

Thursday 28 November 2019

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

RECOGNITION OF VISITORS

Madam SPEAKER - Honourable members, I draw your attention to the presence in the gallery of some wonderful students from TasTAFE who are doing vocational preparation. Welcome to parliament.

Members - Hear, hear.

QUESTIONS

Inflammatory Bowel Disease - Employment of Specialist Nurse

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

[10.02 a.m.]

The consequences of your cruel cuts to the Health budget are being felt across the community. Crohn's and colitis are painful, debilitating conditions that can lead to life-threatening complications. The primary place for treatment for many impacted Tasmanians is at the Royal Hobart Hospital's gastroenterology and liver department. Unlike every other Australian state capital, Hobart does not have a specialist inflammatory bowel disease nurse. These nurses are experts in the complex medical needs of Crohn's and colitis sufferers. Despite multiple business cases for the recruitment of a specialist IBD nurse over the past five years, your Government is yet to employ one. One of the gastroenterologists working at the department has recently resigned due to the lack of resources, further putting services at risk.

One of the consequences of your failure to act on this issue is the risk of bowel cancers not being identified. Currently at the Royal Hobart Hospital 56 per cent of patients with IBD have not been receiving timely bowel cancer screening. Why have you not listened to doctors and health professionals and when will you employ an IBD nurse so that Tasmanians in pain can get the help they need?

ANSWER

Madam Speaker, I thank the member for her question. Whilst the specifics of the question with regard to clinicians I am happy to seek further advice on, I would like to be very clear that this side of the House is committed to the Royal Hobart Hospital. This is the side of the House that is going to deliver a new hospital with 44 fully funded new beds, while the other side failed to lay a single brick. This is the side of the House that has delivered 450 more FTEs at the Royal. This side of the House has clearly shown its commitment to both delivery of health care services from a budget perspective, but also in terms of delivery of services, while the other side fails to come in here and articulate any type of alternative. We know that they have not come forward with any alternative budget or alternative policies, and this is a sad attempt at the end of the year to try to throw mud. As I have said -

Ms WHITE - Point of order, Madam Speaker, under Standing Order 45, relevance. I asked the minister specifically when she will employ an IBD nurse at the Tasmanian hospital because there are many people who are suffering from this debilitating condition and she is not addressing the question.

Madam SPEAKER - Thank you, that is not a point of order but it would be helpful if the minister could address the question.

Ms COURTNEY - Thank you, Madam Speaker, I appreciate the point of order. When I opened I said that I was unable to provide that information but if I was able to provide advice to the House, I would. What I am doing is outlining the significant support this side of the House has to our entire health system, particularly at the Royal Hobart Hospital. We have seen 22 new repatriation beds at the Royal, seven new beds at New Norfolk, 20 new beds and recliner supports in the ED. We are supporting mental health, with six mental health beds at Tolosa Street, 12 mental health beds in the Home services which commenced this year and quite clearly, what we are seeing also is the delivery of the single biggest health infrastructure this state has ever seen - 44 new beds.

We are going to have 2500 more Tasmanians receiving care every year through this facility and it is unfortunate that the other side, as we draw to the end of the parliamentary year, fails to come in here and be constructive.

Inflammatory Bowel Disease - Employment of Specialist Nurse

Ms WHITE question to MINISTER for HEALTH, Ms COURTNEY

[10.06 a.m.]

The Australian Government's Inflammatory Bowel Disease National Action Plan demands that states provide increased access to specialist IBD nurses, but still you and your Government have chosen to prioritise savage budget cuts to our hospitals and health system. Due to the lack of a specialist nurse and the resignation of one of the gastroenterologists, the gastroenterology and liver department risks losing its accreditation with the Royal Australasian College of Physicians. That will mean the loss of a registrar, but perhaps more importantly, the loss of training capabilities at the department and the loss of services to people in pain. Why have you not recruited an IBD nurse at the Royal and why won't you stand up for our hospitals against your Government's savage budget cuts?

ANSWER

Madam Speaker, I thank the member for her question. I reject any assertion about this side of the Chamber not investing in Health. There is over half a billion dollars more in this year's Budget than when they were in government. There is \$100 million more this year, 32 per cent of our budget, up from 25 per cent a decade ago. I refute the fact that this side of the Chamber, and I, as minister, are not absolutely dedicated to outcomes within Health and making sure that we continue to fund Health. We know that the other side slashed nurses and closed wards, so I absolutely refute that.

With regard to detail of the question, we welcome the Morrison Government's health plan which has given a \$117 million boost into our health system, which includes the centrepiece, a \$34.7 million package to make sure that more than 2000 Tasmanians get their colonoscopies this

year. We are partnering with our federal colleagues to ensure we are delivering these essential services and we will continue to do so.

With regard to investment within elective surgery and other services, this side of the Chamber has a clear track record of investment, while the other side left patients languishing on waiting lists for over a decade.

Hodgman Government's Legacy

Ms O'CONNOR question to PREMIER, Mr HODGMAN

[10.08 a.m.]

As we end the year, it is worth taking a look back at the legacy you have continued to build in 2019. You have failed to address the key challenges facing Tasmania: the climate emergency; Aboriginal reconciliation; a broken health system; homelessness; bushfire safety; the harm caused by poker machines; and the extinction crisis facing threatened species, to name a few. Instead, you have been pushing destructive policies, designed with only political goals in mind.

You have sought to undermine the democratic right of Tasmanians, privatise their wilderness and to erode judicial independence. You have overseen the planned destruction of Aboriginal Heritage in Tarkine, the logging of old-growth forests, mass wildlife culls and you have used taxpayer funds to support coal mining projects. All along the way, you have undermined the objects of the Right to Information Act 2009. You have refused to be truthful and transparent with Tasmanians. Do you really want the history books to remember you as a self-interested and weak figure who did not have the courage for honesty, let alone true leadership? Is maintaining power for power's sake worth it?

ANSWER

Madam Speaker, I thank the Leader of the Greens for the question. Just two years ago, when the people of Tasmania had the opportunity to express their views about who they wanted to lead this state and this government, they elected a majority Liberal Government to continue the work it started and to deliver more for our state, which is what is happening. There are a number of areas that are very much a Greens' agenda, at least a Greens' slant, but when it comes to what we have always said we would deliver, we are doing so.

Our economy is now the strongest performing in the country. There are 15 800 more Tasmanians employed now than when we came into government; 10 000 were lost during a Labor-Greens government's term. Our economy is strong. It was in recession under Labor and the Greens. Business confidence levels are high. They were at their lowest in the nation when Labor and the Greens were in government. We had more people leaving our state seeking opportunities elsewhere. They are now returning, with opportunities in Tasmania abounding. We have also committed not only to managing our economy well, but also our budget, which we are doing. It is balanced and we are delivering budget surpluses so that we can invest more into health services. There are more doctors and nurses now employed in our health system, more paramedics, more police officers, more correctional officers. We have more frontline public servants in our health, education and community services assisting Tasmanians in need.

These are the things that are important to us, as is investing in the infrastructure our growing state needs. The multi-generational infrastructure program that we have outlined in our budget, supported strongly by the coalition government - the Morrison Government - bringing forward funding for infrastructure is all about meeting the demand in our state with such a strong economy, growing population, increased tourism and increased exports.

We need to invest in infrastructure and we are doing this in an unprecedented way off the back of a strong budget position and which will, as the budget forecasts, create 10 000 more jobs. Whilst the Leader of the Opposition - well, the true leader of the opposition, I should say - will inevitably on this final day when there is an opportunity to present what is most important to her, use the opportunity to make some nasty personal attacks, whatever. I could not care less. Our record stands strong. Our state is in better shape now than when we came into government. It is in better shape now than it was this time last year. We are focused on delivering for Tasmanians, not worrying about squabbling with each other.

Infrastructure and Transport - Long-Term Plan

Mr TUCKER question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr FERGUSON

[10.13 a.m.]

Can you update the House on how the Hodgman majority Liberal Government is delivering our long-term plan in infrastructure and transport and small business to support the strongest economy in the country and create jobs and why it is important to have a plan?

ANSWER

Madam Speaker, I thank the member for Lyons for his question. He is right when he says that Tasmania is the nation's economic powerhouse. That is a terrific story for our state and one that Tasmanians are thrilled by. There has been an endless stream of buoyant news recently where people are speaking well about our state. It is long overdue. It is clear that our long-term plan is working and Tasmanians are embracing it. There is now a real buzz and an excitement in the business community, especially in the infrastructure sector across all the stakeholders with whom I speak.

Last week saw the latest Sensis Business Index that proved yet again, for the ninth consecutive quarter, that our policies are the most popular in the nation. This means that of all the states in the country, it is this state where business believes that this Government has their back. They know that we have their back. They know they can trust the Hodgman majority Liberal Government to deliver the policies they need to let them get on with business and to thrive without unnecessary hurdles or interventions.

Through industry consultation and direct engagement with small business, the Government has delivered 90 red tape reduction reforms to make doing business in Tasmania easier and to allow our businesses to be more productive so they can employ more people. The Australian Bureau of Statistics has rated our economy as the fastest growing and strongest performing in the nation. I believe that that would be welcome news to all members of our House.

Tasmania's growth of 3.6 per cent is the highest growth rate of all of the states and territories and nearly double the national gross domestic product growth of 1.9 per cent, alongside the massive infrastructure spend that the Premier just reflected on, the largest in our history. The results speak for themselves and nobody should think that it is a result of an accident of history. It is because we have a plan, and Tasmanians have voted and elected us to implement that plan.

Confidence leads to investment, investment leads to jobs and jobs means more Tasmanians living their lives happily, independently. We have seen 1600 more businesses since we came to office, since Will Hodgman was elected premier, 1600 more businesses; another record. Last month alone, 800 jobs were created, representing the fastest growth in the country, with 15 800 jobs created since we came to office. Engineering construction work grew 5.3 per cent in the June quarter, the strongest in the country. Private new capital expenditure in the same quarter, was 66 per cent higher than when we came to office.

There are success stories such as Richardson Devine Marine. They are making progress on the new Bruny Island ferry under construction for SeaLink. That company is a shining example of the leap in private new capital investment and it should be welcomed. This ferry will soon hit the water and I look forward to sharing more positive news in relation to landside infrastructure to support the new ferry, supporting islanders, and supporting visitors.

Tasmanians can be assured we will not rest on our laurels. Our infrastructure spend right now across the state, as the Premier again has just said, will support 10 000 more jobs. The record \$3.6 billion infrastructure budget is seeing an unprecedented amount of construction activity and the construction and infrastructure civil construction sector is telling us that the relationship has never been better with government. Of this figure, \$1.6 billion is being invested into transport infrastructure which, as the Premier recently said, has almost doubled from around 7 per cent in 2014, to nearly 12 per cent in this 2018-19 financial year.

As I bring you some other important information, we are ahead of schedule on the massive \$500 million 10-year Midland Highway Action Plan. We have a robust pipeline of projects to boost the industry and grow jobs well into the future.

Dr Woodruff - Meanwhile, people are sleeping on the streets. The hospital emergency departments are overflowing, the prison is overflowing: failure everywhere.

Madam SPEAKER - Dr Woodruff, I know we are all very tired, but we do have to behave.

Ms Archer interjecting.

Madam SPEAKER - Ms Archer, chatting across the Chamber does not help. Thank you.

Mr FERGUSON - Madam Speaker, the recent announcement by the prime minister that \$173 million will be brought forward to accelerate Tasmania's record infrastructure program is very welcome. We are getting results for our state by working with the federal government -

Ms O'CONNOR - Point of order, Madam Speaker. Standing order 48, the minister has been congratulating himself for five minutes now.

Madam SPEAKER - According to my clock, he has two seconds to go.

Mr FERGUSON - If I could conclude then, and take your hint to resume my seat, I say that this side of the Chamber has a plan. That side of the Chamber, you have a fence and you are sitting on it.

Government Tendering Processes

Ms OGILVIE question to TREASURER, Mr GUTWEIN

[10.19 a.m.]

I refer you to the Integrity Commission's recent Operation Taurus; the ease with which the tendering and contracting process was manipulated should be ringing some alarm bells for the Government. It does appear that there is insufficient scrutiny of contracts that are below the reporting threshold of \$50 000. Have you ordered a full review of every contract value that is between \$40 000 and \$50 000, and if not, why not?

How many state government contracts were issued in each of the last four financial years that were valued between \$40 000 and \$50 000? In the interests of transparency and the community's right to know, will you agree to publicly release the list of contracts awarded over the last four years that were of that value between \$40 000 and \$50 000? Will you let us know whether any compensation has been paid for failed tenders?

ANSWER

Madam Speaker, I thank the member for Clark, Ms Ogilvie, for that question. The state Government takes its tendering very seriously. We have systems and probity checks. As to the number of contracts specifically between \$40 000 and \$50 000, I will seek advice and forward that to the member once that advice is to hand.

Elective Surgery Waiting List - Numbers

Ms WHITE question to MINISTER for HEALTH, Ms COURTNEY

[10.20 a.m.]

Your savage cuts to Health are having a devastating impact on the delivery of services. You have instructed hospitals to cut elective surgery activity by 15 per cent. Patients are now feeling the painful consequences of your heartless decision, and languishing on waiting lists. Patients like Geoff from Barrington, who spoke on the radio about the fact that his hand will have to be amputated because he has waited too long for the surgery that could have saved his hand. Leaked figures reveal that there were 10 837 people waiting for surgery at the end of October. Can you confirm this is the highest elective surgery waiting list on record?

ANSWER

Madam Speaker, I thank the member for her question. Once again, I absolutely, categorically, refute the allegation or even the suggestion that this side of the Chamber has not made a significant investment into Health.

Thirty-two per cent of our state Budget is now invested in our health system, up from 25 per cent. More than half a billion dollars invested this year, compared to when they were in government. This allegation that Ms White keeps peddling is absolutely untrue. When we were elected we saw elective surgery at their worst levels in the nation. It was a disgrace.

Ms WHITE - Point of order, Madam Speaker. The member has just misled the House and I ask her to withdraw that statement, unless she wants to continue to mislead the House. There are actions we can take if she chooses to do that.

Madam SPEAKER - As Speaker, I am not in a position to know whether the Minister for Health has misled the House. That can be resolved by way of a substantive motion.

Ms COURTNEY - When the Hodgman Liberal Government was elected in 2014, Tasmania's elective surgery performance was the worst in the nation, with Tasmanians waiting longer for elective surgery than anywhere else in the country. We have worked hard to turn this around and we have invested heavily over the past five years, with more than \$100 million of state funding, as well as significant Commonwealth funding. This investment took Tasmania's levels of elective surgery to the highest level in the country per capita and it has delivered outcomes.

We have reduced waiting times on the list for the longest-waiting patients. In March 2014, the average non-urgent patient had been waiting 531 days more than clinically recommended. In June this year, that stood at 95 days. That is an improvement of more than a year, an 82 per cent reduction. We understand there is growing demand across our health system, which is why we are continuing to invest \$8.1 million of Health spend, supporting additional investment, doctors, nurses and beds.

