEAKER** - Order, Ms O'Connor and Dr Woodruff, enough of the interjections. You will get a chance to make a contribution in a minute.

**Dr BROAD** - Thank you, Mr Deputy Speaker. I was actually on my way to the Friends of Football event which was starting at the same time, so I went to Friends of Football and did not want to be a part of Bob Brown's latest adventure.

**Ms O'Connor** - It wasn't the Bob Brown Foundation -

**Mr DEPUTY SPEAKER** - Order, Ms O'Connor.

**Dr BROAD** - and everyone else. I am not saying that they should not have had the ability to do that, good on them.

The Bob Brown Foundation is actively taking the approach that they want all native logging to end and they are willing to do what it takes. They are willing to use what is in effect blackmail, an 'our way or the highway' type of approach. They are an organisation that is built on raising funds to protest rather than to be constructive.

There was a negotiation, there was an agreement and it is still in place despite the ceremonial tearing up of it. The industry still abides by it. There is still not a single stick of timber being harvested that was not part of that agreement. The industry has done everything that they wanted. Bob Brown was never part of it, but he should not have the right to try to destroy a 100-year-old family business that employs people in regional Tasmania simply because he has a moral objection to any tree being cut down.

If he wants to protest that then fair enough, but do not do it in a way that constantly hinders or impedes businesses and doing so in a manner that could result in serious injury or death to his own staff and supporters.

**Ms O'Connor** - Don't pretend that you care.

**Dr BROAD** - I do care about that. The forest can be an inherently dangerous place.

The nub of this motion is that Labor and the Liberals could have the chance to be the adults in the room and come up with a bipartisan approach to draft legislation that will tackle the actions of these protesters, rather than being a sweeping series of amendments to a bill that was thrown out of the High Court that remains far too wide-reaching in its approach. The Government knew that and I suspect they want us to knock it off so that they can run 'Labor-Greens, Labor-Greens' all the way to the election.

We want to work together with the Government to come up with a solution in the best interests of the industry, to protect jobs in regional communities and give the timber industry a sustainable future.

**Time expired.**

[4.17 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Mr Deputy Speaker, life is too short for me to waste too much time on Dr Broad's motion, but I want to make a brief contribution.

Outside parliament yesterday were gathered hundreds of people from all walks of life. That protest against the draconian anti-protest laws was not organised by the Bob Brown Foundation. The protest outside the front of Parliament House this morning was organised by Bob Brown Foundation and in both instances Dr Woodruff and I proudly stood with those Tasmanians who are defending their right to peaceful protest.

What we are seeing here from Dr Broad is an attempt to mitigate some of the political damage that the Liberals will make sure Labor pays for not supporting these draconian laws, just as he demonises the Bob Brown Foundation and peaceful protesters because he thinks it will work for him politically in Braddon. We can see straight through Dr Broad. His cynicism is manifest.

What he wants to do here is create two separate classes of protesters. This is Labor saying to the union movement, 'We'll make sure that the anti-protest laws, however they look, don't impact on workers' rights to peaceful protest', but what they want to do is marginalise conservationists to create a separate class of protesters who care about the planet. That includes people who are protesting to defend forests and people who are protesting to defend wilderness. What is Dr Broad's view on what is likely to be a blockade at Halls Island in Lake Malbena

should that development be approved? They want to create a separate class of protesters for people who are standing up for a safe climate.

That is what is happening here. It is a hallmark of fascism to demonise and stigmatise a group. When you hear the kind of language that is coming from Dr Broad, and Michael Bailey from the Chamber of Commerce and Industry, who describe these peaceful protesters as economic terrorists - just as Mr Ellis described animal welfare activists as economic terrorists - that language is extremely dangerous. It is almost an incitement to violence against people who are prepared to stand up, whether it is for forests, climate and wilderness or for the rights of animals.

To demonise a group - as both the Liberal and Labor parties do in this place when they demonise conservationists, young people standing up for the forests and a safe climate - that is one step down the road toward authoritarianism.

I remind every member of this place - except Dr Woodruff, who knows this very well - that the reason Tasmania is looked at from the mainland and around the world for its beautiful forests and wilderness is because people, over decades, have peacefully protested to protect what makes Tasmania special. They protested against a pulp mill at Wesley Vale, which would have pumped dioxins into Bass Strait for multiple generations. They protested against the Tamar Valley pulp mill, which would have poisoned the air shed in the Tamar Valley. It would have killed people over time. We protested against a canal estate in the Ralphs Bay Conservation Area, and we saved Tasmania from having its first Gold Coast style canal housing estate in the middle of an internationally significant migratory bird habitat. People have stood up for the forests on this island - 10 000 people marching through the Styx - thousands of young people who marched for a safe climate.

It is integral to who we are as Tasmanians, that right to peaceful protest - and that is what our colleagues in this place, from both the Liberal and Labor parties, want to see. They want to crush dissent. They want to scare people, and they want to give the big corporates a free pass.

I will tell you something for free. It does not matter what laws you enact to try to crush peaceful protest and stifle dissent, it will not stop them. It will not stop those of us who care about this place. It will not stop us, Mr Deputy Speaker.

You can have these laws that have been tossed out by the High Court and we have the 'shine on a cow pat' scenario of the amendments upstairs. You can have Labor trying to mitigate some of the damage by proposing aggravated trespass laws, which would only be targeted at conservationists. Absolutely, I have read your notice of motion here. You can have these laws, but it will not change anything, because people who care clearly will stand up - and thank goodness they do.

If we had not had peaceful protest on this island over the last 40 or 50 years, the Franklin Dam would have been built. We would have a pulp mill in the Tamar Valley, a pulp mill at Wesley Vale, a canal housing estate in the Ralphs Bay Conservation Area, and far more of our forests would have been decimated than they have been.

I told Dr Broad this before, but he just does not listen. To us, the Tasmanian Forests Agreement is dead and buried; we are not beholden to that agreement. The trade-off for that

agreement was the reserves, and there are now 356 000 hectares of some of the most beautiful carbon-rich biodiverse forests in the world that are still not safe.

That second tranche of reserves never happened.

I say it to Dr Broad for the tenth or fifteenth time: we are not beholden to the Tasmanian Forests Agreement because government did not meet its end of the bargain. The Liberals came into office and tore it up and we never got the second tranche of reserves. Dr Broad can keep lying out there in the community about this. He can keep trying -

**Mr DEPUTY SPEAKER** - Order, Ms O'Connor.

**Ms O'CONNOR** - Okay, Dr Broad can, for his own political purposes, keep going out into the community and misleading people about our position on forests.

I will be crystal clear with him right now: we support an end to native forest logging. We believe that has significant support in the Tasmanian community, and we know it has overwhelming support from young people who want a safe climate. We also know that position is backed up by the science, where the IPCC tells us we have to stop deforestation and we have to start reforestation or rewilding.

Our position on native forest logging is oxygen clear. Native forest logging must end. Native forest logging cannot be justified in a time of climate and biodiversity crisis. Native forest logging, the science tells us, increases bushfire risk, because it dries out once-moist forest ecosystems.

So while we have this chummy-chum-chum thing going between Dr Broad and Mr Barnett, who have set up that quaint little 'parliamentary friends of forestry', the Greens will stand in this place for an end to native forest logging, for a safe climate, and for that fundamental human right to peacefully protest to stand up for what matters.

At least there is one party in this place that stands up for what matters every single time, and that is the Greens. We stand with young people for a safe climate. We stand with the Australian Youth Climate Coalition, who were represented, for example, at yesterday's peaceful protest against the anti-protest laws. We most certainly, every day of the week - and proudly so - stand with the Bob Brown Foundation.

[4.27 p.m.]

**Mr BARNETT** (Lyons - Minister for Resources) - Mr Deputy Speaker, I stand to make it clear our strong opposition to the motion by the Labor Party, and to indicate how disappointing it is that the Leader of the Labor Party is not here to express a view for and on behalf of the Labor Party. She has rolled in her shadow minister for resources to express the views of the Labor Party, but it is time for Ms White, the Leader of the Opposition, to express her view, because this is probably the longest crab walk in history by any political party: crab walking towards the Government's position of saying that enough is enough. Saying that every job counts. Saying that we support our productive industries and their right to operate free from workplace invasion.

The Leader of the Opposition refuses to express a view. She rolls in the shadow minister, who has feigned support for our objectives to stand up for business and their right to operate

free from workplace invasion, free from trespass with the intentional effort to impede, to harass, for protesters to tie themselves to equipment to stop a business from operating. The Leader of the Opposition refuses to express a view because she thinks the public will not know. She thinks that because they are so tightly tied at the hip to the Greens, that will just hold true.

The Leader of the Opposition knows full well that Dr Broad dearly wants to support our bill but he has been told, he has been rolled by his own party and he has been trotted out, pushed out by the Labor Party to put up a view feigning support for our bill and our objectives to stop the workplace invasions. He talks big but, as I have said before, he is all hat and no cattle. He does not have the backbone to stand up. Why don't you step down from your position and stand up and say exactly what you think? We know that you want to support our bill. You know that you want to support our position.

The Leader of the Labor Party refuses to come into this parliament and express a view. She has been mute, she has said nothing, so we really do not know. We know the southern members of the Labor Party, all the city slickers, have been tied to the hip with the Greens. They were tied for four years in government, they were tied again for another four years in opposition and now they are tied again with the Greens. They cannot, for the sake of themselves, put history behind themselves and say, 'We want to do what is best for the Tasmanian workers and their right to work without interference and harassment.' They simply cannot do it. They are tied so tightly at the hip with the Greens, the Labor Party simply cannot stand up.

This is an urgent bill. We have seen an increase in the number of radical protests by the Bob Brown Foundation. You are not listening to companies like Venture Minerals who I met with yesterday and have talked to a number of times in the last week. In their letter to the Leader of the Government in the Legislative Council, which has been circulated to the Legislative Council, they said:

For Venture Minerals and for our current contractors and future employees, time is the most critical factor. Put simply, we need stronger laws now.

It goes on:

We therefore seek the support of the Legislative Council to pass the workplace protection bill so that we can construct our facility and mine and transport the ore as efficiently as possible, therefore creating jobs, royalties and other economic growth benefits for Tasmania.

For goodness sake, what more do you want to know how important this bill is to get on with the job to allow business to operate, whether it be in the mining industry, the forest industry, in agriculture, in aquaculture and the salmon industry, across the board in business?

Last Saturday we had all those productive industries represented with me at Neville Smith Forest Products in Launceston. They expressed the view very strongly that we need this legislation passed through the upper House. Dr Broad spent 30 minutes in here and never said a word that they are officially opposed to our bill, but I have been advised that in the upper House the Labor Party position is in opposition to the bill. Let us be very clear: I am announcing that the Labor Party policy is in opposition to the Government's bill. Shame on you.

**Dr BROAD** - Point of order, Mr Deputy Speaker. The minister is misleading the House. In my speech on a number of occasions I said that we cannot support such a wide-ranging bill. I do not know why he is doing this whole hashtag breaking news nonsense.

**Mr DEPUTY SPEAKER** - Dr Broad, this is a debate. It is not a point of order.

**Dr Broad** - He still has to be honest. He still has to speak the truth.

**Mr BARNETT** - He is so embarrassed with the Labor Party position he can hardly stand up and express a view in opposition and make it clear. Why don't you just say it? Why don't you just say that you are in total opposition?

What we learned last Saturday from the Tasmanian Small Business Council is that this could apply not just to the productive industries but across any small business. It might end up in retail. We might have radical protesters from the Bob Brown Foundation -

**Dr Broad** - See, you want it to apply to everybody.

**Mr DEPUTY SPEAKER** - Dr Broad, please, do not speak from your seat.

**Mr BARNETT** - That is right. He needs to be pulled into line and he is not listening, unfortunately, Mr Deputy Speaker.

My concern is for the Labor Party and the Leader of the Labor Party remaining mute on this matter. She should come in here and make her position clear on behalf of the Labor Party that they oppose this bill because shame on you, you are claiming support for our objectives, you have crocodile tears, Ms White, Leader of the Opposition, and you are now doubling down your position in opposition to this bill and the productive industries.

You know full well that we have strong support from the industry peak bodies of the farmers, the foresters, the miners, the fishers, from the Tasmanian Chamber of Commerce and Industry and the Tasmanian Small Business Council. You know full well because all that is on the public record and you also know you cannot claim about the timing. You know there was COVID-19 last year so do not try to mess the argument with the timing. It is absolutely important timing.

Every day that goes by the Bob Brown Foundation and their protesters they are out there. For the last four days they have been on the west coast at Venture Minerals tying themselves to equipment, stopping the workers working. Why should those workers be denied the right to earn a living and support and feed their families? The Labor Party refuses to accept to respond to that question and now at the last minute, here you are saying you have a compromise, some other alternative. I mean for goodness sake, this was reintroduced.

