Tuesday 24 September 2019

The Speaker, **Ms Hickey**, took the Chair at 10.00 a.m., acknowledged the Traditional People and read Prayers.

QUESTIONS

Community Safety - Prison Escapees

Ms WHITE question to PREMIER, Mr HODGMAN

[10.03 a.m.]

A 38-year-old man with a history of serious assault, including firing a weapon at police, is still on the loose in the community after escaping from Risdon Prison yesterday.

A 26-year-old man also escaped custody yesterday by simply walking out the front door of the Burnie Police Station and then stealing a car.

Earlier this month a 21-year-old man was on the run for 12-days and despite assurances that he was no risk to the community, he was caught with a loaded gun. How can you claim to be tough on crime when so many violent criminals are free to roam the streets?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for her question. We are, indeed, a government that is tough on crime. Our record demonstrates that. We have sought to do more to keep our community safe including by strengthening the law to protect the victims in our community and not stand alongside the civil libertarians and the lawyers. We will put our record up against Labor's any day of the week when it comes to real action to keep our community safe.

Community safety is an absolute priority for this Government and any prison breach or escape is a serious matter and totally unacceptable. We are being fully briefed on these matters.

The minister has fully understood, not only the circumstances, but also importantly, requested an immediate review of the prison classification system and we have also been very clear that people within our communities should follow any instructions from Tasmania Police until such time as the offender is recaptured.

Immediate action was taken following the escape of the prisoner who remains unapprehended. The prison sites went into emergency management mode; the site secured, facilities locked down and staff were redeployed to the R**o**n Barwick Minimum Security Prison. All prisoner leave permits and work passes have been suspended and will be reviewed before being reinstated or any further leave granted. A review of the security classification of all prisoners within the Ron Barwick Minimum Security Prison and the O'Hara units, as well as a review of all prisoners with an escape risk alert or history, is underway.

Members interjecting.

Madam SPEAKER - Through the Chair please.

Mr HODGMAN - The Tasmanian Prison Service maintenance team will also undertake an urgent review of the facility in an effort to identify any structural weaknesses or make any repairs necessary to strengthen any escape routes within the facility.

In addition to what I have identified the Government is doing now, and what we have done to strengthen our laws, I take the opportunity to remind people, including the holier-than-thou Opposition of what things are like now as opposed to when they were in government. Under Labor the number of escapes -

Members interjecting.

Madam SPEAKER - Order, sorry, Premier, but it is getting very disruptive. This is a serious question and I expect everyone to listen to the Premier's answer.

Mr HODGMAN - Thank you, Madam Speaker. No amount of yelling from the Opposition will hide the truth that under Labor there were 28 escapes from the Tasmanian Prison Service. The number of absconds from the Hayes Prison Farm was 35. That was the record under Labor, as opposed to five and a half years under our Government where there has been just three.

I also refer the House to incorrect releases that occurred under the Labor-Greens government in 2010, 2011, 2012, 2013. We took action to remedy that, not only through auditing the processes but also strengthening the systems to ensure that that could not occur again. We committed more money into technology to enhance our information transfer systems -

Mr O'Byrne - It is going really well, the transfer system.

Madam SPEAKER - Order, Mr O'Byrne, I have to give you a warning.

Mr HODGMAN - We have invested more into the ageing infrastructure that a neglectful Labor-Greens government left us with.

Dr Broad - Oh, it is our fault.

Madam SPEAKER - Order, Dr Broad, you get a warning.

Mr HODGMAN - That is $350 million into building works, into new state-of-the-art prison infrastructure. We have committed $70 million to the new remand facility at Risdon Prison site, housing 140 remandees. We have committed $270 million to build the new northern prison and to relieve pressure on the present system. We are recruiting more staff. Under the Labor-Greens government, they stood them down. They also literally 'sold the farm' and that was the Hayes Prison Farm. They sold a prison farm to raise revenue for government, placing additional strain on our prison system, bearing in mind, as I said earlier, that 35 prisoners wandered out of Hayes Prison Farm under the Labor government.

We are recruiting additional staff; 107 correctional officers have been recruited and the next round is underway.

Ms White - How many out at Risdon?

Madam SPEAKER - Leader of the Opposition, warning number one.

Mr HODGMAN - Advertisements are being placed for up to 90 correctional officers within the Tasmanian Prison Service between now and the end of next year as part of our commitment to strengthen our prison service. I could go on a lot more about what we are doing to keep our community safe. The record of Labor to have so many escapes, so many absconders and so little investment in our prison infrastructure is nothing they should be crowing about.

Community Safety - Prison Escapees

Ms WHITE question to PREMIER, Mr HODGMAN

[10.09 a.m.]

Yesterday a violent and dangerous criminal escaped from Risdon Prison. The man reportedly moved some scaffolding so he could hop over the fence and he fled into the neighbouring community. Both Risdon Vale Primary School and North Lindisfarne Primary School were forced into lockdown and residents were told to stay inside their homes and lock the doors and windows. The community is not feeling safe under your Government. They are feeling scared. Risdon Vale local, Vicki Sutton, is quoted as saying, 'We don't know where he is and that's the scariest thing about it. I just hope they catch him and make us all safe again'.

Why are you failing to keep the Tasmanian community safe?

ANSWER

Madam Speaker, I thank the member for her question. As I have said, community safety is our paramount concern. While we are working hard to keep our community safe and to protect Tasmanians, Labor is doing all it can to scare them. That is another example of the Leader of the Opposition claiming to know all the details as to what may or may not have happened, but more notably, trying to scare people in the community rather than assuring them that their safety is paramount.

Members interjecting.

Madam SPEAKER - Order.

Ms White - It was on the Tasmania Police website.

Madam SPEAKER - Order. This is ridiculous. This is a very serious issue. If you want an answer to the question you must listen. The Premier will be heard in silence, absolute silence.

Mr HODGMAN - There will be nothing gained by the Leader of the Opposition, Rebecca White, scaring people in the community. There is much more to be done by way of investing in infrastructure, which we are doing. We have increased the beds at the Tasmania Prison Service by an additional 81 over the last year, through our Budget. Works have begun on our long-term plan to invest more than $350 million in the prison infrastructure, $270 million to build a 270-bed northern prison and work is underway at the southern remand facility.

Mr O'Byrne - With no funding for staff.

Madam SPEAKER - Order, Mr O'Byrne. First warning.

Mr HODGMAN - There will also be more than $9 million spent on existing facilities at Risdon, including kitchen visitation areas to bring them up to speed.

We have recruited additional correctional offices, another 12 graduating next month and joining the prison system. We have advertised for the next intake to recruit up to 90 new correctional officers over the next year. That is what we are doing to keep our communities safe. I will explain that to Tasmanians and our track record against Labor's -

Members interjecting.

Madam SPEAKER - Order. I said silence.

Mr HODGMAN - It is the question that really should be asked of Labor. How can they explain a situation when there were no less than 28 escapes from the Tasmanian Prison Service when they were in government?

Members interjecting.

Mr O'Byrne - You've had three in a month.

Madam SPEAKER - Mr O'Byrne, warning two.

Mr HODGMAN - 'It is all an irrelevance now.' 'It is all something in the dark old days of history'. Well, no, 28 escaped when you and your Labor colleagues were in government, and 35 walked out of the Hayes Prison Farm. Do not come in here and even pretend to know what you need to do to keep our community safer.

We take this matter extremely seriously; much more seriously than the Leader of the Opposition by the nature of the question she asked. Nothing will prevent this Opposition from doing what they do to scare Tasmanians in our community.

Climate Change Strike - Presence of Liberal Ministers

Ms O'CONNOR question to PREMIER, Mr HODGMAN

[10.12 a.m.]

At least 15 000 people gathered on Parliament Lawns last Friday, most of them young Tasmanians. There were climate strikes in towns and centres across the state. Every elected Green joined the strike at all three levels of government. We even saw some Labor members there, despite their party's love affair with coal and support for the Adani mine.

Young people out the front here last Friday were asking: where is the Premier? They are looking for leadership in this time of climate emergency. Do you support young people's fight for a safe climate? Where were you and all your ministers last Friday when thousands of Tasmanians took to the streets demanding climate action? Why did you not show the leadership young Tasmanians are rightfully demanding of you?

ANSWER

Madam Speaker, I thank the true leader of the opposition for her question. We acknowledge the significant interest in this issue and acknowledge that many young and old Tasmanians are

concerned about climate change and what governments are doing to address it. We are a government that is more action than talk, which is not something the Leader of the Greens would say or could say. I had other commitments that day -

Ms O'Connor - Every one of your ministers too, apparently.

Mr HODGMAN - Our commitment is to enhancing our Government's response to climate change and to enhancing Tasmania's capacity as the renewable energy state -

Mr Ferguson - I had a commitment.

Ms O'Connor - You went to the strike?

Madam SPEAKER - Order.

Mr HODGMAN - as well as all the actions, which I have outlined at length in this place under Climate Action 21. Our plan to practically deal with issues of climate change is a strong response to this issue. That will continue under this Government, which has achieved during our term net emissions in this state for the first time ever; that will be 100 per cent renewable by 2022; that will support practical measures for the non-government sector, but also government to reduce our emissions and ensure that Tasmania can continue to lead.

I was pleased to note the leadership shown by Prime Minister Scott Morrison on the international stage in demanding more of China to do their fair share of reducing emissions as well.

Members interjecting.

Madam SPEAKER - Order.

Mr HODGMAN - Of course, the Commonwealth is doing a lot in that regard too.

Madam Speaker, we do respect that people have strong views. I ask the Leader of the Greens to be honest with the sort of people who attended the rally. Would the member be prepared to share with them all the things that our Government and our state have done to improve our responses to climate change?

Members interjecting.

Madam SPEAKER - Order, please.

Mr HODGMAN - No, the Leader of the Greens would rather be dishonest and mislead people for her own political purposes.

Ms O'CONNOR - Point of order, Madam Speaker. That is an offensive statement; I take offence. I have not been dishonest. I have not misled anyone. The question was, where were you last Friday when young people were looking for you?

Madam SPEAKER - I think that is out of order but I have allowed it on *Hansard.*

Family Violence - Prevention Measures

Mrs RYLAH question to MINISTER for PREVENTION of FAMILY VIOLENCE, Mr HODGMAN

[10.16 a.m.]

Can you please update the House on the Hodgman Liberal Government's strong plan to reduce and prevent sexual and family violence in Tasmania? Is the Premier aware of any alternatives?

Members interjecting.

Madam SPEAKER - Order, Dr Broad.

ANSWER

Madam Speaker, I welcome the question from the parliamentary secretary. Yes, Tasmanians deserve to live in safety, free from the impact of crime and violence. The safety of Tasmanians is a key priority for this Government. We have increased police numbers; we have added 139 police over the last five years. Labor and the Greens cut over 100. We are, under our plan, strengthening our laws to protect people despite opposition from the Labor Party who do not support the victims of crime when given the opportunity. For instance, Labor and the Greens joined together to vote against mandatory jail time for people who commit serious sexual offences against children, yet they come in here and claim to be tough on crime. Their record of standing with the Greens, which they promised they would not do, to prevent the offenders who commit horrible crimes against children is their track record.

We are building new infrastructure in our prisons that Labor closed and sold. We are able to do these things because we manage our budget well and because our economy is strong, which is something the Leader of the Opposition has only just realised is important.

Our Government has a strong commitment to better protecting the victims of crime and those at risk of family violence. No matter what sniping we get from the Labor Party, it is this Government that has delivered Tasmania's first comprehensive action plan to address family violence and sexual violence. Over $50 million has been invested into additional funding by my Government since 2015. Labor did not do it when they were in government, and they are not doing anything positive during their time in Opposition.

The next stage of our plan: Safe Homes, Families, Communities; 40 actions; $26 million committed over three years to further improve primary prevention, early intervention response and recovery to strengthen the service system.

The plans and actions under this plan were identified through a comprehensive review across Government but also included stakeholder and community consultation, including the input of around 500 extremely brave survivors. We cannot thank them enough for their courage and commitment to drive change. Work is now underway to implement the 40 actions. For instance: increasing technology for Tasmania Police; trialling the use of electronic monitoring; establishing our first national partnership of Our Watch to increase prevention measures; delivering a statewide forensic service for family violence survivors; designing a new program to identify problem behaviours in our children; and developing online resources and a central point of information for victim survivors.

The ongoing delivery of new family violence programs and services includes: establishing specialist units to support victims; identifying perpetrators; coordinating and extending our services and legal responses; providing additional homes and shelter; and providing additional counselling services for children, young people and adults impacted by family violence.

This Government has already legislated a new offence of persistent family violence. Convictions have occurred and under our new cyber-bullying laws, which passed both Houses last week, expanding the existing crime of stalking to address serious behaviours that also have critical links with family and sexual violence.

We will continue to take a flexible and responsive approach to implementing our plan, based on evidence, based on data and what best supports the best delivery of this system and we will continue to transparently release our reports to mark our progress each year.

As for alternatives, Labor did not produce an alternative family violence policy in either the 2014 or 2018 state election. They have not said what they would do or how they would pay for it in an alternative budget. You simply cannot trust Labor to keep Tasmanians safe. Labor has persistently blocked our sentencing reforms which we took to the election to make sure that violent offenders who bash our ambos or seriously offend against Tasmanian children get guaranteed jail time. You cannot even trust Labor on what they say because they will do something else. Only recently we have seen the most stunning of double acts where they voted against our reforms to remissions laws in this House and then go and do the opposite in the other place. They say one thing and do another. How could you seriously trust them to keep Tasmanians safe when you cannot trust them to keep their word?

Glenorchy - Unemployment Levels

Ms OGILVIE question to PREMIER, Mr HODGMAN

[10.21 a.m.]

The hardworking people of Glenorchy face a sobering statistic, with unemployment at 13.4 per cent. This is more than twice the national average and unacceptably high. Unemployment is badly affecting older workers and is heartbreaking for families. People want to work. Will you commit to locking in a target of reducing unemployment in Glenorchy to meet the national average of 5.4 per cent by 2022?

ANSWER

Madam Speaker, I thank the member for the question on the importance of jobs for Tasmanians. It is a priority we have committed to in successive plans and have not only taken to elections but delivered in government to reduce our unemployment rate, and 13 500 more Tasmanians are now employed. Our unemployment rate is down. Our commitment and our target is to reduce these unemployment rates to the national average, which we have achieved in the last term of government and we will continue to work hard to deliver again. We will always look at ways we can do that, not only through the government programs and initiatives contained within our Budget which is estimated to create 10 000 jobs in itself, but also working closely with non-government sector organisations such as TasCOSS and the TCCI in effective partnerships to break down some of the barriers to people, especially young people, getting employment in our state, and that is under the lens of our strategic growth agenda.

I should refer the member who asked the question to what things were like under Labor and the Greens because, as I have said before, we have been able to increase job opportunities for young Tasmanians and more are going through school and getting the training they need and we have been able to reduce unemployment rates in our state.

Ms OGILVIE - Point of order, Madam Speaker. The question was about Glenorchy older workers and targets. We have not heard any mention of that so far.

Madam SPEAKER - As you would be aware, I cannot work out what the Premier is about to say and I cannot put words in his mouth, so thank you, but it is not a point of order.

Mr HODGMAN - Our target is to reduce unemployment rates across the state for all those who are unemployed to the lowest levels we can. Unemployment is down from when we came into government in 2014. Our commitment is to the whole of our state.

Under Labor and the Greens, back in 2014 the economy was described as a 'train wreck' and Tasmania's youth jobless rates were a disaster, according to the Brotherhood of St Laurence which released a report saying it is a national problem, but here in Tasmania it is a particular problem. The then Labor government defended its record with then economic development minister, David O'Byrne, defending what were rates of youth unemployment that were way above what they are now and were described then as a 'train wreck' and a disaster.

Similarly, in December 2013 an editorial spoke of the state jobs crisis as being out of control and said:

> ... resembles a factory fire too hot and too far gone for fireys to do anything about but contain.
>
> It is indeed a tragedy that has already unfolded, in front of an impotent government, powerless to stop the decline.
>
> How can a tiny state like Tasmania cope with the loss of almost 10,000 full-time jobs in three years, ...

That was what life was like under Labor and the Greens in 2013-14. There are now 13 500 more Tasmanians employed now, our economy is the strongest performing in the country and our unemployment rate is lower now than it was when we came into government.

I accept that the member's question directs us to do more, as we will. Through our plan that we are delivering through this year's state Budget, it is estimated that 10 000 more job opportunities will be created for Tasmanians.

Community Safety - Prison Escapees

Ms HADDAD question to PREMIER, Mr HODGMAN

[10.25 a.m.]

Graham John Enniss is a violent and dangerous criminal. In 2015 he terrorised the community of Circular Head for six days while on the run from police, breaking into farmhouses, stealing guns and shooting at police. He is now on the loose again, after escaping from minimum security at Risdon Prison. Yesterday, the maximum security facility at Risdon Prison was at 106 per cent

capacity, meaning there were too many prisoners for beds and too many prisoners for correctional officers. The medium security section was also at 99 per cent capacity. When medium and maximum security are overcrowded or over-capacity, dangerous criminals can end up in minimum security. Was this violent criminal, with a history of escaping custody, in minimum security because there was nowhere else to put him?

ANSWER

Madam Speaker, I thank the member for her question. All issues regarding this matter are being reviewed, as per the immediate response and instruction from the Attorney-General and Minister for Corrections. It is appropriate that they inform the Government and the broader community as to the circumstances behind this without anyone needing to jump to conclusions or to irresponsibly speculate and no doubt endeavour to scare more people in the process.

I refer the House to the investments we are making across our state's prison system, the additional capacity that we now have, not only through infrastructure but also additional Corrections staff, and improved systems to our prison service that were not in place when we came into government. Contrast that to what occurred under Labor and the Greens when they sold one of our prisons -

Ms O'Connor - On the advice of the department. Don't talk about your public servants like that.

Madam SPEAKER - Order, Ms O'Connor.

Mr HODGMAN - albeit one that had seen 35 people walk out of it, prisoners literally absenting themselves from the farm. That was what happened under Labor and the Greens - a fire sale to raise some money. They diminished the capacity within our prison service that we are now replacing.

As I said in response to a previous answer, if you cannot trust Labor and the Greens to actually do what they say and stand up for what they believe, how could anyone seriously trust them to keep Tasmania safe? When it comes to law reform and strengthening our laws and the systems to keep prisoners in jail and to protect those in the community, the member who asked the question has been the strongest advocate to retain the remissions system which has been phased out in all other states and territories. It has long been our position because it is not in line with community expectations that police catch criminals, send them to court, they are sent to prison and then they are released ahead of time without the knowledge of the community.

Mr O'BYRNE - Point of order, Madam Speaker, on relevance. The question is about the dangerous criminal out on the streets that your system classified as minimum security because of the pressure you are putting the system under. Could you answer the question?

Madam SPEAKER - That is not a point of order, Mr O'Byrne. Please proceed, Premier.

Mr HODGMAN - The Labor Party should explain why they have fought so long to abolish remissions which were letting prisoners out of jail sooner than they should have been, against community expectations -

Dr Broad - Yes, it's our fault you had him in minimum.

Madam SPEAKER - Order, Dr Broad, warning two.

Mr HODGMAN - and against what every other state was doing.

Ms Haddad - You just let them out for no reason.

Madam SPEAKER - Order, Ms Haddad, warning number one.

Mr HODGMAN - The member who interjects and asks the question was the strongest advocate for remissions to remain in place. Just days before this matter came before our Legislative Council, having strenuously opposed it in this place, she said to the media:

> We've put on record a couple of times now the reasons why we don't support this change, why we do support the use of remissions in limited circumstances for inmates who do the right thing, so we'll be reiterating the reasons why we don't support the bill.

The member in the other place, Mr Willie, said they would move an amendment in the Legislative Council to support the continued use of remissions. Every step of the way, they were arguing against keeping prisoners in jail but actually trying to find a way they could be released earlier. It might have been the case under the former Labor government that not only were they getting those remissions but they were escaping at an extraordinary rate under Labor and the Greens. If you cannot tell the truth when it comes to sentencing reform; if you say one thing in this House and then do another in the other place, it shows how little credibility you have on this issue and on doing what you say and trying to be tough on crime.

Bushfire Resources - Budget Allocation

Dr WOODRUFF question to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mr SHELTON

[10.30 a.m.]

The World Meteorological Organisation has just announced the last five years were the hottest on record. Our Bureau of Meteorology has told us to expect a whopper hot and dry summer with the east coast already tinderbox dry. Bush-surrounded Hobart is at high risk and Lord Mayor, Anna Reynolds, has confirmed it is not a question of if we get a big fire, it is when.

Last sitting week in Parliament you denied Tasmanians their right to know how much resourcing you have assigned to implement the Australasian Fire and Emergency Service Authorities Council (AFAC) recommendations and prepare us for the fire season we are already in. The thousands of Tasmanians who marched for climate action demand your Government shakes itself awake and dramatically responds to the threat before us.

Will you tell us how much extra money you have allocated to implement the Dr Tony Press and AFAC recommendations before the summer?

ANSWER

Madam Speaker, I thank the member for her question. As members already know, in the northern and western parts of the state this season is predicted to be a fairly normal season. However, on the east coast it is predicted to be a higher fire danger than normal.

As far as the expenditure goes, members only have to look back at the Budget and in the Budget it is indicated there is more money allocated for firefighting in the TWWHA and more resources are being made available to the Tasmanian Fire Service in the recruitment course. That takes our recruitment for the Tasmanian Fire Service to 323. An extra 15 firefighters are going through their training at the moment.

As far as the preparedness for this season, Tasmania's nation-leading fuel reduction program has significantly reduced the fire risk across the state. We all have a role to play in being prepared for the upcoming bushfire season.

To reduce the risk of bushfire this season, the Tasmania Fire Service is declaring an early start to the permit period. It starts on 28 September this month for Break O'Day, Glamorgan Spring Bay and the Sorell municipalities. The Tasmania Parks and Wildlife Service will also be implementing campfire restrictions in designated areas on the east coast and in the north-east from 28 September 2019. These restrictions will remain in place until the end of fire season and across those areas.

Tasmanians living in bushfire prone areas should know and practice their bushfire survival plans and prepare their properties by removing flammable materials from their yards and gutters.

Dr WOODRUFF - Point of order, Madam Speaker. Standing Order 45. It was about the specific allocations. If the minister could please turn his mind to the specific allocations for the AFAC and Press recommendations.

Madam SPEAKER - That is not a point of order. That was standing order 45, relevance? It is not a point of order.

Mr SHELTON - As the member has been in the Chamber for a significant period of time, the member knows there are budgets set and we allocate money and the resources to the Tasmania Fire Service. The experts in the Tasmania Fire Service prioritise the work they do with that allocation. I have every confidence in the Tasmania Fire Service of doing just that.

In that sense, I had the privilege of attending the multi-agency preseason fire brief only last Friday where the agencies talk about the season and work together to prepare themselves for the bushfire season that is coming ahead. There is much work going into the preparation for this bushfire season.

Ms O'Connor - The remote area teams are grounded.

Dr Woodruff - They have grounded them. There's no-one there.

Madam SPEAKER - Order, Ms O'Connor and Dr Woodruff.

Mr SHELTON - The provisional improvement notices - PINs - were not specifically mentioned in the question. Any suggestion that Tasmania has no capability is completely false, although it is not unexpected from the people whose policies are scaremongering and full of mistruths.

Managing fire is a risky business. Two provisional improvement notices were received by the State Fire Commission in July 2019. The safety of our emergency service personnel is paramount.

We will put the safety of our workers first and as such, the Tasmania Fire Service will not currently deploy firefighters for remote firefighting activity until the safety matters are resolved.

The Parks and Wildlife Service is the key agency that provides remote area firefighting capability. Parks and Wildlife Service has a standing capability to deploy remote area staff should the need arise. As has always been the case, Tasmanians can always draw on the interstate resources through the national arrangements if needed.

The Chief Fire Officer has assured me that the PINs issue will be resolved in advance of the summer fire season. I ask members, do you even understand what is being talked about when we talk about remote area firefighters? You have been too busy spreading fear in the community without even understanding the means. A location is remote if it is located 45 minutes walk or greater from support, or a guaranteed means of extraction. Therefore, remote area firefighters only represent one part of an important firefighting workforce. Make no mistake, the biggest firefighting risk to Tasmania is in fact Labor and the Greens.

Madam SPEAKER - Minister, you have gone well over five minutes.

Mr SHELTON - Tasmania is better prepared under this Government to respond to events of this nature unlike the previous Labor-Greens government that had no comprehensive fuel reduction program funded, despite reports telling Tasmania it was needed. This is why the Hodgman majority Liberal Government introduced the fuel reduction program in 2014. That is why we have so far had over 600 fuel reduction burns and that is why the program is ongoing. By the way, it was noted that it was recommendation 4 in the AFAC review.

An old saying, which is very true: an ounce of prevention is better than a pound of cure.

Madam SPEAKER - Thank you for that wise proverb.

Community Safety - Budget Cuts

Ms HADDAD question to PREMIER, Mr HODGMAN

[10.39 a.m.]

We all know departments will face cuts to jobs and services as part of your $450 million savage slash and burn budget agenda. Once your razor gang has been through the prisons and the Justice Department, hardworking correctional officers will be put under even more pressure. That creates the potential for more mistakes that can put the community at risk. Have you quarantined prisons from cuts or contributions to the $450 million savings agenda? If not, how can the community have any confidence that there will not be more escapes like yesterday's and more violent criminals on the loose?

ANSWER

Madam Speaker, I thank the member for her question and contrast the 0.5 per cent of savings that this Government will make to areas that do not impact on frontline services, which is less than other governments across the country -

Dr Broad interjecting.

Madam SPEAKER - Dr Broad, you are already on two warnings.

Mr HODGMAN - including Labor governments in other states, are doing to keep their budgets somewhere near in as good as shape as ours. We are a government that invests more into frontline services and into infrastructure, as I have outlined, by being a government that manages its finances well.

We can do that without compromising frontline services, which has been our longstanding and well-stated principle. It is in stark contrast to what the Leader of the Opposition said when part of the Labor-Greens razor gang, when she said that they had to stop themselves going that hard they cut to the bone. That is what happened under Labor and the Greens. It will not happen under us. We will ensure, as we have done, that these additional investments we are making into prison infrastructure, which we have committed to, not only in our election policies, but also in these budgets, are undertaken. We have since released $350 million towards building new state-of-the-art prison infrastructure; $70 million for the remand facility; $270 million on the northern prison, and more into the correctional staff who work in our prison system, and we will employ more. They are advertising as we speak to do so.

The former Greens corrections minister, back in the day when Labor and the Greens were very closely -

Ms HADDAD - Point or order, Madam Speaker. The question was whether prisons will be quarantined from contributing to the $450 million cuts. That is the question we asked of the Premier.

Madam SPEAKER - Standing order 45? Thank you, that is not a point of order. Please proceed, Premier.

Mr HODGMAN - Thank you, Madam Speaker. We believe that right across government we can be more efficient and ensure that our budget remains in strong shape to invest more into the infrastructure to which I have referred: building the prison infrastructure; not selling the prison as Labor and the Greens did. Our response to keep our budget in good shape is to be an efficient government and to make savings without affecting the frontline.

What did Labor do? They literally sold one of Tasmania's prisons to prop their budget up and to increase pressure on the Tasmanian prison service. Is it any wonder that 28 dangerous criminals escaped when Labor were in government? That is their track record.

We will continue to invest into more correctional staff. I want to refer the Opposition, who try to whitewash what was the reality of what life was like when they were in government, to not only those 28 escapes from the prison service, 35 absconders from the Hayes Prison Farm, and an Integrity Commission report into the government's handling of our prison service in 2013 that revealed a disturbing pattern of misconduct, alleged kickbacks and potential corruption happening at Risdon Prison under then minister for corrections, Nick McKim. This was in the days when Labor and the Greens were certainly very close in government. That is what happened.

Ms O'Connor - You are so dishonest. We brought recidivism rates down, the prison population down.

Madam SPEAKER - Order, Ms O'Connor.

Mr HODGMAN - The Integrity Commission report showed that the former prison director, Barry Greenberry, wrote to Nick McKim, saying that he was 'standing up to fight corruption and mismanagement'. The previous Labor government should have taken the message seriously. Well, it has taken this Government, not only to improve -

Mr O'BYRNE - Point of order, Madam Speaker. It is relevant to standing order 45. The question was very clear; it is about the management of the current system. This little charade that he puts forward does nothing for the people of Risdon Vale who are still in lockdown.

Madam SPEAKER - Mr O'Byrne, that is not a point of order.

Mr HODGMAN - Thank you, Madam Speaker. It was no charade when Labor sold a prison, when they did not make the investments we are making into our prison service; 28 dangerous criminals were in our community when they were in government. They have nothing to stand on today. We take these matters seriously; we are investing more because our budget is in good shape. We will make savings across government, which every good government should and could do, but you never did it. You might have left our prisons in a better state than the mess they were in when we came into government.

Biosecurity Systems

Mr TUCKER question to MINISTER for PRIMARY INDUSTRIES and WATER, Mr BARNETT

[10.44 a.m.]

Can you update the House on how the Hodgman Liberal Government is protecting Tasmania's primary industries and exporters by strengthening our biosecurity system? Is the minister aware of any other approaches?

ANSWER

Madam Speaker, I thank the member for his question. Biosecurity is top priority for our Government. We are backing our words with action; real action to build a stronger biosecurity system to protect the Tasmanian primary industries, our environment, our tourism sector and our community across the board. Frankly, we cannot afford not to. As Tasmania's economy grows - more imports, more trade - and as tourism grows, we must keep pace with best practice biosecurity.

The recent fruit-fly incursion, for example, demonstrated that the threat is very real. We need to be as well prepared as possible. That is why we recently passed the landmark biosecurity legislation through this parliament. We are proud of it because it builds a foundation for the next 30 years in protecting Tasmania, keeping out pests and diseases and protecting the Tasmanian brand that we all love and support.

Through our Budget, the Hodgman Liberal Government has invested $2.6 million per annum in a securing our borders initiative. New frontline officers will be inspecting high-risk produce, imported freight, during the peak import season and other high-risk times. What does that mean? It means more inspectors lifting more lids on more freight, more containers at the right time.

Today, I can announce that Tasmania's frontline defences are being boosted with the recruitment of 20 new biosecurity positions, as advertised last weekend. This is good news for Tasmania. We will be appointing a new coordinator of biosecurity emergency preparedness, response and recovery. They will work with the industry to deliver biosecurity education, training and support programs. Coming next are more partnerships with peak industry bodies on biosecurity as well as a new tourism biosecurity program. We will continue to improve signage and review our compliance measures at airports and ports.

This additional investment is possible because of the partial cost-recovering of inspection service fees from 2019-20 onwards with the Government continuing to fund the balance of that cost. It comes on the back of our Government consistently investing more in biosecurity. That is being delivered. We have doubled the number of detector dog teams to 12 from six under Labor and the Greens. We have more frontline officers to meet demands, including on King and Flinders islands, building vital biosecurity infrastructure, diagnostic laboratories. The Powranna truck wash is now in action. We have more truck washes on the way, specifically on the north-west coast. We are tackling pests and weeds, including the new $5 million Weed Action Fund.

We are getting on with the job. In terms of alternative approaches, let us remember that it was our Liberal Government that formed Biosecurity Tasmania. Biosecurity is fundamental to our comprehensive agri-food plan, to grow agriculture to $10 billion by 2050. It is all part of our plan for the future.