Members interjecting.

Madam SPEAKER - Order. If this is going to be the tone of this morning, I am going to ask the minister to sit down because you are not prepared to listen to her answer.

Ms O'CONNOR - Point of order. The question that was asked by the Leader of the Opposition was very clear and precise. The minister is being asked to confirm whether there are 10 837 human beings languishing on the elective surgery waiting list.

Madam SPEAKER - Thank you for that. As you know, it is not a point of order. I cannot instruct the minister to answer in any way other than she sees fit. If the questioners do not want to listen to the answer, the minister need not stand here trying to argue across loud voices.

Ms O'CONNOR - Briefly, on the point of order, we would like to hear an answer.

Madam SPEAKER - If the minister would like to share her answer and you are prepared to listen to it, please proceed.

Ms COURTNEY - The Government has also committed, with a \$7.2 million women's health package, which is on track to provide an estimated over 1092 surgeries and procedures for Tasmanian women. Furthermore, the Morrison Government is providing \$34.7 million to reduce surgical waiting times by providing an additional 6000 surgeries and endoscopies over coming years, including primary care support for Tasmanians in rural and remote locations. Endoscopies have been identified by clinicians as an area of need. As part of the first tranche of the Morrison

Government funding, we expect to deliver over 2000 additional endoscopies for Tasmanians. We will continue to invest in our health system. We have delivered before and we will again because Health is a fundamental priority for the Hodgman Liberal Government.

Health - Effect of Budget Cuts on Elective Surgery Waiting Lists

Ms WHITE question to PREMIER, Mr HODGMAN

[10.26 a.m.]

Damning figures obtained by Labor reveal that 5386 patients were admitted for surgery between July and October but, over the same period, 6705 people were added to the waitlist, leading to a waitlist that is now close to a staggering 11 000 people. Waiting lists are spiralling out of control and people are suffering in pain. Some are at risk of dying. The situation is only going to get worse because you are cutting the Health budget. This massive blow-out has occurred in the months following your decision to cut elective surgery activity by 15 per cent. Have you done any modelling on how many thousands of Tasmanians will be waiting for surgery by the time you have finished your \$450 million budget cuts?

ANSWER

Madam Speaker, I thank the member for the question. The Leader of the Opposition dishonestly characterises the efficiency dividend, its application and its scale, which we have repeatedly placed on record in terms of its scale and as to where the efficiencies will be sought by Government. It is not in the front line and not in services that Tasmanians need. We are investing in more nurses, doctors, paramedics and health infrastructure across our state. We will target our efficiency dividend to, as the Treasurer and I have repeatedly outlined, the back line; in travel, consultancies and non-essential expenses that will not impact on front line service delivery. It is dishonest for the Leader of the Opposition to characterise the efficiencies, the savings measures that we have outlined and the cuts that she asserts have been made in the health system.

The minister has outlined the status of our current waiting list. We recognise that there is increasing demand in our health system. It is acknowledged, at least by us, and we accept responsibility for addressing it, as we are doing but the Opposition, as the minister previously outlined, presided over the worse elective surgery waiting lists in the nation.

In our first term in Government we were able to reduce elective surgery waiting lists to the lowest ever in Tasmania but we are now meeting increased and unprecedented demand in our hospital system and in elective surgery. That is why we are responding with what is a significant investment of \$8.1 billion into our health system, which takes the percentage of our budget spend up to 32 per cent, around the highest in the nation. It was 25 per cent a decade ago, when Labor was in government. This year alone, more than \$100 million more was spent in Health. That is \$550 million more than in the 2013-14 Budget under Labor and the Greens.

This has delivered 1050 additional staff for our health system, 600 more nurses, 170 more doctors and 110 more extra paramedics and dispatch officers for Ambulance Tasmania. This is possible because we have managed the budget well. There are challenges in our budget, we acknowledge, but cutting those things that are not essential for ensuring Tasmanians can get better health care sooner and investing more, as we are doing, will lead to much more positive results.

Disadvantage in Tasmania

Ms O'CONNOR question to PREMIER, Mr HODGMAN

[10.30 a.m.]

Under your watch Hobart now has the least affordable rental market in the country, homelessness is soaring and house prices are skyrocketing preventing young Tasmanians from owning their own home. With short stay listings continuing to rise, your Government still stubbornly refuses to regulate short stay accommodation. You are also attempting to pass laws to silence political protests.

Your Government has spent five years diverting public funding to big business, including Liberal Party donors, and underfunding social services. Your Government has been regulating for big business and stripping rights away from individuals. We have just heard there are 10 837 Tasmanians languishing on the elective surgery waiting list. When will you stop governing for the wealthy and the big end of town at the expense of everyone else? Are you so out of touch you fail to see that your policies unjustly disadvantage the majority of Tasmanians for the benefit of those who do not need government support?

ANSWER

Madam Speaker, I thank the Leader of the Greens for the question and the typical Greens' lines we usually get, not backed by any substance. There is nothing to back the assertions she has made, but it is typical rhetoric from the Greens without foundation.

We acknowledged, welcomed and noted the Shelter Tas and the economics report released this week, which again confirms that we are in the midst of not only strong activity in our housing sector, but there is also, and we acknowledge, stress right across the housing sector.

It is important to acknowledge and it will be a foreign concept to the Greens and their coalition colleagues, the Labor Party, that there is increased demand across our housing sector. That includes in the tourism industry which is booming under this Government and our private sector has responded accordingly. It is important to acknowledge this because it is essential we not only have more capacity to build additional supply right across that housing sector, but a strong buoyant and confident building and construction sector, which we now have.

When we talk about nation leading data, we have the strongest performing housing and construction in the country: dwelling approvals and commencements, completions and work done with more happening in Tasmania than any state in the country. In the year to September 2019, our first home buyer growth -

Ms O'CONNOR - Point of order, Madam Speaker, on relevance. I asked the Premier to talk about human beings, Tasmanians, not money, not the economy. There were serious questions in there that he needs to address.

Madam SPEAKER - Unfortunately, it is not a point of order because I cannot make the Premier do anything other than he chooses.

Mr HODGMAN - It is a puerile point of order and puerile point. Self evident is the fact these homes being built, and I will get to what the Government is doing, by the most buoyant building

sector in the country are being built by people for people to meet that additional demand, to get more Tasmanians into their first home.

Dr Woodruff - Not for Tasmanians. They cannot afford to buy them.

Mr HODGMAN - They are. We have the highest rate of first home buyers in the country. This is dishonesty again from the Greens. It is important to acknowledge the role the private sector is playing. They are supported by Government with our first home builders boost, stamp duty concessions, HomeShare and our StreetsAhead programs.

As to what the Government is doing, it is farcical for it to be suggested by the Greens that we are not responding to the demand in our housing system. When you consider what is an unprecedented investment in our affordable housing strategies, our first and now onto the second, \$258 million over eight years on programs to increase access to supply: social housing for people, reducing homelessness for people and improving housing supply across our state for people. It is the largest ever state government investment into affordable housing in our state's history. We have allocated an additional \$5 million for immediate action to reduce homelessness and housing stress for those people suffering. It was this Government, as I said yesterday, that secured the forgiving of the historic housing debt -

Ms O'CONNOR - Point of order, Madam Speaker. The Premier is now misleading the House. His government had nothing to do with the waiving of the housing debt. You can thank Senator Lambie for that.

Mr HODGMAN - Absolutely wrong. It was in fact my Government. Yes, Senator Lambie, as I acknowledged yesterday, played a very important role in it. It was also the Morrison Government so you are right, there were three parties who played a role in that. The two parties that had 16 years to do something about it, Labor and the Greens, did not.

Members interjecting.

Madam SPEAKER - Until this parliament reflects on its behaviour today and gets a grip on the way it is behaving, I will be standing up like this every so often and just glaring at you all, hoping you remember why you are here and what you are here to achieve. Yelling at each other at the decibel levels we are hearing is not appropriate.

Mr HODGMAN - Thank you, Madam Speaker. Noting that and wanting to inform the member who asked the question as to what the Government is also doing, in addition to a very buoyant housing and construction sector, it is all about providing additional housing and secure accommodation for Tasmanians and it is possible because our budget is in strong shape. It is possible because we have additional capacity through a strong economy to invest more, as we are doing, and it builds on the work of previous action plans.

I am advised that as of September this year our Affordable Housing Action Plan has assisted a total of 1747 households with their housing needs, including supply of 1050 affordable lots and homes. They are the people the Leader of the Greens speaks about who have been assisted. We recognise there is more to -

Ms O'CONNOR - Point of order, Madam Speaker.

Mr Ferguson - Oh, come on.

Ms O'CONNOR - No, this is quite serious. The Premier stated earlier that Tasmania has the highest rate of first home ownership in the country. The data is that first home buyers are the least active in South Australia and Tasmania, so he is misleading the House. He has told a direct untruth in an answer. Does that not matter anymore?

Madam SPEAKER - I am sorry but that is not a point of order. If you have accusations, you have to make them in a substantive motion. Thank you.

Mr HODGMAN - Thank you, Madam Speaker. I will certainly check the record to see if there is any inaccuracy in what I say but for the Leader of the Greens to not acknowledge that our building and construction sector is the best performing in the country, as has been identified by economic data and reports, is equally untrue because she should acknowledge that. That is the support we are giving to small businesses right across the state in a sector that is strong, that employs Tasmanians and most importantly, is building homes for more Tasmanians.

Community Safety - Long-Term Plan

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

[10.38 a.m.]

Can you please update the House on how the Hodgman majority Liberal Government has continued to deliver our long-term plan during 2019 to keep Tasmanians safe and to protect the Tasmanian way of life?

ANSWER

Madam Speaker, I thank the member for Braddon for her question and I would be pleased to do that. This has been a strong year of delivery from our magnificent Tasmania Police Service and I congratulate them all, from the commissioner and his leadership team to the newest recruits on their great work that they do to keep Tasmania safe.

Over the past year we have seen 91 recruit graduates from our new police intakes and they are on the front line around our state. We have secured the sites and commenced planning and design for the brand new \$5 million Longford Police Station and the \$12 million Sorell Emergency Hub. We have banned criminal outlaw motorcycle gangs from wearing their colours in public. We have removed workers compensation step-down provisions to support our police officers injured in the line of duty. We announced the allocation of 125 police officers, including the first contingent for the full-time Special Operations Group. We resourced the allocation of our specialist ice officers and we implemented our commitment for unmanned aerial vehicles.

In the portfolio of Local Government we released the Local Government Reform Directions Paper and undertook a significant consultation with the Tasmanian community, resulting in 870 submissions. Pleasingly, this represents a response rate of 16 times higher than reviews currently underway in other jurisdictions.

Our SES does a magnificent job in the best traditions of volunteering and service to the community. I hope all members have seen and noted their new promotion campaign encouraging people to contact the SES flood and storm emergency assistance number on 132 500. We have further supported our emergency service volunteers through a rollout of our \$2 million grant program to provide additional items that are not standard issue to support the individual units.

We have welcomed 15 new career firefighter graduates and an extra 13 recruits are now in training. We have reviewed the lessons of the fires earlier this year and have acted on the recommendations, just as we said we would, and we have continued to implement our \$55 million fuel reduction program.

I pay tribute to the tremendous efforts of our police, SES and fire management agencies. This spring, Sustainable Timber Tasmania, the Parks and Wildlife Service and Tasmania Fire Service have already been busier than we would all like them to be, but they have won the early skirmishes, and because our firefighter agencies are ready, they have been able to help out our mainland friends during their horror spring season.

It is a clear signal as we move into the traditional fire season months that we must all be more vigilant over the coming weeks and months. The chief fire officer confirmed this week that TFS is trained, capable, well resourced and ready to respond to bushfires this season and although AFAC and the chief have advised that the fire outlook for much of the state is normal, they have also confirmed that there is an above-normal risk on the east coast between Scamander and Forestier Peninsula. As leaders and as a whole community, we must be prepared to listen to the messaging of the chief officer. As of today we have 5670 firefighters in total, over 5000 of which are volunteers, and we have 240 remote area firefighters ready to go right now. We are delivering on our long-term plan to keep Tasmanians safe.

North-West Coast - Provision of Palliative Care and Geriatric Beds

Ms DOW question to PREMIER, Mr HODGMAN

[10.43 a.m.]

Your Government's 2015 white paper on delivering safe and sustainable clinical services made commitments to the people of the north-west coast of increased health services. This included the development of a statewide elective surgery centre of excellence at the Mersey and more beds for palliative care rehabilitation and geriatric services at the Mersey. This was to complement and build on services already provided at the North West Regional Hospital. We now know your Government has broken its commitment to keep eight rehab beds at the North West Regional Hospital open, meaning more travel time for people living in our rural and regional communities. Despite community outrage over this decision you refused to reinstate the beds, but now we fear you are on the verge of breaking yet another commitment. Can you rule out closing geriatric and palliative care beds at the North West Regional Hospital today and can you provide the date that the promised dedicated palliative care beds at the Mersey will finally be opened?

ANSWER

Madam Speaker, I thank the member for the question. However, I refute the suggestion that we do not have a strong commitment to improved quality health care for Tasmanians right across the state and those in rural and regional communities. In fact, we are increasing the capacity in our

health system with more rehabilitation beds for people on the north-west coast from eight to 12. We are increasing capacity to support people in your community to get more access to health services. We acknowledge it was a difficult decision, but four more rehabilitation beds will mean more people getting care on the north-west coast, which is more important to us than playing politics. Our concern is more about those people on the north west coast that you represent getting health care sooner, which they will do with increased capacity: increasing rehabilitation beds from eight to 12. There have been a number of patients admitted to the unit who would have otherwise had to leave the north west and either go to Hobart or Launceston under the former service. This is an important improvement. It is a reduction in travel and a reduction in stress for these patients and their families. Importantly, the Tasmanian Health Service, I am advised, has recruited a rehabilitation specialist to head the new service in the new rehabilitation ward. Overall this is an increased improved level of service for people living in the north west with more care and less travel. The service change enables the stroke telemedicine service that will operate out of the North West Regional Hospital to commence later this year. That is thanks in large part to a generous donation by the Elphinstone Group, a large business in the state contributing to our community in a positive fashion and that we welcome.

With the recruitment of full-time neurologists to service the north and the north west the new stroke service will provide 24/7 diagnosis and treatment capabilities for acute stroke patients at the North West Regional Hospital.

Ms DOW - Point of order, Madam Speaker, in relation to Standing Order 45, it goes to relevance. The question to the Premier was can he rule out closing geriatric beds and palliative care beds at the North West Regional Hospital. Can he provide the date that promised dedicated palliative care beds will open at the Mersey Hospital?

Madam SPEAKER - Thank you. Unfortunately, that is not a point of order but the Premier is getting to it, I believe.

Mr HODGMAN - The record will show that the first half of the question is a statement more than a question about our commitment and what we are doing on the north west coast at the regional hospital. I am outlining those things for the benefit of the member and the community she represents, so the facts are before them.