**Opposition members** interjecting.

**Mr DEPUTY SPEAKER** - Dr Broad and Ms Butler, please afford the minister the opportunity to make his contribution as you were given as well. I asked for interjections to stop while you were speaking, Dr Broad, and I ask that you do the same.

**Mr BARNETT** - Thank you, Mr Deputy Speaker, because I did show them respect in accordance with the Standing Orders during the contribution of Dr Broad which should have been a contribution from Rebecca White, the leader of the party.

We heard from the Leader for the Greens and I will say one thing about the Greens, they have consistently supported this protest action, the radical protesters invading people's workplaces and impacting on workers' rights to work. At least they have been consistent and I note that, I acknowledge it and I commend them for their consistency. I totally oppose their views. That is why the Government took it to the election in 2014, we won a mandate, we took it to the election in 2018 and we won a mandate. This was made very clear by Michael Bailey and others last Saturday. We have a mandate, and you are rejecting the view of the Tasmanian people. They want this legislation and you are denying it, so this will be an issue, my word it will be at the Legislative Council elections for Ben Shaw and Nick Duigan.

Let us talk about Ben Shaw. He is a good man and a former mayor of the Derwent Valley. He supported the workers. I was with him on Friday with the forestry workers at the Les Walkden facility down there and, the feedback we got was red hot. They are so opposed to the radical protesters stopping them and anybody else in their position and their right to work. They absolutely hate it.

For the Labor Party, what is Craig Farrell going to do, what position will he take? The advice I have is that Labor is opposing this bill, they do not like it. Let me be very clear that this is a decision of Rebecca White and the Labor Party to say no, we do not stand with our productive industries and the workers and their right to work, we are standing with the Bob Brown Foundation and the Greens. That is what they are saying. The Labor Party has a clear choice. I am glad you read my letter into the *Hansard*, Dr Broad. The Labor Party has a clear choice. They stand with the Bob Brown Foundation and the Greens in opposition to this bill.

We know how strongly Dr Brown opposes the bill. He has been consistent, as have been the Greens and now the Labor Party have their choice. They can say they stand with the productive industries, with businesses and their right to operate free from intrusion, harassment and workplace invasions and the right of Tasmanian workers to work free from intrusion, harassment and workplace invasions so they can feed their families. That is the question.

The decision is now and the Labor Party has made its point clear, although the Leader for the Labor Party refuses to come in and express her view. She has pushed out and, in my view, Dr Broad has been rolled in the party and he is been forced into this position. That is disappointing, because he is coming here feigning support for our objectives, to stand up for the workers, to stand up for the productive industries, and yet here we go. How disappointing.

It has been very clear over the last summer - this is not just forestry; now we have moved to the mining industry. We know in other parts of Australia, it has been in agriculture. We know that it has had impact in the past in the salmon industry, the fishing industry, and in industry more generally. At least they have been consistent. What we do know is that the Bob Brown Foundation is the radical protest arm for the Greens and it has been very effective.

They highlight these protests, they get in on their social media, they get their message into Melbourne and Sydney and they used it to raise money. They used it to raise donations for their campaigns and for their efforts here in Tasmania, and of course they express their environmental conscience. Some of these are multimillionaires in Melbourne and Sydney who



want to express a view and they unlock their wallets and the money flows into Tasmania. We are the whipping boy for those Melbourne and Sydney millionaires.

We need to get a better education and awareness campaign on the mainland. They are very good lobbyists, I give them that; they are very good campaigners. The productive industries and businesses need to do better to promote their cause.

The Labor Party has talked about WorkSafe. They know full well, it is an independent regulator. No government of any colour or persuasion can interfere with an independent regulator. However, I do encourage those who have concerns to meet with the board, the chair, and the CEO of WorkSafe and express those views. This is clearly a police matter, it is a very important matter. Police are down there trying to ensure that those radical protesters are not trespassing unduly. Arrests have been made. Those laws are inadequate. That is why the government is acting. There is trespass; they are taken to court and they may or may not pay a fine and suffer the consequences. Those laws are inadequate. That is why we acted on it. We had a mandate and we said let us do it - and we have.

That is why I am very pleased with Ben Shaw and his keenness to progress this policy. Forestry is very important industry in the Derwent Valley, and indeed the Central Highlands. He is fighting hard for his community. So is Nick Duigan in Windermere. You saw the 50 log trucks in Windermere up near Georgetown, at Bell Bay all blocked thanks to those radical protesters from the Bob Brown Foundation tying themselves to gates and equipment and the like. They put others at risk, but also put themselves at risk. Let me be very clear, the safety of everybody in the workplace is very important, so we cannot put up with that. That is why the government has acted so resolutely and has done for such a long period of time.

I want to commend and say thank you to those productive industries that have stood up. Michael Bailey has referred to this as an act of economic terrorism, that was quoted by the Leader for the Greens.

**Ms O'Connor** interjecting.

**Mr DEPUTY SPEAKER** - Ms O'Connor, order.

**Mr BARNETT** - I thank Michael Bailey, on the public record, on behalf of the Tasmanian Chamber of Commerce and Industry, for his advocacy, for being strong, for standing up.

**Ms O'Connor** - Tackling conservationists. That is strong.

**Mr DEPUTY SPEAKER** - Ms O'Connor, the minister listened to you in complete silence, please afford him the same.

**Mr BARNETT** - I commend him, and note we had such strong support when we introduced the bill in the first place and it was passed through the House of Assembly. I remind those on the other side, particularly the Labor members, that they fought furiously in opposition at the time and it was passed through this House with the support of the Independent member for Clark, Madeleine Ogilvie. I am very grateful and I thank her again for her support.

Labor opposed it at the time. They did not offer up any amendments at the time. They did not say, 'The productive industry of forestry is really important, here is a solution'. Here

they are, they come in here at the last minute, we are debating this and oh, it is exactly the same time this is being debated in the upper House. What a joke. Seriously, this is a political stunt from the Labor Party. That is what is happening today. Here we are, talking about possible compromises at the same time this is being debated in the upper House where Craig Farrell and your other Labor members upstairs will vote against this bill. Shame on you, because you are feigning support for business and the right to work. You are saying, 'Oh, the Bob Brown Foundation, all these radical protesters, they are all doing the wrong thing', but we have not heard from the Leader of the Opposition. She refuses to express a view.

I want to hear from the Leader of the Opposition. I feel sorry for Dr Broad being forced to express this view on behalf of the Labor Party. It is not right; it is unfair on you, Dr Broad. You have been forced into this by the Leader of the party. You have been rolled, and you have been forced into this position, otherwise you would be supporting this bill because not only is Venture saying it is urgent, we know how important it is.

Why do we want to put up with more of the Bob Brown Foundation's radical activists? We know it is the radical, extremist arm of the Green movement and they have been very effective in stopping lots of productive activities. That is what we want to stop.

I was quoting from Mr Bailey, TCCI, who absolutely supports the right of people to protest lawfully but not to conduct economic terrorism.

We have seen vegan protesters invade abattoirs; forest protesters chained inside machinery - dangerous for both the protesters and those workers trying to extricate them; and environmental protesters chaining themselves to wooden furniture in Tasmanian furniture stores. That is the point I made earlier. It is not only those in the productive industries, it could be in retail. This so-called amendment that you are putting forward, Dr Broad, on behalf of the Labor Party does not pick up on other businesses, such as retail businesses. It is a half-baked amendment, and you know it is at the eleventh hour anyway when they are debating it in the upper House and you have already opposed it. For goodness sake, you are feigning support. It is not working. People can see through your feigned efforts and frankly - you are squibbing it. The Labor Party is squibbing it. They are not graceful at all and they are squibbing it.

The Tasmanian people will see through this. We have a mandate and be assured, we will want to talk to the Tasmanian people and get their views on the Labor Party opposition. You are meant to be supporting the workers. That is meant to be your history and tradition but it is a joke. You do not support them at all.

I will finish with this quote from the TCCI. In terms of the protest Michael Bailey says:

This is not fair, safe or easily managed under current legislation. ...  
Tasmanian business and their workers should be able to operate lawfully  
without trespassers interfering with their work.

That is pretty straight up and down. What about the Tasmanian Farmer and Graziers Association and Peter Skillern. I commend Peter Skillern. He has played the leadership role - a very strong role for the TFGA - over more than seven years. I congratulate him on his service, for standing up for agriculture. Agriculture is a shining light for Tasmania, as we know in this place, and it is looking good. This is what he said about the bill:

... This bill is about protecting farming families and providing security for those farmers and their families. We can no longer tolerate, nor should the community accept, the type of invasions of private property and intimidation that we have seen on mainland states and in Tasmania.

... The TFGA supports the rights of individuals to engage in lawful protests ... however this does not override the rights of family farms and their employees to undertake lawful business ...

The TFGA will be engaging all parties to ensure the successful passage of this important bill.

The Labor Party is not listening. I know the views of the Greens, your opposing this is consistent and I have commended you on that. I am just saying that the Labor Party is not listening to the agricultural stakeholders. It is sad they have given up on our productive industries.

I have quotes here from Shawn Britton and Britton Brothers. I have quotes from the Minerals and Energy Council's Ray Mostogl, who has been speaking today with members of the Legislative Council, who said:

Being able to earn an income and provide for yourself and your family from legal employment is a fundamental right of all Tasmanian workers .... TMEC implores members of parliament ... to protect workers who want nothing but to go about their jobs, earn an income and look after themselves and their family ...

The Small Business Council says:

It is untenable that a protester of any sort should feel that they have a right to interrupt the business of any size operating legally within Tasmania.

The Small Business Council continues:

There are a multitude of mechanisms for people to object to any given business practice or activity, but to summarily choose to disrupt a business operation, put the jobs and potentially lives and livelihoods of people working within that business at risk is untenable and should be outlawed immediately.

Elizabeth Skirving was representing the Small Business Council on Saturday with me at Neville Smith Forest Products with the TFGA, the TFPA, and the TCCI's Michael Bailey. Elizabeth Skirving made the point that it is not just the productive industries; it could be other small businesses, it could be retail. We do not know where those radical protesters will end up. We do not know what is next. I do not know if the Leader for the Greens knows what is next, please let us know.

**Ms O'Connor** - Honestly, you would have locked up the suffragettes and called them economic terrorists.

**Mr DEPUTY SPEAKER** - Order, Ms O'Connor, please.

**Mr BARNETT** - This is a concern, and it is not just forestry. We have heard from Dr Broad and others that it is forestry, mining, agriculture, fishing, and it could be retail, it could be any sort of business. We do not know where these protesters will end up next. We want to preserve their right to protest but we do not want business to be impacted adversely as a result of intentional trespass, with the intention to impede or harass.

The Australian Forest Products Association says:

The bill will protect workers in forestry, agriculture, mining and other primary industries from being harassed or threatened by activists who seek to disrupt legitimate business. We respect the right to protest and free speech, but it must not come at the expense of the right to run your business, go to work or sell your goods and merchandise.

What could be fairer and more sensible than that?

The Australian Forest Contractors Association says:

Tasmanians will benefit from the strongest laws in the country to protect against trespassers targeting businesses, workers and their families. Importantly, this means our members should be able to learn a living without trespassers interfering with their work, threats being made in an effort to shut down their business, or roads being obstructed in order to stop their business operations.

There is more that could be said and more quotes, I have a heap of them, but we know the strong support we have from across the industry and the workers of Tasmania. From those forest workers I met last Friday with Ben Shaw, the Liberal candidate for Derwent, and from the discussions I have had with Nick Duigan just last week, the Liberal candidate for Windemere, we know how committed they are to the workers in their electorates, particularly wanting to stand up for them to ensure that we protect their interests and their right to work.

I will finish on this note and make the point that people should have the right to express a view. They should have the right to protest. They were outside this parliament yesterday and it was great that they were there and expressing a view. When this bill is passed they can still do that. They will continue to do it and that is welcomed. We are a democracy, we support free speech and people should have the right to express a view. I have always held that position in the Senate and all my life of the importance of free speech and expressing a view. However, when that action impinges somebody's right to work and upon a business's right operate, I am concerned. I want to make it clear how important that is and we will be opposing the motion.

**Mr DEPUTY SPEAKER** - Before I give the call to Ms O'Byrne, I acknowledge that the former member for Denison, Lisa Singh, was briefly in the Chamber during Mr Barnett's contribution.

[4.55 p.m.]

**Ms O'BYRNE** (Bass) - Mr Deputy Speaker, that was a very interesting contribution. I heard part of it while I was downstairs and again up here. If anybody wondered exactly what

it was about, the minister summed it up again by naming Legislative Council candidates in his contribution. This has never been about providing the protection and responding to the concerns that industries rightly have about unsafe protesting, because if the minister's position was that you would be endorsing this piece of work. The legislation they put to the House was never about this.