What about plans from the other side? They have no plans, no policies. They are in a leadership crisis and chaos. Labor are struggling. What have they got to say on biosecurity? Just fearmongering and scaremongering; cheap shots from the other side. They are 'all hat, no cattle' when it comes to primary industries. They have their spray-on dust on their Labor Party four-wheel drives. They have their very slick, crisp Salamanca moleskins but they have nothing to offer, no plans and no policies.

We have a strong plan to grow our primary industries and ensure their protection well into the future.

One-Punch Legislation

Mrs PETRUSMA question to ATTORNEY-GENERAL, Ms ARCHER

[10.49 a.m.]

Can you please update the House on the Hodgman Majority Liberal Government's commitment to introduce laws to crack on one-punch violent offenders?

ANSWER

Madam Speaker, I thank the member for her question. I know that all the members, certainly on our side of the House, are focused on our clear and long-established law and order preventions, particularly in this space of law reform. There has been significant law reform in our last term of government and this term and this is another priority area which we made a promise to the Tasmanian people at the last state election and which we are now delivering upon.

Putting victims and community safety first is a core priority for our Government and we have a proven record in this regard. Our law and order policies which we took to the election held this value front and centre and were strongly supported by Tasmanians at successive elections. Unlike those opposite, we have a raft of law and order policies which we have implemented and continue to implement throughout this term.

Turning to our one-punch bill, at the 2018 election we committed to introduce laws to crack down on one-punch violent offenders -

Ms O'Connor - It's assault.

Ms ARCHER - I hear the member saying it is 'assault'. It actually can kill people.

Ms O'Connor - That's right, and so can grievous bodily harm.

Ms ARCHER - This is a serious question from the member for Franklin. We are not just dealing with assault. We are talking about violent offenders who are alcohol and drug fuelled in our community, about which the community has an enormous concern.

Dr Woodruff - One of them is on the run at the moment. Why don't you pay attention to that?

Madam SPEAKER - Order.

Ms ARCHER - Thank you, Madam Speaker. I am releasing a draft bill for public consultation today, to meet our commitment at the last election, that we will crack down on one-punch violent offenders. The public is being asked to provide feedback on proposed legislative changes that will make the defence of accident clearer and ensure self-induced intoxication cannot be used as an excuse for random acts of violence.

The one-punch laws in the draft bill are the result of an extensive review of various reforms undertaken in other jurisdictions to determine the best approach for the Tasmanian context. They amend the Tasmanian Criminal Code and the Sentencing Act to deliver reforms in response to alcohol and drug-fuelled violence and one-punch attacks. The proposed amendments to the Criminal Code will make the defence of accident clearer while also ensuring that an accused person cannot escape criminal responsibility due to the victim having a defect, weakness or abnormality, commonly known as the eggshell skull test. The proposed amendment to the Sentencing Act will clearly identify that self-induced intoxication is not an excuse for criminal behaviour, and nor should it.

One-punch incidents have been the focus of national attention as a result of a number of highly publicised unfortunate incidents. There have been campaigns in relation to alcohol-fuelled violence and the introduction of legislative reforms to reduce violence, including the creation of new offences in other jurisdictions. Queensland, New South Wales, Western Australia, Northern Territory and Victoria have addressed one-punch incidents through legislative reforms but in different ways.

While there are a number of existing offences in Tasmania in the legislation that can capture one-punch-type incidents, we consider that reform is necessary in this area -

Ms O'Connor - Pure politics.

Ms ARCHER - to close the loophole that currently exists for offenders to avoid convictions for manslaughter if they successfully argue that the death was an accident. This has happened in other jurisdictions, in response to the member for Clark's interjection.

We have had the benefit of being able to carefully consider the reforms that have occurred in other jurisdictions that may assist with avoiding inadvertent outcomes which have occurred in other jurisdictions. These reforms will send a strong message to perpetrators that senseless and cowardly acts of violence will not be tolerated and will ensure that police and the courts have adequate powers to make offenders accountable.

Public consultation on the draft bill will run for six weeks to give this high public interest area the attention it deserves. It will conclude on Monday 4 November 2019. Submissions can be made via the Department of Justice website as well. I encourage members of this House to take this law with the seriousness it deserves and support these important reforms. Labor has consistently voted against our reforms and particularly our strong law reforms which would have guaranteed jail time for violent criminals who assault our ambulance officers, for example, and guarantee jail terms for serious child sex offenders.

They backflipped on remissions after voting for it in the lower House - it seems the shadow spokesperson has been rolled again - and they simply cannot be trusted to keep the community safe based on their cutting 108 police officers, starving the prison of resources, selling a prison rather than building them and promising not one additional correctional officer at the last election. We have recruited 107 correctional officers since May 2016 and we continue to recruit. That is funded; we have funding for infrastructure. Meanwhile, we have this focus on stunts and scaremongering in our community for political opportunism in this place.

Our Government will always stand up for the safety of our community -

Ms O'CONNOR - Point of order, Madam Speaker, under standing order 48. We are on a Dorothy Dix question and the minister is running well over six minutes on the taxpayer's dime and seems to be just winding up.

Madam SPEAKER - Yes, I ask the minister to wind up, please; you have gone a bit over time.

Ms ARCHER - Madam Speaker, I was winding up - a lovely observation there from the member for Clark. We make no apologies for sending a strong message to those who commit these gross acts of violence that they will be held accountable for their actions.

Community Safety - Corrections Budget Cuts

Ms HADDAD question to PREMIER, Mr HODGMAN

[10.56 a.m.]

This year's Prison Inspectorate Report into Prison Standards confirms that issues with staffing shortages create pressures for staff at Risdon, resulting in increased overtime work and a generally fatigued workforce. Last week prisoners got onto the roof of the prison and were throwing rocks at prison officers. Risdon is a pressure cooker ready to blow, with overcrowding and lockdowns occurring almost every day somewhere across the prison, yet you and your Government will make matters worse by failing to quarantine Risdon Prison from your $450 million savage cuts. More

cuts to Risdon's budget will mean pushing already overworked corrections officers to breaking point. How many more dangerous criminals need to escape for you to properly staff Risdon and why are you putting the community at risk by refusing to quarantine Risdon from budget cuts?

ANSWER

Madam Speaker, I thank the member for the question, and 25 more prisoners would have to escape to be at the level it was at under Labor's time in government. That is what it was like then.

I again refer the member to our investments into the infrastructure in our prison service. We have not shut any prisons, like you did. We are building new prisons and prison facilities. We are employing more correctional staff and are advertising as we speak. We have put more on during our term in government and we have fixed and certainly improved a system that was inadequate under Labor and the Greens where there were incorrect releases in every year of their government.

We had to take serious action, because there was not only an Integrity Commission report into what was happening at the prison, but we also needed to audit the processes there. KPMG looked at processes within the prison service to establish a better centralised system of administration. We have also invested $24.5 million into the technology we need to significantly improve information management and transfer between Justice and Corrections.

I again want to put the lie to claims by members opposite that we are not doing more to increase capacity and reduce the pressures and demands in our prison system, which were not helped by a Labor government that sold one of our prisons to prop up their budget. If you had not done that there would have been more capacity in our prison service now.

I also acknowledge that there are mechanisms available to our prison staff to be used as operational tools to manage the prison environment to ensure it is safe and secure not only for prisoners but importantly also for staff and visitors. They should be entrusted to do so, as they do in an environment which we respect and understand is a place of high pressure at the best of times. We will continue to do more to assist our management and staff in the prison system and there will be more of them under this Government. That is reducing the demand, the pressure, the capacity constraints that exist that we inherited from Labor.

Ms White - By letting prisoners escape.

Madam SPEAKER - Order, Ms White. You are on warning number two.

Community Safety - Police Budget Cuts

Ms BUTLER question to PREMIER, Mr HODGMAN

[11.00 a.m.]

On your watch crime is going up, assaults are up, burglaries are up, car theft and even murders are up. Hardworking police have conceded that Launceston and areas of northern Tasmania, in particular, are facing a serious spike in crime, including a string of armed robberies. Three people are in custody after a Rokeby man was shot in the stomach yesterday.

Three prisoners, a number of whom have a history of gun crime, have roamed Tasmanian communities over the last month. Your tough-on-crime agenda has been shown up for what it is - a bluff on crime. What portion of your $450 million savage cuts will come from Tasmania Police? Why are you putting Tasmanians and their families at risk to pay for your failure to manage the Budget?

Members interjecting.

Madam SPEAKER - Order, I ask Government members to show restraint on their commentary.

ANSWER

Madam Speaker, I thank the member for the question. She is a relatively recent member in this place and she should lean forward and ask the member who sits in front of her why it was that under Labor and the Greens you cut police numbers in our communities. That is the reality and that is the track record of the then minister, Mr O'Byrne and the Labor-Greens government. That has not helped in any way at all and they will not accept any responsibility. They are all scare and no responsibility when it comes to improving community safety for Tasmanians.

Yes, there is increased demand in our prison service and that is why we are building a new prison in the north of Tasmania. That is why we are responding to keep our communities safe: to deliver facilities and services that are contemporary and fit-for-purpose, which they were not under Labor and the Greens. We will have more to say about this when we are able but we have made a significant Budget commitment which was not matched, not supported, not endorsed by the Labor Party in any of their policies, and no alternative budget to point to. It is happening under this Government.

It is a safe time to live in Tasmania. Yes, we accept it is an unacceptable circumstance when people escape from our prisons and it must have been extremely difficult for Labor when it happened so often; 28 times when they were in government. The total offences are more than 30 per cent lower, on average, than they were a decade ago. Crime rates do fluctuate. We have more police in our communities to keep them safe and that helps reduce offending.

In 2018-19, total offences increased by 6 per cent but this follows a 4 per cent reduction on the previous year. This trend shows that total offences have not breached the long-term average. It is worth noting as well that between 1 July and 19 August there has been a 13 per cent reduction in offences compared with the previous year. Typical of the selective quoting of the Labor Party. They will do and say whatever they can to scare Tasmanians. We will just get on with the job of fixing the systems you left us that were broken and helping put more police into our communities, putting more correctional officers into our prisons and not doing what you did, sacking, cutting and shutting down.

Tasmanian Economy

Mr TUCKER question to TREASURER, Mr GUTWEIN

[11.04 a.m.]

Can you update the House on the performance of Tasmania's economy under the Hodgman majority Liberal Government and is the Treasurer aware of any alternative plan for the future?

Members interjecting.

Madam SPEAKER - Mr O'Byrne, you are already on warning number two.

ANSWER

Madam Speaker, I thank Mr Tucker for the question and his interest in this important matter. I am pleased to report that Tasmania's economy continues to go from strength to strength. Our export sector is booming. More than $3.7 billion worth of product was shipped overseas in the year to July, which is a staggering 34 per cent more than occurred in the last year of the previous government.

Domestically, the local retail sector continues its strong growth with well over half a billion dollars in turnover in the month of July. Our housing sector is the strongest in the country with nation-leading growth in housing finance commitments, first homebuyer finance commitments, residential building work done and new housing commencements and completions.

Confidence is high. Tasmanians are confident and that has enabled us to record the strongest growth in the nation for engineering construction work, again the only state to show positive growth over the year with an increase of 5.3 per cent. With such strong fundamentals and a confident business community it is no surprise that in the financial year just ended our economy grew at 3.4 per cent, the fastest rate in the nation. This is the first time in 15 years that Tasmania's economy has outperformed the powerhouse states of New South Wales and Victoria, along with every single other jurisdiction.

Such strong results do not happen by accident. The Government has a long-term vision and a plan to grow the economy and create jobs. The Sensis report recently indicated that Tasmanian businesses are the most confident in the nation and it is a simple fact that when businesses are more confident they will invest and they will employ more people. The Government knows this and that is why we focused on reducing red tape and providing an investment-ready environment.

The results are there for all to see: 13 500 more jobs since we were elected, 400 more jobs in the last month alone. That confidence is leading to increased investment; it is leading to increased jobs and, importantly, it is leading to increased population. Population is growing at its second highest annual growth rate since the early 1990s with growth of 1.21 per cent in the year to March. More and more people from interstate and overseas now are clearly recognising that Tasmania is the best place in the country to be.

I was asked if I was aware of any alternatives. I do recall that. I must pop into the rare book section and pick up a copy of that economic plan at some stage. It does say much about the Labor Party when they try to rehabilitate the former failed economic development minister as the new shadow treasurer. It is a question I will raise right now but one that will remain hanging on, I am certain. When will the Labor Party bring down an alternative budget? We have heard this morning concerns raised about our efficiency dividend, about our plans to make the Government more efficient but on that side of the House they will not explain where the money would come from. They will not explain how much they would spend in health. They will not explain how much they would spend in education. As I have said on numerous occasions, they have made an art form out of whingeing and complaining. However, whingeing is not a platform and complaining is not a policy.

The alternative budget question remains live. Will he, or will he not, bring down an alternative budget? We know when he was the economic development minister that his success in that role led to 10 000 Tasmanians losing their jobs; Tasmanians leaving the state in droves. As a result of the collapse in our economy under that minister, the budget had red ink all over it.

It is incumbent on that side of the House, if they are to be considered serious in this business of politics, that they outline what they stand for and, importantly, how they would pay for it. That is the challenge that we are throwing down to the shadow treasurer today. Will he deliver an alternative budget or will he continue to do no more than the last bloke and that is just simply to whinge and complain? The challenge is there for Mr O'Byrne. We will see if he is up to it.

Community Safety - Prison Escapees

Ms BUTLER question to PREMIER, Mr HODGMAN

[11.10 a.m.]

Tasmanian families want to be safe in their own homes and community. Your law and disorder scandals have sent shivers up the spines of Tasmanians who spent last night locked in their homes, from Burnie to Geilston Bay, on advice from police. For years we have had to listen to your claims that your Government is tough on crime; however, under your watch crime rates are spiking. Our prisons are overcrowded and violent criminals are being released early or escaping almost on a weekly basis. Will you finally admit to Tasmanians that your hollow populist policies are not working to keep them safe?

ANSWER

Madam Speaker, I thank the member for her question, which demonstrates that they will say anything to deliver a cheap political hit. To claim that prisoners are escaping every week just shows how you cannot take them seriously. There were 28 escapes when Labor were in government and there have been three during our five-and-a-half years in government. Twenty-eight from the prison and 35 from Hayes Prison Farm, and yet the member claims dishonestly that they are escaping every week -

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Member Suspended
Member for Lyons - Ms White

Ms White - There were two yesterday.

Madam SPEAKER - Ms White, that is warning number three. That means two minutes outside - until the end of question time.

Ms White withdrew.

Mr HODGMAN - It is Labor that required the Integrity Commission to look into the operations of Tasmania Police Service. It is Labor that required an audit of Tasmania Prison Service and remedial actions taken by our Government -

Ms O'Connor - It was actually a Greens minister who asked for the audit.

Madam SPEAKER - Ms O'Connor, warning number one.

Mr HODGMAN - to improve systems. I again make the point that if the member who asked the question and her colleagues are serious about this stuff, why have they so often stood with the Greens when we have introduced legislation to protect victims in our community, whether it be kids who are being abused, our ambos who are getting punched in their workplaces, whether it be in introducing stronger penalties to protect our correctional officers? Labor has stood with the Greens and voted them down.

We will continue to do all we can to deliver infrastructure, staff and better systems to protect and keep our communities safe. You should go out into those communities you claim to represent and explain to the people in them why you would vote against jail time for people who commit heinous crimes against children. How do you explain that in your community that you purport to represent? When we try to introduce laws to protect public servants, correctional officers or our police and nurses, you vote against it and stand with the Greens in so doing. That is your track record that you should be explaining.

Time expired.

PETITION

Nature Conservation Act - Public Area Declarations

Mrs Rylah presented a petition signed by approximately 39 citizens of Tasmania praying that the Arthur-Pieman Conservation Area, the western Tasmania Aboriginal cultural landscape and the state reserves Sundown Point and West Point remain a public area for the whole community as defined in the Nature Conservation Act 2002.

Petition received.

CORRECTIONS AMENDMENT (PRISONER REMISSION) BILL 2018 (No. 15)

LAND ACQUISITION AMENDMENT BILL 2018 (No. 59)

CIVIL LIABILITY AMENDMENT BILL 2019 (No. 30)

CRIMINAL CODE AMENDMENT (BULLYING) BILL 2019 (No. 5)

FRUIT AND NUT INDUSTRY (RESEARCH, DEVELOPMENT AND EXTENSION TRUST FUND) REPEAL BILL 2019 (No. 6)

HISTORIC CULTURAL HERITAGE AMENDMENT BILL 2019 (No. 31)

Bills returned from the Legislative Council without amendment**.**

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

First Reading

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

JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019 (No. 39)

First Reading

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

MOTION

Sessional Orders - Amendments

[11.19 a.m.]

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

That the Sessional Orders be amended as follows -

(1) The sessional order replacing standing order 42 be amended as follows:

Leave out 'Other Members' wherever occurring and insert instead 'Greens Members';

After paragraph (b) by inserting the following new paragraph -

(ba) Notwithstanding the provisions of paragraph (a) and the weekly rotations prescribed in paragraph (b), the Independent Member for Clark may, once in every four sitting weeks, call on an item of Private Members Business at Noon to 1.00 p.m.

(2) Sessional Order 48A is amended by leaving out 'and two by other members' and inserting instead ', two by Members of the Greens and one by the Independent Member for Clark if such Member seeks the call'.

The motion has been circulated to members around the Chamber and I will make a few comments.

The first is to welcome the newest member of the House of Assembly, the Independent member for Clark, Ms Ogilvie, or should I say, welcome back. We have not had a non-party aligned member of this House since Bruce Goodluck, the 'Little Aussie Battler', who was a member of this House some 20 to 25 years ago. He was a terrific Tasmanian, a terrific Australian, and a terrific contributor to this House of Assembly.

Our Standing Orders and Sessional Orders have not had to think in recent times about accommodating the rights of a non-party aligned member in any detail.

I have circulated a motion that deals with ensuring there are guaranteed questioning rights, and guaranteed private members' time rights for our new independent member. Arguably, those rights might have been able to be called on in any event. As occurred this morning and last Thursday, the member was able to satisfactorily ask a question without it taking away from other members' rights.

It stands to reason that under our current Sessional Orders if Ms Ogilvie had chosen last Thursday to jump and obtain the call prior to the Greens members having their two questions, she may well have taken one of them off the Greens' members.

Today during question time, Ms Ogilvie managed to jump and get a question before the Greens had managed to ask their expected second question; a bit cheeky but the Greens were able to ask their two questions so it seemed to work out.

Ms O'Connor - We should be grateful.

Mr FERGUSON - I am glad that you are because it was good for you that you were able to ask your second question, in answer to your interjection.

Ms O'Connor - That is sarcasm, for the purposes of *Hansard.* We are not grateful to you for four Dorothy Dixers every day and the abuse of question time.

Madam SPEAKER - Order, please.

Mr FERGUSON - You need to understand that *Hansard* does not record sarcasm.

I have put some thought into this and I have obtained advice. I thank Ms Ogilvie, Mr O'Byrne and Ms O'Connor for looking at the motion. I trust that it is agreeable to all parties. I will make a few general comments about it before I resume my seat.

Today I am moving that Ms O'Connor and Dr Woodruff are entitled to be named in the Sessional Orders as Green members. I know that they will be thrilled about that. Traditionally, party status has been understood to be four-plus members of a group. You are half that.

Ms O'Connor - Of a 35-seat House.

Madam SPEAKER - Order, Ms O'Connor.

Mr FERGUSON - It would be good for members to have clarity. At the moment, the other members grouping would be the two Greens members and Ms Ogilvie, which is obviously not going to work.

Ms O'Connor interjecting.

Madam SPEAKER - Order, Ms O'Connor. I am struggling to hear.

Mr FERGUSON - We can demarcate that and ensure that the Greens members are known as Greens members in the Sessional Orders.

I took advice on how to best manage private members' allocation for an independent member. It would be entirely in keeping with the tradition the last time that this House had an independent member. When the late Bruce Goodluck was a member of this House, he was a member of a House of 35 members. He was able to have up to 15 minutes each week to speak to a motion. No doubt, there would have been a few occasions, I imagine, where any other member would have the opportunity to respond to that motion. That does not seem to me or Ms Ogilvie as very satisfactory so we have negotiated a different approach where Ms Ogilvie will have the same amount of time

but more-or-less 'bank it' so that each four weeks we would have an opportunity for a reasonable contribution and for other members to be able to speak to it.

I hope that helps explain why we have gone for the approach that is listed in part 1(b). That would come at the expense of Government Business on every fourth Wednesday in the event that Ms Ogilvie seeks to have that private member's time. It remains to be seen whether Ms Ogilvie chooses to take each of those opportunities. It is up to her.

It is my strong view that regardless of the size of the Opposition, they should always have seven questions in question time. When I was in opposition, I think we had six questions. At some point in time, Rene Hidding, our then Manager of Opposition Business negotiated with the Government to get to seven - a good outcome. It was not an attempt to reflect the number of people in the opposition. It was a reflection of the fact that the official opposition of the day is able to have seven questions to ask of the government of the day.

I just wanted to take this opportunity to say that. Political parties do not take their turns about in government and in opposition. It is my view, and the Government's view, that the official opposition of the day should always have seven questions and that the Sessional Orders need to be somewhat flexible because the size of the crossbench changes each election. I have seen the Greens go from five to three to two. The Greens still get two questions even though their members have reduced. That is amazing because that means all their members get a question every day.

Ms O'Connor - So do all of your backbenchers. No, you only have three and you get four questions.

Madam SPEAKER - Order, Ms O'Connor.

Mr FERGUSON - Under the previous government, the government of the day had six questions to ask of itself so I am protecting that. Although the Opposition has shrunk from 10 to nine, it would not be my view that that should come at the cost of a question or their private member's time.

Ms White interjecting.

Mr FERGUSON - Are you concerned about the length of time that I am speaking to this important motion. I have 40 minutes.

Ms White - I thought there were limited amounts of time allocated for this.

Mr FERGUSON - I have 40 minutes, but I do not think it would need to take that long. Sorry if you are uncomfortable.

Further to that, it would be a perfectly reasonable thing for Ms Ogilvie to be able to ask questions under the current Sessional Orders that provide for two questions of the total crossbench. However, we think it is reasonable that the Greens get to keep their two. I know that Ms O'Connor believes that is the case. I agree. We are going to go from 13 questions at a daily minimum to 14 questions.

Madam SPEAKER - Leader of the House, can I just clarify something? Did you just say it was a 40-minute debate? My notes say it is 35 with a maximum of seven per speaker. Is that right? Okay, thank you.

Mr FERGUSON - Madam Speaker, all the comments I have made are in the context of question time in the Standing Orders fixed at one hour. But then we say that notwithstanding that, in the other Standing Orders these guarantees are provided to ensure that the Opposition and other members have an assurance of being able to ask a minimum number of questions.

I am anticipating a future contribution that will talk about time limits on ministers or other members answering questions. I place on record in advance that the whole point of having the minimum number of questions guaranteed in the Standing Orders is to reflect that given question time is limited to an hour, a case could have been made that long answers will reduce the number of questions you get to ask. If you have lots of long answers -

Ms O'Connor - It is a minimum number of questions that is in the Standing Orders.

Mr FERGUSON - But the case could legitimately be made by you or others, Ms O'Connor, that long answers by ministers to questions might reduce the opportunity for questions to be asked.

It has been the case on both sides of politics that having a minimum number of questions gets over that problem. Having said that, the Speaker is perfectly entitled to, and our Speaker does, rule when adequate time has already been provided, a minister can be told to wind up, and that remains the case.

I commend the motion. I thank Ms Ogilvie for engaging with me and finding a way forward that is satisfactory for her, which does not take away from any of the rights of any others members of this House.

[11.29 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, as Mr Ferguson indicated, we will be proposing a further amendment to the Sessional Orders over and above what is presented to us here today.

It is galling to have the Leader of Government Business tell us that we should be grateful for being called what we are, which is Greens members, in this place. The 'other members' clause in the Sessional Orders was put in there in 2014 to 'other us', to make us 'an other' in this place and to deny the fact that we are a political party with a strong and growing membership which, in a time of climate emergency, is going to continue to grow.

We support the change that rightfully describes Dr Woodruff and me, and any Greens member who comes into this place after us, as Greens members. We agree that the new independent member for Clark, Ms Ogilvie - and welcome, Ms Ogilvie - is entitled to a question each question time but hanging this threat over our heads of taking a question away from us is cheap and nasty.

Mr Ferguson - It is not a threat.

Ms O'CONNOR - It was a persistent threat during these negotiations. The fact is we have to endure in this place each day four Dorothy Dix questions from a government that has only three backbenchers and only one of them is solely dedicated to the backbench - well, in fact none of them

are when I think on it. We have Mr Tucker, Mrs Petrusma and Mrs Rylah on the backbench and yet the Government awards themselves four Dorothy Dix questions and we are supposed to be grateful for our two. It galls me that we are supposed to be grateful for our right in this place to ask you questions and knowing, unfortunately, that we very rarely get answers.

Madam Speaker, I move -

> That the motion be amended by inserting after clause (2) the following new clause:
>
> (3) The following new Sessional Order is inserted after Sessional Order 48A -
>
> 48B Maximum time for Questions and Answers
>
> Notwithstanding the provisions of standing order 48, the Speaker shall ensure the time taken to ask a Question does not exceed one minute, and the time taken to answer a Question does not exceed four minutes.

Madam Speaker, in the last sitting, in response to a question that went something like, 'Can the Treasurer tell us what a great job he is doing of pretending that we are in a golden age and is he aware of any other alternatives?', Mr Gutwein's answer to that Dorothy Dix question ran for seven and a half minutes. We had a Dorothy Dix question today to the Minister for Primary Industries and Water that ran for four and a half minutes. Ms Archer was up on a Dorothy Dix question today and spoke for six and a half minutes. Mr Gutwein, today, in response to another question to ask him to tell us how terrific he is, spoke for five minutes and 20 seconds. In each question time four Dorothy Dix questions are asked and none of them have answers less than four minutes long and many of them nudge six and a half to seven minutes. That is somewhere between 20 and 25 minutes of every taxpayer-funded question time being devoted to the Government telling itself how terrific it is.

That is not the purpose of question time, Madam Speaker. Question time is an important principle of the Westminster system. It is there for transparency and accountability. That is why we are moving this amendment.

I spent last week in Canberra for a series of meetings and went into Senate question time during the sitting. Apart from the depressing spectacle of watching the two major parties in that place denigrate Greens questions about the need for climate action, the need to respond to young people who are distressed about the climate, and the need to take action to protect the reef, apart from the appalling and depressing spectacle of Labor and Liberal members groaning or turning to their phones when the Greens rose to ask this question again and again, what we see in the Senate is an appropriate framework for making sure that questions are tight and contained, are one minute long and the answers are two minutes long. You can see the clock in the Senate - it ticks down and as soon as that one minute is up the mic goes off. As soon as the two minutes are up on the minister's answer, the mic goes off or the President shuts down the minister. They allow for two supplementary questions which have to be asked within 30 seconds, from memory, and then the minister has another minute to answer those supplementary questions. It is a more dynamic approach to question time and much more in the spirit of what question time should be about.

In saying this and moving this amendment, Madam Speaker, I note that you have the authority and the power to sit ministers down when they have talked for too long. I simply make that comment and observation and I hope we see more of that.

Mr Ferguson interjecting.

Ms O'CONNOR - Why do you scoff?

Mr Ferguson - It happens already.

Madam SPEAKER - Through the Chair, please.

Ms O'CONNOR - The seven-and-a-half-minute answer to another inane self-congratulatory question from the Government to itself demonstrated that there is a problem in this place with Government members and ministers having respect for the Westminster tradition of question time and for the public's right to know and the fact that we are all here on the public purse.

This is not about us wanting ministers to talk for a shorter amount of time so that we have more questions, although that would be excellent. It is that question time is about questions and answers. It is not about self-congratulation. The Government has many tools at its disposal to tell itself, and any Tasmanian who is bored enough to listen, how terrific it is. It can have a ministerial statement. It could, for example, for the more trite Dorothy Dixers that we get in this place, issue a media release. It could step outside, call a press conference and wave its arms around.

Any minister can do that and will probably get covered but no, in this little place where we have this precious allocation of questions, what we get every single question time is these banal, insulting questions from the Government to itself and the abuse of the forms of this House to 'answer' questions at great length. For the purposes of *Hansard*, it is important to also note that often those answers are scripted and have been prepared either by the department or in the minister's office. When the minister reads through the scripted answer, almost without exception what we get is the flip on a dime and an attack on the other side of the House. It devolves into politics. At least half of the Dorothy Dix answers that we get in this place are spent attacking the other side of the House, reaching into the recesses of history to accuse members on the other side of all manner of heinous acts while in government.

We strongly believe there should be time limits on questions, whether they be Dorothy Dixers or questions that have been asked by opposition or cross-bench members. If you cannot tell a story and answer a question in a complete fashion in under four minutes you have a communication problem. So much of what I read when I go through the uncorrected proofs is tedious repetition; it is waffle, inane, insulting and highly political, and there should not be a place for it in question time. It is a lack of respect for the Westminster system and question time and the public's right to know that leads to four Dorothy Dix questions and these bloated, self-congratulatory, inane, political answers every day that consume about one-third of our question time.

The Government obviously will not be supporting this, because it likes to take up as much of the question time allocation talking about itself in response to its own questions so it does not have to face scrutiny. We understand that Labor will also not be supporting our amendment because they have an eye on that day in the how-far-distant future I do not know when it will be back in government again, and it wants the capacity to ask itself questions and spend half of the Dorothy Dix answers attacking the other side of the House.

In terms of public perception, the sniff test, the way question time is conducted here with this Government is insulting to the public. Most members of the public, should they know that the Government asks itself four questions each question time and then spends a third of question time talking about how terrific it is in response to its own questions, would find that offensive and a waste of time. It does fail the sniff test. What is happening here is that Government members rely on the fact that most people do not watch question time, because they are too sane to do that. If they did they would be revolted. I believe they would be revolted by what they see coming out of the Government side of this House each and every day, because it insults them, it insults their intelligence and it insults the Westminster system.

I commend the amendment to the House.

[11.41 a.m.]

Mr O'BYRNE (Franklin) - Madam Speaker, on the amendment to the amendment, I will deal with the Greens' amendment second.

First, I will deal with the Government's amendment. We received the proposal this morning. We acknowledge the attempts by the Government to ensure that the existing rights and the existing access to MPIs and matters before the House and also questions in question time and the commitment that was given upon the election of Ms Ogilvie to the seat of Clark in the recount have been honoured in the content of the amendment that you propose.

We believe it is appropriate that members, regardless of their position in this House, have an opportunity to ask questions on behalf of their constituents and that a reasonable amount of time is allocated to ensure they are able to debate a matter of public importance. The amendment from the Government that has been supported by the Greens in those respects has been honoured. We indicate our support for those. It is important that members' voices are heard.

In terms of the content and the contribution by Ms O'Connor and her amendment, we have sympathy with the issues that she raises. The conduct of question time should be of intense interest to the people of the community. It is vitally important that it works for all people. Clear questions that opposition members have of the government are able to be asked and the government is in a position to answer those. I echo the member for Clark's frustrations with the current conduct of question time.

She indicated with a bit of a backhander as she was sitting down that both of the major parties are not interested in supporting the amendment, therefore, we are against reform. That is plainly not true and unfair. The amendment put forward by the Greens does not deal with the issue of Dorothy Dix questions. It does not deal with it at all; it just deals with time limits. It could be 10 seconds or 10 minutes, but the drivel that we got in another example today from the Government, effectively you could answer in 10 seconds. The answer is: we do not take responsibility and it is Labor's fault. That could be said in 10 minutes or 10 seconds. Time limits do not deal with the conduct of certain ministers giving answers. It certainly does not deal with what we have seen - and I agree with the member for Clark on this - some of the more extreme abuse of the Westminster system relating to the role of Dorothy Dix questions and answers and the conduct of the Government.