As I was saying, neurologists at the Launceston General Hospital and a Melbourne-based neurologist through the Victorian stroke telemedicine program are providing 24/7 diagnosis and treatment capability. Local doctors will have around-the-clock access to stroke experts who can provide treatment advice about patients with acute stroke symptoms. It is a capacity which is currently not available. This comes on top of other boosts to services at the North West Regional Hospital, such as those eight beds opened in January this year as well as the eight already opened in 2017 under our Government. The North West Regional Hospital and Mersey Community Hospital play an important part in our health system. We will continue to ensure that they deliver the high-quality care for that community.

In relation to the other matters to which the member refers, I have no information. Further inquiries can be made. I would treat with caution anything that the Labor Party says because they cannot be trusted to tell the truth in this place. The truth is we are investing more into health services on the north-west coast. There is a different model and a better model that will provide more access for people to get their treatment sooner. That should allay the concerns of those in the community to which the member refers. I am sure she is not doing anything to help allay those concerns.

Tasmania - Eco-Tourism Capital

Mr TUCKER question to MINISTER for ENVIRONMENT, PARKS and HERITAGE, Mr GUTWEIN

[10.49 a.m.]

Can you please update the House on the significant achievements of the Hodgman Liberal Government plans to make Tasmania the eco-tourism capital of the world?

ANSWER

Madam Speaker, I thank Mr Tucker for the question and his interest in this very important -

Ms O'Connor - Mr Tucker has had two Dorothys today.

Madam SPEAKER - Ms O'Connor, the minister is trying to tell some good news.

Mr GUTWEIN - We have been working hard to make Tasmania the eco-tourism capital of the world. There has been record investment into our world-renowned national parks. We are focused on encouraging visitors to stay longer, to spend more and to travel further into our regions.

What a year it has been. There have been 1.32 million visitors into Tasmania, nearly \$2.5 billion into the economy, and a record number of visitors to our parks: around 1.45 million visitors, made up of Tasmanians, those from interstate and, importantly, from the rest of the world. The member needs to understand these are not your parks. They are every Tasmanian's parks. The rest of the country loves them as well, and the rest of the world wants to see them.

We have preserved our competitive edge through identifying the sensational Tyndall Ranges as the next iconic walk. We have \$20 million to invest there. We are improving the visitor experience at Cradle Mountain through the unprecedented investment of \$56.8 million. We have delivered the master plan for the Freycinet Peninsula. We have already funded \$365 000 to TasWater for a wastewater feasibility study because we understand we have to improve the environment.

The Freycinet master plan received \$7.2 million from the Morrison Government, to ensure that we improve the amenity and the experience, not just for locals, but visitors, locals, and all Tasmanians, and those who come from the rest of the world.

We continue to deliver on our key policy platform, which will see \$31 million more invested over four years, in a critical infrastructure and maintenance in our national parks. We have improved car park and visitor amenities at the Walls of Jerusalem. We have put new toileting facilities at locations such as north Wineglass Bay, and the Nut at Stanley. We have invested more money into Bruny Island for those who want to visit. There are new walkways and upgraded facilities at Remarkable Cave on the Tasman Peninsula. We have completed restoration works on the historic Strahan Bond Store, among many others.

In addition, through our innovative and nation-leading EOI, we continue to grow Tasmania's reputation as an eco-tourism destination. Once again, we have taken significant steps towards turning Tasmania into the eco-tourism capital of the world. Through the EOI initiative, we continue

to ensure an equitable, consistent, environmentally sensitive and sustainable approach is maintained.

Ms O'Connor - You have given away Halls Island for \$1.

Madam SPEAKER - Order, Ms O'Connor, we are not at the football.

Mr GUTWEIN - We plan to invest in, to protect and promote our national parks, as a key pillar in our visitor economy. It is clear our plan is working. We have a plan to turn Tasmania into the eco-tourism capital of the world. It is a plan that will help keep Tasmania's economy strong. It will create jobs in regional Tasmania.

Where are those on the other side of the House? Five-and-a-half years in opposition, and still no plan to speak of. As the Premier says, more than half a decade and we are still waiting for a plan. We are still waiting for a sentence about a plan. A title would help. One line about a plan. This side of the House will get on with our plan. It is a plan that will keep our economy strong, it will attract investment and it will create jobs for Tasmanians.

Bushfire on Bruny Island - Review

Ms BUTLER question to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mr SHELTON

[10.55 a.m.]

On Christmas Eve last year, an out-of-control bushfire threatened properties on Bruny Island. The Tasmania Fire Service could not get a fire truck across on the ferry and the crew was forced to abandon their truck and be rescued by helicopter off a beach after being caught on the wrong side of that fire. That left Bruny Island with one small appliance from north Bruny to cover the island overnight. It is sheer luck that the wind conditions were favourable that night. Can you explain why, nearly one year later, no review has been conducted into that fire?

ANSWER

Madam Speaker, I thank the member for Lyons for her question. We have had a number of questions about preparedness for this year's fire season. We had a statement that the chief officer needed to make in order to ensure the people of Tasmania had confidence because the Opposition have been trying to undermine the fire service over the last week. I need to reiterate some of the comments of the chief officer about being prepared for this fire season and I will come to the Bruny Island issue in a moment.

The chief officer is the expert in fire, and they do reviews and operational reviews all the time. The other day, the chief officer put out a statement. He said that: TFS is trained, capable, well-resourced, and ready to respond to bushfires this season; career firefighter numbers are the highest they have been in 10 years; currently TFS has over 4000 frontline volunteers - at this time in the fire season, this not only provides capacity to deliver services within Tasmania, but also to support firefighting efforts interstate; there are 111 TFS remote area career firefighters completing the training required to keep them safe around aircraft in remote areas this summer -

Mr O'BYRNE - Point of order, Madam Speaker. I hesitate to raise this point of order but it is standing order 45, relevance. It is a specific question relating to the review of the incident on Bruny Island last Christmas. This is not about repeating your speaking notes. This is about answering the question.

Madam SPEAKER - That is not a point of order.

Mr FERGUSON - Madam Speaker, I draw your attention in responding to that point of order. The minister is answering the question. He has already indicated he will come back to the -

Dr Woodruff - Are you running cover? Is he not able to do this himself? This is a protection racket.

Madam SPEAKER - Yes, I hear everything and thank you very much, but the minister is capable and he will answer it as he sees fit.

Mr SHELTON - Thank you, Madam Speaker. As I was reading through the chief officer's statement of yesterday, it needs repeating to the House and to the community: from 1 December, five aircraft will be stationed in Tasmania through our national sharing arrangements, two more in Tasmania by mid-December, and dozens more accessible from interstate when required. Aircraft are also available locally outside of these arrangements; during the recent bushfires, TFS' incident control centre co-located at the Cambridge training facility was activated and functioned well. To ensure there is no disruption to training this bushfire season -

Ms O'BYRNE - Point of order, Madam Speaker. It goes to the time frames that you allocate to ministers. If the minister does not turn his mind to Bruny Island, he will be out of time to answer it. I wonder if he would not mind going to that, so that we could get an answer to this very serious question.

Madam SPEAKER - Thank you for that. He had one minute to go and now, I am going to have to give him another 30 seconds to try to get to Bruny Island.

Mr SHELTON - Madam Speaker, the question went to the capability of Tasmania Fire Service -

Madam SPEAKER - Minister, I do think it was something to do with Bruny Island.

Mr SHELTON - I am reiterating the capability of the Tasmania Fire Service. The chief officer has said that we have the number of volunteers listed there. They do not want to hear what the chief officer had to say the other day -

Madam SPEAKER - No, I do not think they do.

Mr SHELTON - As members understand, I was not in this position last year and it is not an issue that the chief officer has raised with me. It is an operational issue. As to the detail, the volunteers on Bruny do a fantastic job, the same as the rest of the volunteers around Tasmania. I am not aware of the details of that case because the chief officer has not raised that with me, but I will get back to the member on that detail.

Madam SPEAKER - The minister is going to get back to you, thank you.

Dr Woodruff - Today?

Madam SPEAKER - Today? Hopefully.

Bushfire Readiness - Equipment

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

[11.01 a.m.]

Earlier this week, career firefighters took the extraordinary step of speaking out in response to your outrageous claim that Tasmania is better prepared for bushfires than ever before. These frontline firefighters have raised concern about the ability to staff incident management and strike teams, and significant questions have been raised about the ability of the TFS to respond to major events. Now, volunteer firefighters are joining the chorus of concern about the lack of preparedness for the catastrophic bushfires. Volunteers are speaking out, describing trucks with broken and faulty equipment and many that are thousands of kilometres overdue for servicing, creating an unacceptable risk to firefighters.

We have heard reports that some brigades have not had equipment replaced since the last fire season and there are insufficient stocks of consumable items, essential items such as hoses and foam. We have heard that there are major issues with procurement processes, delaying delivery of crucial safety equipment to volunteer brigades. These volunteers have described the TFS as a mess and have urged your Government to wake up to the seriousness of the situation. Firefighters on the front line are saying that they do not feel prepared or supported. Will you commit to an independent capability audit of the Tasmania Fire Service?

ANSWER

Madam Speaker, I thank the member for her question. As I indicated in the last answer, the Opposition is obviously trying to undermine Tasmania Fire Service today.

Ms WHITE - Point of order, Madam Speaker. I ask the member to withdraw that. That is offensive.

Madam SPEAKER - The member has taken offence to that. She asks that you withdraw.

Mr FERGUSON - Madam Speaker, on that point of order, that is incredibly out of step with standing orders. The member cannot simply take offence at a debating point that has been made. The minister has not made a personally objectionable comment about the Leader of the Opposition. If she is offended, she ought to reflect on the way she is conducting herself this morning.

Madam SPEAKER - Yes, I would like everyone to reflect.

Mr O'BYRNE - Madam Speaker, on the point of order. It is not a debating point. It is a serious accusation of the Opposition to suggest we are undermining an essential service. That is not the case. We are raising legitimate issues that volunteer and career firefighters are raising in the public domain. The minister has a responsibility to answer, to debate it, but not be offensive in doing so. We ask that he withdraw.

Madam SPEAKER - Before I rule on this, I will talk to the Clerk.

We have a decision and that could be perceived as being offensive to the Opposition. I ask you to withdraw it and rephrase it, thank you.

Mr SHELTON - Thank you, Madam Speaker, if people take offence to that then I withdraw.

What I said was, through this questioning, it appears the Opposition does not have the confidence I have in the Chief Fire Officer and the fire service. As I have said in the past, there is no doubt the 5 760 career and volunteer fire fighters do a fantastic job. In an organisation that size I am sure people make comments about what is going on around the place. What I can tell the members is through our efforts to upgrade the 51 fleet and the 41 fleet and light vehicles in Tasmania Fire Service, \$13.1 million is being spent, as I announced recently. There are a couple of new heavy pumps. There are new trucks and upgrades happening all the time. I have spoken with and travelled to a number of volunteer fire brigades as well as the Hobart and Launceston fire brigades and these issues have not been raised with me.

There is always some discussion about we would like a new truck or we would like something else and whatever. As far as the volunteers' side of things with the SES and the Tasmania Fire Service volunteers in last year's budget there was a \$2 million program for additional items that do not fit within the normal regime that these volunteers could put in for and buy, whether it was a fridge in one their stations or whatever the station needs. We have also committed extra funds into the trucks and gear; that is ongoing. There have been some questions on face masks raised by the Opposition and there are 4000 face masks being or have been delivered.

Members interjecting.

Madam SPEAKER - Could we please listen to the minister? It is absolutely giving me a headache.

Mr SHELTON - To fit these face masks properly there was some training for some of the volunteers so they knew how to fit them and they went back to the brigades. There are 4000 face masks there, so our volunteers have the equipment they need for the coming fire season.

As far as reports, we had the AFAC report. We have just been through the debate on the AFAC report. There was the report done in 2016 on bushfires with 18 recommendations. The Tasmanian Government supported 13 in full and five in part. In the 2016 AFAC report on bushfires resulted in 12 recommendations and 10 have been completed. On the 2013 report on the fires when Labor was in government the report was handed down in about October before the Labor government finished up. When they went to election, they had not implemented any of the recommendations.

Dr WOODRUFF - Point of order, Madam Speaker. The minister is being misleading. The Press report was not during the term of the Labor-Greens government. It was 2016. I do not know what he is talking about.

Madam SPEAKER - Dr Woodruff, that is being recorded on *Hansard* but it is a debating point.

Mr SHELTON - Obviously, Dr Woodruff did not hear. I talked about the 2016 bushfire report, about the 18 recommendations, and I talked about the 2016 AFAC report. Now I am talking

about the 2013 bushfire inquiry handed down in October. No action had been taken in the same time frame as the Opposition has asked us to respond to this year's AFAC Report. There were 103 recommendations, all were accepted either in full or in principle, and at this point in time we have completed 97 of the recommendations. As far as inquiries into the fires and Tas Fire Service, there have been plenty of recommendations and we will concentrate on this year's bushfire season. I will always accept the expertise of the chief fire officer and his staff over members opposite.

Delivering on the Long-Term Plan

Mrs PETRUSMA question to PREMIER, Mr HODGMAN

[11.11 a.m.]

Can you please update the House on how the Hodgman majority Liberal Government has continued to deliver on our long-term plan for Tasmanians in 2019?

ANSWER

Madam Speaker, I thank my colleague for the question. I am delighted to say that this year we have continued to deliver on our plan. We will keep delivering it to keep our economy strong, to keep our Budget balanced, to invest more into Health and Education and into essential services and the infrastructure that our growing state needs.

As we end this year we are where I always imagined we could be, and that is to have the best-performing economy in the country, the fastest-growing for the first time in recorded history, outstripping the nation's growth in investment, building and construction, exports and tourism. Tasmanian businesses are the most confident of all states, and there are 1600 more of them since we came to government. Our business community is confident and investing in what they say are the most favourable business conditions in the country, with close to 16 000 Tasmanians now in work. There is certainly a lot more to do and our mission is to ensure that all Tasmanians can participate in our strong economy. When it comes to the fundamentals, our economy is important because it means we can invest more into essential services.

We are in better shape now than we were this time last year under the plan that we are delivering and under the state Budget which contains our plan and which is forecast to create a further 10 000 jobs for Tasmanians. This is our plan and we are delivering on our commitments that we took to the election. A number of initiatives we are delivering on, including the most important, educating Tasmanians, increasing access to education, giving them their best shot in life and building that job-ready generation. We are extending our high schools to provide more opportunity for education and we have more teachers employed this year with more to start next year. We have improved school attendances and achievements as a result. We have nation-leading reforms to give access to a learning environment for young Tasmanians in disadvantaged communities; a new needs-based model for students with a disability; and we are rebuilding Tas TAFE and training where we now have had the highest rate of growth in apprenticeships in the country, while every other state has gone backwards. We are also removing from our classrooms the distractions of mobile phones, often used as a weapon for cyberbullying.

In Health, we will complete the rebuilding of the Royal Hobart Hospital. We have invested in expanding services in our major hospitals right across the state, and new facilities in regional Tasmania.