This minister says he does not know where all this protesting is going to end up. I know where it ends up with this minister because I saw him protesting outside my office one day. There he was with his anti-termination legislation sign, all along the street with his friends blocking access to my building and blocking access to people trying to get into the building. I remember him protesting. When he says that he supports protesting, he does not mean everyone else's protest; he means his protest about a woman's right to choose. That is the kind of protesting that he supports and might be involved in, other than recognising that every single person in Tasmania has the right to put their view and protest. It is enshrined in what we believe in.

This is where I am going to disagree with Ms O'Connor because I think sometimes protesting is dangerous and creates a dangerous situation for workers and for those people protesting and action should be taken. If that was what this Government genuinely wanted to do then that is the legislation they would bring to the House, but they did not. They brought in dodgy legislation that was about getting rid of all protesting, everybody's right to have any engagement. Not only that, they were not even gutsy enough to debate the legislation. It was so urgent that we had to guillotine it before we had even got off the damned title. That is how urgent it was. How long ago was that? Was it in order to deal with a summer of protests that were coming up? Clearly not, because that summer passed us by and another summer passed us by.

The only reason we are here having this debate today and the only reason the other place is engaged in their debate is because this Government only knows how to play politics and fight. You want to fight on this issue. You do not genuinely want to deal with industries' actual concern. The industries have a concern that there are workplace safety issues. There is a raft of mechanisms that could be used. For a start, you could resource Workplace Standards to a level where they could actually investigate those concerns. How many reports have been made and nobody from Worksafe Tasmania has turned up? You do not know because you do not give a damn.

The other part of this is if you really wanted to do something you would look at issues in the way that other jurisdictions have done around aggravated trespass and dealing with the one concern you have. Instead you come in with a blunt tool, not only because you believe in that tool but because you want to have a political fight. You are filthy and grubby. You should hold your heads in shame because of the kind of protesting the minister who just sat down did outside my office when it was so important for him to deny women access to have a choice about terminations.

Denying women agency has not been a good thing, has it? You wonder why we are in opposition in Canberra right now. If you wonder why women are not safe in the streets, in their homes or their workplaces because we remove their agency all the time, something that this minister is very happy to do because he will not let them make a choice around their own body. That is the sort of protesting you are happy to do and that is the kind of culture you are happy to live with.

As to this motion before the House, if you were in any way halfway genuine about your motivations you would say, 'You're right, why don't we look at a way to create legislation that responds to concerns that we know exist?'. That is not what this is about. You could not care less about the risk to workers in those environments. You could not care less about the risk to some of those protesters who were taking their lives into their own hands. You could not care less about that. All you care about is being able to get up and talk about your Liberal candidate in your upper House seats - the same Liberal candidates that the Premier will not have photographs with, so they must not be the best candidates in the world. Maybe that is why you need to do significant legislation to back the members, because their own talent will not get them there.

This act that you have taken in not supporting this work today in the lower House, in the way you have approached the legislation in the upper House, is absolutely because this is the political game that you play. If workers' safety is not as important to you as a political fix, then you really do have to consider why you are standing in this place.

You stand in here and you talk about how wood is good, how people matter, how you support the industry, how you support the workers in the industry. Nothing that you have done indicates that at all. You should hang your head in shame. You are gutless.

**Time expired.**

**Mr DEPUTY SPEAKER** - The question is that the motion be agreed to.

**The House divided -**

**AYES 8**

Dr Broad  
Ms Butler (Teller)  
Ms Dow  
Ms Haddad  
Mr O'Byrne  
Ms O'Byrne  
Ms Standen  
Ms White

**NOES 14**

Ms Archer  
Mr Barnett  
Ms Courtney  
Mr Ellis (Teller)  
Mr Ferguson  
Mr Gutwein  
Ms Hickey  
Mr Jaensch  
Ms O'Connor  
Ms Ogilvie  
Mr Rockliff  
Mr Shelton  
Mr Tucker  
Dr Woodruff

**PAIRS**

Ms Houston

Mrs Petrusma

**Motion negatived.**

## MOTION

### Minimum Mandatory Sentences

**Continued from 7 August 2019 (page 88).**

[5.07 p.m.]

**Ms ARCHER** (Clark - Attorney-General) - Mr Deputy Speaker, I rise today to speak to this motion. I also wanted to speak on a number of matters relevant to the issue of child abuse.

Obviously, this motion relates to mandatory sentences for crimes relating to child abuse. Our Australian of the Year, Grace Tame, put pen to paper. I have a letter here dated 9 December last year. It was specifically addressed to the members of the other place, but in doing so I believe that was in relation to the debate that was happening at the time. I want to read in that letter for the purpose of this debate, because it is entirely relevant to the issue at hand, and that is Grace's support for mandatory sentencing. I can indicate this is still her position. I met with Grace on Friday and caught up on a number of matters, and had a brief discussion about this as well. The letter goes:

Dear Honourable Members of the Legislative Council,

It must be made clear that there is zero tolerance of child sexual abuse. The mandatory minimum sentencing of child sex offenders will reinforce this notion at the structural level, which is essential for effective systemic change.

Positive progress was made as a result of the Royal Commission into Institutional Responses to Child Sexual Abuse, however children are still being abused. Much time and resources have been spent in responses to crimes of this nature. Our primary focus must be on prevention and deterrence.

There has been outrage in Australia about one-punch attacks, which has resulted in the introduction of mandatory minimum sentencing in some jurisdictions. The message being one of zero tolerance. These are cases of impulsive offending, with shocking results. Child sexual abuse is premeditated, persistent and inflicted on the most vulnerable members of society, and the impacts are immeasurable.

Survivors and those close to them are often faced with a lifetime of processing trauma. We need legislation to be proportionate to offences, and reflective of society's comparable outrage towards sexual abuse.

Through no fault of their own, there are many people who have failed to understand the gravity of sexual offences against children. While we continue to develop adequate means of education, legislating mandatory minimum sentences would help to better inform judgment of these crimes.

Change begins with action. This is a powerful opportunity for action against child sexual abuse.

Thank you for your time and consideration of this letter.

Yours sincerely,

Grace Tame  
Tasmanian Australian of the Year 2021

Now of course she has been named Australian of the Year for 2021 and rightly so, bringing that very strong message.

We know that Grace is well educated. Grace also understands the issues first hand, unfortunately. Grace also makes reference to other crimes that have been given zero tolerance status - namely, one-punch incidents.

I will get to that issue in a moment. There are many arguments that people use against mandatory sentences, saying that it does not deter and does not do this or that. However, it does send a very strong message of zero tolerance. It also sends a very strong message of community expectation. No more than ever is the case now in relation to child sexual abuse, where the community expects their legislators to listen to them. They want us to hear their message, and they want us to respond to their expectations. Yet, time and time again I come into this place with sensible law reform and these arguments are put up in opposition to such things as mandatory minimum sentencing.

I say, enough is enough. We have acted with the Commission of Inquiry. We have acted with a number of significant law reforms. In addition, we have acted with significant civil and criminal law reform in response to the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse. That royal commission shook the very foundations of this country and our community - and rightly so. After five years, 4041 calls, 25 964 letters and emails received, 8013 private sessions held, 2575 referrals to authorities, and 21 volumes producing 409 recommendations, I thank the many brave people who came forward as part of that process. It was the very first time many of them had been able to speak about their experiences.

As the Honourable Justice Peter McClellan AM, Chair of that Royal Commission, said in his final sitting address in December, 2017 -

It is impossible not to share the anger many survivors have felt, when they tell us of their betrayal by people they believed they were entitled to trust.

The royal commission increased our awareness of the disturbing levels of prevalence of child sexual abuse and, not always as historical as we think, in our community and organisations, as we know. It was a wake-up call to all of us about the devastating and often long-term impacts of child sexual abuse on survivors and their families.

The royal commission observed that community members are often dissatisfied with the length of sentences given to convicted child sexual abuse offenders. Indeed, our own Sentencing Advisory Council made that same observation, as I have already mentioned in this House when we have debated many a bill on mandatory sentencing of child sexual abuse.

Our Government takes the safety of child extremely seriously. There is nothing more important than ensuring the vulnerable in our community, our children, are protected and able



to grow up safe, healthy and happy. Our Government also recognises the extraordinary courage it takes for someone to come forward and report sexual abuse. It is abhorrent that some in our community would seek to cause others harm and commit acts of violence. It is even more abhorrent that some commit acts of sexual violence against members of their family, their friends, colleagues or even complete strangers.

Our Government also believes that sentences against children deserve significant terms of imprisonment in recognition of the appalling, and in many cases lifelong, effects of their criminal conduct on their child victims. We believe that sentences for child sexual offences should clearly denounce the abhorrent sexual abuse of children, and appropriately punish offenders of sexual violence against children.

Since coming to Government in 2014, our Government has taken an extremely strong approach to improving access to justice for survivors and shining a light on these critical issues in a number of forms, but most of all in trying to implement our policy of mandatory minimum sentences for child sexual abuses. Everyone has the right to be able to live their lives in peace and safety - at home, at the workplace and especially within their community.

In 2019, we introduced legislation to amend section 194K of Tasmania Evidence Act 2001 to provide victims of sexual assault the right to speak out publicly. As I have acknowledged on numerous occasions, it takes immense courage for survivors of sexual assault to speak about their experience. Our Government, in listening to survivors including current Australian of the Year, Grace Tame, recognised the laws did not strike the right balance.

I know that numerous representations have been made in the past, but I believe community attitudes had evolved at that time and certainly the issue was brought to me, not only by the media, but survivors of sexual abuse advocated for by people like Steve Fisher from Beyond Abuse. I thank him especially for his time and dedication throughout this cause. I have had a discussion with Steve and email discussion a lot of the time after these debates. He is grateful for the support he has received from our Government and the support we have provided victims and survivors of child sexual abuse. They feel they have been listened to, and that they are believed, through our actions of protecting them.

Additionally, the Government has introduced a separate bill to modernise the language used by the Criminal Code in a number of sexual crimes, especially those involving young people, to better reflect the true nature of those crimes. That, again, was something that came to me as Attorney-General and it seemed the timing was right, at the same time as making those amendments to section 194K of the Evidence Act. We did so in tandem, virtually in the same sitting day if I recall correctly.

For example, the language used in the previous crime of maintaining a sexual relationship with a young person in no way reflected the gravity of that crime and is an additional cruelty for the victim survivor. Our reform renamed this crime persistent sexual abuse of a child or a young person, as the case may be, to better reflect the predatory and exploitative nature of the offending. This legislation was also the product of extensive consultation with the legal and survivor communities and is another step towards exposing the realities of child sexual abuse. Again, I thank Grace Tame, News Limited, Steve Fisher from Beyond Abuse and many others who came forward and contributed to the consultation process and provided us with the valuable feedback required for these debates.

In 2017, our Government also made a number of critical changes to the Criminal Code Act to modernise the law of rape in Tasmania. We amended the definition of sexual intercourse to extend the operation of crime of rape to all forms of non-consensual sexual penetration. These were the first changes to rape laws in Tasmania since 1987 when a husband's immunity from prosecution was removed. I am proud that it was our Government that made these changes.

If the House can indulge me, I will get my iPhone because something was sent to me recently in relation to Tasmania being held out to be a leading jurisdiction on the issue of consent. It was comparing Sweden and other places. I do not have the link, unfortunately. It was something to do with the *New York Times*, an online article that I do not have the reference for. I quote from it:

Since the law came into effect, convictions for sexual assault have risen by 75 per cent from 190 in 2017 to 333 in 2019. Portugal, Spain and Denmark have since enacted similar models with reforms also on the cards in Finland.

That was in reference to Sweden.

In Australia, however, Tasmania is commonly regarded as the gold standard. It codifies the "reasonable steps" principle in its Criminal Code which makes it the strictest in the country. This law puts consent front and centre in sexual encounters and puts the onus on both participants to ensure the other is actively consenting.

I share that with the House, because I feel very proud of Tasmania and our Government when I read worldwide publications and Tasmania is mentioned in that light, as being the gold standard. We have much to be proud of in that regard.

Our Justice Legislation (Mandatory Sentencing) Bill 2019, which was opposed by Labor, proposed entirely reasonable changes to deliver a guaranteed jail time to convicted child sex offenders. This bill has community support, the support of leading activists in this space, including our incredible Australian of the Year, Grace Tame, who I note has placed her support for this bill on the record as recently as 9 December 2020 when she wrote to all members of the other place.

These laws would introduce mandatory minimum periods of imprisonment, including four years imprisonment for the crime of rape at section 185 of the Criminal Code where a victim is under 17 years at the time of offence; four years imprisonment for the crime of persistent sexual abuse of a child or young person pursuant to section 125A of the Criminal Code where at least one of the unlawful sexual acts is an offence of rape; three years imprisonment for the crime of persistent sexual abuse of a child or young person where there are circumstances of aggravation and none of the unlawful sexual acts is an offence of rape; and two years' imprisonment for the crime of penetrative sexual abuse of a child or young person at section 124 of the Criminal Code where there are circumstances of aggravation.