The point is well made that those Dorothy Dix questions and the conduct of this Government is an extreme level in terms of the gratuitous nature of them. It is incumbent on all of us to

acknowledge that we need to ensure that we conduct ourselves in this House, particularly at question time, in a way that benefits the community.

There is no doubt that passions run high in question time and that should not be in question. We are very passionate about the issues that we raise in this House, but the issue of Dorothy Dix is one that fundamentally undermines, at times, the conduct of this House. I know other Houses and other Westminster Houses, both in this country and across the globe, are looking at the issue of Dorothy Dix questions and answers. We should have an eye on how they seek to reform their questions and to deal with matters of public importance. Question time is the one time in the day in a three-day sitting week where we are able to put on the record and ask questions that are front and centre in the interests of the community.

The reasons we are not supporting the Greens amendment is not because time limits are not important - we think they are. However, we need to understand that when you compare us, as the member did, to the Senate, the nature and the conduct of the Senate question time and federal parliament question time is very different from that of the Tasmanian House and the traditions we have followed.

Ms O'Connor - Why should it be so different?

Mr O'BYRNE - That is not the question before the House. What I am saying, if you can let me finish, is that they conduct themselves very differently. There is a very different approach to the conduct of members asking questions and what they can, and how they can ask questions. For example, preamble, argument and a whole range of Standing Orders that are semi-reflected in the Tasmanian Parliament Standing Orders which give those members the ability in that federal house to ask clear and concise questions. Also, the use of supplementary questions and Standing Orders around supplementary questions do give the opportunity to have that debate and discussion on an issue and that is not necessarily a feature of this House.

When I was a minister in government, when I was asked very serious questions and I was answering those questions to the best of my ability, at times I would need to take over four minutes because they were of importance: hard and fast time limit rules, without a series of other Standing Orders which allow supplementary and other forms of the House. We have a tradition in this House that scope is given to the question and scope is given to the person answering the question, the minister of the day or a member of government, to be able to answer within reason.

At times, the Speaker has made reference to the current Standing Orders and her ability to facilitate the good manner and the good order of the House. I have absolute sympathy with the Speaker. These are issues that may very well need to be discussed by the Standing Orders Committee. As a parliament, we should have discussions on how we can improve. If there is a view that the current Standing Orders do not provide the Speaker with the ability to bring the minister or a member of government to answer the question, or that they are going on at times a bit too long, within reason, there are Standing Orders that may be able to be referred to or addressed that can assist the Speaker in her deliberations.

At times, I have been brought to the attention of the content of the question and to the time. Maybe the issues you raise, Ms O'Connor, are genuine, but the amendment does not resolve it. The example you use - the Australian Senate - has a different set of Standing Orders, particularly as it relates to -

Ms O'Connor - Their ministers can answer a question in four minutes.

Mr O'BYRNE - I do not disagree with you about the conduct of this Government and how they answer questions. What I am disagreeing with is about the mechanisms of how we address that.

This House should be mature enough to be able to engage in a conversation, maybe at the Standing Orders Committee, where we can assist the Speaker and assist the members in the House to ensure that we are doing the best by the people of Tasmania.

I make the point that the display of this Government since I returned to this House after the last election is nothing short of disgraceful. Their Dorothy Dixers are extreme. They are, in my view, a perversion of the Westminster system. As they like to say, they are taking it to the next level.

Ms O'Connor - They make no apologies.

Mr O'BYRNE - They make no apologies and it is offensive to the Tasmanian community. Those people who do take an interest in Tasmanian politics and see question time, shake their heads at the performance of the Government. We saw a prime example today in serious answers about public safety. Imagine the people from Risdon Vale and Geilston Bay today, watching the response from their Government and their local member the Premier, Will Hodgman, in failing to answer question after question about people's public safety. All he would do is refuse to take responsibility for this happening under his watch. We are now into the sixth year of his premiership. He refused to take responsibility and he would get up and blame Labor.

We had a Dorothy Dixer on the matter relating to domestic and family violence. This is an issue on which we have shown bipartisan support. The Premier made two cheap political points on his feet on a Dorothy Dixer. On the serious issue of domestic and family violence he went straight to the politics, straight to the Labor-Greens slur. Then, despite the fact that we have offered bipartisanship and have genuine bipartisanship on this issue, he played that old Liberal tactic of saying, 'Am I aware of any other policies?' And again, 'Labor stand for nothing; Labor do nothing'. You offered the hand of bipartisanship and we accepted it. Then in question time you politicise this issue and slap us in the face with this bipartisanship.

For those people watching, the victims of family and domestic violence, the people who have a strong and caring interest in the safety of people in our community, the Government making such a cheap, base political point is the reason why frustrations are bubbling up on the accountability of the Government and of the accountability of each minister. The fish rots from the head.

We do not only see it in this House; we see it in the Estimates committees. In the previous Estimates committee, the Treasurer was asked serious questions about the conduct and the manner in which he manages the Budget and his strategy moving forward and a whole range of matters. He just refused to answer them. Accountability, transparency and responsibility to the forms of the House are something that we hold dear, that we think are important. The reasons frustrations are bubbling over and the reasons people are losing faith are the Standing Orders and the principles of the Westminster system not being honoured.

We accept that the amendments to the Standing Orders by the Government are consistent with the discussions that we have had. The argument around the amendment by the member for Clark, Ms O'Connor, is well made but the amendment does not resolve the issues. We believe ministers

should be given a level of latitude to answer the question. If there is an issue with the Standing Orders regarding relevance and time, and if the Speaker is of the view that the Speaker is not able to bring those two issues to bear, then we need to have a discussion with the Standing Orders Committee. We support a mature debate across both sides of this House about how we can do that.

It is not just about Labor or Liberal or Greens; it is about this parliament functioning in a way that has the faith of the Tasmanian community. We support the amendment from the Government that gives the independent member, Ms Ogilvie, member for Clark, the ability to ask a question on behalf of her constituents, and the ability to raise a matter of public importance with a reasonable timing. We do not support the amendment from the Greens because it will not resolve the issues raised in the arguments supporting it.

[11.54 a.m.]

Mr FERGUSON (Bass - Leader of Government Business) - Madam Speaker, I rise to briefly address the amendment that has been put before the House by Ms O'Connor and indicate that the Government does not support her amendment.

I would like to share a few reasons. I will keep them brief. Once again, this debate has already changed from something that should have been very straightforward and procedural to accommodate the new member. We did not need to spend all this time talking about ourselves when we ought to be getting on to the business of the day including the important justice legislation.

Ms O'Connor in her address made the claim that a minister who could not answer a question in four minutes has a communication problem. In the time that it took Ms O'Connor to sit down, it did not take my office very long to find a seven-minute Dorothy Dixer from the Greens to none other than the then minister, Cassy O'Connor, as recently as the last year of the previous government. It was a time when a quick, cursory look -

Ms O'Connor - Was I talking about climate change by any chance?

Mr FERGUSON - It was exactly what it was about. It was almost like a Dorothy Dixer just now. It is funny how you ask the question; you already knew the answer. The then minister, Ms O'Connor, spent precisely seven minutes attacking the then prime minister, Tony Abbott. It reads like a grade 10 essay. It is clearly either one of the more coherent pieces of impromptu work from Ms O'Connor, or a prepared script. It reads like a well-prepared piece of writing. The Speaker of the day pointed out to Ms O'Connor that it is common practice to refer to state premiers by their proper title. I believe it would have been Mr Polley who asked you and other members to do this as a courtesy, regardless of the holder of the prime minister of Australia that the Speaker, Mr Polley, chided you about.

It suited you when you were in government to be able to make some statements on behalf of your government that you felt at the time were important to ask.

Let us see if you can remember who asked you the question. Of course you know the answer to that. Basil asked you questions all the time, to the point that there is a famous quote. When Mr O'Halloran asked you a question, your first phrase to him was, 'Oh, Basil, you are such a cutie'.

Ms O'Connor - No, that is not quite right. I said, 'You are so cute'.

Mr FERGUSON - I hope that one day the Uni Revue finds a way to weave that into one of their performances.

I will lay aside Mr O'Byrne's claims, which I dispute, that the Government does not treat the House in question time with proper respect. We do, but I do agree with Mr O'Byrne's general statements. Those of us who have been around for more than one or two terms will be able to testify that the political parties inevitably take their turns about between government and opposition, as the will of the people dictates. The fact is that it is more important for the opposition of the day to be able to ask questions that are a scrutiny of the executive government. That is proper, but it is also a 400-year Westminster tradition that any member of the House, other than ministers, are also able to be afforded questions. That includes government backbench members, independent members, and the Greens members.

I note the references to the Senate. Ms O'Connor failed in her own contribution earlier to tell this House that while the Senate may well have speaking limits on answers to questions, it has a one-hour approximately overall time allocation and there are no guaranteed minimum questions. If you are concerned about length of time of answers, you might be concerned because you do not get to ask the other question that you want to ask when there is a one-hour limit. This is overcome in our House already by a sessional order which has been here each parliament since I have been a member of this House - that is three parliaments - that guarantees a minimum number of questions.

If you were genuine, and if you were concerned that the question time is consumed by a smaller number of long answers, then you may have a case, but this is overcome by the guaranteed minimum number of questions that are provided for, which I humbly say, address the concern that you have attempted to make.

I agree with Mr O'Byrne's other comment. He has also been a minister. I did not trouble the *Hansard* to find them, but there are certainly times where it is not possible to give a proper answer in four minutes, particularly where it might be a detailed question and the minister is in a position to provide a detailed answer. For example, some difficult issues might actually be informed by a strong and robust legal advice, where it is important, and ministers are told that you need to stick to this.

Ms O'Connor - Your Dorothy Dix answers devolve into politics at the back end every time.

Mr FERGUSON - If you would give me the courtesy of making this point - there are circumstances where ministers are not free to roam beyond the advice provided to her or him, and it is important to get the message clear on the record, because sometimes there can be ramifications for straying outside of advice that has been provided to you, particularly where there might be live legal proceedings, for example. There are also plenty of opportunities where a minister needs to be able to articulate a policy. Our Attorney-General took a question today which was her opportunity to tell the House and Tasmanians about her law reform and one-punch legislation.

Ms O'Connor - That's right, and one and a half minutes of that was devoted to attacking the Opposition.

Mr FERGUSON - Would you note that there was quite a considered expounding of the points of that reform, including the way we would go to public consultation? I remember sitting here noting that the House really settled down. It was quiet and people were listening. It was entirely reasonable for the Attorney-General, in the way she conducted herself, to articulate the

Government's position and, yes, as is always the case, not just with answers but also with questions, her own opportunity to make a political point that was important to her. It was totally reasonable and has happened for hundreds of years. I would be disappointed if you thought that should never happen because this is the parliament, a place for people to speak and be able to get their point of view across.

By the way, it is the case that the Standing Orders already provide the Speaker with the opportunity to ask a minister to resume their seat when enough time has been provided. Ms O'Connor and I have both made the point that that is an existing provision and it is enforced. It was enforced today when Mr Shelton was winding up his answer and was asked to conclude, and no doubt others as well.

Motions and debates like this are predictably opportunities for the opposition or others to make political hit points on the government, but they are cheap points -

Ms O'Connor - It is not a political hit point.

Madam DEPUTY SPEAKER - Ms O'Connor, you will have a turn soon.

Mr FERGUSON - I encourage an overriding principle that we ought to have our debates, we ought to vigorously disagree, but there are some things, particularly in the housekeeping of our House, where I seek to build bridges across the parliament because we ought to be able to agree on some of these basics and not for them to be contentious, nor for them to be a springboard to say there is a cultural problem or the Government does not respect the Standing Orders or question time. They are unhelpful, cheap points. It is important that we are collegial on committees of the House such as Privileges and Standing Orders because they are committees that take a much longer view than a parliamentary term, the period of tenure of a government or the period of tenure of an opposition leader.

I make the point that every one of us has a shared responsibility for protecting the reputation of our parliament to the outside community. I put it to you that this is a good parliament. It is an excellent system of accountability that we have in this state. You may say it has its faults and weaknesses, but there is no other place in the world I would rather live.

It is incumbent on Mr O'Byrne, you, Ms O'Connor, me and every member of this House to have our political disagreements and our debates on legislation, but there are some things that we ought to speak well of this House in the outside community, people who are listening, some even at this moment. It is a strong system of accountability that we have. If a minister of a government of any time period in this House is doing the wrong thing, they will be found out. The mechanism is available. If there is improper behaviour or a mistruth, it can be uncovered in a way that is the envy of the world, even for members who do not find themselves part of the official opposition. You, Ms O'Connor and Dr Woodruff, are empowered on behalf of your constituency to ask the difficult questions and you do. I say that as a minister of this Government and long may it be the case.

We do not support the Greens amendment because the problem that they claim exists is already addressed in the minimum number of questions that is provided for. In this House you already have 13 questions per day and under the amendment I am seeking to advance, it will be 14 questions every day. If answers are shorter then potentially there can be more. I have seen occasions where as many as 16 and 17 questions are asked - that is up to the members at any one time.

Ms O'Connor - I've seen occasions where your ministers look at the clock at one minute to go and decide to keep talking so another question can't be asked.

Madam DEPUTY SPEAKER - Order, Ms O'Connor.

Mr FERGUSON - I suggest that we just get on with it. We do not agree with the amendment proposed by Ms O'Connor but we want to find a way to move forward with some agreement on ensuring that the new member is able to ask questions without detracting from the Greens members, which in fact is what this is all about.

The House divided -

AYES 3	NOES 20
Ms Hickey	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow (Teller)
	Mr Ferguson
	Mr Gutwein
	Ms Haddad
	Mr Hodgman
	Ms Houston
	Mr Jaensch
	Mr O'Byrne
	Ms Ogilvie
	Mr Rockliff
	Mrs Rylah
	Mr Shelton
	Ms Standen
	Mr Tucker
	Ms White

Amendment negatived.

Motion agreed to.

MOTION

Committee Membership - Public Accounts Committee

[12.13 p.m.]

Mr O'BYRNE (Franklin) (by leave) - Madam Deputy Speaker, I move -

That the mover be appointed to serve on the Parliamentary Standing Committee on Public Accounts in accordance with section 3(3) of the Public Accounts Committee Act 1970 (No. 54).

Motion agreed to.

MATTER OF INDULGENCE

Prison Escapee Recaptured

[12.14 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Madam Deputy Speaker, I inform the House and update the House that inmate Graham Enniss was apprehended a short time ago by police and placed in custody. I sincerely thank all the authorities, both Tasmania Police and the Tasmanian Prison Service, for their extremely hard work and diligence in resolving this matter in a little over 24 hours. As the House heard previously, a full investigation into the matter, which was called immediately yesterday, is already underway.

For a little bit further detail, I can update the House from the Tasmania Police media release itself. It is all factual so I will stick to the facts and will not say anything other than that:

> The prison escapee ... is in police custody after an extensive police operation near Risdon Vale this morning. Acting Commander, Jason Elmer, said that Enniss was taken into custody in bushland behind Risdon Vale behind Downhams Road about 11.40 a.m. today. No injuries were reported and he was not armed at the time of his arrest.
>
> Significant police resources, including the Westpac Rescue Helicopter and drones, were used in the search in the wider Risdon Vale area overnight.

I again thank Tasmania Police for their extremely hard work and dedication in capturing this prisoner, who will be returned as soon as the matter is investigated.

MOTION

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

[12.15 p.m.]

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

> That time for bringing up the report of the Select Committee on the House of Assembly Restoration Bill be extended until 12 November next.

Motion agreed to.

MATTER OF PUBLIC IMPORTANCE

Community Safety

[12.16 p.m.]

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

That the House take note of the following matter: community safety.

I thank the minister for updating the House about the capture of Graham John Enniss. The last time he escaped he terrorised the community of Circular Head for six days, so 24 hours is a good period of time. We thank the police service for their diligence in capturing this prisoner.

However, it still begs the question: how did this prisoner escape in the first place? This is the third escape. He is a violent criminal who terrorised the community in Circular Head for six days last time he escaped, including such offences as burglary and shooting at police, yet he is a prisoner who was in minimum security.

The Premier talked about domestic violence in Question Time today. This particular prisoner has a horrendous history of domestic violence for assaulting his former partner and holding her prisoner for a length of time. The Premier did not mention that. I inquire of the minister: when did the minister notify the ex-partner that Graham John Enniss was on the loose? I have spoken previously in this place about not notifying partners when they are released from prison early. Hopefully in this case, that partner was alerted before she saw it on the news because that would have been an horrendous outcome.

What we have here is the third escape in only a matter of days. The minister has updated the House about one prisoner but there is another prisoner who is also on the run. This time, instead of simply hopping over the fence of the minimum-security facility, this prisoner simply walked out the front door of the Burnie Police Station, stole a car and took off. How does this happen? A few weeks ago, we had another prisoner escape from hospital and a few days ago we had two prisoners who gained access to the roof and were throwing rocks at the correctional staff. How did these prisoners get rocks to throw at the prison staff?

Ms Archer - Get your facts straight.

Dr BROAD - What, the two prisoners on the roof? They were not prisoners?

Ms Archer - You are talking about police custody.

Dr BROAD - They gained access to the roof. You did not classify this as an escape, no doubt.

Madam DEPUTY SPEAKER - Order.

Dr BROAD - They were throwing rocks at correctional staff, so where did they get the rocks from? Is there a bucket of rocks on the roof of the prison to throw at prison guards?

Once again, we have a minister and a government that do not take responsibility for these escapes. They do not take responsibility. They have an open-door policy. Their bluff on crime and law and disorder is outrageous. It is here for everyone to see.

This prisoner, Graham Enniss - who has just been captured only a few minutes ago, thankfully, as the minister updated the House - has a horrendous rap sheet. Yet he was in minimum security and in a position to simply hop over the fence.

The minister has commissioned a review. That is good, but the minister is committed to considering recommendations from that review.

Ms Archer - For goodness sake, I have not seen them yet.

Dr BROAD - Once again we have a minister with a crystal ball policy. You are going to look into it, minister. It is very ironic that only a few days ago, on 21 September, the minister crowed about a true crime series being filmed in Tasmania. She must have been almost psychic because what we have here is a true crime series being played out in our community.

We have a minister who, if she put on a show in the prison, no doubt it would be a 'cell-out'. We have crime rates up. We have Launceston in lockdown. We have shootings. Only yesterday another member of the public was shot at Rokeby. We have murders, we have news stories like decapitated bodies being dumped on the side of the road. If we simply say, 'Bodies dumped on the side of the road' the question would be, 'Which one are we actually talking about?', because there has been more than one.

The crime statistic supplement from only a few months ago highlights 'a safe and secure Tasmania' and in it, it reveals that crime rates are up, serious offences and assaults are up. Armed robberies are up. Robberies are up 23 per cent; armed and aggravated robberies make up 56 per cent of those offences. Those offences include using knives and firearms. Also burglary is up. This is this Government's record on crime.

Crime rates are going up. We have prisoners escaping. We have had prisoners escape from the police. We have had prisoners escape from hospital. Now we have had two prisoners jump the fence of the prison. In question time we saw a Premier who does exactly as he does every other time. Instead of taking responsibility for what this Government is actually doing, it is always Labor's fault. It is the Barnaby Joyce defence - Labor, Labor, Labor. We hear that time and time again. It is time this Government stood up and took responsibility for what is happening.

How did a very dangerous criminal like Graham John Enniss, with a long rap sheet, come to be in minimum security next to a scaffold and have the ability to jump the fence? We are all very glad that he did not go on to be on the loose for six days terrorising the community like he did last time, but we have had a community in fear. You say that we are the ones who are creating fear. What about the residents of Risdon Vale? What about the parents of students at the two primary schools that were in lockdown because this prisoner on your watch simply hopped over the fence? The guy is not Skippy, so what have you done? Now you are commissioning something. You have a crystal ball and you are going to look into it. What are you doing? Today in question time the Premier would not guarantee that the prison service would be quarantined from cuts. If this is not an example of a part of government that should be quarantined from cuts, what is? No, simply no.

Maybe when the minister gets up to make her contribution she might be able to commit to not cutting back funding from the prison service. Will she do that, or will she come clean and clarify what the cuts are going to be? We know that she knows. What are the cuts? How many Corrections staff are going to be stressed? How are their rosters going to be chopped and changed? How are you going to do this? You need to come clean and take responsibility.

Time expired.

[12.23 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Madam Deputy Speaker, that was a woeful contribution. Not once during question time today did Labor members opposite- and I will not include the Greens because their line of questioning was not along these lines - think to thank Tasmania Police or the equally hardworking members of Tasmania Prison Service. They are criticising how this occurred. It is unfortunate that details leak to the media about these things. Not only for security purposes but while immediate investigations as to how something has occurred are undergoing, these things should not be talked about publicly because what you are doing is criticising those who work at the prison.

I can clarify for the member the exact resources that we have put into Tasmania Prison Service and the reason the Premier today reflected on how appalling the Tasmanian prison system was when we took it over is because it is factual. We have come in and committed $270 million to the northern prison, $70 million to the Southern Remand Centre, and $9.3 million to other shared facilities at the same time as our Southern Remand facilities are being built in the sense of kitchen facilities, the watch house, security, the health centre; those mixed services that are required at Risdon Prison and Southern Remand Centre. We have also done considerable upgrades to the minimum-security prison by allowing for prisoners who are ageing and/or with disability, and we have increased the beds at that prison by 81 beds. That is before we commence the build by providing for 140 remandees on that southern site. The northern prison will deliver $270 million.

What did Labor do at the last election? Zero, no policy, except that they would get rid of the northern facility within a police station, but there was no plan B as to where you would decant prisoners in the north.

I want to focus on the significant recruitment this Government has undertaken to address the correctional officer shortage in terms of not only a growing prison population but retiring correctional officers. We are now embarking on the recruitment that is required because of the additional facilities we are building and investing in. There have been 170 additional correctional officers since May 2016; 107 in the space of a couple of years. We currently have a course which will graduate soon and then we will be embarking on the next course. Dr Broad has lost interest. We are employing more correctional officers and you are alleging we are cutting them. We are employing more, we are building the infrastructure - there is your answer.

Dr Broad - No, $450 million - how much are you cutting? You know how much you are cutting.

Ms ARCHER - All you can do is reflect on the correctional officers who do a difficult job day in and day out and criticise how this incident may or may not have occurred. It is being investigated.

Dr Broad - You are cutting.

Madam DEPUTY SPEAKER - Order, Dr Broad.

Ms ARCHER - I will consider the results of that investigation but I cannot consider recommendations that have not been made yet. You are asking me to have a crystal ball. What I immediately did yesterday was meet with my department, as would be expected, and received a full briefing to that point of the circumstances. An investigation was underway at that point and I

requested an immediate review of the prisoner classification system as well. That means every prisoner classification is to be reviewed.

Whilst that investigation is occurring it is important for the security of the prison and the privacy of other individual prisoners, for the staff and having respect for the staff particularly who were on duty at the time that the two prisoners were involved in this one attempted escape and the other successful escape. Throughout this entire period the safety of the community has been paramount. I know Tasmania Police have thanked the residents of Risdon Vale for their forbearance and inconvenience but there would have been community fear. We do not shy away from that. That is why all the resources needed were put into the search for this particular escapee and that produced a result as of 11.40 a.m. today. I put on the record again how grateful we are and I am sure the community, particularly in Risdon Vale, is as well.

I encourage members of the community, when faced with these circumstances, not to listen to the Opposition because they are all scare and no responsibility. The display we have had in this place to take advantage of the political opportunism while someone is still at large is quite disgusting.

Dr Broad - Like you with remissions. What are you doing with remissions? What about the timing of your remissions bill?

Madam DEPUTY SPEAKER - Order.

Ms ARCHER - I will talk about remissions because Labor came into this House and voted against the early release of prisoners and then got to the other place and chickened out. They even drafted an amendment to keep remissions. Which is it? Depending on the day, Labor is soft on crime and then they think, we better not look soft on crime anymore; we better toughen up. I know, we will not vote against getting rid of remissions any more'. That is all you have done. You keep voting against mandatory sentencing for those who assault frontline workers who include correctional officers, you will not protect them doing a very difficult job at the prison in our community, and also mandatory minimum sentences for those who commit heinous crimes of child sexual abuse.

Dr Broad - You don't support life sentences for them. I cannot believe you do not support life sentences.

Ms ARCHER - That is the most ridiculous thing. The Criminal Code is there for a reason. The maximum sentence ever committed has not even reached anywhere near that. You know it is ineffectual.

Time expired.

[12.31 p.m.]

Dr WOODRUFF (Franklin) - Madam Deputy Speaker, I am surprised that Labor did not jump up because they are certainly frothing at the mouth on this matter.

I start by thanking the Tasmanian Police for their excellent work in apprehending the prisoner who was at large. No doubt it would have greatly relieved the anxiety of people living in the vicinity who have been either in lockdown or under fear of possible attack over the last day or more.

This is a Liberal Government with a terrible record on managing the prisons - an appalling record. By every single measure, they have failed prisoners. They have failed officers who work at the prison. They have failed the Tasmanian Budget. More importantly, they have failed the community who expect that they will not be exposed to the risk that they were exposed to over the last 24 hours and that they will not be exposed to the risk that they have been exposed to over the last couple of weeks. There has now been a number of prisoners with gun-related crimes who have escaped in the last couple of weeks, at large in the community.

Let us revisit the truth of the history, not the spin that the Liberals have been talking. The fact is that when a Greens corrections minister, Nick McKim, was elected in 2010, he immediately took responsibility for the disastrous state of the Risdon Prison complex and engaged a previous Australian Federal Police Commissioner, Mick Palmer, to do a root-and-branch review of the sick culture in the Risdon Prison. Mick Palmer completed the review in 2011. It recommended a number of major changes, both to infrastructure and to culture, which the minister at the time set about implementing. He brought in a change agent. He introduced a huge number of cultural changes to the prison. He stood down a very unhappy union and working staff and he resolved the underlying issues. In 2014, when this Liberal Government came in, recidivism rates had gone down and prisoner-on-prisoner assault rates had gone down.

The minister might like to listen to these facts but she is leaving the Chamber. Very unfortunate that she wants to close her mind to the truth.

Under a Greens correction minister, recidivism rates went down, prisoner-on-prisoner assault rates went down and prisoner-on-staff assault rates went down. More importantly, people left the prison and were housed and supported to reintegrate into the community so that it effectively was breaking the cycle.

What we have now is a disastrous situation where the Government has failed on every single one of its own measures. They came in with a tough-on-crime approach but they have failed. They have failed to reduce the amount of crime in the community. Crime rates are going up, property crime is going up, assaults are going up, and burglaries are going up. Which bit of that is good for the community? None of it.

They have failed to make the prison a safer place for the prisoners who are there. Assaults are going up. Prisoner-to-prisoner assaults are going up. They have failed to make it safer for the staff, who are off on stress leave. No wonder the minister has her hands full trying to train more people because people are leaving.

The prison is bursting at the seams. The Government's failed approach to supporting people is a 'lock-'em-up, throw-away-the-key' approach. They take no responsibility for dealing with the underlying pressures that are driving people to petty crime. They are locking people up for personal levels of illicit drug use. It is disgraceful that there is not the money put into drug rehabilitation. That is where the money should go, not wasting it on building a new northern prison. Hundreds of millions of dollars should be put back into the communities where these people come from, where crime is happening: back into the community to support them.

Ms Archer - It is not that easy.

Madam DEPUTY SPEAKER - Order.

Dr WOODRUFF - You have no idea. It is that easy. We have demonstrated with a Greens correction minister. We have shown you how to do it. You choose to do it the bad way, the hard way and the wrong way. It is not only wrong for the safety of Tasmanians, it is wrong for the Budget, it is a criminal waste of resources that should be put into remote area teams, to training up people for bushfire prevention, to supporting communities to prepare themselves against fire storms, to listening and engaging the wise counsel of previous chief commissioners of the Tasmanian Fire Service whom I would like to tell this Government what they should really be focusing their resources on. Instead they have a punitive approach to people who are living in poverty, who have intergenerational lack of employment and who have drug addiction. None of those services have been provided. The Government's attitude is to privatise everything so there is no support for public schools, no support into the things which are determining this terrible trajectory that the Liberals are determined to continue us on.

[12.37 p.m.]

Mr SHELTON (Lyons - Minister for Police, Fire and Emergency Management) - Madam Deputy Speaker, I thank our wonderful police force for the activities over the last 24 hours and the re-arrest of the escapee.

The Hodgman Government is delivering on our plan to make Tasmania the safest state in the nation and to meet our targets to have the lowest serious crime rate in Australia. In 2018, Tasmania recorded below the national average for 10 out of 11 of the categories, and lowest or equal lowest for four of these categories; these are the facts. We need to do better still. By having the lowest or equal lowest in all categories of serious crime by rebuilding our police numbers we are helping to make Tasmania the safest state in the nation.

During our first term we successfully bolstered police numbers by employing 113 more officers than when we came into power. This successfully restored the 108 police officers savagely cut by Labor and the Greens. We are strong supporters of community safety and bolstering the frontline police capacity. During this term, we delivered on our commitment to build an even stronger police service by recruiting a further 125 frontline police officers. This will increase Tasmania Police to an authorised strength of 1358 full-time equivalent positions. The contrast with the level under those opposite could not be more stark. The majority of new police officers will be deployed to frontline duties at first response main police stations and in regional and rural stations around the state to complement the existing establishment levels.

The key point for the community is, whose policies are working to make them safer? Remembering that under Labor there would be more than 200 less police on the beat, it does not bear thinking about how disastrous that would be.

We are also investing in key infrastructure such as new police stations. We are providing $5 million for the new police station at Longford, $5 million for the new police station at New Norfolk and $12 million to build a new emergency services hub at Sorell. Regional police stations are particularly important. They help to build a positive working relationship between police and the community they serve. The new police stations will be contemporary, well-equipped bases for policing activities. Since the election we have been working to ensure Tasmania Police has the tools needed to crack down on crime. We have an ongoing funding rollout of body worn cameras to frontline police officers. To date, Tasmania Police has deployed over 660 body worn camera devices to officers at 45 police stations around Tasmania, including all the metropolitan stations in the greater Hobart and Launceston regions and along the north-west coast.

Last year, we passed legislation on outlaw motorcycle gang colours and consorting, delivering on our commitment to ensure that Tasmanian police have the tools they need to combat organised crime. In July the Government delivered on our commitment to invest in police drones; that is a remote-piloted aircraft with 16 drones deployed around the state. It is fantastic to see that those drones played a part in the recapture of the escapee. The drones are part of the $400 000 four-year commitment, with the first 16 drones plus the training and CASA licensing for the police officers costing $100 000. The drones are located in all police districts and will be extremely valuable in areas like search and rescue, gathering evidence from crash scenes, illegal trail bike riding and public order responses.

Our record speaks for itself and it stands in direct contrast to those that sit opposite me. It is really bizarre behaviour from Labor this week. First, we get a request from the supposed shadow minister, Ms Butler, asking us to do a job for her and second, Dr Broad did not get a mention. Dr Broad did not get the memo that he is no longer the shadow for police, fire and emergency management.

In the first five years since we came to Government with a strong mandate on law and order matters, Labor has shamefully tried to block and obstruct our efforts to keep the community safe and to protect victims and our most vulnerable. It is time for Labor to lose its soft-on-crime approach. Not only are they soft on crime, they predictably have no motions at their state council on law and order and there is no single mention of law and order in their party platform. How can they possibly claim to care about keeping Tasmanians safe?