In energy, we have kept power prices low and we are powering ahead with the nationally significant Battery of the Nation and Project Marinus and renewable energy investments.

Regarding family violence, in the middle of this year I launched the second stage of our action plan to eliminate family and sexual violence, investing an additional \$26 million and 40 new actions to eliminate family and sexual violence from our community.

Amongst many other initiatives and deliverables this year, we have delivered one of the world's first place brand authorities to protect and amp up what is one of our greatest competitive advantages, our brand; extended the GMO moratorium, giving our state a greater advantage; and progressed Tasmania's next iconic multi-day walk on the west coast.

We are providing improved sports facilities for women and girls; more access to sport and recreation for those in our communities with disadvantage; recruiting more police to help keep our communities safe; delivering more affordable homes; and reducing the bushfire risk through fuel reduction. We are strengthening our laws to ensure our community is safer, for example, by abolishing prisoner remissions and passing what was nation-leading reform on PTSD and workers compensation to support our workers. These were all delivered by a Liberal government. This is just a snapshot of what we have done this year and it is happening under our plan.

As to the alternative, there is none. Labor and the Greens have no plan. They have not, as they have admitted, done the hard work. Holding press conferences, which they do not do very well, is not hard work. Pulling political stunts in here is not hard work. Frontline rank-and-file Labor members and former Labor premiers are saying that Labor have lost their way. They do not know what they stand for; in fact, the Leader of the Opposition this week admitted she is a fence-sitter. The one thing they promised to do, separate themselves from the Greens, they have not done because more often than not in this place they have voted alongside the Greens and on this last day in parliament we will see it all happen again.

Ms O'CONNOR - Point of order, Madam Speaker, under standing order 15, tedious repetition. We have heard this speech from the Premier many times. It is a waste of question time and a waste of taxpayer resources.

Madam SPEAKER - There are possible reasons to agree with that but unfortunately it is not a point of order. Premier, you have gone well over your five minutes.

Mr HODGMAN - I will conclude. It is nauseating to hear the Labor leader say one thing and do another, particularly when it is as dangerous as continuing to stand alongside the Greens when she said they would not.

We will be focused, no matter what stunts we see for the rest of the day, no matter the fact that Labor and the Greens will be back where it all started, standing alongside each other and voting together in this place. We will be focused for the balance of this year as we conclude our parliamentary year for the rest of it and for next year, on our plan of keeping our economy strong with more job opportunities for Tasmanians and investing in the services they need.

Time expired.

TABLED PAPER

Joint Standing Committee on Integrity - Annual Report 2018-19

Ms Houston presented the Joint Standing Committee on Integrity annual report 2018-19.

Ms HOUSTON - I move -

That the report be received and printed.

Motion agreed to.

STATE SERVICE AMENDMENT (VALIDATION) BILL 2019 (No. 52)

First Reading

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

WORKPLACE (PROTECTION FROM PROTESTERS) REPEAL BILL 2019 (No. 58)

First Reading

Bill presented by **Ms O'Connor** and read the first time.

SITTING TIMES

Mr FERGUSON (Bass - Minister for Infrastructure and Transport) (by leave) - Madam Speaker, I move -

That for this day's sitting, the time normally provided for the Matter of Public Importance be forgone and the House instead proceed with Government Business.

Motion agreed to.

SITTING DATES

Mr FERGUSON (Bass - Minister for Infrastructure and Transport) (by leave) - Madam Speaker, further I move -

That the House at its rising adjourn to Tuesday 3 March next at 10 a.m.

Motion agreed to.

MOTION

Leave to Suspend Standing Orders

[11.22 a.m.]

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

That this House -

- (1) Notes the extraordinary statements made earlier this week from Tasmanian Fire Service insiders, that the state is not prepared for the coming bushfire season.
- (2) Further notes these firefighters have raised concerns about the ability to staff incident management and strike teams and questions have been raised about the ability of the TFS to respond to major events.
- (3) Further notes comments from these insiders from the TFS that 'it is luck that is getting us by and that we will fill holes with warm bodies'.
- (4) Notes the concerns of TFS insiders have been matched by volunteer firefighters who are raising concerns about trucks that are broken, faulty equipment, lack of adequate resources, including essential item, like hoses and foam, and a general sense of concern about the lack of preparedness for catastrophic bushfires.
- (5) Notes the need for an independent capability review of the Tasmanian Fire Service.
- (6) Further notes the refusal of the minority Hodgman Liberal Government to commit a time line for the implementation of the recommendations from multiple fire review; and
- (7) Censures Mark Shelton MP, the Minister for Police, Fire and Emergency Management for his failure to adequately resource the fire service and his dismissal of legitimate concerns that have been raised by those at the front line.

We seek leave to urgently debate this motion, because we are on the cusp of another fire season. In fact, the fire season has already started. This minister cannot answer simple questions. He has been unable to explain with clarity and give us confidence that he knows his job.

This is an important role that he plays and he needs to be able to provide leadership to the community and provide assurances to the community that they will be safe. We have heard significant concerns raised by those who are at the front line, volunteers and career firefighters, that they do not feel that they have been resourced. They have not got the equipment they require and they have not been supported by this government.

We have multiple reviews with multiple recommendations, a Government that has failed and a minister who has failed to provide an implementation time line. The minister has had multiple opportunities to do that before now and has failed to do that.

The minister dismissed legitimate concerns that have been raised again today calling on him to undertake a capability review. We want that to be undertaken independently and done urgently so that as we progress through the fire season we know that our firefighters have confidence in the knowledge that they are supported to do their job by this government. This is a government that

has not quarantined the front line from cuts. This is a Government that is proceeding with \$450 million in budget cuts, including the fire service. We have seen catastrophic bushfires across the country and, unfortunately, we have seen them here in Tasmania. We know that the south east is particularly dry and we also see the regularity of fires across our landscape.

We also have a minister who does not know details about his portfolio. He revealed today that he did not know something because it is not an issue that has been raised with him - an incident that occurred on Bruny Island. It took him a long time to get to that point. I would have been much more reassured if he had acknowledged straight up that he would seek advice and come back to the House. Instead he fumbled around, read the same lines as he always does and did not give confidence that he is across his brief.

There are some very simple questions this minister has failed to respond to. There are very legitimate concerns that have been raised by career firefighters and by volunteer firefighters across the state. There are very concerning matters that have arisen given the fires we have seen in this state already this season where we have not been able to staff incident management teams from within the TFS but instead relied on other agencies for support. We also have concerns about the statements the minister has made with regard to the Remote Area Teams (RAT).

This is a censure motion because we want this minister to do a better job and we need to act urgently to compel him to do a better job because we are on the cusp of summer. This is a seeking of leave for us to be able to debate the issues this minister has been unable to answer, unable to give appropriate responses to that give confidence to us and the Tasmanian community that he is able to provide the leadership that is necessary. The Minister for Police, Fire and Emergency Management needs to be agile, needs to be responsive, needs to be a leader, needs to be equipped with the skills to provide decision-making at very critical junctions if there is a catastrophic bushfire and we do not know whether this minister has that capability.

We do not understand why this Government will not undertake an independent capability audit. We do not understand why this Government will not release an implementation timetable for the recommendations from multiple reviews. We know from the statements from the Premier that they are frightened about the capacity of this minister to do his job because the Premier got all hot under the collar and accused Labor of wishing for bushfires - which was a shameful and outrageous claim made by the Premier that he had to withdraw. It demonstrates that they do not have the confidence that we would hope in this minister, demonstrated through his lack of ability to communicate clearly what this government's strategy is and whether they have responded adequately to the concerns raised by those on the front line.

This minister runs the same talking points to every question that he is asked. It does not matter what the question is, it is the same line. I was looking back through *Hansard* from Tuesday. The same answers were given today as were given on Tuesday. Entirely different questions. This is a minister who does not know the detail of his portfolio. We are on the cusp of summer; we have very vulnerable communities who need to have confidence that the leader in this minister is capable and up to the job.

This motion needs to be urgently debated so that we can have confidence that they are going to take seriously the recommendations from those reviews, that they have an implementation time line; that they are resourcing firefighters with the equipment that they need to keep communities safe and to make sure those firefighters are safe. They are on the front line, exposing themselves

in incredibly difficult circumstances. We have a situation now where the minister responsible for guiding us through a fire is simply not demonstrating he is up to the job and that is scary.

We have a situation where the minister claims that we are better prepared for bushfires than ever before but has no evidence to substantiate that and we want to debate this motion immediately.

Time expired.

[11.30 a.m.]

Mr FERGUSON (Bass - Leader of Government Business) - Madam Speaker, the Government will not be opposing this particular procedural motion.

[11.30 a.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, this is an extremely serious topic and we support the Opposition's moving it for debate today. It is something the Greens have been focusing on relentlessly since the catastrophic bushfires we had last summer where 3 per cent of Tasmania was burnt, including 6 per cent of the World Heritage Area. Communities were threatened for months and there was a massive strain and exhaustive work of our bushfire firefighters around the state, particularly in the south. These all pointed to really serious changes that needed to be made to the way we fight fires in Tasmania and our ability to prepare for changed conditions. There is no doubt it was a wake-up call for people of the intensity of these new fires.

Madam DEPUTY SPEAKER - I remind the member that you need to speak to the relevance of why you need to seek leave. We are not on the substantive motion itself yet; this is on why leave should be granted right now.

Ms O'CONNOR - On your determination, Madam Deputy Speaker, Dr Woodruff is explaining why we need to have the debate because this is an urgent issue as a result of all the points she is raising.

Dr WOODRUFF - Thank you, Madam Deputy Speaker, I hear what you are saying and it is exactly as the Leader of the Greens said. We have been talking about this all year and I would have thought foremost in the mind of the Liberal Government and particularly this minister would be the gravity of last summer's bushfires and the importance of preparing for this season and for future summers.

Instead, we have seen no action in the Budget, no action in the budget Estimates, no response since then to the AFAC independent review until the bumbling comments that were made in parliament this week in response to repeated questions from the Greens and the Labor Party about what actions had been taken to prepare for this summer.

We are concerned on behalf of Tasmanians who are looking at what is happening in New South Wales and other parts of the mainland. It is very concerning when people understand that the comments the minister has made over the last couple of weeks in response to repeated questions about resourcing for this summer demonstrates that he does not accept -

Madam DEPUTY SPEAKER - I ask the member to bring it back to why it has to be dealt with today.

Dr WOODRUFF - Thank you, Madam Deputy Speaker. The minister demonstrates he does not understand that we have a changed bushfire behaviour. He repeatedly has used the term 'normal' behaviour, saying it is normal to have fires like this. We are creating the same response that we have always had. My point is that everything this minister has said over this last month indicates that he is not responsive to the reality of the changed fire conditions, he is not capable of being agile to the conditions he is confronted with, he is not on top of the details of his portfolio, and therefore I am speaking on behalf of Tasmanians who are concerned to be reassured that they have a government that is doing everything it can to respond to the conditions as they arise and to resource in advance in preparation, not reactively at the time.

We need to have this debate today because we have serious concerns that this minister is not doing his job and is not preparing Tasmanians for the season we are in. Unless we have this conversation, how else can people in Tasmania be confident that the minister understands the gravity of the responsibilities in his portfolio? He is not showing leadership. He is not showing the ability to be the leader that is needed for somebody in this most crucial role in government at the moment. We have not had any proper response to the recommendations from the AFAC. What he attempted to give in private members' time yesterday was appalling.

The Greens wrote to the minister a month ago asking for detailed responses to the resourcing put into the AFAC report from August this year. We have not even had the dignity of a cursory response to that letter. That was a month ago. This is the failure, the carelessness that the minister treats his serious portfolio issues with. Why is he not prepared to tell us, as a state, where the resourcing is going? If he will not tell us now - and this is the last day of parliament for the year - we have to use this opportunity to seek some assurance on behalf of Tasmanians that they will be looked after between now and the next election in this issue, because the minister has indicated this week that he is expecting to outsource winch capability deployment to mainland bushfire experts. We cannot rely on having people coming from interstate when there are catastrophic fires across the country now. We cannot rely on that, so what is his plan B?

Madam Deputy Speaker, this is the detail the minister is not on top of. We have repeatedly asked questions about remote area firefighters and the rapid response capability, and we want to hear these answers from the minister. This is his opportunity to come into this place now and answer the questions that have been laid out by the Labor Party in this motion. We expect him to do that fulsomely and in detail so that Tasmanians can be assured there is a person here who has some ability to manage the portfolio, or at least delegating to the people who are capable of it, if he is not.

[11.37 a.m.]

Mr O'BYRNE (Franklin) - Madam Deputy Speaker, this is a very important motion that goes to the heart of Westminster ministerial responsibility and the role of this parliament. This is not about Mark Shelton as a person. This is about Mark Shelton as a minister in a government, and -

Mr Jaensch interjecting.

Mr O'BYRNE - If you were in the House for the debate yesterday, you would have heard my debate with the minister around these issues. This is not about Mark Shelton as a person. This is about Mark Shelton and his ministerial responsibilities.

We all have a responsibility when issues of significance are raised with us by credible people. In this instance, issues have been raised with us and are now in the public domain via the media and

a range of communications from both serious and long-term career staff of the Tasmania Fire Service, and long-term volunteers and a number of volunteers across the state are making it known that there is a matter of urgency -

Madam DEPUTY SPEAKER - I ask the member to come back to relevance.

Mr O'BYRNE - This is a matter of urgency and we need to debate this matter today because serious questions will be asked. If we are made aware of certain circumstances and serious concerns with capability, with lack of support and resources for firefighters on the ground, and we remain silent, we are just as responsible for the end result, if there is a negative result for the Tasmanian community. We have an obligation when these things are being raised to send a message to the Government through the forms of the House. This is not a no confidence motion. This is a censure motion.

This is a message and a shout-out to the minister that his performance in this House over the last two weeks, his public statements, and his monotonous repetition of lines given to him by his staff, are not enough to make us comfortable that he is across the issues we are raising and that he is taking this matter of public safety seriously.

We are heading into what could be another dangerous bushfire season. This is the last day of parliament. We have been raising these issues day in, day out, in parliament, asking questions of the minister. His response has not been adequate. His performance on the debate yesterday, the notice of motion where we debated these serious issues, the issues around the recommendations from a series of reviews which bring into question how best we are situated to respond to a bushfire risk and to a catastrophic event or to a high fire danger event. When we hear from senior firefighters who are taking the unusual step of going into the public domain, raising serious issues about capability and we have a minister who is unable to respond and allay the public fears, we need to take all steps. We do not want to be at the end of the track at the end of summer if something has happened and people come to us, well, you knew back in November and December that there were problems. You knew that there were concerns being raised. What did you do?

If we are not satisfied with the response of the minister or the Government to those allegations and concerns, we have an obligation to send the strongest possible message that we can. It is not a no confidence motion. It is a censure motion. We are heading into what could be a dangerous bushfire season. The answers from the minister have been inadequate and you must acknowledge that they are inadequate.