Mr Deputy Speaker, these are minimum sentences. This is to ensure there is a minimum threshold and that in cases of the crime of rape where the victim is under the age of 17 years and there are no exceptional circumstances, because there are safeguards in that bill, that at least four years imprisonment is imposed. Unfortunately we have notoriously lower sentences on occasions and it ensures these minimum sentences.

This motion we debate today demonstrates that the Labor Party is even out of step with its federal counterparts as well as with the community it claims to represent in its opposition to these changes. Our proposal will make a tangible difference to the lives of survivors of child sexual abuse like Grace Tame. I encourage all members of this House to reconsider and respond to community expectations.

We just passed a bill in which many members talked about community and community expectations, the voluntary assisted dying bill, but it seems to be very selective in this House on occasions. What we are debating here now is another matter of community expectation. I encourage people to view that in the same light.

I also want to spend a bit of time on the commission of inquiry into the Tasmanian Government's responses to child sexual abuse in an institutional context because it is now relevant to this debate. On 23 November last year, as members of the House know, the Premier announced the establishment of a commission of inquiry to investigate the Tasmanian Government's responses to child sexual abuse in our institutional settings.

On 17 December last year draft terms of reference for conduct of the commission of inquiry were released publicly. On 27 January this year I announced the Government's intention to recommend to Her Excellency the Governor of Tasmania the appointment of the Honourable Marcia Neave AO as president of the commission of inquiry.

Two weeks ago, I announced that Mr Brad Wagg, formerly our acting director of Community Corrections at the Department of Justice and also a former Crown Prosecutor and project manager of our newly established Tasmanian Civil and Administrative Tribunal facility in Hobart, has taken on the position of interim CEO of that commission of inquiry. A more permanent CEO, whether it is Mr Wagg or someone else, is a matter for the president, and indeed the interim appointment was a matter for the president as well in discussion with me and the department. I have no doubt that he will do a sterling job as he always does in all his positions.

On 15 March of this year, Her Excellency, Professor the Honourable Kate Warner AC as Governor in Council signed the order to formally establish the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings. That order formally established the Honourable Marcia Neave AO as president of the commission and appointed two other commissioners to assist her with the inquiry, namely Professor Leah Bromfield and former Family Court Justice, the Honourable Robert Benjamin AM, who is due to formally retire in May and is currently on leave, so the timing of his appointment also worked well. I thank the Chief Justice of that court for his assistance in that regard.

The commission of inquiry will subsume the independent inquiry into the systems including legislation policies, practices and procedures of the Department of Education and the investigation into the management of child sexual abuse allegations by the Tasmanian Health Service. I thank Maree Norton who was to head up that investigation initiative but that has been subsumed as well. The commission of inquiry will take into account the reforms already undertaken within the department and the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse that have already been agreed to by the Tasmanian Government.

There are approximately 209 recommendations for states and territories to respond to in relation to the Commonwealth royal commission. Hang on, I think there is a total of 409 and about 200 that we respond to. There has already been a significant amount of work and a significant amount of work still ahead of us, but the commission of the inquiry is there not to duplicate the work of the royal commission but to look at this in the context of the Tasmanian Government. Survivors should know they are believed, they are supported and they have the full backing of our Government in coming forward to the inquiry, and that we will work every day to make our community safe.

It is very important for survivors to know that they will have the support of witness intermediaries which we set up in response to the royal commission. They are up and running now in relation to the services and assistance they provide to children and vulnerable witnesses who need assistance. They are not legal representatives. They assist our victim survivors through the legal process and we will make them available throughout the commission of inquiry process.

It is important to note that on 1 November 2018 it was our Government which began the formal participation in the National Redress Scheme for institutional child sexual abuse. Our Government has already committed an estimated cost of \$70 million for the life of that scheme but if it takes more than that of course we will cover our liability. As at 12 February 2021, \$18 475 897.94 of redress payments relating to applicants who were abused in Tasmanian government institutions have been made. As at 12 February this year, 444 claims have been received relating to claims relevant to Tasmanian government institutions. It is important to note that this is a process being run by the Commonwealth Government but then we provide the information of matters relating to Tasmanian government institutions. A total 308 of these applicants have received offers of redress and 287 have accepted redress payments.

In the last year our Government has received 157 referrals for counselling and psychological care and 128 direct personal responses. We have also seen the commencement of the witness intermediary pilot scheme which has already seen intermediaries assist in trials within days of commencement. Twenty-one highly skilled communications experts have completed training and are available for Tasmania Police and everyone right across the justice system to assist children and vulnerable adults give evidence in sexual assault and homicide-related matters.

The scheme will operate for three years as a pilot scheme and has been established in direct response to the recommendations of the royal commission in its criminal justice report and also the work of the Tasmanian Law Reform Institute in its 2018 report *Facilitating Equal Access to Justice - an Intermediary Communications Scheme for Tasmania*.

I stress that our Government maintains our policy of mandatory minimum sentences for child sexual abuse. There must be mandatory jail time for child sex offenders and we will continue to pursue it.

Guaranteed minimum jail sentences for serious sexual offenders is a priority of our Government as a matter of community safety, and as a matter of responding to community expectations. Any sexual offence against children is abhorrent, and heinous, and the community rightfully expects that anyone who commits serious sexual offences against children should go to jail. There must be strong mandatory minimum imprisonment penalties for serious sexual offences against children.

It is extremely disappointing that Labor has once again, on every occasion, opposed our mandatory minimum sentences legislation in this place and in the other place. Labor should explain to the Tasmanian community and victims and survivor advocate groups why they oppose a guarantee on jail sentences for convicted child sex offenders. They have come up with a stupid policy - and I will call it stupid, because that is what it is - of maximum sentences in the code, when you do not need them. What we need is a minimum threshold. What we need is to ensure that people go to jail for these heinous crimes, not provide a maximum penalty that will never be reached - because they currently are never reached.

It is regrettable to try to politicise something of this nature that is so serious, and that we are so serious to pursue. As I said, we will continue to pursue it for victim survivors who have every right to feel grossly offended by the opposition to the bill that we have previously put forward, and will continue to.

We have been pushing for this reform now for six years, and it has been opposed and blocked by Labor at every stage. Without Labor's help, I note, we have managed to achieve mandatory minimum sentences for assaults on Tasmanian police officers, and we believe children deserve no less than this. The other side's continued opposition to our mandatory minimum sentences legislation means that serious child sexual offenders can escape jail entirely for the rape of a child under 17, or for persistent sexual abuse of a child where there are circumstances of aggravation. That is a possibility. Our proposals will rightly change this.

Steve Fisher from Beyond Abuse, representing sexual abuse survivors and advocates, and Hetty Johnston from Bravehearts support our policy. As I said, our Australian of the Year, Grace Tame, does as well. The community overwhelmingly supports it, and Labor should immediately announce that they will change their long-held opposition and support our mandatory sentencing guarantee for minimum jail time for serious child sex offenders.

My message to all Tasmanians - and particularly those who have survived abuse - is that you are brave, you are courageous, you are believed, and our Government is doing every single thing we can to ensure that Tasmania's children are safe from harm, and that the wrongs of the past are made right.

[5.33 p.m.]

**Ms Archer** - No one is going to jump on the other side.

**Mr ELLIS** (Braddon) - Mr Deputy Speaker, the Attorney-General's point was very telling that there was no one from the other side who took the call on an issue as important as this, at a time as important as this.

We think the guaranteed minimum jail time for paedophiles is some of the most important legislation any parliament can pass. It is also believed by parliaments right across Australia, from the Liberal Party in Government, and the Labor Party, including when they are in opposition.

Their opposition to guarantee jail time for paedophiles is baffling for people across my community, the north-west coast, the west coast and King Island. No-one can understand it at a time when we have already had a royal commission into child sexual abuse, particularly in institutions, and we know that it is in the community. People see it in the newspaper every

other day where children are not being protected, and where the sentences of those who would abuse them are simply not up to community expectations. People are disgusted by these crimes, but more than that, they are disgusted by a dithering Opposition that refused to step up, refused to look after our kids and our young people, and actually make good on all the waffle that seems to come from that side about protecting people.

There are laws in front of us right now that we could be putting in place, that would mean that a child who is raped - yes, that is right, Mr Deputy Speaker, raped - the person who does that does not necessarily have to go to jail. In what universe, in what crime, in what circumstance can any person imagine a time when a child who is raped, that the person who did the offending would not go to jail? Name it. Give us an example, tell us a time. Step up and articulate at what point child rape - the kind of crime that you could imagine, even imagine, someone being justified in not going to jail.

Paedophiles deserve to be in jail - that is what people expect - for a guaranteed amount of time. The thought that they would get off with a slap on the wrist, and go back into our communities, back among the children they abused, back around the families who have had to deal with that child, with the thoughts that they have, with the nightmares they live by, every single night. The thought that there are people in this place who would make the kind of decision is sickening, not just for people on this side, but for people right across our community.

It staggers me that you guys have the guts to go back into our communities and say that you have done it. I suppose that is probably the point: you do not say that you have done it. You just keep it under wraps, you try not to talk about it. You try to make sure there is silence around this issue.

But people are waking up to it. People understand how important this issue is, that it cannot be simply swept under the carpet. That the Labor Party continues to vote against guaranteed jail time for paedophiles is a real issue. It is something this parliament should be acting on, and it is something that I believe in the future will be seen right across parliaments in Australia and around the world.

We believe in protecting children. We believe that every little child is sacred, and that their rights should be respected, that they should be protected - and that every adult, regardless of whether they are in power, regardless of whether they are their parents, in any walk of life, should believe that protection for children is a fundamental human right, and a fundamental duty for those who can guarantee that right.

Our Government maintains our policy that there should be mandatory jail time for paedophiles, and we will continue to pursue it. Guaranteed jail sentences for serial sexual offenders is a priority, not just for this Government, but for almost every single person in Tasmania. And, perhaps Mr Deputy Speaker, I could count them on two hands, and most of them sit on the other side of this parliament. It is a disgrace that they come in here and they refuse to step up. They refuse to talk. They refuse to commit. We know they are doing so against the wishes of the advocates for these children, for these grown-ups who, decades in the past, were abused, and who are still living with it, if they are even alive today.

We know the enormous effects that it can have on a child, on a person, on an older person until the day that they die. They are not the kind of things that you forget. They are not the kind of things that you can just brush off. They are not the kind of things that you can simply walk away from and just be okay. Any time there is an aggravated offence against a child, that

is a life sentence for that child. That is something that they will deal with every single day, for the rest of their life.

Mr Deputy Speaker, I intend to continue to remind our community about who in this place is voting for guaranteed jail time for paedophiles and who in this place does not. We talk about community expectations. We sometimes talk about that in the case of judges, but I believe we should also be talking about it, as the Attorney-General has said, in the case of the people who make those laws.

The people in this place could act. We could do it today. We could do it at this time. We could do it in this parliament; but there are people over there who refuse to step up. They refuse to make the call. They refuse to tell us in what situation there would be the rape of a child, the persistent, aggravated sexual assault of a child where someone would not go to jail, where they should not go to jail -

**Dr WOODRUFF** - Point of order, Mr Deputy Speaker. I ask you to ask the member to reflect on his language. I am personally finding the tone of his contribution very offensive and difficult to sit in the Chamber and listen to. It is unnecessarily political on such a difficult subject.

**Mr DEPUTY SPEAKER** - Order, Dr Woodruff, you know that is not a point of order. This is a debate on a motion. You are entitled to make a contribution once Mr Ellis has finished his contribution.

**Mr ELLIS** - Thank you, Mr Deputy Speaker. In some ways, I am glad that they are offended but I hope that their offence stirs them to action, because that is what people expect. They expect action on this. You can talk to anyone in your community. If you go doorknocking and ask them what they think about guaranteed jail time for paedophiles, they would say it should have been done decades ago. Yet you sit here and refuse to take the action that would put those paedophiles away.

**Dr Woodruff** - How dare you lecture us. You have been in five minutes.

**Mr DEPUTY SPEAKER** - Dr Woodruff, Mr Ellis is happy to raise his voice to get above the interjection. I do not want this to degenerate into a shouting match. Please refrain from interjecting at the top of your voice.

**Dr WOODRUFF** - Mr Deputy Speaker, I do ask for safety in the Chamber that you call Mr Ellis to check and ask him to reflect on the manner of his contribution.

**Mr DEPUTY SPEAKER** - Dr Woodruff, I have already made the point that this is a debate on a motion. Mr Ellis is entitled to his time to make a contribution just as you are when he is finished.