The Hodgman Liberal Government makes no apologies for being tough on crime and backing our police force as they protect our communities and keep them safer.

The Greens and the Greens spokesperson, only a few moments ago, indicated the Greens policy and I need to reiterate to the House that their Greens shadow, Mr Morris, when he was in this House, indicated to the House that all the Greens would require at that point in time was for those prisoners to sign a document to say they would not reoffend and he would let them out.

We know that recidivism is a major factor in crime. Those people would certainly sign a piece of paper to let them out of prison but I am not so sure that would keep them out of prison.

Time expired.

[12.45 p.m.]

Ms BUTLER (Lyons) - Madam Deputy Speaker, I have no idea what the minister for Police was referring to about me asking questions. It could have been me as the new shadow minister for police, fire and emergency management asking for a briefing from your office. Maybe that could have been me asking for some information about the shadow portfolio that I am responsible for. I do not really understand how that is not appropriate. Maybe that is part of what your Government does. A briefing is completely appropriate and professional for a shadow minister. That is part of the Westminster system, I believe, unless your Government is just so hellbent on not providing information. We all have to be as good as we can be in these roles and that is what the people of Tasmania expect.

I am not surprised. It is all about the spin and no substance of this Hodgman Government. What a farce, pretending that you guys are tough on crime. What an absolute farce. It is just the great pretenders across the other side of the room, really, isn't it? It is the great pretenders. Once

again, your lack of priority in keeping Tasmanians safe was exposed. That was what was exposed with these escapes from the prison.

On the record, I congratulate Tasmania Police. I believe that they are the best police association in Australia. I cannot believe the lack of resources and the fight that these people have to go through just to be given adequate resources to do their job properly. I do believe, for the record, that they are the best police association in Australia and I am very, very proud of Tasmania Police.

It is not okay for your people to stand across the Chamber and for you to blame prison guards or Tasmania Police for the mess that has happened because you have under resourced these areas to such an extent. It is an absolute mantra or just politicking - tough on crime, tough on crime. You are not tough on crime. You are constantly making desperate attempts to ensure you stay in Government and you are the ones who keep the public scared.

There is a crime spike in Launceston, St Helens and Longford, just to name a few. A constituent from Longford contacted me the other day; she had been broken into again. This is Longford. Overall, there has been a 7 per cent increase in the number of unlawful property entries with intent.

I will quote a few more of the statistics: robbery offences, including both armed and unarmed robbery increased by 20 offences, 23 per cent from 88 in 2017-18 to 108 in 2018-19. Armed and aggravated armed robbery accounted for 56 per cent of total robberies in 2018-19, a rise from 51 recorded in 2017-18 to 61 in 2018-19. That is 10 offences. Unarmed robbery also increased by 10 offences in 2018-19. Knives were the predominant weapon used in armed robberies with 48 per cent, and firearms used in 33 per cent of armed robberies.

Let us not forget about the number of people living in poverty: 120 000 Tasmanians live in poverty. We know that the highest rate of youth unemployment is also here in Tasmania. Those young people are not engaged in work or study. We also have some of the highest rates of criminal convictions in Australia. We know that criminal convictions are strongly correlated to juvenile convictions and prison admissions. Data from the Productivity Commission reveals that Tasmania's recidivism rate increased to 46.3 per cent in 2017-18, up from 39.3 per cent five years ago, the fastest increase in the country. In roughly the same period, the state's prisoner population grew from 451 to 666. There is a web of severe disadvantage in many Tasmanian communities. High rates of criminal convictions, long-term unemployment, juvenile offending, young adults not in full-time work or education and training, and intergenerational unemployment.

There is a strong relationship between high disadvantage and crime. All you guys are good at doing is growing inequality. That, in turn, grows crime.

Mr Shelton - That was you when you when you were in government. You did that.

Madam DEPUTY SPEAKER - Order.

Ms BUTLER - You can build as big a prison as you like but you are not getting to the core of what the actual problem is, because all you do is grow inequality. The Tasmanian people are paying the price for your insistence on favouring the privileged, because that is what you guys do best, you grow inequality.

The situation is out of control. Yesterday a violent criminal was on the loose. You had local schools on lockdown and parents making sure their doors were locked in certain communities last night. This is a problem and you know it but all you can do is grow inequality. Those families should not feel safe anyway because your crime rates are increasing. That dangerous person who managed to escape prison again was not afraid to use firearms. We are not talking petty crime here. We are talking serious, violent offenders on the loose. It is fantastic that Tasmania Police does such a good job in picking them up because they are already completely overstretched and under-resourced, as it is. This crime is on you, and it is due to inequality and lack of resourcing. The only thing you are good at doing is growing inequality.

There was also the latest escape out the front door of the Burnie Police Station. Is that to do with resourcing as well? Are there simply not enough people there to be able to keep an eye on that because you have them out on other things? You were not resourcing enough people. Is that what the problem is?

We also understand that the reason the prisoners were on the roof at the prison throwing rocks at the poor correctional officers -

Time expired.

Matter noted.

JUSTICE LEGISLATION AMENDMENT (ORGANISATIONAL LIABILITY FOR CHILD ABUSE) BILL 2019 (No. 36)

Second Reading

[12.52 p.m.]

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

That the bill be now read the second time.

The Justice Legislation Amendment (Organisational Liability for Child Abuse) Bill 2019 fulfils the Tasmanian Government's commitment to implement the Royal Commission into Institutional Responses to Child Sexual Abuse's recommendations aimed to improve civil litigation outcomes for survivors of child sexual abuse.

The Tasmanian Government is committed to providing improved avenues for justice and, in turn, creating institutional environments that protect our vulnerable children. The work of the royal commission continues to help shape future reforms to achieve organisational change both within government but also in non-government settings. This bill is just one of many significant systemic and legislative reforms we will implement to continue to work towards a safer Tasmania for our children.

On 15 December 2017 the royal commission handed down its final report, which was the culmination of the royal commission's work over its five-year inquiry. Comprising 17 volumes and its earlier reports on specific areas, the final report contains a total of 409 recommendations and provides a road map for implementing reforms that will prevent and respond to child sexual abuse in institutions.

On 20 June 2018, I tabled the Government's response to the royal commission's final report and earlier working with children checks, redress and civil litigation and criminal justice reports. This included the Government's commitment to implement recommendations to strengthen institutional liability for child sexual abuse.

On 1 November 2018, the Tasmanian Government commenced participation in the National Redress Scheme for Institutional Child Sexual Abuse. The National Redress Scheme is an important pathway for some survivors to achieve justice without the need to undertake the complexity of civil law proceedings if they wish, and the Government has committed $70 million towards the state's involvement in the scheme.

Many Tasmanian survivors of institutional child sexual abuse have already made applications to the National Redress Scheme and the Tasmanian Government is responding to those applications within the statutory timeframes set by the Australian Government to ensure that those survivors' applications can be progressed as quickly as possible.

The National Redress Scheme, however, applies only to past abuse. It does not provide a framework for organisational liability for child abuse that may occur in the future. The royal commission therefore concluded that reforms to civil litigation are required in Australian jurisdictions to provide justice to survivors past, present and future. These civil law reforms will ensure that survivors have a number of pathways to access justice.

This Government is committed to ensuring that all survivors of child abuse are able to seek justice. Every survivor of child sexual abuse addresses their abuse in different ways and at different times. A decision to attempt to seek justice, either in a criminal or civil proceeding, is incredibly courageous and a personal decision which must be supported.

In the Redress and Civil Litigation Report, the royal commission noted -

> Because of the nature and impact of the abuse they have suffered, many victims of child sexual abuse have not had the opportunity to seek compensation for their injuries that many Australians generally can take for granted. While it cannot now be made feasible for many of those who have experienced institutional child sexual abuse to seek common law damages, there is a clear need to provide avenues for survivors to obtain effective redress for this past abuse.

However, it is also clear that reform is needed to reduce the current barriers to individuals in seeking damages for child abuse through civil litigation, as the very nature and impact of institutional child sexual abuse can work against the survivors' ability to seek damages through existing avenues.

The royal commission conducted extensive work to consider this area of the law. Its findings and recommendations are the result of issues papers, roundtable consultations, the Redress and Civil Litigation Consultation Paper and submissions to it, and a specific public hearing.

A statement of Justice McHugh, 'The Law-making function of the Judicial Process - Part II' (1988) 62 *Australian Law Journal 116* adopted by the royal commission in its Redress and Civil Litigation Report illustrates the need for laws to be under constant review -

> Law is a social instrument - a means, not an end. As society changes, so must the instruments which regulate it. The unprecedented rate of change in Australian society in recent years has meant many of the rules of law and, indeed, the wider principles that lie at the back of them are unjust or inefficient. Moreover, rapid change means that conflicts arising from novel situations and which call for adjustments by the judicial process are often not covered by existing rules. If law is to serve its purpose, its rules and principles must be periodically examined and, if necessary, amended.

Madam Deputy Speaker, the work of the royal commission has unequivocally demonstrated that it is time for such examination and amendment.

The Justice Legislation Amendment (Organisational Liability for Child Abuse) Bill 2019 addresses a number of recommendations made by the royal commission, particularly in the area of civil litigation. It also makes an amendment that complements the work of the royal commission regarding previous settlements.

This bill enacts significant reforms that remove legal barriers identified by the royal commission, and enables and enhances access to justice for survivors of child abuse. Specifically, the bill amends the Civil Liability Act 2002 and the Limitation Act 1974. I will now address the proposed amendments in turn.

The bill amends the Civil Liability Act 2002 to impose a statutory non-delegable duty upon all organisations who exercise care, supervision or authority over children to prevent an individual associated with their organisation perpetrating child abuse.

The rationale for this amendment arises from the royal commission's findings which identified that survivors of child sexual abuse have significant difficulty in bringing civil law actions against organisations, as a claimant must establish that the organisation owed them a duty of care and the breach of that duty caused their damage.

To mitigate this issue faced by survivors of child abuse, the royal commission specifically recommended that:

> State and territory governments should introduce legislation to impose a non-delegable duty on certain organisations for institutional child sexual abuse -

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

JUSTICE LEGISLATION AMENDMENT (ORGANISATIONAL LIABILITY FOR CHILD ABUSE) BILL 2019 (No. 36)

Second Reading

Resumed from above.

Ms ARCHER - (Clark - Minister for Justice - 2R) - Madam Deputy Speaker, I was in the middle of a quote from the royal commission which specifically recommended that:

> State and territory governments should introduce legislation to impose a non-delegable duty on certain organisations for institutional child sexual abuse, despite it being the deliberate criminal act of a person associated with the organisation .
>
> Recommendation 89, Redress and Civil Litigation Report.

This bill imposes a clear duty of care that survivors can point to as forming part of a cause of action in negligence. It is a fault-based duty and is non-delegable, meaning that where a child's care has been delegated to another organisation, each organisation retains responsibility for the child.

The statutory duty applies to child abuse, which is defined in the Civil Liability Act 2002 to mean sexual abuse, or physical abuse, of the child; and any psychological abuse of the child that arises from the sexual abuse or physical abuse - but does not include an act that is lawful at the time at which it occurs.

The Civil Liability Act 2002 now includes a specific definition of child abuse. Child abuse includes all types of abuse, all physical abuse and all psychological abuse that arises from physical abuse. This definition now makes clear the scope of an organisation's duty to protect children.

Our Government is committed to a consistent application of the law. This bill will now ensure that the definition of 'child abuse' is consistent with the Limitation Act 1974, which was previously amended by this Government to remove the limitation period in relation to child abuse.

The duty itself requires an organisation to prevent an individual associated with the organisation perpetrating child abuse against a child for whom they are responsible. An individual 'associated with an organisation' includes, but is not limited to including, an individual who is an office holder, officer, employee, owner, volunteer or contractor of the organisation and also includes -

- if the organisation is a religious organisation - a religious leader (such as a priest or minister) or member of the personnel of the organisation; and

- any individual that is prescribed or who is within a class of organisation that is prescribed.

The categories of individuals associated with an organisation draws on recommendation 92 of the royal commission's Redress and Civil Litigation Report, which is as follows:

> For the purposes of both the non-delegable duty and the imposition of liability with a reverse onus of proof, the persons associated with the institution should include the institution's officers, office holders, employees, agents, volunteers and contractors. For religious organisations, persons associated with the institution also include religious leaders, officers and personnel of the religious organisation.
>
> Recommendation 92, Redress and Civil Litigation Report.

Under the duty, an organisation that has responsibility for a child must take reasonable precautions to prevent an individual associated with the organisation who, by virtue of being associated with the organisation, has authority, power or control over a child, the trust of a child, or

the ability to achieve intimacy with a child from being able, by virtue of that authority, power, control, trust or ability, to perpetrate child abuse on the child.

The bill allows an organisation to rebut the duty by establishing that the organisation took 'reasonable precautions' to prevent the abuse, which was specifically recommended by the royal commission:

> Irrespective of whether state and territory parliaments legislate to impose a non-delegable duty upon institutions, state and territory governments should introduce legislation to make institutions liable for institutional child sexual abuse by persons associated with the institution unless the institution proves it took reasonable steps to prevent the abuse. The 'reverse onus' should be imposed on all institutions, including those institutions in respect of which we do not recommend a non-delegable duty be imposed.
>
> Recommendation 91, Redress and Civil Litigation Report.

The royal commission recommended shifting the onus of proving reasonable precautions to organisations to ensure organisations implement current best practice to prevent and respond to allegations of child sexual abuse. In determining whether an organisation took 'reasonable precautions' to prevent child abuse, a court may take into account a variety of factors. These are:

- the nature of the organisation;
- the resources reasonably available to the organisation;
- the relationship between the organisation and the child;
- whether the organisation has delegated in whole or in part the exercise of care, supervision or authority in respect of a child to another organisation;
- the role in the organisation of the individual who perpetrated the child abuse;
- the level of control the organisation had in respect of the individual who perpetrated the child abuse;
- whether the organisation complied with any applicable standards (however described) in respect of child safety;
- any matter prescribed by the regulations; and
- any other matter the court considers relevant.

An organisation's resources and level of supervision over the individual that perpetrates the child abuse will be taken into account by the court in determining what precautions are 'reasonable' for that organisation to take.

A reversal of the onus of proof means that an organisation must demonstrate its policies and procedures that ensure it is a child-safe organisation. Therefore, this reform has the capacity to effect much needed cultural change. On this point, the royal commission noted that:

> Reversing the onus of proof has the potential to encourage higher standards of governance and risk mitigation in institutions, both through their own efforts and through their compliance with the requirements of their insurers.
>
> Page 494, Redress and Civil Litigation Report.

In particular, the royal commission argued that insurance requirements and reduction of premiums will assist to promote and regulate better practice in organisations:

> The significant financial consequences that may flow if the standard is not met create powerful incentives for institutions and their insurers to take steps to ensure that abuse is prevented.
>
> Page 494, Redress and Civil Litigation Report.

It is important to note that the new statutory non-delegable duty is prospective only, which is a specific recommendation of the royal commission's Redress and Civil Litigation Report (recommendation 93).

This recognises the great difficulty that organisations would face in attempting to prove that reasonable steps were taken if the duty was to have retrospective application. It would be extremely difficult for an organisation to defend their practices in relation to historical claims where the need to retain records or implement policies to prevent abuse was not anticipated. On this point, the royal commission noted that:

> If the liability was left to the development of the common law and applied retrospectively, in combination with the removal of limitation periods we recommended in chapter 14, relevant institutions would face potentially large and effectively new liability for abuse that has already occurred, potentially over many previous decades. Even if it were possible to obtain insurance in respect of retrospective liability on such a scale, the insurance would likely be unaffordable for many institutions. No institution could now improve its practices or take steps to prevent abuse that has already occurred.
>
> Page 492, Redress and Civil Litigation Report.

The bill also amends the Civil Liability Act 2002 to extend vicarious liability for organisations for the perpetration of child abuse by individuals that are 'akin to employees', as well as regular employees. An individual is 'akin to an employee' of an organisation if their role within the organisation:

- is for the aims or purpose of the organisation; and
- gives the individual authority, power or control over a child, or enables the individual to achieve intimacy with, or the trust of, a child.

However, an individual is not 'akin to an employee' if the individual's role within the organisation is carried out for a recognisably independent business of the individual or of another person or organisation.

Vicarious liability reforms in other Australian jurisdictions have sought to codify the High Court's approach in the case of Prince Alfred College Incorporated v ADC (2016) 258 CLR 134. This approach analyses the apparent performance by the Commonwealth of a role in which the organisation placed the employee supplying the occasion for the perpetration of the child abuse by the employee. The employee must then take advantage of that occasion to perpetrate the child abuse on the child.

This test was included in the consultation version of the bill and was met with some confusion by stakeholders. Given this feedback, the test in section 49J of the bill was modified to provide for greater clarity while achieving the same policy intent.

The bill provides that an organisation is vicariously liable for child abuse perpetrated against a child by a person who is an employee of the organisation if, at the time the abuse was perpetrated -

(a) the person, by virtue of being such an employee, had -

(i) authority, power or control over the child: or
(ii) the trust of the child; or
(iii) the ability to achieve intimacy with the child; and

(b) the person was able, by virtue of that authority, power, control, trust or ability, to perpetrate the child abuse on that child.

This new test makes it clear that an organisation will be vicariously liable for an individual that perpetrates child abuse if their offending is facilitated by their employment with the organisation.

It should be noted that new statutory duty and vicarious liability are distinct causes of action. The statutory duty is the basis of a claim of negligence and is fault-based, allowing an organisation to discharge a presumption based on the reasonable precautions test and applies to a broad range of individuals associated with the organisation. The test for vicarious liability is confined to employment or 'akin to employment' relationships and is a strict liability (liability despite fault or criminal intent on behalf of the organisation). It allows a court to conduct a qualitative assessment of the case before them by examining the employee's role within an organisation and whether that role facilitated their offending. It cannot be definitively stated whether certain categories of employees will or will not be captured under vicarious liability; instead, the assessment will appropriately be determined by the court on a case-by-case basis.

The bill also amends the Civil Liability Act 2002 to enable child abuse proceedings to be brought against unincorporated organisations, such as church groups, that were previously unable to be sued due to a lack of 'legal personality'. The royal commission identified that one of the key challenges faced by claimants is identifying a proper defendant to sue. This can be because the relevant organisation no longer exists or, if unincorporated, does not possess legal personality and therefore cannot be sued at common law.

Unincorporated organisations have previously escaped liability for child abuse because they lack what is called 'legal personality'. This is a technical argument that prevents these organisations being brought before the court as, unlike corporations for example, they are not legally acknowledged entities that can be sued. This is commonly known as the 'Ellis Defence' and this bill will abolish that defence in Tasmania.

The Ellis Defence arose in the difficult case of Mr John Ellis, who was abused as an altar boy at Christ the King Catholic Church at Bass Hill in Sydney by Father Aidan Duggan. Mr Ellis sued Father Duggan, the Archbishop of Sydney and the Trustees for the Roman Catholic Church Trust for the Archdiocese of Sydney.

The abuse occurred in the 1970s and proceedings started in 2004. Father Duggan died during the proceedings, and the court held that the archbishop was not responsible for predecessor's actions. The court found that the trustees were not liable as they had no powers over priests within the archdiocese.

In 2007 the New South Wales Court of Appeal found that the church did not legally exist because its assets were in a legally protected trust. These findings prevented Mr Ellis from seeking justice and seeking compensation, even though the church did not dispute that Mr Ellis was the victim of terrible abuse and had suffered profound damage. Mr Ellis' action could not proceed because there was no proper defendant for the proceedings.

In response to this legal barrier, the royal commission specifically recommended that:

> State and territory governments should introduce legislation to provide that, where a survivor wishes to commence proceedings for damages in respect of institutional child sexual abuse where the institution is alleged to be an institution with which a property trust is associated, then unless the institution nominates a proper defendant to sue that has sufficient assets to meet any liability arising from the proceedings:
>
> (a) the property trust is a proper defendant to the litigation; and
>
> (b) any liability of the institution with which the property trust is associated that arises from the proceedings can be met from the assets of the trust.
>
> Recommendation 94, Redress and Civil Litigation Report.

The bill allows an unincorporated organisation to, with the consent of an entity, appoint an entity or an associated trust with sufficient assets to satisfy the claim as a proper defendant for the organisation at any time. However, where an unincorporated organisation fails to appoint a proper defendant within 60 days of the initiation of proceedings, the plaintiff may ask the court to appoint a proper defendant for the unincorporated organisation.

A trust is an 'associated trust' of an unincorporated organisation if one or more of the following apply:

- the organisation has, either directly or indirectly, the power to control the application of the income, or the distribution of the property, of the trust;
- the organisation has the power to obtain the beneficial enjoyment of the property or income of the trust with or without the consent of another entity;
- the organisation has, either directly or indirectly, the power to appoint or remove the trustee or trustees of the trust;

- the trustee of the trust is accustomed or under an obligation, whether formal or informal, to act according to the directions, instructions or wishes of the organisation;

- the organisation has, either directly or indirectly, the power to determine the outcome of any other decisions about the trust's operations;

- a member of the organisation or a management member of the organisation has, under the trust deed in relation to the trust, a power of a kind referred to above, but only if the trust has been established or used for the activities of the organisation or for the benefit of the organisation.

Once appointed by either the court or the unincorporated organisation, a proper defendant acts on behalf of the unincorporated organisation and is responsible for conducting the proceedings as the defendant.

The bill also amends the Limitation Act 1974 to allow courts to set aside a previous settlement between an organisation and a survivor if 'it is in the interests of justice to do so', enabling a survivor to commence civil litigation against the organisation. Though not a recommendation of the royal commission, this important reform complements work that is being undertaken in response to other recommendations, particularly relating to limitations reform.

The royal commission observed that survivors of child sexual abuse are unlikely to report their abuse for a significantly longer period than other victims. In 2018, the Tasmanian Government removed the limitation periods in relation to actions for child abuse in recognition of those findings.

One of the impacts of limitation periods is that survivors of child sexual abuse were generally prevented from pursuing civil law claims for their abuse. Given the operation of limitation periods, the settlement payments that were offered survivors of child sexual abuse were low. This amendment seeks to remove these barriers for survivors, allowing the commencement of civil litigation in pursuit of a settlement.

In the amendment to the Limitation Act 1974, the definition of 'child abuse' differs slightly from the same definition used in relation to the organisational liability introduced under the Civil Liability Act 1974. Here, child abuse means sexual abuse or serious physical abuse of a child and any psychological abuse of the child that arises from the sexual abuse or serious physical abuse of a child, but does not include an act that is lawful at the time at which it occurs.

This definition is consistent with the existing reforms to the Limitation Act 1973 and ensures that organisations are not liable for actions that were considered appropriate discipline at the time they occurred. To be clear, it is intended to operate as a threshold for previous settlements for physical child abuse so that they are only set aside where the physical abuse was serious physical discipline beyond the community standards of the time.

The bill provides the court with a non-exhaustive list of matters to which it may have regard in determining whether it is in the interests of justice to set aside an agreement effecting a settlement in respect of a relevant right of action. These matters are:

- the amount of the agreement;

- the relative strengths of the bargaining positions of the parties; and

- any conduct, by or on behalf of the organisation to which the agreement relates, that -
    - relates to the cause of action; and
    - occurred before the settlement was made; and
    - the court considers to have been oppressive.

It should be emphasised that this list of matters is not exhaustive and enables a court to regard any other factor that it determines to be relevant in the specific case.

During consultation, it was suggested by some stakeholders that the 'interests of justice' test for setting aside a previous settlement should be amended to mirror the approaches of Queensland and Western Australia. These two jurisdictions allow a previously settled cause of action to be set aside by a court on the grounds that it is 'just and reasonable to do so'.

In Western Australia, the 'just and reasonable' test has been interpreted narrowly as being satisfied by the existence and removal of a limitation period in relation to child sexual abuse. This interpretation of what is 'just and reasonable' for the purposes of setting aside a previous settlement is considered to be far too simplistic and may not account for other relevant factors that a court should consider on a case-by-case basis. The proposed approach of setting aside a previous settlement 'if it is in the interests of justice to do so' allows a court to maintain appropriate flexibility to take into account factors it deems to be relevant in addition to those factors provided in the bill.

This bill represents another important step made by the Tasmanian Government to implement a number of the royal commission's recommendations, and in doing so, provides a number of important reforms to assist some of the most vulnerable Tasmanians finally achieve justice, as well as protections that will ensure organisations take better steps to protect children in the future.

The bill was previously the subject of extensive consultation, and I would like to take this opportunity to thank those who took the time to provide a submission on the draft bill. The valuable feedback provided by stakeholders resulted in a number of amendments to the draft bill that led to simpler drafting and a clarified approach to the subject matter of the bill.

The royal commission's recommendations recognise that governments, institutions and the broader community share responsibility for keeping children safe. All institutions providing services for children or functions involving children must do everything they can to ensure that their institutions engage in the best practices to keep children safe from abuse.

The Justice Legislation Amendment (Organisational Liability for Child Abuse) Bill 2019 continues this Government's strong commitment to implementing the recommendations of the royal commission and follows the recent Criminal Code and Related Legislation Amendment (Child Abuse) Bill 2018 that I previously introduced. That bill addressed a number of royal commission recommendations in the area of criminal justice, as well as mechanisms to improve child safety through the reporting of concerns relating to children at risk.

All Tasmanians have been appalled by the prevalence of child sexual abuse that have emerged from the Royal Commission into Institutional Responses to Child Sexual Abuse and equally dismayed by the significant difficulties that survivors have experienced trying to bring those responsible for their abuse to justice.

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

I commend the bill to the House.

[2.55 p.m.]

Ms HADDAD (Clark) - Madam Speaker, I begin my contribution by reiterating those final words from the Attorney-General in recognising the enormous contribution that survivors of child sexual abuse made in cooperating and submitting to the royal commission on child sex abuse. Through their strength and their bravery in being able to relive and to share their stories, the royal commission was able to be as thorough as it has been. As the Opposition has outlined in the previous bills that the Attorney-General has brought to this parliament implementing the recommendations of the royal commission, Labor continues to support the Government's commitment and efforts to implement all those recommendations. I anticipate that this will not be the last legislation that we will see in implementing those wideranging recommendations that we have seen in the thousand-odd pages of the report, making up the royal commission's final report.

As members of the parliament know, it takes a long time for survivors of child sex abuse to come forward with their stories. On average it is 24 years before they are able to talk to somebody about the abuse they have suffered at the hands of an adult; a person in an institution, in a school or in a church organisation, who should have had that young person's best interests in front of mind but did not discharge their duty in an honourable way and, indeed, exerted horrible suffering on that young person.

An average of 24 years to be able to talk to somebody about abuse that someone has suffered as a child meant that in terms of civil litigation limitation periods would have been long expired by the time people were in a position to be able to contemplate taking action. The royal commission addressed that fact in much of their reporting. As the Attorney-General outlined in her second reading contribution, this parliament has also dealt with limitation periods for criminal matters for actions taken because of child sex abuse. This bill also addresses limitation periods when it comes to civil litigation, which the Opposition supports.

I agree with the Attorney-General that it is a shared responsibility to keep children safe. It is a shared responsibility of governments and institutions and the broader community. In the bill that we dealt with previously regarding mandatory reporting, I believe the Government has made the right moves in ensuring that mandatory reporters include most people in authority. Parliamentarians and members of the clergy are included in that scheme of mandatory reporting. We supported that change because it recognises that it is a shared responsibility and nobody ever wants to imagine that Australian institutions or the Australian community could descend again into the dark days of the stories that we all heard as a result of that testimony given to the royal commission.

I recognise the many community organisations that supported individuals coming forward to the royal commission and who have assisted them in applications for redress under the redress scheme and have also, in different circumstances, assisted people in finding legal representation to take criminal or civil action because of the abuse they have endured in the past.

As we heard from the Attorney-General, the previous bills have contemplated actions that people should be able to take for abuse experience in the past. This bill also sets up a framework for the future to ensure that organisations and people who have care and responsibility for young people have in place all the right and reasonable expectations and processes to ensure that abuse, like we saw in the past, could not occur in the future.

The bill is forward looking. It addresses the recommendations of the redress and civil litigation report of the royal commission. There was a significant community consultation on this bill. I pause to give my commendation to the Department of Justice for that community consultation and to the Attorney-General for ensuring that there was a broad community consultation on this bill. It is complex legislation. When legislation contemplates things like imposing liability on organisations in a vicarious way and also looking at limitation periods, it is important that community stakeholders are engaged. There were 16 submissions, which is a pretty high response rate from organisations. More importantly, there were significant concerns with the draft bill that were raised by a number of stakeholders who took the opportunity to respond to the call for community consultation. I am satisfied those concerns have all been addressed and sections of the exposure draft of the bill that were of concern to community stakeholders have been significantly amended.

On that note, I thank the department and the Attorney-General's office for the very rushed briefing that I received in the lunchbreak and for generously giving up your lunchbreak to provide me with that briefing. Thank you to Amber, Julian and Tim for doing that. There was not the time between tabling the bill and debating the bill for me to go back to those people who had contributed on the community consultation to make sure that they were satisfied with the amendments that have been made on the exposure draft.

As I said, I feel that those concerns have all been sufficiently addressed, but I would not profess to be an expert in the recommendations of the royal commission or, indeed, in legislative drafting. For that reason, I put on the record some of those issues and the ways that the Government has dealt with those concerns.

First, there was a submission from Angela Sdrinis, a Melbourne-based lawyer who has been working in this area of child sex abuse for over 20 years. Last year, she opened up a Hobart-based office recognising that, from memory, she already had about 200 Tasmanian clients on her books prior to the redress scheme being completed; clients who were interested in taking civil action. In response to that she has opened up a Hobart-based firm to represent those clients.

She and several of the other people who submitted, were concerned about the provisions that allowed organisations 120 days to nominate a proper defendant. That is with regards to the vicarious liability parts of the bill. Other jurisdictions have allowed organisations that are held vicariously liable 120 days to nominate a proper defendant. She was not the only person who expressed that concern; there were others as well. I note that as a result of that concern being raised by those stakeholders, the Tasmanian legislation has reduced that time to 60 days, which I believe is fair and reasonable in the circumstances.

Many of the people who submitted to the community consultation spoke about the limitation period and noted the fact that people who were previously statute-barred by the limitation period might have been prevented from being able to revisit previous claims. The Attorney-General addressed that in her second reading speech and spoke about the importance of 'the interests of justice test versus the just and reasonable test'. It was explained by the Attorney-General, and to

me in the briefing, the narrow interpretation that the Western Australian courts had given to when a previous settlement might be able to be overturned to allow a survivor of child sexual abuse to revisit that claim.

On first reading, I could not see why there would be a problem in allowing that narrow interpretation, but having narrowness of that test as it was explained in the briefing, there might be unintended adverse consequences for people who had previously sought redress and that the interests of justice test is more appropriate.

The bill goes to the extent of setting out some of the things that Parliament by passing this legislation expect the courts to take into account, including: the amount of the agreement; the strength of the bargaining position of the parties at the time that the previous settlement was negotiated; any conduct by, or on behalf of, the organisations which the agreement that relates to the course of action and occurred before the settlement was made and the court considers to have been oppressive. While those factors are expected to be taken into account by the courts in determining whether a previous settlement can be overturned, it is important to note that this list is not exhaustive. It is intended to be a starting point to look at the factors in respect to a previous settlement received by a survivor of child sexual abuse and is intended to ensure that people who received a drastically low level of financial recompense under a previous settlement will be able to commence a new civil action.

Other stakeholders who brought up that same concern included the Law Reform Institute, I think, also Bravehearts, and possibly the ALA. As I said, I am satisfied with the amendments that the Government had made to the part of the bill that deals with amendments to the Limitation Act.