There was a question today about the review of the Bruny Island incident on Christmas Eve last year. A review has not been undertaken. The minister was not aware of it. How could a minister who has been told for weeks -

Members interjecting.

Madam Deputy SPEAKER - Order, order. Let the member speak please.

Mr O'BYRNE - The minister has known for weeks that reviews of previous bushfire events, the reviews that are undertaken by AFAC, by serious people within the firefighting agencies, making a series of recommendations. I understand why you want to defend him. You can keep rabbiting on but this is serious.

Mr Jaensch interjecting.

Madam Deputy SPEAKER - Order.

Mr O'BYRNE - You will have your opportunity to get up and speak on behalf of your ministerial colleague if you want. Mr Ferguson said he would not oppose this motion so you will have an opportunity to get up and put on the record for the Tasmanian public to see and for the career firefighters and the volunteer firefighters to see what you say about this minister.

This is important. These are serious allegations that have been made. The responses to date from the minister have been manifestly inadequate, giving no detail and no confidence to us or the Tasmanian people that he is not only across his portfolio but taking proactive action, to take steps. That is why this House needs to deal with the censure motion because it is a message to the minister that he has a ministerial responsibility when serious issues - where there is smoke there is fire. He needs to take the necessary steps to inform himself about the circumstances inside the Tasmania Fire Service.

People inside the TFS are taking unprecedented actions. They are speaking out. We have had a number of weeks where we have raised these matters with the minister and he has come back with the same dismissive lines. It is not good enough. It is not good enough for us; it is not good enough for the Tasmanian people. He needs to do better. This is a message from the parliament once we debate this - and debate it we will - that he needs to do better as a minister. It is not good enough for him to parrot the lines that his media people have given him in dot points. He has refused to answer questions time and time again. You can tut-tut, minister, but this is serious. We ask question after question, variations on a theme, the theme being that we are worried, the Tasmania Fire Service staff are worried and volunteers are worried, about capability and response. At no stage has he given any confidence to this side of the House or to the people who are talking to us, widespread across the state in the volunteer brigades, across the state in the career fire service, that he is across his portfolio. That is why this matter needs to be debated.

[11.44 a.m.]

Ms BUTLER (Lyons) - Madam Deputy Speaker, I will be supporting our motion today. We are seeking leave as a matter of urgency, a censure motion for the minister. There is a flood of concerns coming in, and it is a flood of concern. I heard the minister previously say that the concerns that have been given to us are not genuine. Is that you indicating that the people who have given us this information are not genuine, minister? That is the implication, and it is disgusting.

Mr Ferguson - I will not let you put words in my mouth.

Ms BUTLER - These are people who are genuinely concerned about the minister's ability to undertake his role as the Minister for Police, Fire and Emergency Management. That is why we are seeking leave so that we can have this debate.

This morning I asked you a question about Bruny Island. After fluffing around for quite some time you indicated that you had no idea about that situation -

Mrs Rylah - You just tried to do it. A gotcha moment. That is all you were trying to do. It was to set up the minister. It was before his time and you know it.

Madam SPEAKER - Order, order, please.

Ms BUTLER - These were his words. You had no idea. Did you not think then, 'How come I do not know about this? What else do I not know about?' Maybe when those genuinely concerned people have been giving their information to some local representatives that do listen to them, maybe there is an element of truth.

Mr Shelton - Maybe if you had information you would send me a letter and then you would not bring it up on the last day of parliament.

Ms BUTLER - Those volunteers, those professionals from organisations and agencies -

Members interjecting.

Madam SPEAKER - Order.

Ms BUTLER - Maybe those people might know more information, that I do not know. You admitted this morning that you actually had no idea about Bruny Island. That was pretty rough going for those firefighters. They were stuck on that beach. There should have been a respectful review of that done by now. The fact that you did not know about it speaks yards about what you do not know, minister. Please listen to us when we say that we really need to seek leave to have this debate today.

Mr Barnett - Rubbish.

Ms BUTLER - It is not rubbish. The genuine concerns of these people need to be investigated, minister. If the minister is willing to stand up in parliament and say that he did not know anything about Bruny Island, I will say again, what else do you not know about, minister? I need you to do your job as well as you can and so do the people of Tasmania. We need you to dig. We need you to ask all the right questions. Not knowing is no excuse. You have no excuse for not asking the questions, for not getting right down to the bottom of it. There is a flood of information coming from across Tasmania. We have information coming from all areas, not just hotspots here and there.

I was woken up this morning by more information. Seriously, there is so much information coming in all the time from volunteers. The first person contacted me this morning at 6.30 in the morning to ask, Did you know about this? This is another'. These are coming in all the time. We are going to protect these people's identities. The reason we protect them is because you sack them. Your Government sacks anybody who comes out and speaks against it. You have evidence of sacking people. That happens all the time.

Members interjecting.

Madam SPEAKER - Order, thank you.

Mrs PETRUSMA - Point of order, Madam Speaker. The member is supposed to be seeking leave. I ask what the relevancy of all this is? I was going to draw your attention to the fact that she is only seeking leave at the moment.

Madam SPEAKER - Very good point. You are seeking leave?

Ms BUTLER - I have already said three times, if you were listening, that I am seeking leave.

Madam SPEAKER - Good, thank you.

Ms BUTLER - I have already said it three times. Would you like me to say it again? I am seeking leave. I am seeking leave. That is five times. Happy with that? We will go back to what I was talking about.

There is a flood of concern coming in from across the state. This must be debated. We need to have assurances that this minister can do the job properly. We need to know that Tasmania is prepared for the pending bushfire season and we have a lot of evidence to suggest that we are not. This is your last chance to put on the record, give us some real evidence. Give assurances to the people of Tasmania that we are protected and that we are ready to go. There is so much information that it just keeps coming in and in.

We asked you this morning whether you would commit to an independent capability audit. That is a gap analysis. It can take three weeks. You could have that completed. You could then come back to the people of Tasmania and you could say to the people of Tasmania, 'Yes, I have this under control. I know all the information that is being provided. I am a very thorough minister and I have asked all the right questions. I am going to get to the bottom of these issues'. There must be some issues because you cannot have hundreds of people from across the state constantly, a flood of information coming in about what is not right, about not being prepared, about equipment not being up to date, about fire appliances needing servicing, sometimes thousands of kilometres past their service date. These are really serious. There are concerns about police stations not being up to standard, and this is constant.

We are seeking leave to debate this now. This is a matter of urgency that needs to be debated. We need to make sure the people of Tasmania have full assurance that this minister is up to the job.

We have also heard reports that some brigades' equipment has not been replaced from last season. We also know that there is a haphazard distribution of equipment across all brigades. You have some brigades that have the equipment and training they need and realistically are ready to go. Then you have other brigades that are not. For some reason they have been overlooked. That is not a streamlined system. That is no way to manage a fire system, minister. You and I both know that is not appropriate.

We need to seek leave as a matter of urgency. This censure motion must be debated. It is important because we want you to do a better job. We want you to do the best job you can do. We want the people of Tasmania to be safe and we also have a responsibility to go back to the people who have given us this information.

Leave granted.

SUSPENSION OF STANDING ORDERS

Move Motion Forthwith - Censure of Minister for Police, Fire and Emergency Management

[11.51 a.m.]

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

That so much of the Standing Orders be suspended as would prevent a Motion of Censure in the Minister for Police, Fire and Emergency Management, of which notice has been given this day, being brought on for debate forthwith.

This is a 35-minute debate, as members know. It would be nice if Government members made a contribution on this. We hope that they get up and try to provide some degree of support for their minister who is currently facing a censure motion, but so far they have been deathly quiet. That is probably because they know his actions over the recent months that he has been a minister, five months now, have been less than acceptable.

We are seeking to have a debate for at least two hours to allow time for the Labor Party to have adequate speaking rights, the Liberal Party to have adequate speaking rights, the minister himself to be able to get up and defend his position, the Greens to be able to have their speaking rights and the member for Clark, Ms Ogilvie, if she is up to talking about things today. We are not quite sure whether she is keen on talking any longer on debates, but we would assume that she might like to make a little contribution so people know how she feels.

Government members interjecting.

Ms WHITE - Madam Speaker, Government members over there are very jumpy, aren't they? They are very interested in defending Ms Ogilvie but nowhere to be seen when it comes to defending Mr Shelton, though.

We have a situation before us right now where we are on the cusp of summer. There are some very dry parts of our state and we have an obligation on behalf of those firefighters who have come to us with information to raise their concerns in this parliament, and that is what we have done. We make no apologies for standing up for volunteer and career firefighters for placing on the record the worries they have about how adequately they are resourced, the equipment they have and this state's preparedness for the upcoming fire season. They have raised serious concerns publicly, which is unprecedented for members of the TFS to go to the media, because they are genuinely worried.

That is why this motion is urgent and why we are calling on the Government to support the suspension of standing orders so we can have the debate on the substantive motion which is to censure the minister, because his own staff from his agency are speaking out, raising concerns. We have an obligation as members of this place to ensure that our communities are safe this bushfire season. We take our responsibilities seriously and we want the minister to take his job seriously too and do his job. I am not satisfied with the responses that we have seen by this minister over the recent months that he knows the detail that he is across the brief and that he has an understanding of what is needed to support firefighters and those volunteers and career firefighters across the state so that they can keep community safe and protect us this summer.

I have not been left with any semblance of confidence in this minister. Every time I have heard him speak he is reading from the same briefing notes - sometimes completely irrelevant to the questions that have been put to him, and relying very heavily on his agency staff, which is fine but he should not ignore the frontline.

He should not ignore those career firefighters. He should not ignore the volunteers who are now coming to us because they are at their wits end. They are exhausted. They are worried. We have already had fire events across the landscape this year and we know from those events that there was not adequate staff to make sure that we had incident management teams properly staffed

from within the agency. They had to borrow resources from outside and use other agencies. There are not adequate resources for the strike teams.

We have seen reports in the media and I will talk about some of those comments. These are from career firefighters. These are from the ministers own staff who have gone to the media because they do not feel this minister is up to the task and he is not doing his job properly. They are telling the media that there were 159 overtime shifts recorded in the south alone in October. Just in the south for one month, 159 overtime shifts. This is not the middle of summer. This is spring time. That was a bill of \$160 000. That is money that the Government could have spent recruiting more firefighters so that they were adequately resourced so that they could staff their rosters so that they did not have to exhaust people by making them work overtime.

Firefighters are speaking up and saying that it is just luck getting us by, that we just fill holes with warm bodies, saying that they are bringing staff from the north and the north-west to keep stations open in the south. This is October that they are talking about. It is not the middle of summer when resources have been deployed to deal with catastrophic bushfires.

The Government should have provided necessary equipment, resourcing and support to their agencies so that they can do the job that they are required to do - and do that job safely so that they can keep our community safe.

We know that the firefighters union has also echoed their concerns saying there is a lot of frustration among our members at the moment. Call ins for overtime are quite high and that adds to the frustration. They have not had any down time from last fire season yet and their normal jobs have continued. They would be able to respond to summer fires but it would be very patchy. They would have to pull in resources from elsewhere.

That is a worry and we have a Government that has failed to implement the recommendations from multiple reviews. We have a minister who has refused to outline a timeframe for when those recommendations will be implemented by; a minister who dismisses legitimate concerns that have been raised by those at the frontline, volunteers and career firefighters, that they would like to have a capability review undertaken so that everyone can see exactly what is going on here. They know what is going on. Their concern is that the minister does not know what is going on. This minister needs to be censured so that he does a better job and keeps our community safe.

[11.59 a.m.]

Mr HODGMAN (Franklin - Premier) Madam Speaker, I welcome the opportunity to speak to this and express our complete confidence in minister Mark Shelton to undertake his responsibilities as the Minister for Police, Fire and Emergency Management and to do so competently in very good faith, acknowledging the advice and the support he receives from his agency and which he dutifully advises this House of when asked questions on our preparedness and other matters raised.

He does so unreservedly with the support of his agency and does so on the basis of advice and expertise in an area that is complex and which should be entrusted to our fire service and the professionals who work within it, not the armchair experts who sit on the Opposition benches. This is, as we all acknowledge, a most serious area of public policy and public safety. What we have had here today is as much of an undermining of our professional firefighting service and its capabilities as it is of Mr Shelton.

Mr O'Byrne - That is offensive.

Mr HODGMAN - It should be because it is offensive to hear these veiled barbs. Amongst all the clauses of the motion is one that requires of us to undertake an independent audit into the TFS's capabilities. If that is not an expression of no confidence in Tasmania's fire service, I do not know what is. You are demanding an independent assessment and analysis into our fire service. That is a clear expression of no confidence in our fire service. That is what you are doing by virtue of this motion.

You are trying to cloak it as an attack on one of our ministers for your own political purposes, and we anticipated a stunt of some form today, on the last day of parliament, so we were right. It is not hard work. You promised that you would work hard, that you had learned and that you needed to do more work. Well, you are not showing it because this sort of thing is not hard work. It is easy, lazy politics to attack a minister for relying on his agency to deliver advice as to the matters you inquire into and of our firefighting preparedness.

There are know-alls scattered across Opposition benches; they know more than everyone else. We trust our fire service, its executive, those hardworking career professional firefighters and those extraordinarily courageous and generous volunteers. We respect all of them and we listen to their views. It is absolutely critical - when it comes to our preparedness and our capacity to fight these fires that are so dangerous and threatening to our communities, risk property, lives and our environment - that we rely on the support of our firefighting professionals, and we stand beside them and express our full confidence in them. It is hard not to detect a tone of foreboding from the Opposition. If and when we have to look back, and you can only imagine the scenario they are thinking of, the worst-case scenario, they want to be able to say 'we told you so'.

Members interjecting.

Madam SPEAKER - Can we please lower the volume and the tone and be more respectful, thank you.

Ms WHITE - Point of order, Madam Speaker. I take personal offence at what the Premier has said and I ask him to withdraw. He is claiming, as he has previously said, that we are wishing for something bad to happen. That is completely untrue and he should withdraw that statement.

Madam SPEAKER - I have been advised that we are in the debate now, so you can rebut it when you get the chance to speak.

Ms WHITE - I have already spoken.

Mr HODGMAN - Perhaps the Leader and those members opposite should look at what has been said in this debate. There is a lot of talk about if, when and what might happen down the track. You need to be able to point to what you did and what you said at the time, in advance of our fire season. It is clear that this is very much about pre-positioning and that does nothing to support our firefighting capabilities or our preparedness.

I am happy to go through, at length, the additional firefighters we have in place and our volunteer base. We have the highest number of career firefighters we have had for 10 years, with 179 remote area firefighters ready to go now and another 30 will be to go by December. This is what is happening under Mr Shelton's watch, with the support of his agency, which we have great

confidence in and will continue to support. I am not undermining them, nor those communities that will inevitably be affected by bushfire this year and in years ahead.

We have resources in place, our people are ready, the brigade districts have been briefed and we have had fuel reduction burns in all regions. We have combined air desks to improve aerial firefighting to call on aircraft from across the nation, and the fact that we will do that is in no way a reflection on Tasmania's capabilities because every state does it. We have sent our firefighters to Queensland and New South Wales in this most recent season and we will welcome interstate and overseas personnel in due course. That is how the system operates and it best prepares us with these additional capabilities.