**Mr ELLIS** - Mr Deputy Speaker, I look forward to hearing their contributions. It is not something I have heard while I have been sitting in this place but it is an issue that I have monitored closely. I know that in the federal parliament there are those in the Labor opposition who voted for guaranteed jail time for paedophiles when it is on the internet. I expect that in Tasmania there are Labor members who are game enough to vote for guaranteed jail time for paedophiles who commit those crimes on children in real life.

It is not rocket science. You are out of step with people like Anthony Albanese, the lawyers brigade who seem to run the federal Labor Party, and here you stand completely alone, completely out of step, completely out of touch. Make the decision or, alternatively, go door knocking in your communities, wherever that may be from the south to the north, east to the west, on the islands. Ask them, what do you think about guaranteed jail time for paedophiles? Do you think they would say, gosh, I can imagine there are lots of times where someone would rape a child and they should not go to jail, so we had better make sure there is some kind of judicial discretion and maybe they could make some sort of decision that would come out better? Maybe we could figure some kind of way where the persistent aggravated assault of a child is okay.

It is something I believe firmly and passionately about. We should be protecting our kids. We should be making the sort of decision in this place that guarantees them safety, that honours them, that puts them in a place of respect and justice and makes sure that they do not have to walk around -

**Dr Woodruff** - It does not guarantee them safety. This is the problem.

**Mr DEPUTY SPEAKER** - Dr Woodruff, this is your first warning.

**Mr ELLIS** - That that child would have to walk around their community, go to the shops, go to school, go to their surf club for four years, knowing that person under these laws could have been in jail. Could you imagine how tough that would be to know that the person who abused you as a 12 year old would still be walking around your community when you are 13? Can you imagine feeling safe at any point in your life? I can tell you the only time I would feel safe if I was in that position, is if that person was in jail.

That is what we want to guarantee for those children. That is what we believe. It is not some kind of political stunt; it is not some kind of ideology. It is a thing that is believed from people right across the spectrum, whether they are Greens voters, or Labor Party voters, or Liberal voters, or any other stripe of political persuasion. Decent people with common sense, that is who we are supporting, as well as the children - as well as the people who believe in them, who have hopes for them; who want them to be able to go to school and not have to worry that the person who abused them six months ago is still walking around free in our community.

It is staggering for almost any person I have ever spoken to, to hear that there are people who sit in our parliament in Hobart who have the view that there should not be guaranteed jail time for paedophiles. They say it is not rocket science; get it done. I agree with them, and I would be flabbergasted if there are people out there from the Labor Party who have the guts to do that doorknocking campaign, to talk to the people who have been in a situation like that or who know about people like that.

There are communities in my electorate in Braddon that have been deeply and horrifically touched by long term sexual abuse. That is why they believe in these laws. That is why they want to see guaranteed jail time for paedophiles. It is a simple thing. It is the kind of thing we can deliver here in parliament. It does not cost very much and even if it did, it would still be a very good idea because it keeps little children safe. Maybe it does not keep them safe for their whole life; it may not fix the things that have happened to them; it may not put them on a level



keel to a time before it happened - but they do not have to think that the person they saw in that place would also be a person that they could bump into at the shops, just for four years. Take them away for four years and put that child in a place where they have peace of mind and they do not have to fear in the same way they did. They will still worry, they will still have nightmares; but at least the person that did that thing would not be able to do it again tomorrow.

Sexual offences against children are heinous. The community rightfully expects that anyone who commits serious sexual offences against children should go to jail. I can tell you, there are a lot of Green supporters who believe in guaranteed jail time for paedophiles - even though we dismiss how close they are to community expectations. It is extremely disappointing that the Labor Party and the Greens have once again opposed our mandatory minimum sentences legislation in the upper house.

One of the really interesting things about this is that in our upper House sometimes the decisions that are made by Independents are in some ways hidden. They do not have the same scrutiny that many other parliaments and Houses of parliament have across our nation because most of them are independent. People would be interested to know that if the Liberal Party and the Labor Party were on a unity ticket for guaranteed jail time for paedophiles that the law could be passed in both Houses of parliament tomorrow.

We blame the somewhat unrepresentative, somewhat unresponsive and somewhat unscrutinised nature of the upper House for many things but we are in a situation right now where bipartisan support for anything means that it becomes law in Tasmania.

One of those things could be guaranteed jail time for paedophiles. It is not sadly.

Mr Deputy Speaker, in other places that is a bipartisan thing. This is not some far-out-there Labor Party doing things that are totally against the general tenor of what they do; this is Anthony Albanese. He is a guy who is in the inner city, has a lot of lefty lawyer mates, I am sure. He probably has a history of opposing this kind of thing because he has not thought about it too much or lined up with his constituency in Sydney. But even he, and the rabble that he controls, believes enough in bipartisan support for these laws that he would vote for them. He did not back away. He did not come up with some hand-wringing claptrap, trying to tell people that there is a world that, where there is a rape of a child, that person should not go to jail.

It is really simple. We can make this decision in this place, at this time, with the group of people who are here, and the group of people who are up there. They could control the numbers so we could actually have bipartisan support, and the laws that would guarantee jail time for paedophiles. But they do not make that decision. They have made it in other places; they do not make it here.

I do not know what it is about Tasmanian children that they are different. I do not know what it is about Tasmanian paedophiles that they are different. But one thing I know is that if you commit serious sexual assault against a child online, that is heinous crime. When it happens in person, that is also a heinous crime. It cannot be any other way. In the federal parliament, Labor decided that an online crime against a child was heinous enough to put that person in jail, regardless of what happened. But the Labor Party that can make the laws in person did not make the decision here in Tasmania.

It is not rocket science, it is pretty simple. It is a moral judgment. It is a case of reflecting community standards. It is a case of protecting children. It is about putting their interests first, rather than some kind of vague politicking.

I am trying to figure out what the various groups in Hobart might believe. I reiterate, doorknock amongst our communities. Whether they are inner-city Hobart, in our rural or remote areas, or in our regional towns, they will all tell you exactly the same thing. I am not saying that as hyperbole. I have done it, I have asked and they say all the same stuff. It is a ringing endorsement of the hard work that our Attorney-General has done to try to get this through. But it is also an indictment against those who would block it.

We sought a mandate in 2014 for these laws. We got one. Unfortunately, the Labor Party knocked us back in the upper House then. We sought a mandate again in 2018. Got another one. The Attorney-General has put it up again. And again, guaranteed jail time for paedophiles has been frustrated by those opposite.

I do not know how they are going to go taking this kind of obstruction on such an important issue to our communities, but I suspect it is going to be a pretty hard lesson in what community expectations are in what it takes to keep children safe, in what common decency is, and the kind of empathy, compassion and protection our community want to see.

Mr Deputy Speaker, we will continue to put this legislation to this parliament because the Tasmanian community overwhelmingly supports guaranteed jail time for paedophiles, particularly for these types of serious offences. The Liberal Government has been pushing this reform for six years. It has been opposed and blocked by the Labor Party at every stage. I believe they should be chunked out on this one issue alone, and many people in my community believe that as well.

But we will go back, whenever the time is, to take this important policy to the people, because we believe in it, and they believe in it. People who advocate for the victims of child sexual abuse believe it - like Steve Fisher from Beyond Abuse, Hetty Johnston from Bravehearts. These are good people. They understand the world, they understand children. They understand what happens to children when things like this happen to them.

Mr Deputy Speaker, the community overwhelmingly supports it. Labor should immediately announce that they will change their opposition, just as they did at a federal level, and support the Government's changes to mandatory sentences, to guarantee minimum jail time for paedophiles.

[5.56 p.m.]

**Ms WHITE** (Lyons - Leader of the Opposition) - Mr Deputy Speaker, I will make it very clear at the outset that no-one is saying that someone who rapes a child should not go to jail. I found the remarks from the member who just resumed his seat to be incredibly offensive. Despite the fact that he talked for 25 minutes, he said basically the same thing over and over again. He clearly likes the sound of his own voice. His tone, and the content of that speech were offensive, and highly offensive in parts. I recommend that he reflect on that, particularly when talking about such an important matter.

I have seen politicians of his type in this place before; Adam Brooks comes to mind. It seems he has copied and pasted some of those speeches and just regurgitated them. In my

experience, they have short careers, and the member might want to reflect on that. It is incredibly disappointing to have just heard that contribution.

Mr Deputy Speaker, what the Labor Party has said, repeatedly, on this issue is that there should be life sentences, made law, in Tasmania for people who commit the heinous crime of abuse against a child. Nobody -

**Ms Archer** - Which is absolutely ludicrous.

**Ms WHITE** - The person who is interjecting is the Attorney-General. I was very disappointed to hear the Attorney-General of our state say that it was a stupid idea to propose that somebody who commits crime against a child, a crime of rape against a child, should face a life sentence. The Attorney-General of our state has called that stupid. I am disappointed that on every occasion when the Government has been given a chance to vote in support of Labor's position to impose life sentences for paedophiles, they have voted against it. That is disappointing. More disappointing now is the Attorney-General has said the idea is 'stupid'. I imagine many Tasmanians across this state would disagree with her.

Reflecting on the remarks made by the member for Braddon, Mr Ellis, who recommended that we go doorknocking, maybe we will. We will ask what they think about the remarks made by the Attorney-General when she says it is stupid to impose a life sentence on a paedophile who has committed a heinous crime against a child.

**Ms Archer** - No, I said the policy was -

**Mr DEPUTY SPEAKER** - Do you have a point of order?

**Ms Archer** - I will come in on the adjournment and correct - I have been verballed.

**Ms WHITE** - It would be very interesting to see what the response would be from the Tasmanian community to understand that the Attorney-General and the Liberal Government have said it is stupid that the Labor Party wants to impose life sentences on paedophiles who commit the most heinous crimes on children.

Our position is that we want to support and protect children. We want to acknowledge that this is one of the worst crimes that can be committed. We want to impose the stronger sentence - a life sentence. We do not think it is stupid, unlike the Attorney-General. We want to allow for the courts to make the decision that they can impose a life sentence. The Attorney-General has called that stupid. I am very disappointed, because on every occasion when the Government has been given the chance to support Labor's position they have voted against it. That is disappointing.

I would like to also to praise the strength of all of those survivors who stepped forward and shared their stories. It is incredibly brave of them, and commendable. I have listened very carefully to the words of the Australian of the Year, Grace Tame, as she has shared her story bravely on the national stage and has gained international commendation for her bravery.

Of course I believe that we need to be able to provide protection for children. Of course we want to see communities that do not see these crimes committed. Of course that is the Labor Party position. We are at a turning point with a national movement happening right now

about women's rights and the importance of the royal commission and the commission of inquiry and the role they will play here in our state of Tasmania. The commission of inquiry that has been launched by this Government is looking at both current and past abuses against children -

**Time expired.**

**Motion agreed to.**

## **ADJOURNMENT**

### **Mandatory Minimum Sentences Moonah Taste of the World Festival Culturally Diverse Alliance of Tasmania**

[6.01 p.m.]

**Ms ARCHER** (Clark - Attorney-General) - Mr Deputy Speaker, I am going to correct the record because I have been verbally by the Leader of the Opposition. I am not surprised because she is very defensive on the issue of mandatory minimum sentences for child sexual abuse. I said that Labor's position was stupid on this, not that life sentences are stupid. Life sentences are never going to be imposed under your policy by a court because it is not mandatory. They are never going to be imposed. Your position, therefore, is stupid and ludicrous. I am not saying you go outside this House and you repeat it as you said there -

**Opposition members** interjecting.

**Ms ARCHER** - don't you dare repeat it like that because -

**Mr O'Byrne** - Classic lawyer, just unbelievable.

**Ms ARCHER** - Classic lawyer? Yes, because you cannot verbal someone and then go outside the House and say it just for political gain.

**Opposition members** interjecting.

**Ms ARCHER** - I called your policy stupid. I am entitled to correct the record on that. Ms White does that regularly so that members get the record straight when they leave this House and do not repeat things incorrectly and therefore defame each other.

Tonight, I want to speak about something on the lighter side, the Moonah Taste of the World Festival which, interestingly enough, this year did not have any other members of parliament there. I was disappointed that no-one supported this terrific event. It is a celebration of Tasmania's rich cultural diversity with funding support from the Tasmania Government and is one of Tasmania's longest-running and most popular festival events.

Our island is home to people born in 177 countries who speak 159 identified languages in their homes. Our Government's vision is for a harmonious, inclusive and respectful multicultural island where Tasmanians of all cultures, languages and faiths have an equal opportunity and responsibility to belong, contribute, achieve and succeed.

I have been personally involved with this important multicultural event since its inception in 2011. It does not seem that long ago.