The bill also makes many amendments to the Civil Liability Act that addressed directly many of the recommendations of the redress and civil litigation report of the royal commission.

The vicarious liability part of those amendments is very important. Most of the submissions to the community consultation expressed concern about how vicarious liability might be applied, and which kinds of individuals might be potentially held responsible for abuse that had occurred in the past. Changes were made as a result of those concerns being raised. The new drafted sections of the bill instead spoke about people who could be seen as being akin to an employee of an organisation. We talked at the briefing about whether vicarious liability might extend to board members and whether particular kinds of organisations could be listed in the legislation as other jurisdictions have done. I agree with the approach of the Attorney-General and the department in not doing that and in looking at the kind of organisation, the kinds of services they are providing and the responsibility that organisation had in respect to the services being provided to that young person or the circumstances that led to the young person being in that organisation's responsibility.

Whether or not a board member could be vicarious and liable as a result of the 'akin to an employee' wording and would depend on the structure of the organisation and the involvement of that board member in service provision. I am satisfied it is appropriate to leave it to the courts to determine, on a case-by-case basis, where that liability should sit. As we heard from the Attorney-General, there are factors that the bill anticipates the court will take into account including the person by virtue of being such an employee or akin to an employee had authority, power or control over the child, or the trust of the child, or the ability to achieve intimacy with the child.

One of the contributions, I think it was Bravehearts, wondered whether that vicarious liability could be attached to a peer; that is, a child-on-child abuse situation, or a young person on young

person abuse. It is appropriate that it would not be the case. My understanding is that the royal commission does not intend to provide remedies for kinds of abuse that might have occurred by a young person to another young person. If that did occur in the past, the vicarious liability parts of this bill would potentially apply to the organisation that the young people involved in any possible sexual assault were involved with. It would not mean that if there was a peer-on-peer abuse, the person sexually abused would not have a course of action. They may well have a course of action but it would be against the organisation whose care they were in, not the other young person.

I invite the Attorney-General to clarify, for the purposes of *Hansard*, her intentions around common law. The community consultation from the Australian Lawyers Alliance had a concern that the vicarious liability provisions proposed in this bill could have an unintended effect of taking away the existing common law retrospective vicarious liability rights. In other words, in the absence of this bill, somebody abused in the past might have a current possible action against that organisation but that might be extinguished as a result of the changes in this bill. That is not my understanding as a result of the briefing. This bill now makes it clear that the common law right is preserved. I invite the Attorney-General to confirm, for the purposes of future legislative interpretation, that the existing common law remedy would still exist for anyone who might need to take action.

The Law Reform Institute expressed concerns about the definitions used for child abuse and also felt that the word 'serious' should be removed from the definition of child abuse. Their argument was that what is serious physical abuse to one person might seem trivial to another. I noted those concerns and wondered whether it might be appropriate to remove that word 'serious' or alternatively to provide definitions of what 'serious physical abuse' might constitute. I am satisfied with the changes made as a result of community consultation that it is something that should be addressed individually on a case-by-case basis by the courts and in time, as common law proceeds in this area of legal action, a common law precedent will be set as to what constitutes serious sexual assault or serious physical assault.

By listing what that may mean in legislation, as might have been suggested by some of the community consultations, it could have the effect of actually limiting other possible causes of action. It is reasonable, because of the long period of history, that actions now might be able to contemplate that what constituted a lawful expression, a physical restraint at one point in time, has changed dramatically, particularly in schools and other institutional settings. It is therefore appropriate for a court, in each individual case, to be able to look at the time an offence occurred and what was considered reasonable at that time.

I will finish my contribution by quoting one of the redacted contributions made in the community consultation by a survivor of child sexual abuse. It is entirely appropriate that their details were redacted. They said quite meaningfully in their contribution that this kind of conduct that led to the royal commission and these legislative changes happening around the country -

> This conduct is, and always was, reprehensible conduct by institutional leaders, betraying the core values of their institution. It was an organisational double standard that has, quite rightly, shocked most grassroots members of the institutions to learn what their leadership has been perpetrating in the name of the institution.

> It is time to put an end to that reprehensible conduct and it is time to replace it with moral conduct; conduct consistent with the stated values of the institutions, and conduct consistent with community expectations ...

Indeed, the legislative change that the Attorney-General has brought into this parliament and has been contemplated in other state parliaments, does that. It recognises the horrors of the past.

As for the royal commission and all those involved with not only the work of the royal commission but also those survivors of child sex abuse who have had the strength to come forward and share their stories that led to such thorough work being able to be done by the royal commission, we are all the richer for their bravery in being able to come forward. As a result, governments around the country are acting appropriately and introducing legislation that will do its absolute best to try to ensure that kind of abuse cannot occur in the future.

[3.18 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Deputy Speaker, the Greens will be supporting the Justice Legislation Amendment (Organisational Liability for Child Abuse) Bill 2019. We recognise this bill is a response to the royal commission's Redress and Civil Litigation Report which came out at the end of 2017 after an exhaustive process of listening to the survivors of child sexual abuse in Australia.

I commend the Attorney-General for the seriousness with which she has implemented the recommendations of the royal commission and at times when it has been hard to do so. The most specific example is the resistance you faced from Catholic Church leaders to the legislation we debated a month ago in this place that, for the purposes of the Children, Young Persons and their Families Act made mandatory reporters of members of parliament and members of the clergy. It took some guts, Attorney-General, to do that.

The royal commission was one of the most important, profound and, I think, for survivors of past sexual abuse, catalytic moments in Australia's history. It provided a lens on institutions which had been perpetrating harm and abuse on children for generations, through a formal royal commission process where perpetrators and the leaders of these institutions were cross-examined through a royal commission framework. It gave voice to survivors in cities, towns and centres around Australia and for many of these survivors, it was the first time they had really told their story and the first time they really felt heard.

Across the country, as the royal commission undertook its incredibly important work, there was horror and revulsion at what we were hearing about how children were treated by institutions in the past and, in some cases, in the not-too-distant past.

I take this opportunity to acknowledge that it was former prime minister Julia Gillard, again in an act of courage, who heard the voices of survivors and the families of those who did not survive, and committed to a thorough examination of our dark history and the establishment of a royal commission so that hopefully as a society we are never in this situation again. That is what this suite of reforms we have been debating in this place, and are being debated in parliaments around the country, are all about.

We should have the aspiration of a truly child-safe Tasmania, that no matter where a child is, when they are in the company of an adult, they are safe, but we know as a community we are some way from there and we need to make sure we have a legal framework in place that to the greatest

extent possible protects children and prevents sexual abuse, and in the tragic and unforgiveable situation where it does happen, that there is recourse for survivors of that abuse.

This bill amends two pieces of legislation, the Civil Liability Act 2002 and the Limitation Act 1974. It imposes a non-transferable duty of care on organisations such that they must accept liability for child abuse committed by associated individuals, whether those individuals are office holders, employees, volunteers or any other individual associated with that organisation where they are coming into contact with vulnerable children.

This bill enshrines the vicarious liability of organisations. It enables proceedings against unincorporated organisations thereby requiring that a proper defendant can be identifiable in all cases, as well as removing the Ellis defence. When the royal commission's Redress and Civil Litigation Report was handed down and I was talking to key stakeholders in this area, I had not heard of the Ellis defence. I had not understood how pernicious the structures inside the Catholic Church were, such that they prevented adults who had been sexually abused as children from being able to seek civil redress, hiding behind legal technicalities. It was the Catholic Church that dug in and made no attempt to disavow the Ellis defence and, in fact, hid behind it until this point. It is very sad for good Catholics everywhere that the church leadership took this position throughout the royal commission. Friends of mine of Catholic faith have been very disappointed in the church leadership since we in this place passed the legislation that will remove the seal of the confessional for the purposes of the Children, Young Persons and Their Families Act. I acknowledge that when the church's leadership takes a position that, on the face of it, looks like a perpetuation of trying to protect abusers it does a terrible disservice to good people of Catholic faith everywhere.

This legislation also allows courts to set aside deeds of release from previous claims and it gives survivors the right to recourse and prevents institutions from hiding behind legal technicalities, like the Ellis defence.

Ms Haddad touched on the concerns that have been raised by a number of stakeholders in the consultation process. I particularly want to go to the Tasmania Law Reform Institute's submission. I recognise that of a range of matters that the Tasmania Law Reform Institute raised in response to the draft bill, the one suggestion that was made that was incorporated was the removal of the word 'serious' from the definition of child abuse that was included in the draft bill - 'serious' physical abuse. I note that it is only in relation to the changes to the Limitation Act that that word 'serious' remains in the definition.

We have been through the difference between the draft and the final bill that we are debating here today, and there are some reasonably substantial differences from the draft legislation, obviously based on the feedback. A number of matters raised by the Tasmania Law Reform Institute have not been dealt with and I am hoping the Attorney-General can respond to the questions that both Ms Haddad and I have asked about the TLRI's response.

We will just go through it. In the draft bill, section 49H (2) states:

> An organisation that has responsibility for a child must take reasonable precautions to prevent an individual associated with the organisation from perpetrating child abuse of the child in connection with the organisation's responsibility for the child.

As the TLRI points out, it believes that this provision is problematic because it imposes liability on an organisation where only an associated individual perpetrates child abuse of a child in connection with the organisation's responsibility for the child. The TLRI states that this is a complicated expression of the duty, in particular the meaning of the phrase - and this is quoting from the draft bill and the bill now - 'in connection with the organisation's responsibility for the child' could give rise to considerable interpretive difficulties. The TLRI makes a recommendation for a more concise and elegant form of words which are drawn from the Victorian -

Ms Archer - Wrongs Amendment (Organisational Child Abuse) Act.

Ms O'CONNOR - Yes, the wrongs amendment act. It could occasion similar problems and inconsistent interpretations to those that have occurred in relation to the phrase, 'in the course of employment' in the context of vicarious liability at common law section 9(2) of the Victorian Wrongs Amendment (Organisational Child Abuse) Act 2017.

The TLRI states that this interpretation avoids such difficulties by constructing this duty and consequent liability in a much simpler and more comprehensible way. It provides:

> Liability of organisations -
>
> (2) A relevant organisation owes a duty to take the care that in all the circumstances of the case is reasonable to prevent the abuse of a child by an individual associated with the relevant organisation while a child is under the care, supervision or authority of the relevant organisation.

Perhaps the Attorney-General could explain why a decision was made not to adopt this recommendation from the TLRI because the Victorian provision does not use the problematic term 'in connection with' phrasing employed in the Tasmanian bill. Obviously, the changes were made in response to the concern about the use of the word 'serious' in the definitions of child abuse.

Another question I had related to section 49G(2) which is the same in both versions of the bill that we have, and the TLRI said this provision was very difficult to understand. When you have the law reform institute saying there is an opacity problem here, there really is one. In fact, says Dr Terese Henning, the author of this submission:

> ... I admit that I don't actually know what it means though I could possibly guess. I am not able to identify what aspect of the Royal Commission recommendations it addresses. I note that it replicates provisions in the New South Wales and Victorian reforms. ...
>
> However, these provisions are not elucidatory.
>
> Laws that are not readily comprehensible, particularly those that affect rights and liabilities, are not human rights compliant. It is therefore suggested that some thought be given to revising s49G(2) to make its meaning less opaque.

We have been through the bill and the meaning is just as opaque as it was previously and just so that people understand why the TLRI believes this has an interpretation problem, 49G(2):

> An individual is not associated with an organisation solely because the organisation wholly or partly funds or regulates another organisation.

I, too, find that opaque and difficult to interpret. Perhaps the Attorney-General could give us a plain English explanation of that subclause in the draft bill.

Ms Archer - That was 49G(2)?

Ms O'CONNOR - Yes, thank you.

I note that concerns were raised by the Catholic Archdiocese of Hobart, but the Archdiocese had the grace not to not support the bill.

I note also a more comprehensive response to the draft bill was prepared by the Anglican Diocese of Hobart. In fact, I believe a number of the matters they raised in their submission were dealt with in the final bill.

Relationships Australia is an outstanding community service organisation which is picking up some of the pieces of historical child sexual abuse. I want to read into the *Hansard*, Mr Mat Rowell, the chief executive officer's response to the bill. It is strongly supportive.

> ... RA Tasmania commends the Government on this draft legislation. The amendments contained in it address a strengthening of organisational responsibility for the care of children, and their liability if abuse is perpetrated, which survivors would applaud.
>
> The amendment that allows a Court to set aside previous settlements to pave the way for civil litigation is also in line with survivor commentary.
>
> RA Tasmania considers this bill to be another vital step in achieving justice for survivors of institutional child sexual abuse, and ensuring all children are safe and protected.

Maybe I am an idealist, Madam Speaker, but I believe we are a different society from the society that had such systemic abuse and exploitation of children. We have suite of laws in place now which provide better protections for children, from the Young Persons and Their Families Act through to the working with vulnerable people legislation, which was brought in by me as minister under a Labor-Greens government, and the reforms that have come about as a response to the royal commission.

The legal framework is there to better protect children, but within some dark corners of our society children are still not safe. It was interesting to hear the word 'evil' used in the minister's second reading speech. It is probably the first in my 11 years that I have heard the word 'evil' used in a second reading speech, but there is evil on this Earth and there are evil people. I do not say that from a Judaeo-Christian point of view. Evil exists on this planet and one of the foundations of evil is a desire to harm or exploit another human being. There are still people in our society today who would hurt children and it is our responsibility in this place to make sure we have the strongest possible laws in place to protect children and to make sure they are given every opportunity to flourish, to feel safe, to be loved and valued.

If the Attorney-General could answer those few questions I have asked it would be appreciated. The other question I have, and you did go into some detail on it, is what can you as Attorney-General foresee a court understanding as 'reasonable precautions' to prevent the sexual or physical abuse of a child? What might constitute reasonable precautions for an organisation to have taken to protect a child?

In closing, I acknowledge the incredible strength and courage of the survivors of past sexual abuse. I acknowledge that there are some who did not make it, who could not live with that pain. I acknowledge that justice has caught up with a number of the perpetrators of past abuse, that Cardinal Pell is in jail and, for the one known survivor of Cardinal Pell's abuse, that is a measure of justice. It also sends a strong message out into the community that it does not matter how powerful you are, the law will catch up with you. I acknowledge the survivors of past sexual abuse and commit Dr Woodruff and I to doing everything in our capacity in this place every day to protect the interests of children. That is why we go on about climate change, because we see those children's faces and we know they are worried. We believe it is the responsibility of all the grownups in the room to show care and leadership for those children and young people. They are looking to us for it too. I am very comfortable supporting this legislation.

[3.39 p.m.]

Ms OGILVIE (Clark) - Madam Speaker, it has been a little time between bills for me so can I confirm how much time I have?

Madam SPEAKER - You have 30 minutes.

Ms OGILVIE - Thank you. There is probably a no more serious bill to recommence my life in this Chamber than with the one we currently have before us. The Attorney-General has shepherded this bill and the discussions through what has been a very difficult period and has done that incredibly well - calmly, judiciously and sensibly. I congratulate her because that is not an easy task by any means.

I was not involved in the work that was done with the consultation process because I was not in this role but I have been keeping an eye on how those conversations have progressed, as everybody in Australia has been. I will say, unequivocally, that there is no more important, weighty and serious matter than the care and safety of our children, particularly when they are in the care of another.

These issues have been very distressing to the people who have suffered abuse, but also to their families, their friends and everybody involved; all the good people who run things properly. The distress has been profound to the nation and also internationally, when you see what has happened in overseas jurisdictions as well.

There are no good feelings about having to address this issue. What is positive is the fact that this bill now closes some of the loopholes that perhaps enabled some organisations to resist being held formally to account through the judicial process, although I note that good organisations did, in any case, set up redress schemes.

A section of the report we are dealing with in this bill is the part of the royal commission that commences with recommendation 88 and that is 'to impose a non-delegable duty'. This is a really interesting thing to do at law. It is a big change and serious law reform and it is also a timely thing to do. To create a non-delegable duty, what you are in effect doing is saying, 'We don't care who

you are outsourcing some of the care to, we're still going to hold your organisation responsible for the acts of that second organisation or individual'. That will have the effect of pushing organisations to tighten up their processes to make sure they are scrupulous in checking, ensuring and confirming that those with whom they work or outsource to or employ, or the volunteers who come on board, are scrupulous in their ethics, their background and the services they provide.

It is no surprise I do a lot with community football and we know where a lot of these issues have been occurring, but it is for all organisations to now look at what they do, how they do it and really tighten things up. We deal with volunteers and people want to get involved in volunteering with organisations, particularly ones that do good work, look after kids and provide opportunities for families and children to go beyond the school day.

One of the things that has crossed my mind is to make sure that when this bill has passed, as I am sure it will be - and you are getting the flavour that I will be supporting it - there is also a communication strategy that goes along with it so that everybody is made aware in a very timely way of what the new laws are and what the responsibilities are of those organisations that now have an additional layer of visibility across them. From that perspective, it is a progressive and forward step.

The non-delegable duty, according to the recommendations of the royal commission, should apply to what is a fairly extensive list of organisations that care for children. Without going through the whole list, they include residential facilities for children, foster care, long day care and family day care. You can imagine the sorts of organisations.

Disability services is a matter very close to my heart. We have not done enough in that sector. I hope we can do more. It is very important to all the parents who have sleepless nights worrying about their kids, particularly what will happen when they are no longer around to take care of them: health services for children and any other facility operated for profit and not-for-profits.

As I was reading this list it reminded me of when I was a young graduate lawyer, I think I was an articled clerk - this is 25 years ago now. I started as trademarks lawyer. I did not know much about anything really other than colours, shapes and those sorts of things. I received a phone call late one evening from one of my clients who I had been doing some trademark work for who said, 'We think we have a problem.' Then they relayed to me the size of the challenge and the problem they did have with a particular volunteer. The challenges around that were very difficult for all the reasons articulated in the Attorney-General's speech. There was wriggle room and there were loopholes. This particular individual was quite bullish about his right to continue to be involved, even when concerns were raised. I have had that personal experience. You make a judgment call at the time. I hope I made the right one. I ended up saving my job, but I gave some advice that came more from being a mother than from being a lawyer and that was to set that person aside until things were clarified. That raises those issues. There was no employment contract; there was no way of actually controlling that interaction.

Some of what this legislation does will resolve some of those issues and that is a very positive thing. It will go to questions of insurance, I have no doubt, about both employment relationships and also where an organisation is subcontracting to another organisation. There is some risk analysis and business management stuff that organisations will have to look at, as they should. The key thing that people want is to ensure that our kids are safe and looked after appropriately.

I have a couple of issues. This may be me coming in late in the piece. I have a question on the drafting. Could the Attorney-General address it in her response? I am looking at the section that defines child abuse. I was listening to the contributions from the previous two speakers. It seems to me that maybe there is a little bit of a wrinkle in the drafting. The section currently says:

> *child abuse*, in relation to a child, means -
>
> (a) sexual abuse, or physical abuse, of the child; and
>
> (b) any psychological abuse of the child that arises from the sexual abuse or physical abuse -
>
> but does not include an act that is lawful at the time ...

That is sort of putting historical stuff to one side. I am interested to hear the legal analysis of whether what we actually mean to say is that (a) should be more along the lines of:

> Child abuse in relation to a child means -
>
> (a) Sexual abuse, psychological abuse or physical abuse.

You can abuse someone psychologically. The way it is structured suggests to me that the psychological abuse is a function of some physical abuse that has already happened. I was looking at some cases and one of them was - and I think this bill actually addresses one of the issues that was raised in the High Court case of Prince Alfred College Incorporated. The case was about a breach of a non-delegable duty of care. It did not succeed in the end. This is the case that we are trying to resolve in this legislation. It occurred to me that when you have a child in a situation such as in this case, which was a boarding school scenario, things can happen to kids that are psychological abuse. We know social media, the digital world and all of that has now become an enormous part of people's lives. Things like exclusion, things like online abuse; they are not physical. I raise this and I am not even sure what the answer is. Maybe section (b) could say something more like -

> Any psychological trauma of the child that arises from the sexual abuse or physical abuse.

I believe there is an element missing there and I raise that. Maybe it is something that we consider going forward when we are monitoring the bill. Hopefully, that will be easy to address in response. I do not know if we will go into Committee but I am happy to work through it in that scenario.

It is good to amend our laws. It is good to place this positive duty on organisations to prevent child abuse. I guess we all would have thought that was already in place; that it was such a basic tenet of how we live together as people in our community and society that you should not need to set it out, but obviously we do need to set it out. This positive duty is really important.

Once you get the big stick of codifying the common law, you can set out in legislation what the rules of the road are and then you can properly communicate that to organisations. It can flow through our regulatory system, our legal system and also things as simple as what we look for with

working with children certification processes. I have been through that process. It can incorporate other elements and that might be something that is looked at over time.

I am impressed that the bill fixes the legal anomaly around unincorporated associations. This is this legal fiction that corporations are people, and can sue and be sued. Some unincorporated associations, particularly those that hold assets on trust like some of the older community organisations and churches have arcane structures. Those things are now able to be remedied through this statute. My understanding is that all the organisations that have participated in the royal commission have tried to do so very comprehensively and have contributed to the creation of the inputs that have caused this bill to be as robust as it is. That in itself is also a positive.

We do not want organisations, their agents or subcontractors or related entities that have done the wrong thing to be able to escape litigation. It is not a net positive for our world. We want people to be on their toes. We want CEOs to be on their toes. We want organisations to be focused on doing the best they can for our kids and to understand their duty of care and its scope.

A part in this bill reverses the onus of proof for that. It is a brave move. It is a bold and good legal move. You can have your laws on your statute books but it will come down to the understanding those organisations have of their responsibilities and making sure that they get those processes in place, that the training happens, and that the recruitment happens properly: all of those elements. This will be a little bit of a seismic shift and no doubt there is a lot of work to do.

Perhaps the Attorney-General could touch on the interaction between the definition of child abuse and the Tasmanian Criminal Code Act when it comes to issues around child sex crimes - how those two things may or may not run in parallel. One of the issues around the statute of limitations concern that if a matter is before the criminal courts, I presume that one would allow that to run through. A result that was in your client's favour would enable a stronger case to be put when it comes to a civil action. It is not quite clear to me if those two things are lined up. The definition of child abuse to me is not exactly married with the definitions and the crimes we have in the Criminal Code around child sex offences: is that of any concern at all or can those two things happily live in parallel?

As we know, our kids are number one and we want good people looking after them. We want people who are well-trained, who know the rules, who understand what they are doing and who are only there to do their best, particularly for kids who are vulnerable. As I said, the disability sector is a key concern of mine and the heartbreak that happens in that area from time to time is something that is very important.

I have talked a little about the statute of limitations. I have had matters where I have had to represent people who have missed their deadline on the statute of limitations. Whilst there is some scope to reopen that conversation, it is more difficult. The ones who have struggled to launch actions within that time frame are the ones who have had psychological trauma and difficulties. Some of that does not emerge until later on in life because we human beings are complex people. Things can happen that we think at the time we have coped with and later on become unsustainable and action might need to be taken. There is a multitude of reasons people do not take action straight away when something bad happens. Some of it is protective; that they have to survive. Some of it is that they do not have access to a lawyer who can do the job, or they do not have access to money to pay a lawyer or they cannot get legal aid.

There is a multitude of reasons people may not be able to take action, even if and when they are of an age where they are more capable and have the competency to do that, let alone a child who could be quite young and needs to have that time to hopefully survive what has happened but also to grow up enough to be able to work the world and know where the levers are to be able to get some redress. It is good to resolve that statute of limitations issue.

As to the duty of care issue, I hope in judicial interpretation of this bill that we get quickly to the nub of the scope of the duty of care. I know there is a lot of interest in this bill. Duty of care has a long tradition and history in the common law but also in judicial interpretation about what the limits and scope of that is. We are expanding that concept in this bill in a sensible and positive way. It will be helpful when we see that judicial interpretation coming through. The question of the nature of abuse that could occur and the symptoms of that, what happens to people's minds and their psyche when these sorts of events occur, which is real and can be devastating, is one part of the issue. Monetary restoration is positive but it is not the only thing that needs to happen. What has happened with the royal commission and the ability of people to ask for and receive apologies has been a good and decent thing, but there is obviously a lot of hurt still around.

I understand that this is part of a suite of amendments the states and territories are making to take it back to that law reform across the nation perspective. It is something that as a good, decent and healthy democracy and country that should be able to run things properly we ought to bed down and never let happen again, but I am an old cynic and a lawyer who has seen a lot. What we need to do also is work as a community to have sets of eyes on at all times. Let us work together on this stuff, making sure everybody is safe and taking seriously complaints or concerns.

On the school run I see mothers taking care and watching out and these things are good in a strong community. It is not just about getting the law right. It is making sure that we work together to create a society in which we are enlivening people's experiences by enabling our kids to do things like outdoor expeditions, camping trips, be at the footy and all of those sorts of things, but that there are sufficient eyes on from our community so we all feel a little bit of comfort that we are working together as a village, as they say, on the care and protection of our young people.

I also raise the question of the issue of best practice. I have given this a little bit of thought. I come from an organisational background of large organisations. We need to be able to communicate directly with large organisations at many levels and in many ways as to what the rules of the road should be and the standards that are expected. This is not about what has happened in the past. This is about setting the standard for making sure that when organisations and individuals are interacting with children, it is not enough to say, 'I have a working with children certificate so everything is okay'.

We need to make sure that people are motivated to supervise what is going on and are motivated to ensure that when they are going through their recruitment processes for these important roles, it is deep, long and there is a lot of scrutiny around that as well. Perhaps in the past it has been a little easier for people to slip through the net. That is with volunteers as well and it is something that sporting organisations are always very deeply concerned about. It is a question about what reasonable precautions may be. This is something for organisations to consider. If they get that right, it provides an ability to have a decent conversation, should a problem arise, which then goes to court.

What is best practice from a commercial or organisational sense to prevent a repeat of what we have seen in the past? There is work to be done there and we ought not, as a decent and caring

community, leave that to entities to try to wade through it themselves. Many organisations are run on voluntary service and it is very difficult for them to come up with the standards, rules, policies and processes. Our volunteer organisations are consistently telling us they are struggling to get resources. Perhaps it is something for the Government to consider whether there is some assistance that could be given because it is in all of our interests to raise that bar. This is the question of whether organisations have taken reasonable steps to prevent these sorts of things from happening in the future. It is in all of our interests to ensure they have.

I am sure the Attorney-General has already turned her mind to many of these issues. I am interested particularly in the definition of child abuse and its interaction with the Tasmanian Criminal Code Act when it comes to crimes against children, whether those things run in parallel or if there is any interplay that we need to be concerned about.

I am pleased that the legal anomaly has been resolved around entities that can sue and be sued. That is a generally good thing to fix up. I commend to all organisations that have the care and control of children in their hearts, the good people who do many good things, to perhaps take what is now a platform for cultural change, look at it, think how we can move forward together and implement a new way that provides the security that all parents of young children would want.

I support this bill. I thank the Attorney-General for her careful steerage of what has been a very challenging phase to develop a bill that is pretty robust, and also the staff. Well done, good job; it is not an easy topic by any means.

I will wrap up at that point. I do not know if we are going into Committee but if there are a couple of quick answers the Attorney-General can give us at the response stage, that would be helpful.

[4.05 p.m.]

Mrs PETRUSMA (Franklin) - Madam Speaker, it is a delight to speak on the Justice Legislation Amendment (Organisational Liability for Child Abuse) Bill 2019. I commend the Attorney-General, the department and everyone who is representing the department here today for their work.

This bill implements the Government's commitment to introduce a number of legislative amendments arising from the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse in its Redress and Civil Litigation Report.

I note that the majority of this bill is modelled on the New South Wales approach in the Civil Liability Amendment (Organisational Child Abuse Liability) Act 2018. This approach was identified as a model for the Tasmanian legislation.

I also note that the bill amends the Civil Liability Act 2002 by imposing a statutory non-delegable duty upon all organisations that exercise care, supervision or authority over children to prevent an individual associated with their organisation from preventing child abuse. It also enables the rebuttal of a statutory non-delegable duty by an organisation by establishing that the organisation took reasonable precautions to prevent the abuse. It extends vicarious liability for organisations for the perpetration of child abuse by individuals that are akin to employees, as well as regular employees. It enables child abuse proceedings to be brought against an incorporated organisation and to compel an organisation, or an associated property trust, to pay liabilities in

certain circumstances, including child abuse that occurred and/or proceedings that have commenced prior to the amendment.

I further note that the bill amends the Limitation Act 1974 by allowing the court to set aside a previous settlement if the court determines that it is in the interests of justice to do so, so that a survivor may commence civil litigation.

I also note that in regards to consultation, that in June of this year, a draft bill was circulated to key government agencies and stakeholders. It was also made publicly available. Following this period of consultation, amendments have now been made to the bill to reflect this stakeholder feedback.

This bill will further enable and enhance access to justice for survivors of abuse and makes it clear that all organisations and all individuals connected to those organisations must do everything in their power to protect children and to prevent abuse from occurring. This is important because, as other speakers today have noted, on 15 December 2017, the royal commission handed down its final report which was the culmination of the royal commission's robust work over its five-year inquiry. This report comprised 17 volumes and its early reports on specific areas. The final report contained a total of 409 recommendations and also provided a roadmap for implementing reforms that are already, and will continue to, prevent and respond to child sexual abuse in institutions.

I know that the royal commission's 409 recommendations recognise that governments, institutions, and the broader community all share responsibility for keeping children safe. As well, all institutions providing services for or functions involving children must do everything they can to ensure that their institutions engage in the best practices to keep children safe from abuse.

I know that all of us here today, and all Tasmanians, were appalled by the prevalence of child sexual abuse that emerged during the royal commission. We were equally dismayed by the reports and stories of significant difficulties that survivors have experienced in trying to bring those responsible for their abuse to justice.

Like the other speakers today, I also acknowledge the enormous courage of people affected by institutional child sexual abuse who shared their stories with the royal commission. The bravery of those survivors and the families of victims and survivors cannot ever be quantified. Without their assistance and commitment to the truth, we would not have the benefit of the vast work of the royal commission, not just the work that is contained in the final reports, but also that work that can assist us to address the evils of child sexual abuse derived from the royal commission's case studies and the enormous body of commission research.

In regard to the bill before us today, the royal commission released the Redress and Civil Litigation Report back in September 2015. The Redress and Civil Litigation Report addresses specifically paragraph (d) of the Letters Patent for the commission, which states:

> what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

The Redress and Civil Litigation Report contains recommendations as a result in relation to the provision of effective redress for survivors through the establishment, funding and operation of a

single National Redress Scheme and the provision of a direct personal response to survivors by institutions. The report also contains recommendations for reforms to civil litigation systems so as to make civil litigation a more effective means of providing justice for survivors.

The recommendations in the Redress and Civil Litigation Report were also informed by the significant input the royal commission obtained from a broad range of sources, including private sessions, public hearings, issues papers, private roundtables, expert consultations and information obtained under summons. In fact, the royal commission listened to thousands of people about the abuse they experienced as children. Today, I was looking on Fast Facts in regard to the royal commission and the fast facts are that 42 041 calls were handled during the royal commission, 25 964 letters and emails were received, 8013 private sessions were held and there were 2575 referrals to authorities, including to police.

When you read some of the stories on the website it is incredible. I applaud the survivors for being willing to share their stories. The abuse happened in orphanages, children's homes, schools, churches and other religious organisations, sports clubs, hospitals, foster care and other institutions.