The minister will want to further outline the things we are doing. We acknowledge that there are volunteers and staff who will have views as to what we might do differently or what we might do better. I would ask anyone who is serious about this issue to look at the facts and the additional capacity we have put into our fire service to acknowledge the great work they have done, including in our most recent fire season, where they protected property and they protected life, and they are now preparing for another fire season. The last thing they need is an alternative government effectively expressing no confidence in them, and that is what has happened today. They will veil it as a nasty, personal, political attack on Mark Shelton and will make all sorts of judgments. We do not support this obvious political stunt.

Time expired.

[12.06 p.m.]

Mr SHELTON (Lyons - Minister for Police, Fire and Emergency Management) - Madam Speaker, I welcome the opportunity to defend myself in all of this. Labor raises this motion on the last day of parliament before the fire season begins. What else were they going to do? We expected a stunt and they pulled a stunt. As the Premier said, they are trying to pre-position. What they are trying to do is scare the Tasmanian people with regard to the fire season..

Government members interjecting.

Madam SPEAKER - I ask the Government not to persist in interjecting as well because it is very hard to hear the minister. I believe he deserves a fair chance to put his case.

Mr SHELTON - There are several predictions about what might happen this season, or only one prediction, and that is what AFAC has said about the fire season in the north and the east. The chief fire officer reiterated that he has stated that it will be a normal fire season and a higher fire danger on the east coast. That comes from AFAC, who are the specialists in fire prediction and how we work together nationally to overcome some of these fire issues. I will take my advice from experts, from the chief fire officer, from the experts from AFAC, who I have met here in Hobart only a few weeks ago when they had one of their meetings to discuss the ongoing issues of fires, climate and Australia's readiness.

As a small jurisdiction, it was raised at the recent meeting in Adelaide, we rely on resource sharing. The resource-sharing activity of the nation is fantastic, particularly for small jurisdictions like Tasmania. As the AFAC report said, whenever we have a fire season that was as traumatic and as devastating as last year's was, no jurisdiction would have the single capability of dealing with that style of season; none. We have national resource sharing activities in place, which include the

ability to gain access to more personnel from interstate and overseas, internationally, and the aerial activities that happen.

We have talked about that in this place a number of times; the fantastic effort of AFAC to place aerial equipment here in Tasmania. They will be placed by the Tasmania Fire Service in strategic locations around the state ready for our bushfire season. What happens in a bushfire season? As we have seen only a couple of weeks ago, when it is a high fire danger period the TFS get in a preparedness mode where they activate people and put them into positions. They have the capability. The chief fire officer has said that is what we do and they act on a rapid rate of response where they have aircraft in the air attacking the fire as soon as it starts and ground crews extinguishing the fire. We acknowledge that the ground crews are the vital part in this.

You can always have more ground crews and we are actively seeking participation in the volunteer groups and, as the Premier and I have said, we have more career firefighters today than we have had over the last 10 years. Not only that, we have 13 more going through their training right now. As part of this fire season the TFS has moved some relocatable buildings to the Cambridge site. What happens normally is that there is no recruit course over the summertime so those demountable buildings are there so that the training of these 13 trainee firefighters can continue through the fire season so they can finish their training mid-season and be capable of helping the career brigades when they come out of training. That will put 336 firefighters on the ground towards the end of January, more than we have had in the past. That is the reality.

As far as the claims from Ms Butler go, if there is someone I need to talk to then give them my number or send me a letter. Tell me who they are instead of coming into parliament on the last day and saying, 'I have had these people talking to me'. Who are they? I would love to talk to them. I have visited both Launceston and Hobart brigades and I have been down to Geeveston. I have talked to volunteer fire brigades around the place about their masks that they were worried about and that problem has been resolved.

Ms O'Byrne - It was a problem.

Mr SHELTON - But it was being resolved and Tas Fire Service is ready for the fire season. I am committed to doing what I need to do to make sure I am on top of the upcoming fire season but when it comes to fire experts, I will not be telling them what to do. They are in control of the Tas Fire Service.

Time expired.

[12.13 p.m.]

Mr FERGUSON (Bass - Minister for Infrastructure and Transport) - Madam Speaker, this House has just listened to a most committed, conscientious and caring Minister for Police, Fire and Emergency Management as we approach the summer. We need to support him because he needs to support the chief fire officer as he and the State Fire Commission keep our people safe.

It is sad and regrettable that the Leader of the Opposition, who has had a terrible year, needed a stunt on the last day of the year.

Members interjecting.

Madam SPEAKER - Order.

Mr FERGUSON - It is poor. Frankly, I think it is un-Tasmanian. It is a shame that the comments made by members opposite in an attempt to attack the minister, with their usual sarcasm, meanness and nastiness that has been on display -

Opposition members interjecting.

Mr FERGUSON - It was hard not to miss the Leader of the Opposition even having a whack at the independent member for Clark, Ms Ogilvie, on the way through as well - just mean.

What Tasmania needs is to be safe this summer. That is what this should be about. From the Labor Party that is not what this is about because what you are doing is trying to prosecute a motion to discipline the minister for your claims of failure, which are false. You are seeking to censure the minister, which is a political move, politically motivated. You have offered nothing constructive. To demand an independent review into the management and the expert planning for the coming season right at the beginning of that season saps morale. It damages morale and undermines the service.

We have seen this before. We saw it last fire season when in the first week of January the Labor Party were calling for a review into the fires while they burning.

Members interjecting.

Madam SPEAKER - Order, please.

Mr FERGUSON - It is true. I express my and our Government's support for the minister. I express my and our Government's support for the chief fire officer who deserves our tripartisan support. They are doing an exceptional job and it does not help them when they are being hit from the sidelines through political opportunism.

You have said some very unkind things about my colleague, the minister, today. You have said things like he is fumbling or he did not know something. Frankly, these things that get said are not constructive, they are not helpful, and the minister is expressing very good faith, quite properly, that if there is something he was not personally aware of he would seek advice. What could be more reasonable unless you are just looking for a cheap political shot?

Dr Woodruff - He could answer a letter that is a month old about implementing and resourcing of AFAC. That is what he could do. He's not even answering letters a month old.

Madam SPEAKER - Order, please, Dr Woodruff.

Mr FERGUSON - To accuse the minister of speaking to the House from his speaking notes is frankly insulting to the service, because those notes are prepared for the minister by his agency. The Premier called it out. It unfortunately seems very obvious that the Labor Party is booking a ticket today so that later they can say we told you so. That is very clear. It is very apparent and it is very sad.

Mr Jaensch - It is twisted.

Mr FERGUSON - It is twisted, Mr Jaensch, and it is sad. This summer I hope and pray there will be no loss of life or serious injuries. I hope and pray there will be no loss to critical

infrastructure, assets and our wilderness areas. I wish that the other side would hope the same. At this point as we are coming to the beginning of the fire season, I ask that we as a state, as the Premier has said, work together and express confidence in our fire, police and emergency management authorities. They are committed to our state, as is the minister and the Government, and they will do a better job if they believe this House is backing them.

That is why we will not support this stunt today from Rebecca White, who has nothing to offer except cheap political shots when her own leadership is in desperate trouble. We will be opposing this motion. We will not be supporting it and it is hard not to notice that you are desperately trying to stop debate on the legislation on the blue today.

Members interjecting.

Mr FERGUSON - That is very clear. I will conclude where I started.

What Tasmanians need from this House is a sense of working together for our state, not to undermine the chief officer and the State Fire Commission but to bolster and support our minister. He is not just the Government's minister, he is our minister and he deserves and should have our support. He has done nothing wrong. He has been truthful and has committed himself to the task. He has even offered to come back with further information if required. He has acted in best faith and should be supported. He should be applauded by members opposite because not one member opposite is more committed to this task than Mr Shelton. I and this Government will be backing him and we will not take a backward step from doing so.

Today is a rank day for the Labor Party. They have chosen a stunt. It is nasty. You failed in your motion yesterday in private members' time. You could have moved this motion then but you did not. You saved it for today because it is your day to book your ticket, so that if, as would be very unfortunate and tragic, there were any bad outcomes this fire season, you perversely want to look back at Thursday 28 November and you want to be able to say 'we told you so'. That is awful.

Ms Courtney - It is sick.

Mr FERGUSON - It is sick, Ms Courtney.

Mr Jaensch - It is twisted.

Mr FERGUSON - It is twisted, Mr Jaensch. It is un-Tasmanian and it is very sad for the Labor Party.

[12.21 p.m.]

Ms BUTLER (Lyons) - Madam Speaker, I support a censure motion against the Minister for Police, Fire and Emergency Management. We are seeking leave to conduct this debate in a sensible fashion. We have repeatedly asked for reassurance that Tasmania is prepared for the pending bushfire season and we are still no wiser following the response provided by this minister. We believe that Standing Orders should be suspended as a matter of urgency because of the flood of information being provided to us from across the state, all providing evidence of how we as a state are not prepared.

Bushfire readiness is far from certain and a lack of resources and staff could leave the state exposed this bushfire season. We need to know that you have this under control, minister. We

know this because people from inside all emergency services, and we have pretty much had information from all emergency services and agencies, and a flood of volunteers from brigades across the state, telling us in droves. They are genuine people with genuine concerns and they should not be discounted as pure politics. This is much bigger than politics, Mr Ferguson, to reaffirm. In droves, these people are telling us where the gaps are. We pinpointed the gap of Bruny Island this morning and you said, 'I do not know'. What else do you not know? If there was a pretty serious fire 12 months ago, we wanted to know whether a review had been done. Please start thinking! What else do I not know?

It is important that we suspend Standing Orders to have this debate. We need to know. We all have obligations to the people who elected us. We all need to look those people in the eye and tell them that we believe this Government has this under control. I cannot do that at the moment because I have a heap of information coming to me from sources across the state, telling me that things are not okay. If I trusted this Government with people's personal information, we would not have people scared to voice what they think and point out concerns. Maybe you need to spend more time in the public arena.

It is a matter of urgency that we should suspend Standing Orders today. We have lost confidence that the minister has this under control. Volunteer firefighters are joining the chorus of concerns about the lack of preparedness. Only half of the recommendations in the last three reviews have been implemented. Basic training, resourcing and communications are all cited as problem spots. Many brigades have not had equipment replaced since the last fire season and we must suspend Standing Orders to attend this very important matter.

The minister must be censured. There is a lack of competency in certain areas. There are gaps. There are genuine concerns being raised with us from people across the state, which keep returning back to the same things. If we know this, you should know this. If you do not have this information it is because you are not asking the right questions. It is not that hard. You only have to scratch the surface. It is essential to suspend Standing Orders to have this debate. These volunteers have described the TFS as being a mess, inherently flawed and relying on luck to get through this pending bushfire season.

We want to support workers. These are their words. They are not our words.

Mr Tucker - You aren't, are you?

Madam SPEAKER - Order, Mr Tucker. That is not helpful.

Ms BUTLER - These are coming from people in your electorates and these are their words. It is important, it could be a dire situation and we actually have no indication that you have this covered.

We must suspend standing orders and we need reassurance, as does the community in general, that you have the situation under control, that the firefighting appliances are up-to-date in servicing statewide and there are also claims that there are fire appliances that are thousands of kilometres out of service date. These are basic things to get right. Your procurement is quite haphazard at the moment. It is higgledy-piggledy. Equipment and appliances are also falling apart. The fire stations, especially volunteer fire stations, fall below government standards a lot of the time. The volunteer fire brigades that make a fuss about flooding are threatened with amalgamation or closure, minister.

Do you know what is going on outside? There are claims that the fire stations are not up to government standard. It is a matter of urgency that we suspend standing orders and have this debate.

Members interjecting.

Madam SPEAKER - Order, both sides.

Ms BUTLER - This is what we are here to do. This is our job and we need you to do your job as well as you can. We need you to ask the questions and to make sure that you have 150 per cent certainty that we are prepared for this bushfire season and I am not convinced that you do.

Mrs Rylah - How can you possibly have 150 per cent. You do not understand. Your mathematical skills are zero.

Madam SPEAKER - Order.

Ms BUTLER - The minister for Fire must be censured and we have no reason to believe that the information the minister is providing to the House has any substance. Volunteers are desperate for their truths to be heard. They are describing insufficient stocks of consumable items such as hoses and foam. The motion to censure the minister is prudent and appropriate and we should suspend standing orders as a matter of urgency. It is too important not to.

It was good to hear the Premier this morning state that this is the most serious issue and that is why it is so important for us to have this debate. If you do not agree to us having this debate, it means that you do not actually think that you have got this covered yourself. What are you trying to hide? That is what it tells us and that is the message that it sends out to people in the community.

Time expired.

[12.28 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, so the Greens do not get an opportunity to put our voice into the discussion on this very important issue to deal with suspension of standing orders?

Madam SPEAKER - I want to make a point. Unfortunately, I was out of the Chamber and between the two Chairs, we may have missed you. Apologies for that.

Mrs Petrusma - No, there were two different votes. You came in during the first vote and the second vote -

Madam SPEAKER - We are on the second vote, sorry, so it is my fault.

Dr WOODRUFF - I did jump, Madam Speaker, and I assumed that I would get a chance.

Madam SPEAKER - I am stuck with standing orders, legislation and all sorts of things. The Clerk has advised that I must move on.

The House divided -

AYES 10

NOES 12

Dr Broad
Ms Butler

Mr Barnett
Ms Courtney

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

Mr Ferguson
Mr Gutwein
Mr Hodgman
Mr Jaensch
Ms Ogilvie
Mrs Petrusma
Mr Rockliff
Mrs Rylah (Teller)
Mr Shelton
Mr Tucker

PAIR

Ms Houston

Ms Archer

Madam SPEAKER - The result of the division is 10 Ayes and 12 Noes. Given the requirement of Standing Order 358 that a two-thirds majority is required the Noes have it.

Motion negatived.

MATTER OF INDULGENCE

Closing of Debate

Ms O'BYRNE (Bass) - Madam Speaker, on an indulgence, I cannot possibly allow this circumstance to go without being marked. It is an indictment upon this House that this Government would seek to protect an ailing minister because they do not have the guts to stand up and allow the debate. You cannot have a point of order on an indulgence.

This is a debate that we needed to have because career firefighters and volunteers are calling on action, they are calling for some kind of commitment -

Members interjecting.

Madam SPEAKER - Order, Ms O'Byrne. Thank you. That was unfortunate, and unruly. Thank you.

Mr Shelton - Madam Speaker, have you ruled on that matter?

Ms O'CONNOR - On the point of order, Madam Speaker.

Mr Ferguson - It is not a point of order. There has been no point of order.

Members interjecting.

Ms O'CONNOR - It is very unusual for a government to shut down debate on a matter of this significance -

Mr Shelton - There is no debate.

Dr Woodruff - You shut it down, I am sure of that. It is a protection racket.

Madam SPEAKER - Order. There is no debate, we are moving on.