**Ms O'Connor** - That'd be the first year I allocated extra funding to it.

**Ms ARCHER** - Yes. I have proudly supported it personally. I can remember when they held their first stalls and they did not have any funding and it was members of parliament like me and no doubt Ms O'Connor who contributed to each of the stands with the early stallholders. Then it received government funding and as a government we have continued that funding.

It is a festival run by the Glenorchy City Council with multicultural organisations taking part. This year's festival provided an important opportunity for Tasmania's culturally diverse community to showcase the richness of their cultures through storytelling, dance, film, food, creative arts, music and winemaking. I must say the choir headed up by John Kamara was just beautiful on the last day of Harmony Week.

The festival provided our broader community with an opportunity to meet new people, to experience a different culture, to build new relationships and have a lot of fun at the same time and some pretty yummy food as well. There were a smaller number of stalls because of COVID-safe event requirements but the festival program was able to be run across a number of different venues. On Saturday I attended Zafira Café which had their New Year's Day celebration actually on New Year's Eve, and they celebrate in their own way with a tea ceremony and sweets. It was lovely sharing that with the Afghani women. On Sunday, I attended a festival and some of the events at the Moonah Arts Centre right next door to my electorate office.

I extend my congratulations to each of the communities represented that contributed to this festival. Whether as a stall holder, an organiser, a volunteer, a performer, their efforts have been enormous in making the festival another success. The Glenorchy City Council staff were also wonderful.

Also on that day in the evening the Culturally Diverse Alliance of Tasmania held its launch and it was a wonderful event and there were a few people there I knew. Ms O'Connor was there and there were a few no-shows actually, but we sat with each other and enjoyed the event. It was beautiful. It was held at the Hanging Gardens and was a lovely event. Her Excellency and Mr Warner were there as well.

I will read the mission statement of the Culturally Diverse Alliance of Tasmania, or CDAT as they call themselves. It says:

We endeavour to connect all Tasmanian with a diverse culture of groups who now call Tasmania home. We empower migrant and refugee communities through mentoring and sharing of knowledge. We advocate by being productive and instrumental in bringing about change for our culturally diverse vulnerable communities.

They also have a vision statement:

To cultivate, promote, inspire and work with our Tasmanian Aboriginal communities, and all Tasmanians to mentor and share knowledge for the development of our society through education and information.

With our old, new and emerging migrant communities through the power of unparalleled storytelling, reflecting on our shared journeys - we endeavour to make Tasmania a place where each person feels they belong.

To foster a community where each person will have the opportunity to achieve his/her/their fullest potential and participate in and contribute to various aspects of life and living.

To collaborate with all tiers of government by advising them on the emerging trends, solutions and developing issues in our diverse communities.

To strongly advocate for Culturally and Linguistically Diverse (CALD) communities in Tasmania by encouraging a continuous dialogue between people of diverse cultures and beliefs.

To encourage, mentor and assist our multicultural youth and under-represented women by giving them a platform to share their voice, their journeys and experiences.

To foster an inclusive society where different cultural groups are supported in maintaining, celebrating and sharing their traditions which can be experienced and enjoyed by the whole community.

Mr Deputy Speaker, that is their mission statement and vision statement. There is the Multicultural Council of Tasmania which is also a membership organisation. CDAT has been set up for a different purpose and I wish them well in their endeavours with their president, John Kamara. There are some wonderful patrons and I really wish them the very best with their new venture.

### **Salmon Farming - Impacts on Tasmanian Native Marine Life**

[6.08 p.m.]

**Dr WOODRUFF** (Franklin) - Mr Deputy Speaker, we received some very shocking RTI today about some devastating impacts of salmon farming on Tasmanian native marine life and birds. A massive right to information document submitted by Environment Tasmania was seeking information about reports of animal deaths from salmon farming companies over the period 2018 to 2020 inclusive. In that two-year period the record shows that eight dolphins and 81 fur seals have been killed by salmon farming operations. Shockingly, of those numbers only four fur seals and one dolphin were found to be unrelated to the fish farming operations themselves, so fish farming activities are killing native animals through trapping them in nets and they suffer the terrible death of drowning through becoming entangled in fish farm nets.

There is also the active killing of dolphins and fur seals, predominantly fur seals. The 81 fur seals are recorded deaths. Regarding active killings of these animals by shooting them with bean bags, there were 134 instances recorded where fur seals were shot by salmon farm staff. If they were not directly killed they are often maimed or blinded. There is photographic

evidence that has been collected by the community over the years. This is well documented and it is a disgrace that these acts of cruelty to animals - protected native wildlife - are occurring on a daily basis with the complete cover of the Department of Primary Industries, Parks, Water and Environment. That is another part of the evidence that is provided in the right to information. DPIPWE is running a cover activity for salmon farms to ensure they continue to operate in the manner that provides the most profit to the company. On the record, it says from someone at Huon Agriculture to somebody in DPIPWE on 14 January 2019:

I note that the recording of levels of interactions and deployment affect is no longer required in the new template, however, I would think the department would be interested in seal behaviour before and after deployment particularly when aggressive seal behaviour is involved. Perhaps this is something to discuss.

That tells us that the department helped the salmon farming companies to negotiate a new reporting schedule that would mean they were not required to record the level of detail about the numbers of animals that have been killed. When it comes to the killing of birds, we have direct evidence from a salmon farm employee. Someone who used to work at Huon Aquaculture came to us last year, deeply distressed, with a number of photographs. This was documented evidence - distressing photographs of hundreds and hundreds of birds that he had photographed in this time that died on salmon farm pens, on the nets. He tells us that it is the nets that are creating what he says is, quote:

Carnage for birds. There are usually birds on every single pen while the pen is feeding. It is rare to say there isn't at least one bird sitting on the net. Obviously, they on the windy side waiting for pellets to blow in their direction. Before any tour of different sites by the management we are asked to inspect each cage and remove the dead birds. The owners, upper management come out with visitors, including the media looking briefly at the cages, obviously they view the clean, neat tight cages that reflect their perceived image.

We are informed prior to their arrival onsite so we can do a thorough clean-up of dead birds and the self-reporting of bird numbers from staff members is simply not affective. You just become desensitised and frankly removed from the reality of bird deaths. You are not allowed to complete the forms truthfully. My co-worker now just cuts the netting to free the dying birds as we see hundreds of them become entangled.

The evidence from the right to information is that there are indeed hundreds of sea birds killed in Tasmania. From its Storm Bay lease in Trumpeter Bay, Huon Aquaculture reported the mass death of 24 cormorants found entangled in netting on one single day. It raised serious questions about the threat that is posed to our Tasmanian sea birds by that company's so-called fortress pens that have been deployed across Storm Bay.

We know that the salmon industry self-regulation is a joke, it is inherently flawed, and it is clearly not working. There is so much pressure on employees in fish farms to not record the true numbers of animals that have been killed because it looks bad to the shareholders; it looks bad to the media and through the media to the community. People do not want this anymore. This is disgusting. People are absolutely sickened by the images we have of birds that are

drowned, hung upside down. They obviously die a slow, painful death, dehydrated, starving in the sun or drowned.

This is not the sort of Tasmania we want to live in. This is not the industry we should be providing cover for. There is no reason for salmon farming to use that net, other than to make a bit more profit. As the worker himself says, there is a solution - get rid of the nets. It is the nets that are a problem. The purpose of the nets is to reduce the number of fish that are taken and to increase the efficiency of feeding. Well, it is a cost the companies have to bear. It is a cost they have to bear - sacrifice a few fish. The birds were there first. These are native birds. These native, protected wildlife - native fur seals. We have to do better and make sure the EPA stands for something.

**Time expired.**

**City Mission - Tribute  
Ravenswood Easter Community Event  
George Town - Future Impact Group  
Women's Safety**

[6.15 p.m.]

**Ms O'BYRNE** (Bass) - Mr Deputy Speaker, I have a few matters to raise tonight. The first is to congratulate City Mission on their new store in George Town. The store opened in late November and I know how much it has been appreciated by the local community. It is very pleasing that Stephen Brown, the CEO, has advised that funds that are raised locally will be used locally.

I place on the record my thanks to the two shop managers, Steph Jones and Janelle Dancer, for their dedication to the new enterprise, and to the committed team of volunteers who give up their time to sort donations and serve our customers.

I also wish to highlight an upcoming event, the Ravenswood Easter Community event which will be held on Saturday, 27 March at 10 a.m. to 2 p.m. as always. The organisers will be preparing well in advance and this year it will be a cracker. The community event includes a garage sale trail, a car boot sale, a barbeque, maker's market and a visit from the Easter bunny.

For those interested in registering a spot for a stall, they can contact the Starting Point Neighbour House. These are always really great events and if anyone is in Launceston, please drop into it. Go to the Facebook page for details.

I congratulate George Town's Future Impact Group, which has produced a wonderful art project. 50 Gems of George Town Municipality is a place-based, multimedia project focused on sharing the compelling stories and special gems of the George Town municipality. It seeks to champion those unique stories to ignite a conversation in and around the community, and includes a number of short films that have been made by students at the Port Dalrymple School. Thanks to the project managers, Bell Bay Aluminium, George Town Council and the Beacon Foundation, and congratulations to all the gems who shared their passion and stories, and the Future Impact Group who worked so hard on it.



The current list of gems includes the Bebop Dancers; Low Head Fog Horn; the Community Hub Bell Bay Aluminium; George Town Seafoods; Andrew Taylor; Danny's Bay Distillery; George Town Saints; Star of the Seas - Mr Duncan ; Low Head Penguin Tours - Don Marios. People can keep an eye out to offer more gems being added to that list. Members of the public are able to go and look at that beautiful full collection of gems in the Jim Mooney Gallery in George Town.

The last matter I raise, is more serious. We have all heard comments recently, and in fact for most of our lives as women, that place blame on women for being raped. They place blame on women for not being situationally aware, place blame on women for what they wore, what they said, who they were with, what they drank.

Every woman here knows that we probably talk to each other and maybe to our own daughters about different strategies that you can use to keep yourself safe. We talk about walking in the lights, we talk about holding our keys in our hands. What is concerning is that there are web pages that you can go to that give lists for women. This particular web page I looked at was called, 'How To Avoid Rape'. That is a positive thing.

I know *Hansard* does not get sarcasm so it is important that this is read now. I do not think this is a good thing. It talks about how women should always work with other women because they will be safer; and how women should not let people into their home, anyone who makes them feel nervous; and that women should not walk alone, especially at night. If they do walk alone, it is really important that they hold their head up high and act as though they feel confident, because most rapists will look for a woman who looks easy to attack.

If you think you are being followed, try walking in another direction. All of these instructions put all of the blame for being raped on women. It is actually women's fault that they are raped. It is really horrible when we hear that, and when we hear women blamed for being raped.

I wanted to put another little list out about instructions so that women do not get raped, and it is for men. There are 10 rape prevention tips.

1. Don't put drugs in women's drinks.
2. When you see a woman walking by herself, leave her alone.
3. If you pull over to help a woman whose car has broken down, remember don't rape her.
4. If you are in an elevator and a woman gets in, don't rape her.
5. When you encounter a woman who is asleep, the safest course of action is not to rape her.
6. Never creep into a woman's home through an unlocked door or window, or spring out at her from between parked cars, or rape her.
7. Remember, people go to the laundry room to do their laundry. Do not attempt to molest someone who is alone in a laundry room.

8. Use the 'buddy' system. If it is inconvenient for you to stop yourself from raping women, ask a trusted friend to accompany you at all times.
9. Carry a rape whistle. If you find that you're about to rape someone, blow the whistle until somebody comes to help, even stop you.
10. Don't forget, honesty is the best policy. When asking a woman out on a date, don't pretend that you are interested in her as a person, tell her straight up that you expect to be raping her later. If you don't communicate your intentions, the woman may take it as a sign that you do not plan to rape her.

Mr Deputy Speaker, this might sound like a bit of a flippant list. It might sound a bit offensive for men to hear instructions on how not to rape someone. Women are regularly told how not to get raped. Women are regularly told it is their fault for being raped. Women are regularly told that they were not situationally aware. Women are regularly told that what they wore, what they said, who they were with, what they drank, are the reasons they were raped.

Rape is caused by people who rape people. It is not okay to continue blaming women. It is not acceptable for any individual at any level, and certainly not acceptable by people in public office.

### **Residential Rent Increases**

[6.20 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Mr Deputy Speaker, I wanted to continue some of the points I was making about the situation faced by tenants across Tasmania, many of whom have been subject to significant rent increases since 1 February when the coronavirus protections expired. I appreciate that the Attorney-General and the Government have decided to extend those protections. It is unfortunate that Ms Archer could not bring herself to acknowledge that it was a Greens amendment to the COVID-19 emergency provisions bill that made sure there were protections for tenants against rent increases and evictions during the emergency period. The legislation that we brought on today comes from our commitment as elected representatives to do the right thing by the people of Tasmania every day of the week we are in here.