I note, too, the recommendation of the royal commission that redress be made that the National Redress Scheme is now in operation and has been in operation since 1 July last year. The important thing about the National Redress Scheme is that it acknowledges that many children were sexually abused in Australia's institutions. The scheme also recognises the suffering that these survivors endured because of this abuse. It also holds institutions accountable for this abuse and helps people who have experienced institutional child sexual abuse to gain access to counselling, a direct personal response, as well as a redress payment. This is why this national scheme is so needed and important. Case studies and private sessions left no doubt that many people, while they were children, were seriously injured - most of them - by being subjected to child sexual abuse in institutions or in connection with institutions. In some cases, their injuries are still severe and long lasting. There were endless stories that people were deeply affected by these injuries for the rest of their lives. This is because of the nature and impact of the abuse that they suffered.

In the past, many victims of child sexual abuse did not have the opportunity to seek compensation for their injuries. Many Australians would take it for granted that avenues were there that people would be able to seek compensation. It became clear during the royal commission that there was a need to provide avenues for survivors to obtain effective redress for this past abuse.

During the royal commission the number of survivors and many survivor advocacy and support groups also highlighted the importance to survivors of fairness in the sense of being able to have equal access to redress for survivors and equal treatments of survivors in redress processes. They regarded equal access and equal treatment as essential elements if a redress scheme is to deliver justice. It is important to note that equality in this sense does not prevent recognition of different levels of the severity of abuse or different levels of the severity of impact of abuse. However, it does mean that the availability and the type of amount of redress available should not depend on factors such as the state or territory in which the abuse occurred, whether the institution was a government or a non-government institution, whether the abuse occurred in more than one institution, the nature or type of institution, whether the institution still exists, or the assets available to the institution.

In the royal commission's view existing civil litigation systems and past and current redress processes did not provide justice for many survivors, and that individual experiences of inadequate or unobtainable redress should be placed in the broader context of society's failure to protect our

children. This is because there was a time in Australia's history when the conjunction of prevailing social attitudes to children and an unquestioning respect for authority of institutions by adults sadly led to create the devastatingly high-risk environment in which thousands of children were abused.

Although the primary responsibility for the sexual abuse of an individual lies with the abuser and the institution they were a part of, the royal commission has left no doubt that we cannot avoid the conclusion that the problems faced by many people who have been abused are the responsibility of our entire society. Society's failure to protect children across a number of generations makes clear the pressing need to provide avenues through which survivors can obtain appropriate redress for past abuse. It also highlights the importance of improving the capacity of the civil litigation systems that this bill is about today, so as to provide justice to survivors in a manner at least comparable to that of other injured persons, so that those who suffer abuse in the future are not forced to go through the experiences of those who have sought redress to date.

In regards to holding institutions accountable, I know this scheme is designed so that institutions take responsibility for child sexual abuse that they should have prevented: for example, where child sexual abuse happened on the premises of an institution, such as a school, a church, a club, an orphanage or children's home, where activities of an institution take place, such as a camp or a sporting facility, or by an official of an institution such as a teacher, a religious figure, a coach, or a camp leader.

I commend that the Tasmanian Government is an active participant in the National Redress Scheme for Institutional Child Sexual Abuse. As I have said before, it has been going since last year and it will run for 10 years altogether. The National Redress Scheme is an important pathway for some survivors to achieve justice without the need to undertake the complexity of civil law proceedings if they wish. That is why this Government has committed $70 million towards the state's involvement in this scheme. Many Tasmanian survivors of institutional child sexual abuse have already made applications to the National Redress Scheme. The Tasmanian Government is responding to those applications within the statutory time frames set by the Australian Government so as to ensure that survivors' applications can be progressed as quickly as possible.

To assist in this application process, it is important that people have access to information about which institutions have joined or, on the other hand, which institutions have not yet joined the scheme. The National Redress Scheme website is an important resource. On this site, there is a publication of the list of participating as well as the non-participating institutions. It has been widely acknowledged that it provides transparency for people who may be thinking about applying to the scheme.

All governments across Australia expect that every institution where sexual abuse of children occurred need to be accountable for that abuse and need to join the National Redress Scheme and provide redress. I commend the institutions, including both the Commonwealth and Tasmanian Government institutions, that have to date completed all the necessary steps to join the scheme. These institutions have agreed to join the National Redress Scheme so that they can provide redress to people who experience child sexual abuse in their institution.

To date in Tasmania these include: the Anglican Church, including the Anglican Diocese of Tasmania; Anglicare Tasmania; the Church Missionary Society Tasmania Incorporated; St Michael's Collegiate School; the Hutchins School; the Baptist Churches of Tasmania; BAPTcare; the Catholic Church, Diocese and Archdiocese as well as the Archdiocese of Hobart, the Military Ordinariate of Australia, the Syro-Malabar Palayur of St Thomas; the Catholic religious orders, the

Christian Brothers, the Marist Fathers Australian Province, the Salesians of Don Bosco, the Sisters of St Joseph of the Sacred Heart; Sisters of the Good Shepherd; Global Interaction; Scouts Australia, Scouts Tasmania; the Church of Jesus Christ of the Latter Day Saints Australia; The Friends School, the Salvation Army; the Uniting Church; and the YMCA.

On the website there are still some Tasmanian institutions which are listed on the site as in the process of working to join the scheme. While they do have until 30 June 2020 to do so, they are encouraged to join as soon as possible. There are some Tasmanian institutions that were named in the Royal Commission into Institutional Responses to Child Sexual Abuse that have not as yet joined the scheme. I know that all governments are actively encouraging these institutions that are currently not taking part in the scheme to take steps to join the scheme as quickly as possible. This is because all governments expect institutions in which the sexual abuse of children occurred to be accountable for that abuse and to join the National Redress Scheme and to provide redress as recommended by the royal commission.

There are many free and confidential redress support services available in Tasmania to help support people before, during and after they apply for redress. Services can provide up to 24/7 support. They can provide support through the telephone, online and face-to-face, as well as practical and emotional support, legal advice, information and referrals, outreach services, application support, case management and counselling.

In Tasmania, well-known redress support services include well known services as well as other services that today I would like to provide a bit more information on. Well-known services include the Sexual Assault Support Service but there is also Sexual Assault Counselling Australia. There are also Child Wise, Relationships Australia Tasmania and the Blue Knot Foundation, whose helpline provides trauma-informed telephone- and video-conferencing support with a particular focus on supporting people living in rural and remote areas. Bravehearts can also provide information about the National Redress Scheme and can assist with completing the scheme's application and also provide support throughout the process.

There is also Mensline Australia, a national 24/7 telephone and online counselling support service, providing support information and referral for men. There is People with Disability Australia which has a national telephone line to provide information and referrals to people with disability. There is also the Knowmore Legal Service which can assist people with information on other options available to them, including access to compensation through other schemes of common law rights and claims. As well Knowmore can assist people prior to the application to ensure that people understand the access requirements and the application process. Knowmore can also assist people with an internal review of the decision and provide advice and the effect of accepting an offer and what this means for future claims.

There is also the Care Leavers Australasia Network or CLAN. This is a specialist service run by care leavers for care leavers and their families. For Care Leavers engaging with the National Redress Scheme, CLAN can offer support, advocacy and counselling as well as assistance with redress applications and accessing records. There is also the Child Migrants Trust which provides social work services to former child migrants from the UK wishing to participate in the National Redress Scheme. It helps to prepare and submit applications. Child Migrant Trust social workers also provide counselling and professional support to those disclosing institutional child abuse and offer a trauma-informed service. Child Migrants Trust UK office also provides assistance relating to the National Redress Scheme for those former child migrants originally sent to Australia but now living in the United Kingdom or other countries overseas.

There is the In Good Faith Foundation, which is a service providing independent advocacy, case work, referral and support for people who experience religious institutional child sexual abuse, their families and communities. There is Tzedek, which provides support and advocacy services to survivors of sexual abuse in the Jewish community.

There is also the Healing Foundation, a national support agency providing advice and assistance, including developing materials for all redress support services to support Aboriginal and Torres Strait Islander people engaging with the National Redress Scheme. Aboriginal Australians applying for redress are encouraged to contact the Healing Foundation for referrals to appropriate Aboriginal Australian support service providers tailored to support survivors' individual needs.

Lastly, in Tasmania there is the Children and Young People with Disability Australia, or CYDA, which is the national representative organisation for children and young people with disability aged zero to 25 years. CYDA provides a link between the direct experiences of children and young people with disability to government and other key stakeholders.

It is important to note that the National Redress Scheme only applies to past abuse. It does not provide a framework for organisation liability for child abuse that may occur in the future. That is why the royal commission concluded that reforms to civil litigation are required in Australian jurisdictions to provide justice to survivors past, present and future and to ensure that survivors have a number of pathways to access justice. I commend the fact that the Government is committing to ensuring that all survivors of child abuse are able to seek justice. Every survivor of child sexual abuse addresses their abuse in different ways and at different times.

A decision to attempt to seek justice either in a criminal or civil proceeding is courageous and a personal decision which must be supported. However, it is also clear that reform was and is needed to reduce the current barriers to individuals in seeking damages for child abuse through civil litigation, as the very nature and impact of institutional child sexual abuse can work against a survivor's ability to seek damages through existing avenues.

As the minister has outlined, this bill responds to a number of important recommendations in the royal commission's Redress and Civil Litigation Report. Among them is in regard to identifying a proper defendant, recommendation 94, which I am pleased is to specifically abolish the so-called Ellis defence. Recommendation 94 of the royal commission states:

> State and territory governments should introduce legislation to provide that, where a survivor wishes to commence proceedings for damages in respect of institutional child sexual abuse where the institution is alleged to be an institution with which a property trust is associated, then unless the institution nominates a proper defendant to sue that has sufficient assets to meet any liability arising from the proceedings:
>
> a. the property trust is a proper defendant to the litigation
>
> b. any liability of the institution with which the property trust is associated that arises from the proceedings can be met from the assets of the trust.

Recommendation 94 is very important because, as the Attorney-General has stated, the Ellis defence presents a major hurdle for survivors that must be overcome. Although a survivor is able to sue their abuser directly, the abuser may lack sufficient assets or have died by the time an action is commenced. They may therefore quite logically look to sue the organisation in which they were

abused. However, because of the fact that many organisations are unincorporated and hold their assets in trust, the common law position is that these organisations are not legal entities that can be sued in their own right. Therefore, in making recommendation 94, the royal commission spoke of having heard extensively about attempts by survivors to bring civil claims against religious bodies. The royal commission identified that a number of these attempts have run into difficulties with identifying a proper defendant to sue because of the structure of the religious body. This same difficulty will also arise whenever the assets of an institution are held in a manner that makes them unavailable in a civil action brought by a survivor. This may be because, like various religious bodies, the assets of an institution are held in a trust.

I note that in Trustees of the Roman Catholic Church, the Archdiocese of Sydney vs Ellis, the Court of Appeal of the Supreme Court of New South Wales held that the trustees could not be vicariously liable for the abuse of Mr Ellis because the legislation establishing the trustees as a corporate entity only gave the trustees a limited role in holding property, with no responsibility for ecclesiastical, liturgical and pastoral activities. In fact, the trustees played no role in the appointment to oversight a priest at the relevant times. These findings sadly prevented Mr Ellis from seeking justice and compensation, even though the church did not dispute the fact that Mr Ellis was the victim of terrible abuse and had suffered profound damage.

I note too that in the royal commission's case study 8, the commissioners heard evidence from representatives of the Catholic Church that the estate of Archbishop James Freeman, who was the Archbishop of Sydney at the time of the abuse, was a possible appropriate defendant that Mr Ellis could have sued. However, evidence was given that the Archdiocese of Sydney followed its legal advice and did not provide information to Mr Ellis' lawyers about who the proper defendant in the proceedings should have been. This is clearly out of step with the principles of natural justice and underlies the importance of the royal commission in shining a light into the ways that institutions had been operating in Australia, not just in letting the abuse occur in the first place, but how they responded to it.

I also note that in one submission made to the royal commission, a victim support group stated that one of the most prevalent issues for survivors seeking civil redress is the absence of an appropriate defendant in the case of some religious institutions. It is unacceptable that some institutions can evade their legal responsibilities because they are not part of an entity they can be sued. I commend the Attorney-General for the fact that this bill will ensure this will no longer be the case in Tasmania and that institutions will be held liable for abuse that was or is suffered by those in their care.

Another important reform in this bill is through amending the Limitation Act 1974 and giving the courts the power to set aside a deed of release when it is in the interests of justice to do so. Through allowing courts to set aside a previous settlement between an organisation and a survivor, this enables a survivor to commence civil litigation against the organisation. I note that the royal commission in this instance did not provide any recommendations that assist with legislative reform. However, I applaud the Attorney-General for considering this issue in the context of the commission's work and how this reform may complement other reforms to assist people affected by child sexual abuse to achieve justice. As the royal commission made very clear, many survivors of historical abuse were forced to accept completely inadequate settlements from major institutions and sign deeds as part of this that saw them having to waive their rights to a future civil claim. I am pleased that this bill addresses this issue.

I am also pleased that this bill also imposes a clear duty of care that survivors can point to as forming part of a cause of action in negligence. It is a fault-based duty and is non-delegable, meaning that where a child's care has been delegated to another organisation, each organisation retains responsibility for the child. I note that this statutory duty also applies to child abuse, which I note is defined in the Tasmanian Civil Liability Act 2002 to mean sexual abuse or physical abuse of a child, and any psychological abuse of a child that arises from the sexual abuse or physical abuse, but does not include an act that is lawful at the time in which it occurs.

Madam Speaker, this bill represents another important step made by the Tasmanian Government in its commitment to implement a number of the royal commission's recommendations and, in doing so, provides a number of important reforms to assist some of our most vulnerable Tasmanians to finally achieve justice, as well as protections that will ensure that organisations take better steps to protect children in the future.

The reforms in this bill will also provide survivors with an avenue to address past wrongs and pursue damages that are more in keeping with the abuse they suffered. This bill also complements and follows other work the Attorney-General has done, including the recent Criminal Code and Related Legislation Amendment (Child Abuse) Act 2018**.** This act now addresses a number of royal commission recommendations in the area of criminal justice as well as mechanisms to improve child safety through the reporting of concerns relating to children at risk.

The royal commission observed that survivors of child sexual abuse are unlikely to report their abuse for a significantly longer period than other victims. That is why in 2018 the Tasmanian Government also removed the limitation periods in relation to actions for child abuse in recognition of those findings.

In conclusion, this bill is just one of many significant systemic and legislative reforms that this Government has already and will continue to implement in its work towards a safer Tasmania for our children. I am also proud to be part of a government that is committed to providing survivors with improved avenues for seeking justice and I commend the Attorney-General and the department. I support the bill.

[4.36 p.m.]

Mr TUCKER (Lyons) - Madam Speaker, I support this bill. This bill implements a number of recommendations arising from the Redress and Civil Litigation Report of the Royal Commission into Institutional Responses to Child Sexual Abuse. The work of the royal commission continues to help shape future reforms to achieve organisational change, both from within government but also in non-government settings. This bill is one of many significant systemic and legislative reforms this Government will implement to continue to work towards a safer Tasmania for our children.

The recommendations in the Redress and Civil Litigation Report were informed by significant input of the royal commission obtained from a broad range of sources, including private sessions, public hearings, issues papers, private roundtables, expert consultations and information obtained under summons. This report and its recommendations were preceded by a consultation paper, Redress and civil litigation. The royal commission received a wide range of submissions in response to the consultation paper. All six commissioners sat for a public hearing on redress and civil litigation. At that hearing, invited organisations and individuals spoke to their written submissions to the consultation paper and responded to questions asked by the commissioners and

the counsel assisting. Responses to the consultation paper and the public hearing have helped to inform the royal commission's final recommendations on redress and civil litigation.

In its report, the royal commission expressed the view that the current civil litigation system had not provided justice for many survivors. The commission spoke of having heard from survivors, survivor advocacy, support groups and others about the many difficulties that survivors experience in seeking redress or damages through civil litigation. The royal commission highlighted the importance of improving the capacity of the civil litigation system to provide justice to survivors in a manner at least comparable to that of other injured persons, so that those who suffer abuse in the future are not forced to go through the experiences of those who have sought redress to date.

In considering whether it was just to extend the liability on the institutions, the royal commission made the following observations, which I would like to repeat in full.

> We have come to this conclusion only after careful and detailed consideration of the issues. We have been influenced by the decisions of the courts in which strict liability has been recognised. If the law makes a solicitor liable for the criminal act of his clerk, and the drycleaner liable for the criminal act of his employee, could it be argued that it is not appropriate for institutions to be liable for the criminal abuse of a child when in their care? If the protection of an individual's property is an important priority of the common law, the protection of children should at least have the same priority. In our opinion, the community would today expect that the care of children should attract the highest obligation of the law.

This throws into stark relief why reforms, such as these contained in the bill, are necessary. It represents another significant step in seeking to address the injustice suffered by survivors of child abuse in Tasmania.

The National Redress Scheme applies only to past abuse. It does not provide a framework for organisational liability for child abuse that may occur in the future. The royal commission therefore concluded that reforms to civil litigation were required in Australian jurisdictions to provide justice to survivors past, present and future. These civil law reforms will ensure that survivors have a number of pathways to access justice. This Government is committed to ensuring that all survivors of child abuse are able to seek justice. Every survivor of child sexual abuse addresses their abuse in different ways and at different times. A decision to attempt to seek justice either in a criminal or civil proceeding is incredibly courageous and a personal decision which must be supported.

In the Redress and Civil Litigation Report, the royal commission noted:

> Because of the nature and impact of the abuse they suffered, many victims of child sexual abuse have not had the opportunity to seek compensation for their injuries that many Australians generally can take for granted. While it cannot now be made feasible for many of those who have experienced institutional child sexual abuse to seek common law damages, there is a clear need to provide avenues for survivors to obtain effective redress for this past abuse.

However, it is also clear that reform is needed to reduce the current barriers to individuals in seeking damages for child abuse through suitable litigation as the very nature and impact of institutional child sexual abuse can work against the survivor's ability to seek damages through

existing avenues. The royal commission conducted extensive work to consider this area of the law. Its findings and recommendations are the result of issues papers, roundtable consultations, the Redress and civil litigation consultation paper and submissions to it and specific public hearings.

The work of the royal commission has unequivocally demonstrated that it is time for such examination and amendment. The Justice Legislation Amendment (Organisational Liability for Child Abuse) Bill 2019 addresses a number of the recommendations made by the royal commission, particularly in the area of civil litigation. It also makes an amendment that complements the work of the royal commission regarding previous settlements.

This bill enacts significant reforms that remove legal barriers identified by the royal commission and enables and enhances access to justice for survivors of child abuse. Specifically, the bill amends the Civil Liability Act 2002 and the Limitation Act 1974. Overall, the bill amends the Civil Liability Act 2002 to impose a statutory non-delegate duty upon all organisations who exercise care, supervision or authority over children to prevent an individual associated with their organisation perpetrating child abuse to include a specific definition of child abuse. Child abuse includes all types of abuse, all physical abuse and all psychological abuse that arises from physical abuse. This definition now makes clear the scope of the organisation's duty to protect children, to enable child abuse proceedings to be brought against unincorporated organisations such as church groups, that were previously unable to be sued due to a lack of legal personality, to extend vicarious liability for organisations for the perpetration of child abuse by individuals that are akin to employees, as well as regular employees.

The bill also amends the Limitation Act 1974 to allow courts to set aside a previous settlement between an organisation and a survivor if it is in the interests of justice to do so, enabling a survivor to commence civil litigation against the organisation. Our Government is committed to a consistent application of the law. This bill will now ensure that the definition of child abuse is consistent with the Limitation Act of 1974, which was previously amended by this Government to remove the limitation period in relation to child abuse. The royal commission identified that one of the key challenges faced by claimants is identifying a proper defendant to sue. This can be because the relevant organisation no longer exists or, if unincorporated, does not possess legal personality and therefore cannot be sued at common law.

Unincorporated organisations have previously escaped liability for child abuse because they lack what is called legal personality. This is a technical argument that prevents these organisations being brought through the court as unlike corporations, for example, they are not legally acknowledged entities that can be sued. This is commonly known as the Ellis defence and this bill will abolish that defence in Tasmania.

This bill allows for an incorporated organisation to, with the consent of an entity, appoint an entity or an associated trust with significant assets to satisfy the claim as a proper defendant for the organisation at any time. However, where an unincorporated organisation fails to appoint a proper defendant within 60 days of the initiation of proceedings, the plaintiff may ask the court to appoint a proper defendant or the unincorporated organisation.

The royal commission observed that survivors of child sexual abuse are unlikely to report their abuse for a significantly longer period than other victims. In 2018, the Tasmanian Government removed the limitation period in relation to actions for child abuse in recognition of these findings. One of the impacts of limitation periods is that survivors of child sexual abuse were generally prevented from pursuing civil law claims for their abuse. Given the operation of limitation periods,

the settlement payments that were offered to survivors of child sexual abuse were low. This amendment seeks to remove these barriers for survivors, allowing the commencement of civil litigation in pursuit of a settlement.

This bill represents another important step made by the Tasmanian Government to implement a number of the royal commission's recommendations and in doing so, provides a number of important reforms to assist some of the most vulnerable Tasmanians finally to achieve justice, as well as protections that will ensure organisations take better steps to protect children in the future.

This bill was previously the subject of extensive consultation. The royal commission's recommendations recognise that governments, institutions and the broader community share responsibility for keeping children safe. All institutions providing services or functions involving children must do everything they can to ensure that their institutions engage in best practice to keep children safe from abuse.

The Justice Legislation Amendment (Organisational Liability for Child Abuse) Bill 2019 continues this Government's strong commitment to implement the recommendations of the royal commission and follows the recent Criminal Code and Related Legislation Amendment (Child Abuse) Bill 2018.

All Tasmanians have been appalled by the prevalence of child sexual abuse that has emerged from the Royal Commission into Institutional Responses to Child Sexual Abuse and equally dismayed by the significant difficulties that survivors have experienced trying to bring those responsible for their abuse to justice. I acknowledge the enormous courage of people affected by institutional child sexual abuse who shared their stories with the royal commission. The bravery of those survivors and the families of victims and survivors cannot be quantified. Without their assistance and commitment to the truth, we would not have the benefit of the vast work of the royal commission.

I am proud to be part of a government that is committed to providing survivors with improved avenues for seeking justice. This bill makes it clear that all organisations and all individuals connected to those organisations must do everything in their power to protect children and prevent child abuse from occurring.

[4.49 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Madam Speaker, I thank all members for their contributions to this important bill. As members have acknowledged, an enormous amount of work has gone into the response so far in relation to both criminal and now civil law and litigation in relation to the Royal Commission into Institutional Child Sexual Abuse and the aftermath, if I can call it that.

I express my thanks and gratitude to those survivors who have shown enormous courage, as we have all acknowledged this afternoon. I am continually amazed at their courage, particularly if you read their accounts of some of the heinous acts they endured, some for a significant period of time. None of us can really grasp the extent to which they have been affected, continue to be affected and will always be affected by that experience.

I have also recently acknowledged in this House the positive impact that the written apology from the Government has had on some survivors. It is not compulsory but it is something that some survivors feel the need to request and it is therapeutic in some way for their own recovery to receive

that acknowledgement, and it is officially done. As I have informed the House, I do that personally on behalf of the Tasmanian Government. We are talking about some time ago but it is the responsibility of the current Government of the day to acknowledge the wrongs of the past, to apologise and to assure these survivors that everything is being done to ensure it never happens again.

These are important reforms in the area of civil litigation. Being a civil litigation lawyer myself, I do not know if members are aware but it is quite a big thing to set aside a settlement and to have this as part of the response. It is not actually a recommendation of the royal commission, as members have acknowledged and I said so in my second reading contribution. It was not a requirement of the royal commission but we feel it is necessary because there was that impediment with some people having settled their claims and unjustly so in a lot of cases, so it gives the court the flexibility to assess those accordingly within the parameters of this amendment bill as we have gone through today.

I also take this opportunity, so I do not forget at the end, to acknowledge the enormous workload of both Amber and Julian and thank them for their assistance with this bill today, and the enormity of the work that has been carried out to date, and indeed by all members of our team that works on these matters in relation to legislation and policy in the Department of Justice.

As I have acknowledged in this place on a number of occasions, there has been a heavy law reform agenda in recent years and that is continuing. I am constantly amazed at how quickly people think these things can be produced - sometimes bills overnight, according to some media commentators on some of the topics at the moment - but they cannot. Good reform takes a bit of time. We look at other jurisdictions, we assess, we draft, we consult and, in this case, there has been very detailed consultation with stakeholders and it was of course open for public submissions as well.

The bill was released on 28 June of this year and consultation ended on 2 August 2019. The bill was then introduced on 10 September 2019 but I can confirm that, as is often the case in practice of the Department of Justice, we do accept late submissions and take those into consideration as well so that people have their say and are not shut out of that process.

It was an extensive consultation as Ms O'Connor observed. In response to the submissions, quite a few amendments were made to our draft bill to respond to the issues that people raised and had. In a lot of cases it simplified things, albeit there is one question I will address in relation to the opaque clause that was inserted in the submission by the Tasmanian Law Reform Institute.

Ms Haddad's query was in relation to common law and the approach to the existing common law relating to vicarious liability; the Australian Lawyers Alliance raised that in their submission. Subsequent to their submission, I can confirm that the bill was amended to include a provision expressly saving common law.

That is contained in clause 6, which is the new section 49J(2) which states essentially -

> This section does not affect, and is in addition to, the common law as it applies with respect to vicarious liability.

It has made it crystal clear that is not affected.

As I have said, this is a fairly unique situation, in addition to the changes that we have made to the Limitation Act. We have done it because it then gives survivors choice. The National Redress Scheme is not meant to wholly compensate a survivor; in fact, you can never wholly compensate a survivor with money. I make that very clear. I am certainly not suggesting that. If they wish they can pursue something more substantive by way of a claim for damages at common law, notwithstanding the fact they have to establish a duty of care, which in a lot of cases is not difficult. Taking something through a successful court action or indeed settlement with an acknowledgement of liability establishes for a complainant, and in this case a survivor, that there is that same acknowledgement that there has been a duty of care, there has been a breach of the duty of care and that the damages resulted from that breach of the duty of care.

That in itself is an acknowledgement. Of course, settlements in the civil litigation sphere can often contain an apology as well from the institution. It gives the survivor the right to choose which way they want to proceed. This is wholly our intention. Indeed, my intention for considering doing this was that it was the loophole or the missing link, so to speak.

Setting aside a limitation period was necessary at first. Being able to set aside deeds of release, or in other words, a settlement, or having access to the National Redress Scheme; that is a form of justice as well because it is equally an acknowledgement of wrongdoing. There are options and there is counselling through the process. The added advantage of going down the route of the National Redress Scheme is that there is access and support throughout that process and beyond.

Yes, there is a monetary figure that gets assessed but that counselling and support throughout the process is really important by specialists in their fields who are used to counselling and providing these services.

Moving to Ms O'Connor's questions. In relation to the Tasmanian Law Reform issues, I will deal with that question in connection with the organisation with responsibility for a child issue. That was accepted and the bill was amended and a new section 49H(2) does not now use that terminology but reflects similar concepts as the Victorian act to which Ms O'Connor referred so that was changed.

The second question was: what is the actual meaning of section 49G(2)? The comment came out of the submission from the Tasmanian Law Reform Institute. I am ably advised that it means that an individual cannot be liable as an associate of an organisation if their role is only regulatory, such as licensing, so through a licensing arrangement, or because of funding such as by way of receiving a grant. That is now on the record to assist those interpreting this section. It is identical to the New South Wales provision and draws a line so that regulatory roles are exempt. Also, the Victorian Wrongs Act section 90(2), also reflects this drafting. Victoria and New South Wales has dealt with it in the same way.

Moving to the third question in relation to reasonable precautions. I was asked what I could foresee a court understanding reasonable precautions to mean for an organisation to protect a child. The factors are listed there. It is quite deliberate that a court 'may', rather than 'shall', take into account any of the following: the nature of the organisation; the resources reasonably available to the organisation; the relationship between the organisation and the child; whether the organisation delegated in whole or in part the exercise of care, supervision or authority in respect of the child to another organisation; the role in the organisation of the individual who perpetrated the child abuse; the level of control that the organisation had in respect of the individual who perpetrated the child abuse; whether the organisation complied with any applicable standards, however described, in

respect of child safety; any matter prescribed by the regulations; and any other matter that court considers relevant.

I am reluctant to give any specific example. The reason it is so flexible is because each organisation will be quite different in itself. If you can envisage the way a situation might be dealt with by a sporting association or a type of institution; if I could use one that has signed up redress, Safe Scouts could be quite different again from what a religious institution might have in terms of power and control and the relationship with the child. It can be distinctly different. This is why there is the flexibility to allow a court to make that determination based on those relationship issues.

Ms O'Connor - It is affirming the importance of judicial independence and discretion, isn't it, Attorney-General?

Ms ARCHER - It is, but this is not a sentencing matter. This is a court interpretation; they are interpreting legislation.

Ms O'Connor - The same principle applies.

Ms ARCHER - A similar principle but civil and criminal law are two distinct differences, as I will get to when I am responding to Ms Ogilvie's question on that very matter in relation to a definition issue.

It is flexible for a reason. As I said in my second reading speech,

> An organisation's resources and level of supervision over the individual that perpetrates the child abuse will be taken into account by the court in determining what precautions are 'reasonable' for that organisation to take.

I was explaining that different types of organisations having different levels of relationship and so on and all of those factors.

Moving on to a few questions that Ms Ogilvie had, that were in relation essentially to why psychological or emotion is not a standalone category of abuse. I can say that the definition of child abuse in the bill has been drafted for consistency with previous reforms in the Limitation Amendment Act 2017, which is the act I was referring to previously by lifting the limitation.

Psychological abuse must arise from sexual or physical abuse due to difficulties in judging past emotional abuse against today's societal standards. What was considered to be emotional abuse then and now has changed dramatically. In defining it the way we have, Tasmania's approach is actually broader than the approach that is being used in New South Wales and Victoria where child abuse is defined as physical or sexual abuse only. Ours actually encompasses a broader range in terms of definition.

Ms Ogilvie - If it is connected to the physical aspect, though. It is contained by that in that sense.

Ms ARCHER - It is contained. I know it has been considered in great detail and analysed in great depth as to where we could land on this. We believe we have the balance right. It is also stronger than other states have, we feel, in relation to that. It stems from the change in society standards.

Ms Ogilvie - Times change, of course.

Ms ARCHER - They have changed a lot in many ways, but then we still have these heinous crimes being committed and that is why we have to move forward and make sure that we have proper frameworks in place.

Ms Ogilvie - By way of interjection to keep it going, is it something that perhaps you would keep an eye on and monitor if those matters come before the court?

Ms ARCHER - Yes, what we always do in relation to legislation that comes before the court, if there is any difficulty that arises, something is not working or something could work better, I have an open dialogue with the Chief Justice and the Chief Magistrate. They can raise anything that they see as a proposal for law reform. In fact, I tabled a bill this morning that came as a result of a request from the judiciary. It is quite frequent and common that we bring in justice legislation (miscellaneous amendment) bills, Criminal Code amendment bills and the like. That is often in response to how things operate in practise.

There was also the question of - and this is what I was referring to or alluding to just prior to answering that question - is there a parallel with child abuse as defined in the Criminal Code? Any definition of child abuse in the code is procedural. That is, it names particular offences for application to other parts of the code or criminal procedures. Child abuse in the context of civil litigation cannot usefully be referenced to the crimes in the Criminal Code. They are dealt with quite differently. The civil law allows the assessment of child abuse to not be restricted to criminal constraints. In the code you have that definitional constraint and in civil litigation we do not.