**PUBLIC SECTOR SUPERANNUATION REFORM
AMENDMENT BILL 2019 (No. 41)**

BURIAL AND CREMATION BILL 2019 (No. 42)

POISONS AMENDMENT BILL 2019 (No. 45)

Bills agreed to by the Legislative Council without amendment.

**WORKPLACES (PROTECTION FROM PROTESTERS)
AMENDMENT BILL 2019 (No. 54)**

In Committee

**Clause 1 -
Short title**

Ms O'BYRNE - It is not normal, I agree, to always go to the short title, but in this circumstance, we need to understand that it is in fact the title, both the short and the long title, that give effect to the intent of the bill.

The minister would have us believe that the bill is about the protection of lawful business activities. It was very clear during the debate last night, the debate that was curtailed by the minister, and the debate that was not backed in by his ministerial colleagues because they did not have the guts or the stamina, or because they know this is headed to the High Court and they do not want to have the contributions that they made in this parliament subject to any kind of scrutiny. They do not want to stand up and say, as the minister alluded to, I think improperly, that they had appropriate advice that this was constitutional.

The minister has failed to give assurances to us that this is not a bill that is designed to stifle public debate, to silence dissent, to ensure that unions going about their business of representing their workers, and bodies of workers who are not registered trade unions, are not picked up.

Can the minister explain to us in some way better than the appalling summing up he did last night, which was the worst summing up of a bill I have ever seen. There are people who have been in this place longer than me but I have never stood in this House and seen a minister ignore the questions that were put during the second reading debate and to have them answered in such a political construct. The only thing I can be left with is the view that the political construct was required because the questions were unanswerable because the bill is not about protecting of lawful business activity. The bill is an Orwellian attempt to silence dissent, to make sure that voices are not heard and to have the only truth as the government's truth. The only way people will be able to have their say is if the government gives them permission to do so.

Minister, can you confirm that this is not a bill about protection of lawful business activity? Can you finally prove to us that this is a bill that does anything other than stifle the rights of individual Tasmanians to have their say, either individually or collectively, publicly?

Ms O'CONNOR - The short title of this legislation is the Workplaces (Protection from Protesters) Amendment Bill 2019. As we understand from the minister's second reading speech, the amendment bill seeks to remove the word 'protesters' and the definition of protesters that is in the principal act. As the minister said in his second reading speech yesterday, 'This law now applies to everyone'. It applies to everyone. It applies to the 15 000 or more students and their families and friends who protested here on 20 September, to the 6000 or more Tasmanians who protested in the foothills of kunanyi/Mt Wellington in May last year, and to every person who wants to stand up and defend their rights as workers. It is clear that simply removing the term 'protesters' in the short title and the definition of protesters from the principal act will not make it any more constitutional in this lipstick-on-a-pig amendment bill.

This is an Orwellian bill that is designed to reach into the lives of every Tasmanian, unless they are from the big end of town. It is clear to me that the only place you can be guaranteed of the right to protest in Tasmania, should these laws pass, is in your own home, but there is a question about that. If you are in your living room and you invite an electrician into your living room, that becomes a workplace for a business premises. Then, for the purposes of this legislation, there is a question about whether I still have a right to protest in my own home if I am impeding the electrician, for whatever reason I am, in my own living room.

This bill is dangerous and the contempt with which the minister responded to the second reading last night was breathtaking. Dr Woodruff and I and every speaker from the Opposition laid out the content of the submissions that were delivered as part of a narrow consultation process. We laid out the concerns of the Tasmanian Law Reform Institute, the Gilbert + Tobin Centre of Public Law, TasCOSS, Community Legal Centres Tasmania, UTAS constitutional expert, Dr Brendan Gogarty, Civil Liberties Tasmania, and the list goes on, and none of those questions were answered by the minister.

This morning we had to endure the Minister for Police, Fire and Emergency Management saying that he listens to the experts. He has a selective ear for the experts, because none of the experts that have exposed this bill's draconian nature and the likelihood that it remains unconstitutional have been listened to by this Government in developing the bill. It is very clear from the information provided by Dr Brendan Gogarty that this legislation applies not just to people who would peacefully protest but to consumers, who might go into Bunnings and have an issue, for example, with a product they have had and refuse to move.

It applies to journalists. Once they removed protesters from the legislation, it then applied to journalists. Journalists can be charged with trespass under this amendment bill simply for doing their job. Journalists and the free press are a critical foundation of a healthy democracy, as is the right to peaceful protest. But no, this authoritarian minister, who clearly takes his cue from the likes of Mussolini, would capture journalists in this legislation; consumers, journalists, workers and everyday Tasmanians peacefully protesting.

The Gilbert + Tobin Centre of Public Law says, about the question of removing the term protesters, that -

... a number of its provisions create criminal offences and provide for police powers that extend beyond the legitimate limits of the criminal law in a liberal democracy.

Madam DEPUTY CHAIR - I remind the member that we are on the short title, which is what the act will be cited as, so your comments should be kept to the short title of the actual act.

Ms O'CONNOR - Madam Deputy Chair, the Gilbert + Tobin Centre goes on to say that there is an issue with the ongoing targeting of protesters.

While the Bill purports to remove the Act's targeting of protesters, we submit that, when its practical operation is considered rather than simply its form, the amended Act remains focused on prohibiting *protest* activity that affects business operations.

The Gilbert + Tobin Centre, the lawyers of which are Professor Gabrielle Appleby, Professor Luke McNamara and Dr Victoria Sentas -

... submit that the removal of the explicit reference to protesters in the Bill has not remedied the operationally discriminatory operation of the legislation, and that it will continue to affect the actions of protesters more so than other groups.

As the submission points out -

... the Bill's amendments to the Act are insufficient to overcome the invalidity of the provision held in *Brown*,

and that is, of course, Bob Brown, and -

... is based partly on the continued discriminatory operation of the law, as outlined above, in a way that targets political communication, which Gageler J noted in *Brown* brings with it a closer level of scrutiny.

The Gilbert + Tobin Centre from the University of New South Wales has also identified a number of continuing issues with the measures in the legislation that demonstrate, we submit, many of the provisions are not appropriate and adapted to achieving their objective.

A short time ago, this morning, the state's peak business body, the Tasmanian Chamber of Commerce and Industry, issued a public statement. In that public statement they welcome the passage of this legislation. It is concerning that the TCCI thinks the bill has passed because it got through the second reading last night with the support of the Liberal-light member for Clark, Ms Ogilvie.

Madam DEPUTY CHAIR - I remind the member we are on the short title.

Ms O'CONNOR - Thank you. The TCCI also described peaceful protesters as, 'economic terrorists'. That is dangerous. That is dangerous language. Terrorism comes with violence. A terrorist act is a threat of violence or a violent act. Peaceful protesters are doing just that; they are peacefully protesting. They are not economic terrorists. They are responsible citizens exercising their rights in a dwindling democracy. Changing the short title of this legislation, changing the short title of the principal act, will not take away from the fact that this legislation targets everyone in Tasmania except for the big end of town. It targets consumers, journalists, workers and everyday Tasmanians. In the view of experts, the bill remains unconstitutional and we know how political all of this is. We saw it yesterday.

We saw this minister come in here after the second reading and make no attempt at all to answer the questions that were asked. These are not questions we just cooked up out of our heads. They are questions that came from people with serious legal expertise.

What else happened yesterday? No Premier speaking about how important this legislation is, no Deputy Premier, no Leader of Government Business, no Treasurer, no Attorney-General.

Mrs Rylah - I beg your pardon. The Leader of Government Business -

Ms O'CONNOR - Did he get up and defend the bill as Leader of Government Business?

The minister needs to explain how changing the short title will make this legislation any more constitutional.

Time expired.

Mr BARNETT - I acknowledge the contributions from the Labor deputy leader and the Leader for the Greens. I make it very clear at the outset that I totally reject the outrageous claims and the allegations which are unfounded on both their parts. First, with respect to the Labor Party, let us make it very clear that we had more than nine hours of debate on this bill yesterday. There was a conga line of Labor Party members repeating and repeating the same arguments in each contribution. We know where their motivations are and we know that it is a political stunt from their side to try to put up a faux argument in opposition to this bill which is so important and so essential.

The Workplaces (Protection of Lawful Business Activities) Bill and speaking to the title, the contributions -

Ms O'Connor - The argument from Dr Brendan Gogarty.

Madam CHAIR - Order, the minister is speaking.

Mr BARNETT - from Ms O'Byrne and Ms O'Connor said very little about the actual title and the importance of lawful businesses to be protected, and the people who work in those businesses to be protected. Let us make it very clear, with respect to the business community, there was not one argument put by the Labor Party arguing the benefits from their point of view of supporting the business community. We have all the productive industries - or at least the large portion of the productive industries - represented in support of this bill. They support it. They are backing it and they are representing some 200 000 Tasmanians who work in those productive industries.

Ms O'Connor - Who you are robbing of rights with this legislation.

Madam CHAIR - Order, Ms O'Connor.

Mr BARNETT - In terms of small business, we have an extra 1600-odd since we have been elected and 37 000, I think 600 or thereabouts now, in Tasmania employing more than 100 000 Tasmanians. These are the people who deserve the protection of this bill.

That is what is very clear to this Government. Likewise, medium-sized business and big business. They are employing Tasmanians. They are entitled to go to work and receive their pay based on the work that do. They are entitled to protection. They will receive that protection under this bill.

Ms O'Connor - You are removing their protection to peacefully protest.

Madam CHAIR - Order, Ms O'Connor.

Mr BARNETT - Workplaces protection of lawful business activity, that is what the bill is all about. That is the objective and that is what it delivers. The right to protest likewise continues. We support the right to free speech, the right to protest, but that should not extinguish the right of workers to go to work, earn a living free from interference and obstruction and, likewise, for business to operate safely and free from intentional interference.

Ms O'Connor - How do you prove intent? There is nothing in the legislation.

Madam CHAIR - Order, Ms O'Connor. I ask that you let the minister make his contribution.

Mr BARNETT - With respect to Ms O'Connor's contribution and the disgraceful reflection on those business communities and those business advocates, what she said on the record when she said that they are simply a 'bunch of middle-aged white blokes' -

Ms O'Connor - The truth is my defence.

Mr BARNETT - Ms O'Connor says, 'truth is my defence'. How disrespectful, how offensive, not just to those men but the organisations that they represent. You should be ashamed of yourself. You should apologise. You should withdraw that offensive remark with respect to those advocates and representatives of those productive industries. It is a disgrace.

Ms O'CONNOR - Point of order, Madam Chair. If the minister could explain to me, given that he is asking me to withdraw, why it is offensive simply to describe the facts?

Madam CHAIR - The member will be able to ask a question when she makes her next contribution. It is not a point of order.

Ms O'CONNOR - I am raising a point of order, Chair. The minister is asking me to withdraw or apologise for telling the truth.

Mr BARNETT - Madam Chair, as I was saying, it is a dreadful reflection, it is a disgraceful reflection -

Ms O'Connor - The TCCI has called peaceful protestors, 'economic terrorists'.

Mr BARNETT - We are talking about peak bodies, Tasmanian Farmers and Graziers Association, the Tasmanian Chamber of Commerce and Industry (TCCI), Forest Industries Association of Tasmania (FIAT), the Minerals and Energy Council, the Seafood Industry Council and the Small Business Council. In fact, they held a dinner meeting here in this Parliament House last night. I had booked to attend to support the Small Business Council but was, of course, here in the parliament, and that is fine and clear. They represent more than 37 000 Tasmanian small businesses. It is fantastic. Why do they have the highest confidence in the nation? Because we have policies that support them. They are getting out there, employing Tasmanians more than 100 000 across this state.

Ms O'CONNOR - Point of order, Madam Chair. Perhaps the minister could answer my question about how removing 'protesters' from the short title makes this legislation any more constitutional?

Mr BARNETT - Madam Chair, as I was saying, I am more than happy to respond to a range of questions, and I am sure we will get to them during the course of the Committee stage. I am dealing with the offensive remarks up front. The other offensive remark from the member for Clark, the Leader of the Greens, is that this bill is an early onset fascism. That is outrageous. That is offensive, not just to me and those in the Government who have put forward the bill, it is offensive to those families who have been adversely impacted and hurt by the impact of fascism in the 1930s, the 1940s, who have been -

Ms O'Connor - It actually started years before Hitler and Mussolini came to power.

Mr BARNETT - exterminated as a result of that. Frankly, to call this Government and the actions of this Government that, is a shameful display -

Dr Woodruff - No, they would want us to speak the truth about this dark cloud that is hanging over the state. They want us to say this.

Mr BARNETT - on your part. You should be ashamed. You should apologise. That type of behaviour, that type of reference -

Madam CHAIR - I ask both members of the Greens to keep their voices down, please, because I am sure you do not want to have to be given a warning. This is a very important debate. I ask everyone, all parties, to show courtesy, please.

Mr BARNETT - Thank you, Madam Chair, and that is exactly my point. There has been no respect shown in the debate by the Greens member in that regard. It is simply unacceptable, unparliamentary, un-Tasmanian and un-Australian.

It is shocking, it is offensive, 'early onset fascism': the Greens member and the Greens leader representing all of her Greens' supporters using that type of language. It is not on. How does she get away with it? It is appalling, Madam Chair, and, frankly, it is unacceptable. I have asked for an apology and it is not to me. It is to those who have been impacted. There are families across Tasmania who feel offended by such language. Why does she not understand that? Why does she not understand that she is offending these middle-aged white men who are representing these peak bodies, representing hundreds of thousands of Tasmanians in these productive industries? Why does the Greens Leader not understand that? It is incomprehensible to me that she is using that language, and she is likening me to Mussolini. It is outrageous. I find that offensive. It is outrageous, Madam Chair, and she is getting away with it.

This is in modern day Australia, using this type of language, and she is making outrageous claims saying that protests are no longer free.

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

**WORKPLACES (PROTECTION FROM PROTESTERS)
AMENDMENT BILL 2019 (No. 54)**

In Committee

Resumed from above.

Mr BARNETT - Madam Chair, before lunch, I was responding to the unparliamentary and offensive remarks from the Leader of the Greens. I will now address a couple of the more credible specific queries from the Leader of the Greens regarding laws applying to journalists. The laws apply to everybody equally - I said that in my second reading speech and I make it clear on the record - but only when there is an intention to impede business activity.

Ms O'Connor - Yes, but how do you demonstrate intent?

Mr BARNETT - I am still speaking and I am trying to respond to your query. The equal application of the law to every Tasmanian is in line with other criminal offences. Trespass laws apply to everyone equally under existing legislation such as the Police Offences Act 1935. Obstruction laws apply to everyone equally under existing legislation, such as the Roads and Jetties Act. Threatened hoax offences apply to everyone equally under both the Commonwealth Criminal Code and the Tasmanian Criminal Code Act 1924. I reiterate that these laws will not apply to anybody unless the person trespasses, obstructs or threatens with the intention to impede business activity.