We had some real misrepresentations put out there by our colleagues. Ms Standen took a break from hand-wringing and misrepresented the Tenants' Union of Tasmania's position on rent controls. The Tenants' Union principal solicitor, Ben Bartl, has written to all members imploring them to support the Greens' rent control amendment bill, but that was misrepresented by Ms Standen. We either had complete laziness or misrepresentation of the evidence from both the Liberal and Labor speakers.

The ACT model, which is a modest policy approach of rent increases being restrained to CPI plus 10 per cent of CPI, has been in place since 1997. This is tried and tested policy and in terms of the impact on tenants in the ACT, we know that in 11 years ACT rents went up by 32 per cent for your average three-bedroom home. In Tasmania over the past three years in Hobart and Launceston, rents for your average three-bedroom home have gone up by more 40 per cent. So, if you want to see evidence of well-tailored rent control provisions at work to protect tenants, you do not need to look any further than the Australian Capital Territory.

If people think this is some fancy new notion I will take them to an article written by David Bloomfield, an archivist. He wrote an article for the Tasmanian Historical Research Association about their rent boards. He says:

In a time of accelerating rents in Tasmania it is interesting to consider measures taken by the Menzies government in 1939 to control excessive rental prices. Perhaps once again we are in such a time. The premier of the day, Edmund Dwyer-Gray, eloquently described why the regulations were necessary -

'Rents were merely the price of human shelters and there was no sound reason why the prices of houses should not be controlled'.

The article goes on a bit further:

At the end of World War II some naively forecast there would be less need to regulate rents but housing shortages were only growing. Rent control was not unique to Australia. In 1947 *The British Economist* wrote glowingly of the benefits of rent control -

'The rent tribunal is a necessary of social justice'.

At the time the press was generally supportive of rental control. The Hobart *Mercury* spoke positively of continued rental regulation at the close of the war, writing:

Aged people who are entirely dependent on their pensions have suffered more than the average person. Their income is strictly limited and they are, by the very high cost of room rental, denied the pitifully few luxuries their pensions permit.

So Tasmania had rent controls in place up until the year 1963. Those who argued against better protections for tenants from excessive rent increases, which we know Tasmanian tenants are facing now, are backing in the property class. They are backing in the landlords. They are forgetting why they were elected to this place. Dr Woodruff and I have not forgotten why we were elected to this place. We were put in here by the people of Franklin and Clark to improve their lives, to work for them every day of the week that we are in here, and that is what the legislation that we brought on today was all about. It was a modest proposal to put some restraint on rents which are going up by between \$80 and \$150 per week. It was evidence-based and tested from the ACT and other jurisdictions overseas.

Had our colleagues in this place had the guts to do the right thing it would have provided relief to Tasmanian tenants. Those tens of thousands of Tasmanians who are living in residential tenancies who are facing the end of the JobSeeker and JobKeeper supplements in six days' time could have seen the Tasmanian Parliament act in their best interests. They could have seen the Tasmanian Parliament acknowledge that we are facing a rental affordability crisis on this island. The data tells us Hobart is the least affordable capital to rent a home anywhere in the country.

We know why that happened, because for the first three years of the Hodgman Liberal government no new money went into increasing housing supply. We know that because with

this lot backing the property class every step of the way there has been no regulation of short-stay accommodation that has any effect for Tasmanians wanting a home.

I wanted to lay the evidence on the table. This is good policy. We know it is good policy. We know it is supported by people who are struggling to pay their rents and feed their children. Labor paid lip service to those people when they were given a chance. We gave them a chance to do the right thing by the tens of thousands of Tasmanian tenants who are struggling now and they failed those people.

**Time expired.**

### **Surviving Sexual Abuse**

[6.27 p.m.]

**Ms BUTLER** (Lyons) - Mr Deputy Speaker, I am honoured to share with the House the words entrusted to me by a constituent, a strong warrior woman who identifies herself as a survivor of sexual abuse. In her meeting with me she stated:

As a survivor myself, I found Grace Tame's speech one of the most powerful things I have ever witnessed. Her story is very similar to my own childhood sexual abuse experience of eight years.

The person I met with then went on to say:

My abuser still lives a free and unrestricted life, whereas I remain, still, despite years of counselling and grief processing, wondering who I could have been if he hadn't damaged me beyond repair. All I ever wanted was to be heard.

Grace Tame speaks for me like I never could, because my shame and my embarrassment around this taboo subject have long ensured my silence. Perhaps it is time for a change?

This is her story. This is the story of the warrior woman who provided me with her words to speak to the House this evening:

This is the unforgettable story of The Grooming. It is a slow build. He likes it that way ...

His is not a violent abuse in the normal sense of the word, it is gentle, soft, quiet. The chase, the building of trust, is like flirting; his head giddy with possibilities. He pays you extra attention, he tickles you, he whispers secrets in your ear, he makes you feel special and loved. He is a man you call Uncle. You are seven years old and this is Act One.

The tragic 'beauty' of Act One, for the groomer, is that it happens in full view of the audience. The adrenaline surging through his body as he stalks his prey, unnoticed. A wolf in sheep's clothing. It is a nuanced performance for which he will receive accolades such as, "what a wonderful father", "so good

with the kids, they adore him", from an audience uneducated and unaware of the tiny signs that something is not right. While he gets applause, you start wetting the bed again and having nightmares.

Act Two is the foreplay. It's about exclusivity, discreet moments, introducing forbidden topics and weaving the layers of secrecy until you feel complicit, compelled. You seek him out. The audience is much smaller now, but he has groomed them too, so the niggling doubts are swept aside, the momentary confusion is dismissed. After all, he's such a great guy, a role model. You are having troubles at school, you are disappointing your parents, you are withdrawn, you are 10.

Act Three is longest. Indeed, it will last forever in your memory; each scene burnt there over and over until the scar tissue cannot completely heal. He has you now. Your feelings of love and specialness, already interwoven with complicity and confusion, and now bound tightly with terror, guilt, shame and self-loathing. Because you asked for it, you didn't speak up, you kept going back, you didn't say no. You are binge drinking, taking drugs, sexually promiscuous and failing school. You are 15.

The final Act in The Grooming takes a twist. His daughter's 16th birthday party is over and he is driving all the girls home. The radio is turned up for the cool song and you are all singing loudly, full of joy and too much sugar. Then you realise you are last and the joy gets strangled in a knot of fear.

It's late, it's dark, and he takes a detour to a place called lover's lane, "have you been here?" he asks. You feel sick, scared, you know what's coming. You watch the proceedings from outside the car. You have frozen in terror and you have left your body. You will learn, later, that this is a coping mechanism you will use over and over, well into your forties, because even consensual intimacy with a trusted partner can get twisted up with memories of abuse. It will be just one of the many hideous legacies of The Grooming.

The twist comes when he finally drops you home. You find your voice. Your rage finally bubbles to the surface, momentarily drowning out the fear and deep sense of worthlessness. Maybe, you don't have to perform in this play any longer? Maybe there is a way out. You tell him you hate him and you slam the car door. It feels like the single bravest moment of your life so far.

You go to bed wanting to tell someone, wanting it to stop. But in the morning, the shame has returned. I should have got out of the car, I should have run, I should have said no. It wasn't really that bad. So, you tell your parents some vague story about how he touched you once. They tell you not to be alone with him ever again. That's it. Your seething rage has dwindled into a tiny, awkward cry for help that can't be heard for what it really is.

The final curtain drops on The Grooming. It is over.

You would like to say that the damage ended there, but it takes another ten years of substance abuse, out-of-body experiences and failed

relationships before your self-loathing becomes so bad you want to die. So you get help. Five years of counselling finally has you able to function as a human being and hold down a job. It is a further ten years before the panic attacks stop. Hopefully, one day soon you will be able to say you have recovered from the complete obliteration of your childhood, your innocence, your potential.

I am 53. That is my story.

### **Australian Rowing Championships - Lake Barrington**

[6.33 p.m.]

**Dr BROAD** (Braddon) - Mr Deputy Speaker, I rise to talk about an event that is happening as we speak - the Australian Rowing Championships at Lake Barrington right now.

It has been about 11 years since the Australian Rowing Championships were at Lake Barrington, and it is about time. It gives younger athletes, younger rowers, from all across the state the opportunity to compete at a higher level without having to find the money or the time to go to places like Sydney. For about the last 11 years, every single national championship was held at the Sydney Olympic course at Penrith.

It is pretty good vision from Australian Rowing, because right now I imagine that most of Penrith is under water, and all the facilities would be unusable. Having the Australian Rowing Championships in Tasmania for the first time in a long time is a great thing.

I certainly benefited personally from Australian Rowing Championships being at Lake Barrington. It started for me boat holding as a school kid in 1989, and in 1990 I participated as a volunteer at the Australian World Rowing Championships, where the beauty of Lake Barrington was exposed to the rest of the world.

I have had some of my most memorable races at Lake Barrington, and having Lake Barrington so close to home certainly set me up in a long career in rowing, including my stint with a national rowing team.

On Sundays there would be races between the states, and I was very proud to represent Tasmania a number of times, but probably my proudest moment was an interstate race, the last time that I raced at Lake Barrington for the Penrith Cup for Lightweight Four. Our Tasmanian crew came from behind to beat Western Australia in front of my home crowd. In my own mind that is almost like a crowning achievement, because the nationals haven't been in Tasmania for a few years. I came back and managed to win that interstate race and that was the fifth time in a row we did that.

The same opportunity now is presented to the younger rowers, especially the young rowers from the north-west. I would just like to recognise some of them now. We have a very talented bunch of rowers in the north-west, but also across the state. It can lead you to great things, and this is just one step in this ladder of success.

I would like to recognise some of competitors. We have Kate Hall from the Mersey Rowing Club; I think Kate rows for Huon now, but she is definitely from the north-west coast.

We have Hannah Tippet, Ella Marshall, Sophie Grave, Harrison Neild, Lydia and Prudence Tippet, Catherine Greenhill, Ella Spaulding, Olivia Yeates, Meg Castles, Lucy Doonan, Sarah Ellis and Jack Pears from the Mersey Club, ably coached by Dave and the evergreen Merv Tippet. For the Ulverstone Rowing Club - my own rowing club - we have Liam Baker and Brendan Murray, both competing under-17 boys. I wish them all the best, ably coached by Hannah Lewis and another evergreen, Michael Wilson.

I wish them all the best and I really hope to get there and see some of the action and some of the interstate races on Sunday.

If you want to see some magnificent racing at one of the world's best venues, I would urge you to go to Lake Barrington, because it is one of the best courses in the world. Locals will be competing and I hope Tassie manages to win a couple of races on Sunday.

### **Rent Control Bill - Comments from the Tenants' Union**

[6.37 p.m.]

**Ms STANDEN** (Franklin) - Mr Deputy Speaker, I notice that the Leader of Greens took the opportunity on adjournment earlier to assert that I have misrepresented the position of the Tenants' Union of Tasmania in an earlier debate in relation to the Greens' bill on rent control. I will place some further comments on the record in that regard.

In the debate, I was referring to comments made by Ben Bartl, Principal Solicitor at the Tenants' Union, in an opinion piece in today's *Mercury*, called 'Our hands are tied as rental increase notices keep rolling in'. I have the deepest regard for Ben Bartl. The points he makes in his opinion piece about the impact on tenants and the flood of inquiries he has had from tenants experiencing rent increases following the end of the rental moratoriums at the end of January are absolutely the experience that I have had. Within my electoral office, I have been flooded with requests, too.

I am offended by the accusation that I stood here in this place wringing my hands. I have been working hard to support those who are most at risk of losing - or unable to get - a roof over their heads throughout this crisis - and for the years before, and the time since. When the Tenants' Union talks about the rent control laws being the weakest in Australia, I agree. I have been vocal in saying that resourcing and legislation needs to be tighter to improve the capability of the Residential Tenancy Commissioner to respond to rent increases.

However, I was specifically quoting from Ben Bartl's opinion piece when I said, and I quote again:

But rent control measures cannot be done in isolation.

He goes on to say:

Stronger protections against eviction must be enshrined so landlords cannot evict tenants just so they can raise the rent.

That is the first point. I am concerned that taken in isolation rent control legislation could mean that the people the Greens are intending to support, those most at risk of insecure tenancy

within the private rental market, could inadvertently find themselves in even more insecure circumstances.

The next point Ben Bartl makes is:

We also need the state Government to recognise its short-stay accommodation policy has been a disaster for residential tenants, with reduced supply resulting in skyrocketing rents.

I agree with that point and said in the debate that one of the tangible things this Government could be doing and a Tasmanian Labor government would be doing would be to regulate the short-stay accommodation market to assist those people in the private rental market with rental affordability in order to secure those tenancies to ensure there are not perverse incentives for landlords to end leases or to increase rents at the earliest possibility in order to provide greater support and confidence for those tenants.