Ms Ogilvie - Through the Chair, I assume a different evidentiary weight or balance of probabilities would apply in civil?

Ms ARCHER - Yes, civil is always a balance of probabilities, you are right, and criminal is beyond reasonable doubt, unless stated otherwise going outside of the Commonwealth principles.

The other observation was reasonable precautions and organisations. Something was raised about the framework. You made the observation of motivation of organisations to take reasonable precautions will be assisted by the royal commission work on child safety standards. I can say that the Government has committed to exploring legislative reform to introduce a child safety framework for Tasmania in our first-year action plan for implementing the royal commission's recommendations. That is another body of work but it is a work in progress and is something we have committed to looking at.

I believe that captures all the questions. Thank you to our staff. Thank you to my office and advisers throughout this process. It has been an enormous body of work in conjunction with many other reforms that we have on the go. Members are quite right to make the observation that there will be further things to come before this House in relation to our response to the 409 recommendations of the royal commission. It is indeed important and we are working through those and dealing with the most urgent and pressing things first in our response, as members have acknowledged, to ensure that our most vulnerable are kept safe in Tasmania and that we ensure these crimes - I would like to say will never happen again, and that is certainly our aim.

Bill read the second time.

Bill read the third time.

GENETICALLY MODIFIED ORGANISMS CONTROL AMENDMENT BILL 2019 (No. 33)

Second Reading

[5.12 p.m.]

Mr BARNETT (Lyons - Minister for Primary Industries and Water - 2R) - Madam Speaker, I move -

That the bill be now read the second time.

A key target of the Hodgman Liberal Government is to grow our agricultural sector to $10 billion by 2050. As we deliver our comprehensive Agri-Food Plan, we are on track to meet this goal, with the most recent figures from the ABS showing a 9 per cent increase in the annual value of agricultural production to $1.6 billion in 2017-18. In order to continue this growth, it is essential that we maintain and strengthen Tasmania's reputation for producing premium products that are safe, clean and reliable.

Our genetically modified organism or GMO-free status is a key part of Tasmania's brand and reputation, offering marketing advantages for our high-quality, high-value primary industries. That is why the Hodgman Liberal Government has made the decision to extend Tasmania's moratorium on the release of GMOs to the environment for a further 10 years. The Genetically Modified Organisms Control Amendment Bill 2019 will give effect to this decision. This bill will extend the expiry date of the Genetically Modified Organisms Control Act 2004 from November 2019 to November 2029.

The act provides for the whole or any part of Tasmania to be declared a GMO-free area for the purpose of preserving the identity of non-genetically modified crops and animals for marketing purposes, and for persons to be allowed to deal with GMOs under permits. This is the statutory basis for Tasmania's GMO moratorium.

Section 36 of the act currently specifies that the act will expire 15 years after it commences, which will be in November 2019. Through a simple amendment of this expiration period from 15 years to 25 years, this bill will extend the act and hence the current moratorium on the release of GMOs to the Tasmanian environment for another 10 years.

The decision to extend the moratorium for a further 10 years follows a comprehensive review undertaken earlier this year by the Department of Primary Industries, Parks, Water and Environment. The details that underpin the operation of the act are set out in the Tasmanian Gene Technology Policy 2019-2029 and supporting Tasmanian Gene Technology Guidelines. The updated policy and guidelines retain the longstanding policy of allowing the use of GMOs in pharmaceutical poppy crops not intended for use for food or feed, provided all statutory requirements are met and that markets for Tasmania's GMO-free food products can be maintained and appropriate coexistence arrangements are developed.

The policy also ensures that biotechnology research and innovation in Tasmania continues to be supported, with research using GMOs permitted in physical containment facilities provided all statutory requirements are met. We have committed to undertake a full review of the policy before the moratorium expires in November 2029.

We also recognise that gene technology is evolving rapidly and for this reason DPIPWE will undertake monitoring and review of developments in gene technology, providing a report to the minister at least every three years. These reviews will also consider stakeholder views and changes in market and consumer sentiment.

Consistent with current practice, it is the intention of the Government that these reports on developments in gene technology will also be made public. DPIPWE will advise the minister if, based on the evidence from these reviews, there are significant developments in these areas that warrant the triggering of a review of the policy before the maximum 10 years. If such a circumstance arose, the Government would take advice and consider its position on whether to conduct a full review of the policy earlier than the maximum 10-year period.

In addition, the minister will also be able to direct a full review of the policy at any stage during the period of the moratorium. This is a responsible position that enables government to respond should there be developments in technology or changes in market sentiment that have the potential to significantly benefit Tasmania. Key industry stakeholders including Fruit Growers Tasmania, the Tasmanian Farmers and Graziers Association, Poppy Growers Tasmania, Dairy Tasmania and the Tasmanian Agricultural Productivity Group have been directly consulted on and support the review provisions in the policy.

Since its introduction in 2001, the moratorium on GMOs has allowed Tasmania to position itself in the global market as a source of food that is genuinely GMO-free, and during this time our agricultural sector has gone from strength to strength. The fact that the moratorium has been in place for most of this century sends a strong message about the consistency of Tasmania's position at a time when domestic markets and international trading partners are placing an increased value on food provenance.

This 10-year extension will strengthen the Tasmanian brand, ensure continued access to valuable markets, and will provide our trading partners with assurance in the ongoing stability of Tasmania's GMO-free provenance. This strengthening of the Tasmanian brand paired with the new biosecurity legislation and ongoing investment in irrigation makes us well positioned to meet our target to grow the agricultural sector to $10 billion by 2050.

The 10-year extension to the moratorium will also be welcomed by many farmers, agribusinesses, food businesses and members of the wider community. In the most recent review of the GMO moratorium conducted by DPIPWE, a total of 76 submissions were received, with the overwhelming majority in favour of extending the moratorium. Representatives from the fruit, wine, honey, organics and beef industries highlighted the marketing benefits provided by the moratorium and warned of risks to market access should there be any change to our GMO-free status.

This 10-year extension to the moratorium will provide farmers, food producers and businesses with the confidence to invest in marketing strategies that take full advantage of Tasmania's GMO-free status. A clear example of the marketing benefits provided by the moratorium is provided by participants in the Tasmanian beef industry, who noted that active promotion of the GMO-free provenance of Tasmanian beef has been a key factor in securing valuable markets for beef products in Japan and the United States. This has helped make beef Tasmania's most valuable international food export in 2017-18, representing $210 million out of a total food export value of $740 million.

Another example is the $8 million honey industry, which actively promotes the GMO-free provenance of Tasmanian honey in both domestic and international markets. In fact, Australian honey products have just won gold and silver medals at the Apimondia 2019 International Honey Congress, including a silver medal for its Cradle Mountain GMO-free clover honey. Loss of Tasmania's GMO free status could impact Tasmania's competitiveness in honey markets, where countries such as New Zealand are also actively promoting their GMO-free status.

In making our decision to extend the moratorium, we acknowledge that some industries benefit less from the moratorium than others. GMOs may offer some individual businesses potential productivity gains, particularly producers of larger-scale commodity products. However, these potential gains are difficult to quantify and, given the well-established benefits of the moratorium, any decision to change would require compelling evidence.

It is noted that the only GM crop currently commercially available that is suited to Tasmanian conditions is canola and we have strong market demand for our non-GM canola. Nonetheless, we acknowledge the potential future benefits of GMOs in Tasmania and emphasise that in the updated Tasmanian Gene Technology Policy we have committed to regularly monitoring developments in in gene technology, markets and consumer sentiment. We are mindful that our GMO-free status cannot easily be restored once lost, and any potential use of GMOs would require very careful consideration to avoid negative market or brand impacts.

I note that following a recent review by the Commonwealth Gene Technology Regulator, from October 2019 under the National Gene Technology Scheme, organisms modified using a gene editing technique known as SDN-1 will no longer be regulated as GMOs on the basis that organisms modified using this technique pose the same risk as, and are indistinguishable from, organisms carrying naturally occurring genetic changes.

This national decision does not prevent Tasmania having a moratorium on GMOs. We are, however, mindful that the decision may create issues for businesses that export to markets where SDN-1-modified organisms continue to be considered or regulated as GMOs. For this reason, the Tasmanian Government will consult with stakeholders to develop a regulation to control the use of SDN-1-modified organisms in Tasmania under the Biosecurity Act 2019

The purpose of the regulation is to control the commercial release into the Tasmanian environment of SDN-1-modified organisms to preserve the identity of Tasmanian agricultural and food products in the marketplace and retain the ability to trade Tasmanian produce in markets that are sensitive to SDN-1 organisms. There is currently uncertainty around the national decision not to regulate SDN-1-modified organisms. The regulation the Government is pursuing will maintain the status quo for Tasmanian businesses and provide a clear and consistent message in the marketplace for those Tasmanian businesses and industries that rely on Tasmania's GMO-free status.

In practical terms, considering there is currently no method for conclusively determining whether an organism is carrying sequence variation of natural or SDN-1 origin, the state would regulate dealings with SDN-1-modified organisms through requirements for importers to confirm products coming into Tasmania are GMO-free, including SDN-1-free, through a non-GMO assurance declaration scheme.

The regulation will be drafted in consultation with industry to ensure that it meets import and export market requirements. Consistent with the longstanding Tasmanian Gene Technology Policy

provisions, our intent is that the regulation does not provide a barrier to the use of SDN-1 techniques in defined circumstances including controlled research, human health and pharmaceutical applications.

We will also continue to work with exporters and industry stakeholders to address any other potential market or brand implications if they arise.

The updated Tasmanian Gene Technology Policy also outlines that the Government will work with agri-food sectors to identify how our competitive advantages can play a greater role in Tasmania's premium brand attributes.

Through the work of Brand Tasmania, which has a strategic role in brand positioning and communication with key markets, and through the rollout of the Tasmanian Trade Strategy, the Government will continue to support GMO-free marketing opportunities.

In conclusion, this bill fulfils the Government's commitment to extend the GMO moratorium for 10 years. Within this timeframe, the Government will continue to regularly monitor technological advances, markets and consumer sentiment.

This bill will also enable farmers, agribusinesses and food businesses that rely on the state's GMO-free status to confidently invest in marketing and market development activities to sell their products and to demonstrate the value of Tasmania's GMO-free status. It is a sensible and balanced approach. I commend the bill to the House.

[5.24 p.m.]

Dr BROAD (Braddon) - Madam Deputy Speaker, I thank the minister for bringing on this bill. It is a very simple bill that simply changes the date and basically extends the GMO-free status of Tasmania for a further 10 years. The Labor Party welcomes this and will be supporting this bill, as no doubt the Greens will be. I will not try to steal their thunder.

As the minister has outlined, there is no doubt that being GMO free provides significant marketing advantages for industries such as honey and beef. Honey is probably the most impacted by the GMO-free status in that it gives honey producers access to markets, which is an extraordinarily premium high-quality product from Tasmania and is on the shelves in places like Asia. It is seen for what it is, an amazing quality Tasmanian product.

Along with other initiatives, such as being hormone-free for animal production and our marketing advantages of being an island and having clean air, a relatively unpolluted environment, gives Tasmanian agricultural producers and seafood producers a distinct marketing advantage. We should take advantage of this to grow our industries and to gain the most amount of money possible from our products, especially when we export to international markets.

As the minister outlined - and I have spoken about this before and I am glad his speechwriter has picked it up - the reality is that there is only one GMO product that is relevant to Tasmania at the moment. That is genetically modified canola for oil production that is tolerant to Roundup or glyphosate. In other words, you can grow the canola and you can hit it with a broad-spectrum herbicide, in this case, glyphosate. It kills all the weeds, makes the plants grow, and makes it easy and efficient for farmers to produce. However, it is a relatively small market in Tasmania. There is not that much canola grown. We cannot compete on the scale of areas like Victoria, New South Wales, Western Australia, in their broad acre operations of thousands of hectares of yellow flowers

as far as the eye can see. We can never compete with that in any sense; even if we did have genetically modified canola we could never compete with the scale they have in the other states. The GM technology that is currently available in the world is not relevant to Tasmania, so it is an advantage to market ourselves as GMO free.

I also add that for farmers who are concerned about not having GM canola available, there is a conventionally-bred alternative which is triazine-tolerant canola. It probably does not produce quite as much product as GM canola, but it is conventionally bred and is resistant to the broad-spectrum herbicide, triazine. That is an alternative for farmers who are concerned about being able to grow canola more efficiently. Basically, there are no alternatives that are relevant to Tasmania.

It is good to maintain our GMO-free status. I applaud the DPIPWE review mechanism that the minister has outlined because it is a sensible thing. We do not know what technology will become available and GM technology can have benefits. There is no doubt about that. Also, when it comes to SDN-1, that sort of technology, including the CRISPR-Cas9 technology, the minister has discussed a possible mechanism for exclusion from the state through our biosecurity legislation. It is difficult to know what we are talking about because as far as I am aware there are no products available. We do not know what we are going to be talking about. It is pure speculation at this stage.

Ms O'Connor - Dairy Australia wants to commercialise gene-edited rye. Do you know anything about that?

Dr BROAD - There is not a commercially available product. I am not aware of a commercially available product that we could actually say we should have that or we should not have that. It is coming.

Ms O'Connor - You can be sure they are working on it.

Dr BROAD - Of course they are working on it but we do not know what technology we are talking about. For example, the Tasmanian dairy industry is based largely on rye grass pastures. If there was a rye grass that through technology, like SDN-1 or even a GMO technology, could produce twice as much grass for the same amount of sunlight, fertiliser and water, if we did not adopt that technology we may have no dairy industry. We do not know. We are talking about something that is pure speculation at this stage and we do need to have a review mechanism to be able to change, if need be.

The current GMO technology as it stands does one of two things. It either internalises chemicals, such as an insecticide, where the insect bites the plant and dies. Instead of using an insecticide over the whole crop and killing all your spiders and bugs, et cetera, it only targets insects that actually bite the plant. That is Bt technology which is often seen in cotton for example - different strains of the Bt gene, *Bacillus thuringiensis*. That means that the cotton industry, for example, has been able to survive and massively reduce the amount of insecticides used. But there are problems, including resistance, that need to be managed.

GM technology can either internalise chemicals in that way or, as I have described with GM canola, make the plant resistant to a broad-spectrum herbicide. They are the two major technologies that are in Australia. Basically, it is rebadging old technology and either making the plant resistant to a herbicide or actually internalising the herbicide inside the plant.

Australia is using old technology and old theories in a new way, but there is no doubt that around the world GM technology has done really good things. For example, there would not be a papaya industry in Hawaii if it was not for GMO technology. Since the 1940s, Hawaii has had a massive problem with papaya ringspot virus. Basically it devastated the entire papaya industry in Hawaii, which was a major industry there. The Rainbow papaya was developed by a private/public partnership. That is a GM product that became resistant to the virus that has meant that papaya can still be grown in Hawaii.

Also, there has been the development of golden rice. Golden rice is a GM product that has put in genes to code for vitamin A in rice. Dehulled white rice does not have very much vitamin A in it. Vitamin A deficiency is not a problem in Australia but it is in a lot of developing countries where a large part of their diet is based on eating white rice. Vitamin A deficiency can lead to blindness, and it can lead to mental development issues in children. Golden rice is one solution to that which is, again, GM technology. If I were a parent in a developing country, the debate on whether I should give my child GM golden rice and prevent vitamin A deficiency or not would be a bit different from the same thought I would be having in a developed country as we are fortunate enough to live in.

You cannot argue that genetic modification is bad when you consider other things that it has done. For example, the minister stood here today and talked about GM technology. The minister himself is a beneficiary of genetic modification every day because the minster, as he is on the public record, is diabetic. Up until GMO technology was available, insulin would have been purified from pig or cow pancreases, which creates risk of transfer of diseases from animals to humans. Also, importantly, there are only so many cow and pig pancreases to go around. As rates of diabetes increased over time that meant that there was not enough insulin to go around.

That was solved almost 40 years ago by inserting the human gene for making insulin into *E. coli* and later into yeast. It is through industrialisation and GM technology that we have cheap, readily available insulin so that diabetics, both type 1 and type 2, have access to insulin and can survive into adulthood and have a long and healthy life. Without GM technology that would be impossible. The idea that the technology itself is bad does not stack up to any assessment of the truth, the reality and the science.

We have had and maybe there are issues in the marketplace. That is why GMO technology provides a benefit. Some people are scared that GMO technology will cause a whole bunch of horrendous things, maybe cancers, maybe frankenfoods and all this sort of stuff. The facts are that whether we like it or not, we have all been eating genetically modified products most of our lives.

For example, I assume that all of us have eaten a genetically modified product today, even without knowing, or at least during this last week. That is because products like cottonseed oil and canola oil that are in all sorts of manufactured food products come from genetically modified sources, as does genetically modified maize, corn syrup and so on from the United States. This is in our industrial manufactured products throughout the world. We do not know we have been eating it, but we have. I am not aware of a single case of a genetically modified product being associated with any negative health outcomes, provided that it has been through a rigorous assessment process, just like we do with any other food product.

Even though they have been demonised over time, I think there has not been any safety issues raised over GMO products. There are still a lot of assumptions, scare campaigns and so on in place. No doubt we will probably hear a few about SDN-1 or CRISPR-Cas9 technology. Again, we do

not know what we are talking about. We are scared about something yet we do not know the products that we are talking about.

Ms O'Connor - It's better, wouldn't you agree, to have some regulations in place?

Dr BROAD - There are regulations in place already with a whole bunch of food products.

Ms O'Connor - As a precautionary measure until the science is clear.

Dr BROAD - Until the science is clear. When is the science clear?

Ms O'Connor - Do you support the moratorium or not?

Dr BROAD - This is exactly the same argument that was used against immunisation when it first came out.

Ms O'Connor - Do you support the moratorium or not?

Dr BROAD - I do support the moratorium.

Ms O'Connor - I have been listening to you and wondering.

Dr BROAD - Maybe you should unblock your ears. I am specifically talking about SDN-1. We do not know what products we are talking about. There could be an instance, for example, where we have an animal genome SDN-1 that does something like make a sheep resistant to fly strike. Would that be a bad thing? Maybe we could use SDN-1 technology to make cows resistant to mastitis. Maybe if we had a technology that made another animal resistant to a disease.

Ms O'Connor - The point here is that it is genetic modification.

Dr BROAD - It is genetic modification.

Ms O'Connor - That's right. The federal government has decided it's not.

Dr BROAD - Humans have been genetically modifying food since we started agriculture. When we left the caves and left the hunter-gatherer lifestyle we started modifying food. Wheat is not a wild product. Wheat is actually from millennia of humans genetically modifying it. The idea that there has been no genetic modification is -

Ms O'Connor - No one is suggesting that.

Dr BROAD - What are you suggesting?

Madam DEPUTY SPEAKER - Order, Ms O'Connor, you have the time to make your contribution soon. Let the member have his contribution in silence.

Dr BROAD - I have talked in this place about approved technologies like culture seed. Basically, you bombard a cell of a particular plant with culture seed and you get random mutations. Then you grow out these randomly mutated plants. That is a pure human-induced mutation. You grow them out and that has led to all sorts of disease resistance in wheats and things like that. This

has been driving our agricultural technology, but it specifically is humans using mutation to create new products.

We have to be sensible and not talk about technology like it is the big bogeyman. We have to have a case-by-case assessment of technology. Technology itself is not scary. It is about the products. Of course, we have to make sure that the products are safe. There is no doubt about that at all. We do not want to genetically modify a *Day of the Triffids*-type thing, but there is some technology out there that you may not be aware of, such as triploid fish, for example. How do you get triploid fish? What you do is expose roe to high pressure in the early development of the eggs, and instead of being diploids, instead of having two copies of chromosomes, you get three copies of chromosomes. That is humans introducing mutation in fish to get triploids. They grow faster and that is done in salmon and trout. It also makes them infertile so you cannot actually breed from them but you get higher growth rates. This triploid technology is used in Tasmania, predominantly in Macquarie Harbour. We are genetically modifying our fish through this process of high pressure during cell division which we are growing out and selling into the market and no one says 'boo' about it.

We have to be sensible when we talk about technology and not say, 'The science isn't in' or 'We have to ban it because it is new'. We have to assess everything in a sensible fashion and that is why I am applauding the Government for this DPIPWE review mechanism because we do not know what is down the track. Who would have thought 10 years ago we would be doing everything we are doing on our mobile phones? Agricultural technology moves a bit slower than that but there could be a technology that may change the world and revolutionise agriculture and we cannot stick our heads in the sand and pretend that technology itself is bad.

I will give an example of some of the thinking around the idea that if we do not understand all the facts we might make stupid decisions. I will talk about a new product that I want to import into Australia. There is a new product I have heard about which is being used all around the world for a food product but we have to be a little bit careful about this food product because it is in the nightshade family. Nightshades are quite poisonous and it is in the *Solanaceae* family. It is poisonous if uncooked and can make you really sick if you eat it raw. If you feed it to rats in any sort of quantity uncooked, it will give them stomach cancers and all sorts of really bad stuff. If it is exposed to sunlight and is ingested by pregnant women, it can cause miscarriage, so it can be quite deadly. It requires large amounts of fertiliser and water to grow and we know that in the past, when populations became heavily reliant on this product, crop failure led to the death or starvation of hundreds and thousands of people.

That sounds like a really dodgy product. Would we want that in Tasmania?

Mrs Rylah - It is a potato.

Dr BROAD - It is a potato, thank you - you belled the cat on that one. This is why we have to be sensible when we talk about things. If we only talked about those bits I just explained - such as being poisonous if uncooked, if it is green and eaten by a pregnant woman it can cause miscarriage - if we did not understand all the facts, we would not have been allowed to import and grow potatoes in Tasmania.

This is why we have to have a very sensible approach to technology. We have a huge market for potatoes in Australia and overseas and it is not a GMO technology. We have been growing it for years so there is absolutely no need to be banning any sort of product like that. A GMO

moratorium at this stage is a big advantage for Tasmania, so we should have a moratorium, but we do not know what the future holds.

Despite what we are probably about to hear from the member for Clark, there are some technologies, so we are not sure what we are supposed to be banning or talking about. We need to reserve our judgments and not simply run down the line of a motion that is in the Senate.

There are some difficulties because this technology is regulated at the federal level. The minister has outlined a potential way we could administer it in Tasmania, but we need to be a bit sensible about technology and have sensible discussions and not simply stamp our foot and say that things are really bad.

As I have outlined, GMO technology can be good. All sorts of technology can be good and it can be bad too. Rocket technology can put a satellite in the sky but that same rocket technology could deliver a nuclear weapon, so we have to have sensible discussions about technology and not simply rant and rave and try to scare people.

In summing up, we support the GMO moratorium for a further 10 years. It was actually Labor that originally put it in place and the extension is good for our markets, for our products and for our state.

[5.45 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Dr Broad, you never fail to divide and disappoint.

Madam Deputy Speaker, obviously the Tasmanian Greens will be supporting the Genetically Modified Organisms Control Amendment Bill 2019. We commend the minister for ensuring that the moratorium is extended. We also commend the minister for his advocacy at a national level in relation to the decision not to regulate SDN-1 and RNA-derived genetic organisms.

Dr Broad can get up here with his doctorate and lecture us on the science and the knowns and the unknowns, but the fact is that the European Union's highest court has made a decision in relation to SDN-1. The New Zealand parliament has announced it will regulate organisms derived from these techniques as genetically modified organisms. It defies logic that an organism which is manipulated in the way SDN-1 organisms are are not genetically modified. It is playing with language. They are clearly GMOs and recognised as such by the European Union, recognised as such by New Zealand and, indeed, recognised by our own Minister for Primary Industries and Water in the actions he has taken at a national level and in the Biosecurity Act in response to the decision at a national level not to regulate these organisms.

I have not heard anyone in this place saying that all genetically modified organisms are bad things. We recognise there is a level of community concern about GM products, a perception that if they are not regulated in some way or another scientists will seek to play God. That is a deeply held community perception. It is in the market and that is why in markets such as the European Union and in China there is real concern about genetically modified organisms in food products particularly.

It is childish in the extreme to come in here as Dr Broad just did and try to pre-empt what I am going to say. I cannot see Dr Broad's submission to the recent moratorium call for submissions from DPIPWE. There is not one from Labor, but we did the work, we put a submission in and it is

a solid submission; in fact it is cited a number of times in DPIPWE's response. We have done the work and made a representation to the Productivity Commission when it recommended that Tasmania's GMO moratorium be lifted on economic grounds when the assessed cost of having that moratorium in place by the Productivity Commission back in 2015-16 was about $300 000 a year.

They did not do the work that examined the opportunity cost, the benefit to Tasmania of having a GM moratorium in place for our primary producers, and indeed it is our primary producers who in this document, the review of Tasmania's genetically modified organisms moratorium final report, which I commend to Dr Broad because it does not sound like he read it, that you hear that of the 76 submissions made to the review, overwhelmingly 63 submissions indicated clear support for continuation of the moratorium. These included submissions from the community, businesses, peak industry bodies from the beef, wine, honey, fruit, organics and salmonid industries.

Dr Broad - We support it. What are you worried about?

Ms O'CONNOR - What I worry about is the childishly partisan and puerile contributions that you make on matters that are substantial policy issues for Tasmania. You gave us a lecture in this place about how wonderful GM is, tried to put words into my mouth, and it is clear from the research that we have done that you have not done any work on it. Significant and strong support has come from the primary producers' sector in Tasmania. It was Dairy Tasmania who recommended that the moratorium be lifted. It is one of a small number of organisations -

Mr Barnett - Dairy Australia, not Dairy Tasmania.

Ms O'CONNOR - Dairy Australia - thank you for that clarification, minister.

Mr Barnett - They expressed disappointment.

Ms O'CONNOR - that expressed disappointment that we were going to move again to defend Tasmania's GM-free status.

On the broad principle of where the community concern about genetically modified organisms in part stems from, it stems from scientific experiments that for example cross spiders' silk with goats' milk to see if we can milk goats for a tough rope. That is the kind of cross-species genetic manipulation that does concern people and it concerns the Greens. We are in an age of global heating. There will be enormous pressure on food supplies and food security and we may well, as a global society, need to look at genetically modified food crops in order to feed humanity in the future. I am not a denialist about that in any way, shape or form.

As I flagged in the submission we made to the Government, we believe that the moratorium which is extended for 10 more years - which is double the time frame for previous moratoriums - should be a permanent ban. Within that there needs to be review mechanisms for DPIPWE. We need to be able to take into account new developments in the field that may be beneficial to Tasmania at some point in the future, as Dr Broad flagged when he was being coherent.

It is significant that we have moved the moratorium from five years to 10 years and a reminder to members in this place that Tasmania, as a state, placed a moratorium on the commercial release of genetically modified organisms in 2001 and then enacted the legislation that we are debating today in 2005 to declare Tasmania GMO-free. We believe it should be a permanent ban. I want to quote from DPIPWE's report. The report which summarised the submissions did not make any

recommendations to Government but had a number of findings and the finding relevant to this matter is and I quote from the report:

> The duration of the moratorium, if extended, could be five years, as determined in previous years, 10 years or indefinitely to provide certainty for industry, noting the importance of a formal mechanism that would trigger a policy review.

We argue that removing the automatic expiration of the moratorium would not be inconsistent with the findings of DPIPWE's report, which is a response to the submission made to the agency. The Greens believe that the automatic expiration provisions should be removed entirely on the following grounds: they are unnecessary; past reviews and ongoing environmental scans have not identified any significant changes in this area of science since the introduction of the act; environmental scans could still continue and trigger a review if there is a case to be made for one; and repealing this section would result in reduced administration which has proven to be unnecessary - we could cut some red tape here to the benefit of our primary producers.

There is also a governance question. The usual mechanism to repeal an act would be a repeal bill which would require the support of both Houses. In this case, an amendment bill is required to prevent expiration and this is a cycle that we have gone through every five years. This is the third time I have stood up in here and debated an extension of the moratorium.

In this case, an amendment bill is required to prevent expiration and as this has to pass through both Houses of parliament, it could effectively be repealed by the will of a single House. This means, for example, the other place, without the support of the executive, the minister, or the Cabinet or the Premier, can unilaterally initiate a significant policy shift and that opportunity has been provided to the parliament every five years. It will be provided to the parliament again in 10 years.

The expiration of this act, without the adequate time for the executive to respond, would leave a significant regulatory blackhole and, more likely than not, the government of the day would not have the time to set up new regulatory or policy frameworks to deal with this dramatic change.

As we know from a number of cases that have been before the courts, common law does not provide a suitable framework for dealing with GM and non-GM coexistence disputes. There is a well-known case from Western Australia which we talk about in one of our submissions, Marsh v Baxter, and in its 2013 review, DPIPWE did note this issue, and the quote from the 2013 review is that:

> The ability of common law to address GM contamination and subsequent economic loss remains unclear in Australia, making it difficult for GM and non-GM farmers and producers alike to accurately assess their legal risks from GM crops. Questions remain about the ability of the liability system in Australia to deal with GM contamination under a co-existence framework.

This is straight from DPIPWE from six years ago.

As we say in our submission, this question has been clarified somewhat since the last review by a case in Western Australia, Marsh v Baxter, where adjacent farming practices led to 70 per cent of the Marsh's farm losing its organic certification. The case was dismissed by the court and no injunction or damages was awarded. Justice Martin ruled the economic loss was due to 'self-

inflicted contractual vulnerability' and considered Baxter was as entitled to pursue his own economic interest as the organic farmers, the Marsh's. The court's finding against the organic farmer's interests was in part made due to the fact that Australian law generally only recognises economic loss as, for example:

> ... some physical injury to a person or to property, such as pipeline damage, damage to a house, or damage (disease) to a potato crop

In an analysis of this case, one author, John Paul, in 2015, an academic, has concluded:

> This case has provided no assurance that organic farming and GMO farming can happily coexist under the current legal framework ...
>
> ... there is no constraint on GM farmers to contain their crops within their boundaries, and no recognition in the case of the GM crops are a source of contamination for organic farmers ...
>
> ... There was no recognition of the special interests of organic farmers, and a rejection of the notion that windblown GM canola plants landing on an organic farm are in any way 'contamination', nor that the neighbour's actions that led to the 'incursion' of the GM plants are either a matter of private nuisance or of common law negligence.
>
> The use of court mechanisms elsewhere to solve coexistence related disputes has been characterised as ... a form of legal 'trench-warfare', in that the exercise is relatively pointless, costly and ultimately solves nothing.

It is clear that common law in Australia is inadequate to deal with these issues and, at this stage, it is clear that GM crops cannot exist without the potential for transgression across to an organic crop. It is clear that there are issues here and that is why, overwhelmingly, Tasmania's primary producers support the extension of the GM moratorium and in some cases support the moratorium being made into a ban.

Debate adjourned.

ADJOURNMENT

wungana makuminya Alcohol and Drug Workforce Development Program - Graduation Ceremony

[6.00 p.m.]

Mr ROCKLIFF (Braddon - Minister for Education and Training) - Mr Deputy Speaker, it is my pleasure to talk about the graduation ceremony I attended last week of the wungana makuminya Alcohol and Drug Workforce Development Program which I attended, and I know the member for Franklin, Dr Woodruff, was there as well, and it was a very uplifting experience. I know we do it every single day in this House, which is appropriate, but I would also like now to acknowledge the Tasmanian Aboriginal people as the traditional original and continuing custodians of the land and acknowledge their elders past and present and emerging.