I wanted to lay those points out and refute in the strongest terms the accusation that I was 'wringing my hands'. My view is that it is the Greens who are wringing their hands. They are the party of the protest people. They are never going to be in a position to form government and they bring legislation into this place like the rent control bill which they know is highly contested within the marketplace and could in fact bring about perverse outcomes that mean that people who are the most vulnerable tenants in the private marketplace could be in a worse situation and that would be the worst outcome of all.

### **Tasmania's Road Toll and Road Trauma Safer Australian Roads and Highways**

[6.42 p.m.]

**Mr FERGUSON** (Bass - Minister for Infrastructure and Transport) - Mr Deputy Speaker, I want to speak tonight about Tasmania's road toll, not just the deaths on our roads but the significant road trauma that has occurred to Tasmanians and visitors to our beautiful state in the form of serious injuries. Every death on our roads is heartbreaking. My family has experienced the loss of a loved one due to car crashes and I know that other members of the House would have other similar experiences. Every single one is a tragedy for that family and for that individual of course.

We see every year the statistics come out. Some years they are higher than trend, other years they are lower, but any number above zero is too high. I can tell the House that so far this year four people have lost their lives on Tasmanian roads. That compares to a very high number at the same time last year of 14. I am pleased that it is fewer, but it is still four grieving families, four tragedies and four lives that were not able to continue and achieve their potential and add to our state. The number of serious casualties which includes fatalities and serious injuries is at 66, which is down from 77 at the same time last year.

Combined with the vast amount of activity in terms of improved roads and community education efforts, I want to take the opportunity tonight to urge motorists everywhere, regardless of how good we think we are as a skillful operator of a motor vehicle, to take care on our roads, to do everything that they can to stay safe and to bear in mind the fatal five, and I particularly say this in the lead-up to Easter.



Today I had the singular honour of meeting with Mr Peter Fraser. He is the visionary and the founder behind SARAH, Safer Australian Roads and Highways. If you are familiar with the yellow ribbons that you see each year during Road Safety Week or Road Safety Month in May, you will be familiar with the message behind the organisation. Meeting Peter today was a delight and an honour. Peter and his wife and family have already lost their daughter, Sarah, some nine years ago. It was a tragedy for them, something that they never expected or would have thought would come and darken the doorway of their family life. Peter has navigated that tragic path now for nine years after losing his daughter on the Hume Highway when she was on her way to university.

She broke down on the road and pulled over to the emergency safety lane. She was being supported by a tow truck driver and both she and the tow truck driver were killed when a truck veered into their lane. What made the grieving so much more challenging for the family was that on a later inspection and later assessment it was clear that that highway emergency safety lane was not regulation width; it was too narrow. There is a sense of grief and anger of thinking that not only was the death avoidable, but for the sake of a proper road design the outcome could have been so very different.

Peter has turned his grief and anger into something altogether positive. Meeting him today, meeting each other as fathers together and two men who love their daughters intensely, it is impossible to have a meeting like that and not think about how I would feel in his own situation and how I would handle it and what I would do with that grief. What this man has done is create a national movement around awareness and education and promoting road safety on our roads and highways right around Australia.

He is an inspiration and I will never forget our meeting. It was emotional and touching because of the nature of what passed between us. I can tell you, Mr Deputy Speaker, I know I do not deserve what he gave me. He gave me this lovely certificate of appreciation for our efforts together as a government and for me personally during last year's national Road Safety Week. Just listen to the generosity in the language and the humility behind it:

On behalf of our principal partners, Safer Australian Roads and Highways, SARAH, wishes to thank the Honourable Michael Ferguson MP for the Government's support of 2020 Yellow Ribbon National Road Safety Week. SARAH gratefully acknowledges the Tasmanian Government as a principal government partner of the 2021 week, which is upcoming.

I do not feel I deserve that and I will make sure that it is placed in a location of prominence. I will receive it on behalf of the Government and the whole of the people of Tasmania as we continue our efforts together. I just love turning your grief and anger into something worthwhile. Peter believes that his efforts could save lives. I would like to go a step further and say I believe his efforts have already saved lives. Mr Deputy Speaker, it could be your life that has already been saved. It could be someone that I love. It could be someone that a member of this House would love. We will never know.

If we maintain our efforts in this space and heap as much praise and honour as we can on people like Peter Fraser, it gives us new opportunities to refresh the reality in the minds of Tasmanians that no matter how good a driver you think you are, no matter how many years of experience you may have had, no matter how you might view yourself after a couple of drinks,

we have to respect the fatal five principal reasons why people are crashing their cars and trucks and dying on the road.

Time does not permit me to go into the range of initiatives this Government is pursuing as part of our Target Zero action plan. I want to take this opportunity to just say what an honour it has been and how much I look forward to promoting Road Safety Week in 2021.

Very briefly, it is also the case that today is the day that in 2013 Natalia Pearn was killed on the Midland Highway. I know her life and her memory has been an inspiration not just to her family and community but to government and to oppositions to do more to eliminate the risk, wherever possible, of head-on collisions on the Midland Highway. I want to honour her life tonight as well, as I know her death moved every Tasmanian, and I promote that road safety message actively this evening.

### **Workplace Invasions - Protection of Tasmanian Farmers and Foresters**

[6.49 p.m.]

**Mr ELLIS** (Braddon) - Mr Deputy Speaker, the workers of the west coast, the north-west coast and across Tasmania have had an absolute gutful of the workplace invasions that are happening, as we speak, from radical environmental activists like the Bob Brown Foundation. Those people are locking good, hard-working people out of their worksites, preventing them from going to work, feeding their family and making a difference for their community.

With that, I seek the leave of the House to table a non-conforming petition which has 1331 signatures. I have shown it to the Opposition who have agreed. With your leave, Mr Deputy Speaker, I will table this petition of 1331 petitioners - an online petition calling for protection of Tassie farmers and foresters from workplace invasions.

**Leave granted.**

**Mr ELLIS** - Thank you, Mr Deputy Speaker. The jobs and lives of Tasmanians are threatened by activists who appear to be more committed to putting workers in harm's way.

It is now more important than ever that Tasmania's parliament pass beefed up workplace protection laws for those people who work on the west coast in our mining industry, people who work on the north-west coast in our forestry industry, people who work on King Island in our agriculture and fishing industries. Those people deserve to be able to go to work, make a dollar and be free from the kind of invasions that we are seeing across our state. There are laws in front of this parliament as we speak that could make all the difference to those people.

I have worked at the west coast in our mines. I know what it is like to contract in, when you are working for a small business that does not have the cash flow to continually put up with going out to a remote mine site to try and get the job done in the howling rain or the snow, and to be turned back by people who have no right to be there, who have no social licence to stop mining on the west coast; and to be told that they know best about the lives that we live and the way that we choose to glean an income from this beautiful country and this beautiful land that we call Tasmania.

It is an absolute disgrace for the Bob Brown Foundation to claim some sort of social licence, to claim some sort of mandate to stop people from going about their lawful business. This parliament supports the right to protest for all people, but we do not support the right to invade workplaces and to stop people going about their legitimate business.

Over the past two years, there has been a rise in farm and forestry invasion by activists right across the country in various different industries. The one thing they have in common is that they are productive industries that are working off the land. These activists are determined to ruin the livelihoods of farmers, as we have seen in mainland states, and foresters, as we have seen here in Tasmania. It is also mining, fishing, and furniture shops. These people are living on cloud cuckoo and we need to actually put in place laws that will stop them. If we do not, we will continue to see more of these radical invasions of our workplaces.

I cannot go back to my community on the north-west coast, the west coast and King Island without saying that we are fighting for you and we want to make sure you can go about your daily business, and you can earn an income.

Tasmania is behind the rest of the nation when it comes to protecting workers from dangerous activists. New South Wales and Queensland have both passed laws targeting farm invaders with fines and potential prison times. Those are important measures to keep people safe. Other states are reviewing their laws and have shown support in changing them.

Tasmania must do the same. I have tabled this petition - 1331 petitioners. We have done that to demonstrate there is support right across our community for these productive industries. The Bob Brown Foundation has no right to tell us what we can and cannot do in legitimate workplaces. They have no right to claim some kind of social licence when they have just flown in from inner-city Melbourne or inner-city Sydney. They have no right to stop people on the West Coast doing what they have been doing for more than 100 years, which is mining the wealth of the land, providing the goods we need all across our country, for every part of our economy - whether it is tin in all of our electronics, or copper in our electricity system; whether it is cobalt for our batteries, whether it is iron ore for the steel that build our houses and our buildings. Whether it is the timber that goes into our furniture, our homes or the food that we put on our table, this parliament should be protecting the people that put those things in our lives and make our lives better. This parliament should be protecting Tassie farmers, foresters and miners from radical activists invading their workplace.

### **Housing Crisis**

[6.55 p.m.]

**Ms WHITE** (Lyons - Leader of the Opposition) - Mr Deputy Speaker, I rise tonight to talk about the housing crisis that is still gripping Tasmania and placing so many Tasmanian families in very difficult circumstances, in some cases on the brink of homelessness.

The Premier has denied that there is a rent crisis. I would like to draw his attention to ads that are placed on Gumtree, an accessible public domain where I encourage him to look and find out for himself the situation many Tasmanian families are currently facing. I will share some of those adverts with the House. These are people who are looking for private rentals. The public housing waiting list is close to 3600 households, not just individuals but households. Mums, children, fathers. That has increased by 65 per cent since the Liberals

came to power in 2014. That is putting enormous pressure on Tasmanians trying to find an affordable place to live and keep a roof over their family's head. Some of these stories are shared on Gumtree.

The ads, like this one:

Looking for a private rental. Currently homeless with three kids, looking for a private rental ASAP, within 50 kilometres of Launceston. Two adults, three kids. Can pay up to \$350 per week.

Another ad:

Rental home desperately needed. Me and my partner have been looking for a rental property for nearly a year now. We are looking for a long-term affordable rental in the Launceston area. I am a full-time builder that would be willing to do a bit of work to your property if needed and pay rent on time. We have no pets and we have limited time with our children as we have not had anywhere stable enough to have them. We would really appreciate if someone could possibly help us without situation.

Another ad:

Rental needed ASAP. Urgently needing to rent a house for my family and myself. We are a clean, respectful family and will look after your home. Looking for a 4-5 bedroom home, but happy to look at three rooms, but must be pet friendly. Have good references and bond waiting.

Another ad:

Rental required urgently. One adult, two teenage children and two golden retrievers seeking rental property between Port Sorell-Turners Beach area from the end of March. Can pay \$460 a week and able to pay three months rent advance and a pet bond if applicable. Local home owner for 17 years, recently sold. Non-smoker. Non-drinker. Please contact me if you have a property to rent that may suit us.

Another ad:

Wanted rental ASAP. Hi there, we are a family of four that are very much in need of a new house to rent. Currently renting in Newstead for \$400 a week. Our landlord would like to move in, so cannot renew our lease. Looking for a three-bedroom house with a garage in Launceston. Willing to pay as much in advance as necessary.

Another ad:

Wanted rental. Family seeking rental ASAP. Hello, myself, partner and kids are seeking a rental as soon possible due to the homeowner wanting us to leave so he can renovate. We are happy to rent a villa, unit, caravan, any type of place that is going to put a roof over our heads.

And this ad:

Wanted please. Rental for family in Ulverstone. Hello we are a family of three, searching for a home. We have a daughter who is seven who attends school locally. My husband and I both work. My husband has been in the same job for 13 years. We are facing a tough time finding a rental, which we have never experienced before. Our records are perfect, which always allowed us to pick and choose the house we wanted. Now we keep getting knocked back. Professional couples or families who can afford 12 months rent up front are being picked. We are absolutely terrified of being homeless, especially since we have worked all our lives and never had to worry about this before. During the pandemic, we both worked all the way through and had no issues paying our rent. We had not once ever fallen behind. We need a 3-4 bedroom home in the Ulverstone-Penguin area. I am also expecting twins in August. I will be returning to work three months after the babies are born. We have the required bond and two weeks rent ready to go. We have until April 12 to be out, due to the property being sold. References, tenant ledger etc, can be provided. Please do not let us go homeless. We are doing everything we can. This is an horrific predicament to be in. We have always rented through a real estate, but happy to go private if it means we can have a roof over our heads. Is your property needing some work? We can paint, do gardens and other minor works to improve the property at our expense if it secures us a long-term home, with permission of course. Please give us a home to rent.

Mr Deputy Speaker, it does not take more than five minutes to find more stories like this on Gumtree. I encourage the Premier to take a look. When he denies there is rent crisis in Tasmania, he is denying the fact that there are families just like these I have shared stories about who are in that crisis, who cannot find a rental and in some cases are either homeless or facing homelessness as a consequence.

**The House adjourned at 7 p.m.**