I congratulate the graduates of wungana makuminya Alcohol and Drug Workforce Development Program last week. I am proud to highlight the achievements of 26 individuals who graduated from this certificate for alcohol and other drugs course. As both the minister for Mental Health and Wellbeing and Minister for Education and Skills and Training, it is important to acknowledge the work of the Tasmanian Aboriginal Centre and the Drug Education Network for the success of the program and the TAC Chief Operations Officer, Raylene Foster, and the Drug Education Network CEO, Shirleyann Varney, for inviting me to attend the ceremony last week.

wungana makuminya translates as 'creating or changing a path' and I certainly hope that for those who have graduated from this course and those individuals that it will help in the future. It certainly create or change a path in their life. This program was funded by the Commonwealth Government through a package managed by Primary Health Tasmania and the program was also an excellent example of the importance of partnerships between mainstream health services like the Drug Education Network and the Tasmanian Aboriginal communities-run health organisations.

The success of the program was clearly demonstrated at the recent Vocational Education and Training awards which I spoke about a few weeks ago which saw five award nominations this year. This is an excellent achievement and I particularly acknowledge Dionne Bishop, who received a certificate of commendation in the Aboriginal and Torres Strait Islander Student of the Year category. I also make special mention of Janelle Williams and Keeomee Mansell who were both nominated in the Vocational Student of the Year.

The Tasmanian Aboriginal Centre was also named a finalist for the Training Provider of the Year award and the TAC together with the Drug Education Network were finalists for the Industry Collaboration award. I congratulate them, those who ran it and the students who took part on a great achievement and in recognition of the excellence of this program. I was able to speak to a number of those last week as well.

It is important that we grow the number of our Tasmanian Aboriginal health employees in our Tasmanian health care system for a number of reasons. We know that Tasmanian Aboriginal people are more likely to access healthcare services and feel safe doing so when our Tasmanian Aboriginal health employees are present. We also want to see more Tasmanian Aboriginal people working in our health system as well as of course increasing the employment of Aboriginal people more generally. We as a government are strongly committed to this as part of our Tasmanian Government Aboriginal Employment Strategy.

In closing, I wish all the graduates the very best for their future studies and career paths in this very important sector. Thank you again to the Tasmanian Aboriginal Centre and the Drug Education Network for inviting me to attend the graduation ceremony. It was especially uplifting and I also commend them for developing and running what is a tremendous program.

Regional Football

[6.05 p.m.]

Ms OGILVIE (Clark) - Mr Deputy Speaker, I know everyone here has been missing my updates and reports on the Southern Football League, so it is nice to be able to come in and give a good report about the state of regional football and not only the Southern Football League but the north and north-western leagues as well.

We had our grand final recently. As the current President of the SFL, I am delighted to say we had our biggest crowd ever at North Hobart, 4000 people, so it was a huge day. It was a great delight to see everybody turn out in the sparkling sunshine to watch the great matches we had and to have all the kids there.

I want to share with the House - and it is very good for Tasmania and good for our bid for a Tasmanian AFL team - the work that is being done in grassroots land to get everybody playing football again. There has been some leadership, not just from the Government but the Greens are on board, Labor is on board and in my own small way, with the regional leagues and community football, I have tried to participate and support the push as well.

We had the biggest grand final day we have had so far because we had so many teams playing. The reason for that is because we now have a female football competition in our league that has more teams in it than our men's competition. Our men's competition has nine teams in the senior ranks and our women's competition has 11 teams. We have seen exponential growth in women's football. I have tried to lead that and drive it and am quite proud of how that has come about.

We have had to move quickly as it has emerged. It has not been a simple thing and I commend the board of the SFL plus all the boards of both men's and women's clubs. They are all volunteers and run these clubs on a voluntary basis. There is very little funding to go around and very little government funding. We have a strategic partnership with the AFL now through the hubs, which has been an important lynchpin to enable us to defray some costs on the administration side of things.

It was a very exciting day. Being there on that day to see those women's teams coming alive after only a couple of years of building up the program was a very exciting thing. The other thing we have noticed with the women's clubs and competitions is that it is a very different game. They play football differently and bring their families with them and it becomes very much a family day. The babies and prams all get in the team photo at the end and it is really quite festive. You probably see in the NTFA and the NWFL as well a similar sort of vibe but I know everybody is very supportive of the grassroots football push.

We were able to get the Football Tasmania board established with Jim Wilkinson, who has provided great leadership and is steering that beautifully. That is the springboard for the Tasmanian team taskforce. I was recently at an event listening to Brett Godfrey speak and what a marvellous salesman he is, very impressive. He has been able to articulate the reasons why we can do this and why, as a confident state, we are capable and ready to host a club which would have a senior men's team and I hope a women's team in that AFL competition.

As we head into grand final weekend I am sure everybody is excited about that, whether your team is playing or not. I go for the Swans so it is a dead loss as far as I am concerned. I will go to Melbourne and have a little holiday on the weekend instead. As we head into grand final weekend, it is really a beautiful thing to recognise that the numbers do not lie. In the winter months in Tasmania, football touches 44 000 players, from the juniors right through, so everyone in football-land, and of those players, if they all bring three or four people to the game, we touch half of the state.

We eat, live and breathe footy and the women are into it now too. I am a netballer by trade but I do not mind a bit of football as well. The time is now, our participation rates are growing, so the work that has been done is improving. We are getting footy back into the schools and we are seeing

that happening already. I think we are on the cusp of doing great things. It is worthwhile saying that on my first full day back and I will no doubt be able to give you regular footy updates.

United Nations Climate Action Summit

[6.10 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, I am standing here tonight to give a science bulletin to the Premier of Tasmania, Will Hodgman, who is clearly, wilfully deaf to the state of the climate catastrophe that we are hovering on the brink of as a planet. Or else he is wilfully, actively ignorant to the information that is being provided by every climate scientist on the planet. He must be wilfully deaf or ignorant because I choose, like Greta Thunberg, not to believe that our Premier is an evil man. Therefore, only wilful deafness or active ignorance are the reasons for why he is refusing to take meaningful action in Tasmania to protect us all.

The much-anticipated UN Climate Action Summit started yesterday in New York and it was attended by more than 60 world leaders. To Australia's eternal shame, it will be marked in our history books and noted by generations to come, that our Prime Minister was in that country and boycotted the summit. He was not there to be part of a critical collective effort to take action to reduce our greenhouse gas emissions.

The people who were there heard from a science advisory group, a collaboration of the world's leading science organisations, who presented a report about the gaps between our targets, our global target to tackle global heating and the reality of what is actually happening. They have told us that average global temperatures in the last four years were on track to be the hottest of any five years in earth's recorded history. Global temperatures have already risen by 1.1 degree since 1850 and they have gone up 0.2 degrees in the years 2011 to 2015. Instead of falling, carbon dioxide levels grew by 2 per cent last year. They are now at 37 billion tonnes, locking in further warming. In just the last four years, emissions have grown by 20 per cent compared to the previous five years before that.

Ms O'Connor - It is horrifying.

Dr WOODRUFF - Yes, it is horrifying. The alarming new data on the extent of sea level rise shows that it has grown by 5 millimetres a year in the last five years, compared to 3 millimetres a year in the average period since 1993. The Arctic summer ice sheet has declined at a rate of 12 per cent a decade over the last 40 years, the lowest values were in the last four years. We are already seeing the tragic effect in countries around the world with sea levels rising, intense tropical storms, economic and humanitarian catastrophes in places like the Bahamas and Mozambique.

The UN Secretary-General, Antonio Guterres, said the world is losing the race on climate change. He said, 'there is a serious conflict between people and the planet'. One of the young climate activists that the Secretary-General spoke to was Greta Thunberg, the young woman who has been the point of energy, the flagstaff for all of the global climate strike movement, for all the children on the planet who have come together in their millions and millions. Last Friday on a global strike in Tasmania we ourselves had young and old people from across Tasmania turning out in their tens of thousands. Greta Thunberg made a speech to the UN Summit yesterday, to the global climate leaders who were there and she said:

> ... People are suffering. People are dying. Entire ecosystems are collapsing. We are in the beginning of a mass extinction and all you can talk about is money and fairytales of eternal economic growth. How dare you?
>
> For more than 30 years, the science has been crystal clear. How dare you continue to look away and come here saying you're doing enough when the politics and solutions are still nowhere in sight ... The popular idea of cutting our emissions in half in 10 years only gives us a 50 per cent chance of staying below 1.5 degrees and the risk of setting off irreversible chain reactions beyond human control.
>
> Fifty per cent may be acceptable to you, but those numbers do not include tipping points, most feedback loops, additional warming hidden by toxic air pollution or the aspects of equity and climate justice.
>
> ... So a fifty per cent risk is simply not acceptable to us, we who have to live with the consequences.
>
> How dare you pretend this can be solved with just business as usual and some technical solutions?
>
> ... You are failing us, but the young people are starting to understand your betrayal. The eyes of all future generations are upon you. If you choose to fail us I say: We will never forgive you.

Long may we hold the words of Greta Thunberg with us. She who inspires not just the people she spoke to that day, but the emotion speaks from the heart of every young person on the planet who is already experiencing the impact of climate warming, who is already experiencing the reality that the future hopes and dreams that they were looking forward to are being crushed by a catastrophic rate of change.

Where was our Premier at the climate strike? Where were the members of this Liberal Government? Where were they to hear the young people on our street? Why was our Prime Minister with the worst climate criminal on the planet, Donald Trump, and meeting with Liberal corporate donor, Pratt Industries. That is how he chose to spend the day meeting with -

Ms O'Connor - He's corrupt.

Dr WOODRUFF - It is corruption. It is criminal that he turned his back on Greta Thunberg and all the other world leaders coming together to look at how we can reduce our emissions. Instead he talked to his cosy Liberal donor, $200 000 in 2017 that man gave to this party to make sure that the Liberal Government - state and federal - does nothing on climate change, holds back the rate of change. The children of Tasmania will not let that happen.

Time expired.

Glenn Britton - Tribute

[6.17 p.m.]

Dr BROAD (Braddon) - Mr Deputy Speaker, tonight I recognise the significant contribution and to commiserate the death of Glenn Britton. Glenn was a true giant of the timber industry and an icon in north-west Tasmania.

Glenn died on Thursday 12 September in the Royal Hobart Hospital after a stroke, which was very sudden. His loss will be felt particularly hard in Smithton where Glenn was a leader in business and the community for many, many decades.

For 50 years, Glenn Britton was a director of Britton Timbers before becoming managing director in 1983 and then chairman in 1986. The Smithton family-based business, Britton Brothers, includes Glenn Britton's brothers Ross, Donald, and Michael, and is currently run by his very capable nephew, Shawn. He has steered Britton Timbers from a small operation into the massive entity that it is now, employing more than 100 families in the Circular Head area and now even further afield.

Glenn was known for being an innovator over his 55 years. He definitely worked very hard to diversify Britton Timbers, turning it into one of Australia's largest importers and distributers of overseas decorative hardwoods. He worked very hard to find niches for Tasmanian timber products. He also steered the company away from products like the deep red myrtle and diversified into not just blackwood, which Britton Brothers is renowned for, but also into Tasmanian oak, which is recognised around Australia as being a high-quality product.

Mr Britton was also very well known for taking a personal approach to his staff. This was certainly evident at his funeral. The funeral was massive. It was in the Smithton Community Centre and most of the employees were there. Some had travelled great distances, including from the mainland, to attend.

The funeral recognised and celebrated Glenn Britton's life. There were a number of eulogies, including one by childhood friend Tony Jaeger, one by Paul Lennon, which started off with quite a risqué joke that certainly got that talk off to a good start and provided many laughs. That was the recognition of the way that Glenn Britton used to like starting meetings that he was involved in by telling a very risqué joke, so that was very appropriate.

Mr Barnett - I notice you have not repeated it.

Dr BROAD - It would be probably a bit risky to repeat that particular joke but it was very funny.

Terry Edwards was also a long-term friend. He also gave a eulogy and had a lot to say. Paul Lennon talked about how much of a fighter Glenn Britton was for the timber industry. There is no doubt that he never took a backward step and you always knew where you stood with Glenn.

The last time that I saw Glenn was in our parliamentary Labor Party meeting room having a discussion about the future of the timber industry only a month or so ago. His loss was sudden and it makes us very sad. He was a true statesman, a gentleman, a business leader and a mentor for many. He was also a great advocate for jobs in regional Tasmania. Our community is all the poorer for his passing.

On behalf of the Labor Party, I offer my condolences to his family. Glenn is survived by his wife Anita and children Dean, Sonya, Jill, Alex and James. I also extend my condolences to their respective families including those of his brothers and the extended Britton family. His youngest son, James, also gave a very heartfelt tribute to his father in the most difficult circumstances. I am sure that Glenn would have been very proud of James and also his daughters who both wrote and read poems that were very touching.

On behalf of the Labor Party I offer my condolences to the Brittons and to the wider Circular Head community. Vale Glenn Britton.

Global Climate Strike

[6.22 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Deputy Speaker, this morning in question time we asked the Premier where he was last Friday when thousands and thousands of Tasmanians including young people, their mums, dads, aunts, uncles and friends took to the streets to join the global climate strike. There are estimates that around the world 150 million people stood up to demand a safe climate and real climate action now.

In a stunning statement, where he could barely keep the smile off his face because he knew how ridiculous it sounded, the Premier said in response that he had other commitments. Of course, he and every single Liberal minister had other commitments at the time that thousands of children were taking to the streets. This is a quote straight from the Premier -

> I was pleased to note the leadership shown by Prime Minister Scott Morrison on the international stage in demanding more of China to do their fair share of reducing emissions as well.

What a disgrace. It could not have been put any better than by living treasure David Attenborough himself. At 93 years old David Attenborough is often noted as the world's most trusted celebrity, a living icon. On Triple J's Hack program today, David Attenborough absolutely smashed into the Australian Government's lack of action on climate and particularly Prime Minister Scott Morrison whose leadership our Premier lauded this morning. What Mr Attenborough says our attitude is -

> No, it doesn't matter. It doesn't matter how much coal we burn. We don't give a damn what it does to the rest of the world.

That is from David Attenborough about the Prime Minister of Australia. As David Attenborough has told us, the Great Barrier Reef is in grave danger. It is in danger of vanishing within decades. What he says to us, given that we are responsible for this large complex and beautiful land mass, a complex ecosystem that sustain myriad life forms including the Great Barrier Reef. David Attenborough says to us, 'What you say, what you do, really really matters'.

He is talking to Australia and the Australian Prime Minister and the Premier of Tasmania who is smeared now by lauding the leadership of a prime minister who refused to go to the UN Climate Summit and instead hung out with a climate criminal at one of his donor's places. It is an absolute, unbelievable disgrace.

In better news, there are 500 councils around the world that have declared a climate emergency as at May 2019. So it is higher now. Nineteen of them are in Australia. They include the Launceston City Council and the Hobart City Council. Now that number has apparently grown to 1020 as at September this year and 50 are within Australia and that number is fast-growing.

On Monday night at Glenorchy City Council Alderman Kelly Sims will move this motion,

That Council:

(1) Affirms its commitment to future generations by addressing catastrophic climate change and biodiversity loss through its ongoing policies, strategies and leadership by supporting the declaration of a climate and biodiversity emergency and registering with the Climate Emergency Declaration Organisation;

(2) Commits to building public awareness and engagement around the Declaration of a Climate and Biodiversity Emergency by endorsing the information provided to councils by the Climate Emergency Declaration Organisation and in line with the UN Sustainable Development Goals about a climate emergency response;

(3) Consults with other Tasmanian and leading councils on a matter of declaring a climate emergency in order to work collaboratively, including the sharing of ideas, practice and information about addressing climate change in an evidence-based, best-practice manner;

(4) Writes to the relevant state and federal politicians and the prime minister to urge the Commonwealth Government to declare a climate emergency at a national level; and

(5) Requests a further report to be presented to council at 23 December 2019 council meeting containing work already completed and future recommendations for the implementation of a strategy and/or framework and/or action plan for councils, climate emergency response that aligns with the UN Sustainable Development Goals.

Well done to Alderman Kelly Sims, showing leadership on Glenorchy City Council. We are seeing that kind of leadership shown at a grassroots and local government level right across Tasmania and the country. I hope that aldermen on Glenorchy City Council endorse Alderman Sims' motion on 30 September. That is one more council that will have declared a climate emergency in Tasmania.

The record shows that when this parliament was given an opportunity to join the 1020 councils and nations around the world that have declared a climate emergency, both the Liberal and Labor parties squibbed on it. They did not seek to amend the motion so it was more palatable to them. They refused to support it.

Ms White - Yes, we did.

Ms O'CONNOR - Yes, and you had Adani in there. For goodness sake.

Ms White - You lied.

Ms O'CONNOR - How can you declare a climate emergency and be taken seriously if you want to support the Adani Coal Mine?

Ms White - It was bagging out Bob Brown for doing that. Adani. Whatever. That was during the federal campaign.

Mr DEPUTY SPEAKER - Order.

Ms White - You do not remember what we debated.

Ms O'CONNOR - Your colleagues in Canberra have signed up to the parliamentary friends of coal. You do not get away with that, Leader of the Opposition. I cannot remember once since Ms White became leader that the Labor Party has asked in question time a question on the climate emergency. That is because they are captured by the coal, oil and gas industry. They are coal lovers. They support the Adani Coal Mine. Just like the Liberal Party, they are in bed with the fossil fuel industry, which is poisoning our planet and robbing our children of a future. A pox on both your houses.

Glenn Britton - Tribute

[6.29 p.m.]

Mr BARNETT (Lyons - Minister for Resources**) -** Mr Deputy Speaker, tonight, as Minister for Resources, on behalf of the State Government, I pay a heartfelt tribute to Glenn Britton. Glenn Britton passed away recently. He was born on 2 May 1943 and died on 13 September 2019. His service was recognised and the celebration of his life was held last Friday, 20 September, in Smithton at the Circular Head Community and Recreation Centre. It was a very special service attended by so many people. It was a huge turnout; his family and friends were there in force and many from the local community. I acknowledge on the record the presence of Gavin Pearce, the federal member for Braddon; my colleague, Roger Jaensch; Joan Rylah, my colleague from Braddon; Shane Broad, Anita Dow and many others, including many from interstate, Greg McCormack, for example, the president of the Australian Forest Products Association, Ross Hampton, James Neville-Smith and many others.

I acknowledge the contributions and eulogies from Paul Lennon, Terry Edwards and Tony Jaeger, and a particular acknowledgment of Glenn's son James, who presented a heartfelt presentation of his love for his dad and a tribute to his dad. It was emotional but it was a terrific presentation and sharing of his heart, and we all really appreciated that. I say congratulations and well done to James. It was a really terrific eulogy. I know, as I said to James later on, his dad, Glenn, would be truly proud.

Mr Deputy Speaker, you were there and did a great job, because I know you are close to members of the Britton family through a presentation at your wedding, so you have a very special relationship with members of the Britton family. Many of them were carrying the Essendon Bombers colours and that was well recognised.

I have known Glenn over many decades. He was managing director of the family-owned timber company, Britton Timbers, and was a titan of the timber industry in Tasmania. He worked

hard as a timber worker and was a strong advocate for the industry. He was indefatigable in championing the timber industry across Tasmania and, indeed, across the country. He was such a strong advocate and he was also recognised as a true gentleman. That says a lot about the man.

I first got to know him when I was working as an advocate and consultant for the National Association of Forest Industries back in the 1990s and then also working for the Forest Industries Association at the times during those attempted lock-ups by the federal government at the time. Then I entered the Senate in February 2002 and the first legislation I had the ability to make a contribution on was early in March of that year when we passed through the parliament the resource security legislation. FIAT worked hard to get that up, the Tasmanian timber industry supported it hard and Glenn Britton supported it hard and it was a really great celebration when that resource security legislation was passed. We did not agree on everything but just about everything in terms of support for the timber industry.

Glenn came from a long line of forest industry workers. He was one of four brothers, the third generation of Brittons that operated and managed the Britton timber dynasty on the north-west coast, particularly in Circular Head. His ancestors worked in the Circular Head region since 1906 surviving intense competition, even the Depression, to create one of the great Tasmanian forest industry success stories, moving from being a small family business and growing over that time, delivering jobs and opportunities to so many families in the Circular Head region and elsewhere.

They were one of the early pioneers in the use of rail for haulage, and this pioneering spirit has continued throughout the history of Britton Timbers. Certainly by the 1950s Brittons was the largest producer of the iconic Tasmanian blackwood timber and they continued to innovate with the introduction of the electric mill to their Britton's Swamp operation.

In 1975 Britton Timbers built and commissioned their new modern sawmill in Smithton, complementing their kiln-drying complex across the road and providing an important value-adding component to their production. In the 1980s Glenn and his brothers, now running the family company, continued the legacy of their fathers and grandfathers and continued to innovate, diversify and add value to the wonderful Tasmania timber resources of the region. In doing so they continued to be important employers in the region.

They then seized the opportunity and expanded, opening distribution and warehousing in Sydney and Melbourne, building up that business, creating jobs in Tasmania and expanding through and selling those wonderful products on the mainland. During Glenn's time at the company, Britton Timbers not only survived but thrived and had become the sole surviving family-owned Circular Head business.

Today the business continues as a family-owned business that source timber from many of the areas that include the same areas as the original Britton family sourced timber, demonstrating that Tasmania's forests are truly sustainable and renewable as a resource, and the company continues to innovate and diversify, maximising the value of that timber resource.

The story of Britton Timbers is one that we can hope is emulated by many of the Tasmanians in that forest industry maximising value, providing employment and economic value to the state, all whilst utilising the ultimate renewable, timber. Wood is good, particularly in Tasmania, where it is sustainably managed.

I would like to pay tribute to Glenn Britton and recognise that his nephew Shawn now operates and manages the business, continues the legacy of his forefathers, and is continuing to run this successful business as they did, innovating and diversifying. I pay tribute to Glenn and his family and pass on my condolences to his wife and his broader family.

Time expired.

Glenn Britton - Tribute

Stanley - Nut State Reserve Amenities Block

Ashtyn Dennison - Tribute

[6.36 p.m.]

Mrs RYLAH (Braddon) - Mr Deputy Speaker, I rise tonight with a number of short acknowledgements. I would also like to commemorate the passing of Glenn Britton. I recognise his significant contribution to regional Tasmania. I was also there, as the minister has outlined, as were many of us. I attended his funeral along with many people from the local community. I have known Glenn, his brothers and sister, his father, and many in the broader family. It is a loss that is significant and I know his dogged fight to ensure native forest logging survived the Tasmanian Forest Agreement.

While I remember Glenn as one of the boys around town, we all know Glenn was a big man, and he was a big man even as a late teenager. He was around town in his or his father Frank's car, and his mates, Tony and Dump Jaeger, along with my older brother, were part of a gang of fairly disreputable young men around town.

Leaving that aside, Glenn was a clever man who delivered a hugely safer workplace and had a deep love of the 80-plus year rotation of our rare forests in the Arthur Pieman. As the minister said, Glenn re-harvested many of the forests that were original Britton Brothers and Jaeger forests, so it was a significant long-term strategy, but his company was laughed at by some in the 1960s and 1970s for being away with the fairies and they said it was not going to work, they would not be able to do it.

Glenn was a pragmatic man. He knew a good deal, he knew how to get what he wanted and he was dogged. I pay tribute to Glenn and pass on my condolences to his family.

On a brighter note, it is my pleasure to acknowledge tonight some great work done by Parks and Wildlife, in collaboration with a local firm. The historic village of Stanley at the base of the Nut sits on a sheer-sided escarpment which is the rock monolith that remains as the ancient volcanic plug, the Nut. Stanley and the Nut are tourism jewels of the north-west coast. Last week, I was pleased to be able to visit Stanley and view firsthand the new amenities block which is being built at the very popular Nut State Reserve. It is a $225 000 project, a significant project, which includes fully compliant all-access toilets, two ambulant toilets, and two other male and female toilets, and has been built at the base of the chairlift adjacent to the walking tracks and the cafe.

The Parks and Wildlife Service and the staff of the local company, MEAD CON, have to be congratulated on working through a very cold, windy and bleak Stanley winter in an exposed position to deliver this contemporary amenity block that fits in with the local landscape and the environment.

This is an innovative amenities block, with electronic locks; it is incredibly well protected from the weather and it was surprisingly warm, would you believe.

The Tasmanian way of life is the envy of the nation and the $225 000 spent in Stanley is part of an unprecedented $31 million being invested by us into future-proofing infrastructure in our national parks and reserves to enhance the experience for visitors and locals alike.

Braddon is a great part of Tasmania and I am sure this facility will encourage visitors to spend a little longer exploring the wonders of Braddon. I congratulate MEAD CON and the Parks and Wildlife Service on the outstanding quality of this project.

I also wish to recognise a very talented young woman. As we heard earlier tonight, this is footy time. This time of year, we are overcome with footy fever and whether it is your local league or big time AFL, most newspapers and local conversations mention some aspect of the game.

Last weekend the North West Football League's grand final was held in Latrobe. I am sure there was only one person more nervous than the players involved and that was 17-year-old Ashtyn Dennison of Port Sorell. Not only did Ashtyn take a prominent role as one of the four boundary umpires in the senior's final, but she also sang the National Anthem, to show that women can do all sorts of things, a girl of many attributes.

I have since learned that this is the fifth finals day where Ashtyn has taken on an umpiring role at only 17-years-of-age, a great achievement at such a young age. Ashtyn is no stranger to the public stage. At a younger age she performed at the NewGen events conducted at the Christmas carnivals in Braddon and she has also performed as part of the Latrobe High School productions as a student there.

Now a student at Don College, Ashtyn is continuing her association with musicals and this year played a role in the college production of *Legally Blonde*, the musical. Ashtyn is also the Latrobe Council 2019 Young Citizen of the Year. I congratulate Ashton on all she has achieved at the age of 17 and commend her for her community involvement through sports and the arts.

Jordan River Services

[6.42 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Deputy Speaker, I congratulate Jordan River Services, which held its AGM recently, for all the extraordinary work it does to support the Bridgewater and Gagebrook community.

They have a board of management who give up so much of their time and I recognise them. Phil Leed is the president, Lawrence Richards and Janet Fedczyszyn are vice presidents as well as volunteers with a range of different programs that are offered.

Ian Langdon is the secretary and also a volunteer. Athol Nossiter is a volunteer and a member of the board. Sherryl Downey, Leigh Gray, and Tony Verrill are all volunteers and members of the board. Shane O'Sullivan is a mentor driver. Wayne Rush is also a mentor driver. Christine Ransley, a volunteer, as well as Belle Joyce, Kylie Truswell and Corey Barnes are volunteers and members of the board.

The JRS team of volunteers does an amazing job for the community and they have actually calculated the amount of time that is given. Over the course of the last financial year, across the three sites which are Bridgewater and Gagebrook Community Centres and Pete's Community Work Shed, they contributed 436 volunteer hours per week, which is the equivalent of having 96 volunteers on site across those three different operations every week. It is a total contribution valued at $1 115 114 which is pretty extraordinary.

I also recognise Helen Manser, who is a JRS manager, Cheynee Pullen who is the Gagebrook Community Centre Coordinator and Chelsea Barnes who is the Bridgewater Community Centre Coordinator.

The outcomes reporting that is provided to the department shows that the Bridgewater Community Centre, on average each week, saw 830 people participate. Volunteers average about 33, volunteer hours averaged 151. The approximate annual participation, 39 840 individuals. The top three reasons for participants attending Bridgewater were direct support for things like emergency relief, needle and syringe program or meals, to access community resources such as computers or for social connection, attending one of the community lunches or just dropping in.

At the Gagebrook Community Centre, people participating in an average week was 625 with volunteers at 63, volunteer hours at 285 and the approximate annual participation, 30 000. The top three reasons for participation at Gagebrook were employment pathways, so people either doing work for dole or engaging with the Waterbridge Co-op, or direct support, accessing emergency relief or meals or engaging in the parenting and family support program such as Family Support or Parents R Us.

There is also some interesting data from their Food Pantry and Fast Foodies which are connected with the Waterbridge Co-op. The number of meals provided from the co-op pantry from July to June 2019 was 13 102. They were the meals that went in. The number of meals that went out was 11 996. The number of pantry instore customers from July to June was 2526. That is 2526 people in that community are being assisted to access nutritious healthy meals at a really low cost. They estimate that they produce about 1.2 tonnes of garden produce from the two gardens that support the work of the Waterbridge Food Co-op Pantry. Fast Foodies made a total of 13 102 frozen meals. They made 13 018 jams, chutneys or relishes, 106 desserts and 433 biscuits.

I thank them so much for the work that they do providing job opportunities for people, providing nutritious and healthy meals to people and making the community centre a real heart of Bridgewater and Gagebrook.

I was also interested to read about the work of the integrated family support services in the report that was provided as part of the annual report by Christine and Rachael. I will read from it because I think it is really important to understand the type of matters they are dealing with in that community.

> The Jordan River Service Inc Family Support have taken on the use of the Structured Decision-Making Risk Assessment Tool to implemented it through Mission Australia that was recommended through the Coroner's report into child deaths. Rachael and Chris attend regular coaching sessions with Mission Australia for this new tool.

> The Strong Families-Safe Kids program determined that JRS Family Support workers' capacity changed from 24 families and four active holds to 30 families and 4 active holds.
>
> From January 2019, Rachael's case load became 14 families as the team leader role takes up one spot and Christine's case load is 15 families and at times active holds are utilised. Some of these families are extremely complex with several families being in remote areas, which impacts on time management due to travel.
>
> The main concerns with families are around the areas of homelessness, family violence, disabilities, drug use and families living in rural areas. It has become noticeable and quite challenging that there is a housing crisis in Tasmania this year and this has impacted significantly with family support clients. It has been challenging to try and work with families around parenting issues when families are living in tents, caravans and couch surfing.
>
> There has also been continued emerging issues around the number of children disengaging with school due to electronic games such as 'Fortnite'. Impacts are anxiety, increased aggression from children toward their teachers and parents, children refusing to engage with social supports and the lack of options around finding support for parents and children where this is a serious issue. Parents seem to also be struggling with violent outbursts from teenagers and Family Support has had to engage with Police Early Intervention and the new Step-Up program through Colony 47 to try to support parents through this challenging time.

There is no doubt that some of the families they are working with are incredibly complex and I take my hat off to them both for the work they do supporting people and we have certainly worked with them closely through our office making referrals and they have been really incredible in the way that they have gone about helping families and helping them access housing or helping them with their children.

I acknowledge all the workers and the volunteers at Jordan River Services for everything they do and look forward to catching up with them soon.

Time expired.

Burnie High School - *Hansel and Gretel*

[6.50 p.m.]

Ms DOW (Braddon) - Mr Deputy Speaker, my daughters and I attended the Burnie High School's recent production of *Hansel and Gretel* last Saturday night. What a fabulous performance it was and I extend my sincere congratulations to the staff, the students, the crew, those involved in the band and every individual who was involved in pulling together this outstanding production.

I wanted to make mention of Ben Lohrey who was the producer and direction, Maree Welsh who was the producer and assistant director, and Bronwyn Darvell who was the musical director and assistant director and also a number of the lead key roles in the musical; Hansel who was

Kealin Corona; Gretel - India Gregson; Fritz - Thomas Twining; Prince - Aiden Brumby; Peggy - Zoe Mott; Heather - Caitlin Broxam; and Wally - Luke Thorne.

It was a great take on *Hansel and Gretel*. Lots of great contemporary music was involved in the production, and outstanding art works for the set. I congratulate the students on their choreography. A couple of my favourite scenes and the music that accompanied those scenes were scene 7, the Circus with 'Let Me Entertain You' and 'This is Me'; and scene 1 of act 2 - with 'Shake Your Groove Thing'.

Overall, it was a fantastic production involving up to about 150 students which is no small task in itself. I congratulate everybody who was involved and if you did not get to see it you missed out. It was fantastic.

The House adjourned at 6.51 p.m.