In addition, Ms O'Connor asked, 'If I am in my living room and impede an electrician, am I in breach of the act?'. The answer is no. It is clear from proposed new section 6(1) -

Ms O'Connor - But my house becomes a business premises.

Mr BARNETT - I am trying to answer the question and there are some interjections. I am doing my best to answer that question. It is clear from proposed new section 6(1) that a person must be a trespasser in order for the provision to apply. If you have an electrician in your house and he is doing some work, he is not a trespasser. A person in their own home who invites an electrician into their home, is not a trespasser, therefore section 6(1) will not apply to a person in their own home who invites an electrician into their home.

Ms O'Connor asked how you prove intent. Prosecutors deal with questions of intent all the time and sometimes there is direct evidence of a person's intention.

Ms O'Connor - But this bill requires the police to determine intent.

Madam DEPUTY SPEAKER - Order.

Mr BARNETT - For example, a trespasser might admit in a police interview, 'I chained myself across the door of the shop to stop customers from buying from the shop'. At other times, intention may be inferred; for example, a trespasser inside a shop stopping customers from going to the counter and saying to the customers, 'You are not buying anything from here'. Prosecutors do this all the time. It is part of their trade. That is what they do.

We are on the short title. I have made it clear that the name of the short title is to protect lawful business services and I have responded to those queries.

Ms O'BYRNE - The short title gives effect to the intent of the bill. Minister, can you confirm that you have received Solicitor-General advice that states that the removal of the word 'protesters' from the title gives the bill certainty that it would survive a High Court challenge?

Mr BARNETT - Thank you for the query with respect to the title. I have answered queries with respect to the title earlier. With respect to the specific question regarding Solicitor-General advice, the answer is yes, we have received Solicitor-General advice. What I said on the second reading and also in the summing up was clear. That is, we have considered the feedback and all the responses during the consultation process. The Department of Justice, the OPC and across government have considered it very carefully. We have had a High Court challenge and the object of the bill obviously has been met and confirmed as legitimate, while parts of the bill have been excised.

During the briefings I have been very open and upfront and the departmental officers have been acknowledged, which is great, and I acknowledge them again on the record and thank them for their service. We provided marked-up copies of the bill where the excising of the bill was noted. It is a little bit unusual but I said, 'No, please make that available to those who are interested and make it clear that, yes, there have been marked-up copies'.

Ms O'Connor - Well, we're interested. Marked-up copies?

Ms O'Byrne - Did you not get a marked-up copy in your briefing?

Ms O'Connor - Consolidated copy? No.

Ms O'Byrne - I did. Is it possible to circulate one to other members while I ask my next question, minister?

Mr BARNETT - I have made that available if it was requested or was of interest.

Ms O'Byrne - To be fair, I didn't request it. It was generously given to me so I am assuming you could generously give it to other people.

Mr BARNETT - I do not have an issue with those sorts of things. I am trying to be supportive and helpful. Of course it took forever. The Greens did not want a briefing initially when it was offered.

Ms O'Connor - Of course we didn't want a briefing. We went to the legal experts and got a briefing.

Mr BARNETT - In fact you tried to stop the first reading speech, for goodness sake.

Ms O'Connor - Yes, as you people did on the Electoral Act changes in 2013.

Mr BARNETT - Anyway, let us get back to the question of the Deputy Leader of the Opposition.

Ms O'Connor - 'Yes, anyway' - caught out lying again.

Madam DEPUTY CHAIR - Order.

Mr BARNETT - It has been considered very carefully by the Government. We have received legal advice from the Solicitor-General, the chief legal law officer, who provides advice on these sorts of matters specifically regarding the constitutionality of the bill.

Ms O'Connor - So did the Solicitor-General say the bill is constitutional?

Mr BARNETT - I am responding to the member, which hopefully will be helpful.

We have received the advice. It is based on very careful consideration of all the submissions and feedback from the High Court challenge and further consideration of the upsurge in activity across the country in terms of animal activists and others causing havoc across farms all across Australia and feedback from their consideration of all these matters. It has been considered very carefully. There is absolutely no intent to put forward a bill that is unconstitutional. In fact, it is to the contrary; it should be constitutional. Based on the advice from the Solicitor-General, I can stand here and advise this House that I am confident in its constitutionality.

Ms O'BYRNE - Minister, I guess I need to hear something from you that would give me comfort that you are not being a little careful in your language this afternoon. You have said you received advice from the Solicitor-General. You have said that there is advice on constitutionality. You have said there was further consideration of a range of issues including the reasons you want to do the bill. Minister, can you stand here and say that you have Solicitor-General advice that the removal of the word 'protesters' from the title would ensure that this bill would survive a High Court challenge on constitutionality? That is the question and the only answer I want is a yes or no. Do you have advice that absolutely says that is the case, or do you have advice and other information from which you have inferred a particular outcome?

Mr BARNETT - I will not be verballed by the member across the Chamber. You cannot tell me how to answer a question.

Ms O'BYRNE - Point of order, Madam Deputy Chair. I am genuinely not trying to verbal the minister. The reason I want clarification is because if I have a long answer it could be misinterpreted. I want a really clear answer so that we can move on quickly through this piece of work. Can the minister answer the question of whether or not he is in receipt of Solicitor-General advice that says that the removal of the word 'protesters' from the title will mean that this bill will survive a High Court challenge on constitutionality?

Madam DEPUTY CHAIR - That is not a point of order.

Ms O'Byrne - I am not attempting to verbal him at all. I just want clarification.

Madam DEPUTY CHAIR - Yes, but it is not a point of order. You have been heard.

Mr BARNETT - Through you, Madam Deputy Chair, I thank the member for her question. In response to the question, I am able to advise the House that the Government, the Department of Justice and the Solicitor-General have given very careful consideration to the bill and the High Court judgment in the *Brown & Anor v The State of Tasmania* case with the clear objective to

ensure the constitutionality of the bill. Based on that advice from the Solicitor-General and, if the High Court challenge were to ensue in due course, I can advise the House as minister, on behalf of the Government, that I am confident that bill would sustain any constitutional challenge.

Ms O'Byrne - That is not the answer to the question.

Mr BARNETT - I am now trying to answer the second part of the Deputy Leader of the Opposition's question regarding removal of the words 'protest' and 'protesters' from the bill. The member would know that the bill applies to all Tasmanians. One of the reasons for concern in the constitutional challenge related to particular aspects of the bill relating to forestry land and to a particular group of people in the community. There is no discrimination. The bill applies to all Tasmanians. I have said that clearly. It applies to all Tasmanians equally, but it is on the basis of protecting lawful businesses in their operation from intentional impeding and obstruction of those operations, providing that right for Tasmanian workers to work free from interference and obstruction.

Ms O'BYRNE - I am sorry, and I do not mean to harp on this question, but it is still not clear to me what the minister is saying. From that answer - and I am not trying to verbal the minister, this is merely my interpretation and the minister can correct me, that is why we are going through consideration in detail - I and most people in this room infer that you have the Solicitor-General's advice, that you have a view as Government that it will be constitutional, but the advice itself does not give you a direct statement that the bill before this House is constitutional, just in terms of removal of that.

Can the minister confirm he does not have advice from the Solicitor-General that says this bill would withstand a challenge in the High Court on constitutionality? You are clear you have advice. I know you have taken a lot of advice. I know you said you read the submissions and took them on board. We will examine that a little further as we go through the long evening, but you could still then come to the position that is not on the basis of what is exactly in that Solicitor-General's advice. I am not asking you to table it but it would be nice if you did. It is rare, and I appreciate for good reason, but if you cannot tell me that it does say it, can you confirm you do not have Solicitor-General's advice that guarantees that this bill would survive a High Court challenge on constitutionality; that that it is not the case? I do not know how else to ask the question to make sure you give me a simple answer because you are being very careful with your language.

Mr BARNETT - I have answered this many times. I am happy to keep answering the question and provide advice that it was well and carefully considered.

Ms O'Byrne - What did the Solicitor-General tell you?

Madam DEPUTY CHAIR - Order, allow the minister to answer.

Mr BARNETT - Based on the advice from the Solicitor-General, and the member, having been in government under the Labor-Greens government, knows full well that it is not convention to release that advice. She knows that. That is government convention across all types and colours of government over past decades. There are guidelines for the release of Solicitor-General's advice, and these are two-page guidelines. I am happy to provide that to any member of this House if they want it, but that is the convention.

I have made it clear on behalf of the Government that, based on that advice, we have confidence in its constitutionality and that it would be sustained if there were to be a High Court challenge. I can add to that, and this might help. Members from the other side have repeatedly quoted from Brendan Gogarty's opinion piece in the *Mercury* -

Ms Haddad - No, it is from his consultation draft on your bill.

Mr BARNETT - Dr Brendan Gogarty, yes, he put an opinion piece in the *Mercury*.

Ms Haddad - He wrote a submission on your bill. Community consultation. That is what I was referring to.

Mr BARNETT - Yes, that is right. You are all quoting from the same source, of course.

Members interjecting.

Ms O'BYRNE - Madam Chair, I would like clarification. None of the members currently asking questions quoted from the opinion piece. It was mentioned in debate last night. The minister should recognise that while some people mentioned the opinion piece, on his side as well, nobody who is asking a question now is quoting the opinion piece in their desire to get an answer.

Mr BARNETT - Dr Gogarty has made a range of accusations and expressed criticisms, which I note. I would like to respond because some of those relate to the constitutionality of the bill. Dr Gogarty said that -

By consequence, the Bill criminalises a range of actions that have nothing to do with 'radical protest'. That includes, for instance, someone who: refuses to leave a shop when the cashier denies them a refund (that they are legally entitled to under the consumer law); slows foottraffic at Salamanca Market by holding up placards contesting the sale of Tasmanian farmland to foreign companies; hands out pamphlets on a footpath highlighting the underpayment of staff by their ex-employer.

Let us be very clear in response to all of that. The answer is, no. Without more, none of these examples would be offences under the act. They are missing either the requirement that the obstruction itself must be caused with the intention to impede business activity, the requirement for intent to impede business activity, or they are missing the requirement for obstruction. This has been brought up in debate during the second reading so I am addressing some of those concerns. Dr Gogarty said -

... simply 'threatening' to do these things is prohibited: just telling the cashier you won't leave the store until you get your refund; just writing to your ex-employer to say you'll stand outside their business if they don't pay you your legally entitled wage; just posting to Facebook that you will go to Salamanca to hand out pamphlets is all prohibited by jail sentence.

Wrong, wrong, wrong. The threat offence is not punishable by a jail sentence. The maximum sentence is a fine of 30 penalty units. Without more, none of these activities would be sufficient to be an offence under the act.

Third, Dr Gogarty said, 'The newly introduced Workplace Bill is, in substance and effect, a charter of rights for companies in a state with no equivalent charter of rights for its citizens.'

Ms O'Connor - 100 per cent.

Mr BARNETT - Indeed, by interjection, the Leader for the Greens has said 100 per cent in support of that and she noted that in her contributions in the House. Let us make it very clear, it is wrong, wrong, wrong. The Government's position is very clear: it is not a charter of rights in any sense. It does not set out rights that a business has. It very clearly stated that it is there to protect the business.

Finally, Dr Gogarty has also said, 'it provides literally no counter-balancing considerations for civil and political rights at all.'. Wrong. Wrong, wrong, wrong. It provides for union activity, protected industrial action, marches and demonstrations with a permit under the Police Offences Act 1935, as well as a broad lawful excuse defence.

Madam DEPUTY CHAIR - I remind everyone that we are on the short title.

Ms O'BYRNE - If this matter was resolved, it would give clarity to a number of the other questions we need to resolve. The title has been amended in this amended bill in order to give clarity, so the change in the title matters. Minister, you are confident that this bill we have before the House would withstand a constitutional challenge. Is the Solicitor-General confident that this bill before the House would survive a constitutional challenge?

Mr BARNETT - Let us be very clear: I have answered that question based on the advice from the Solicitor-General. On behalf of the Government, I am confident it will survive a constitutional challenge. I would not say that on behalf of the Government if I had not read and considered the Solicitor-General's advice very carefully: read it and reviewed it and considered it very carefully. Based on that understanding, I am providing advice for and on behalf of the Government, of our confidence in the constitutionality of the bill.

In addition, in answering the question for which a range of members in this place have put forward views supporting another lawyer from the University of Tasmania, Terese Henning, with respect to -

Ms O'Connor - Are you going to smear her as well?

Ms Haddad - Have you looked at her consultation and submission?

Mr BARNETT - related matters. I would like to respond to those queries.

Ms O'CONNOR - Point of order, Madam Deputy Chair. I understand that the minister has free rein to respond to the questions anyway he chooses. I think this is the fourth time a specific question has been asked about whether or not the Solicitor-General's advice confirms this legislation would stand up in the High Court. For the fourth time now we have not had a clear and honest answer from the minister.

Madam DEPUTY CHAIR - It is not a point of order, as you know. I have allowed you to be heard.

Mr BARNETT - It is a question about constitutionality of the bill and the views of the Government with respect to thereto. Related to that, from the University of Tasmania, Terese Henning's views were put on the public record in the *Mercury* not so long ago. Ms Henning said that the bill was based on an open deception about its purpose which was really about pursuing a policy of criminalising political protest. No, that is wrong. The bill aims to protect business activity and political protest can still go on. The bill limits the location of protests where the activity impacts, or has the potential to impact, on the rights of others.

Second, Ms Henning also said that the second reading speech for the bill does not point to one instance of a trespass that has occurred in Tasmania of the kind targeted by the bill, let alone any such conduct that has caused significant economic loss for workers and businesses. That is true, but here are some examples. The *Mercury* reported in the case of protests against logging operations at Mother Cummings Peak in 1998, a prosecutor told the court that the cost to Tasmania Police was \$380 000 and the forest industry lost about \$360 000 in revenue. The *Herald Sun* reported in October 2019 that climate change protests in Melbourne cost police at least \$3 million. There are a couple of examples and I could share others.

Ms O'BYRNE - The reason this is an important matter, and it does go to the title because the title has been changed around the word 'protest', is that when we stood in this House back in 2014 with the then minister, Mr Harriss bringing this bill forward, similar questions were asked about the constitutionality of the legislation. At that time, the arguments that were presented were, 'we have received Solicitor-General advice. We have considered that advice and we believe the bill to be constitutional and that it would survive any kind of challenge'.

What we had at that stage, was a situation where the Government's desire to effect the passage of the legislation led them to interpret the Solicitor-General's advice in a way that suited them so they could get the bill through the House, and we ended up in court.

We are asking you right now not whether you are comfortable that it would survive a challenge. Clearly the Government, on form, does not know how to make that decision because it failed comprehensively last time. We are asking you whether the Solicitor-General has said that this would withstand a High Court challenge on constitutionality, not that you have considered the advice, not that you made a determination, not that you are confident.

Before we commit Tasmanian taxpayers to this long process of legislative reform, to the cost of a High Court challenge again, some \$300 000 to \$400 000 again, you have to tell this House honestly and truthfully if the Solicitor-General has said this would survive a High Court challenge. If you cannot do that, then the likelihood of your passing this bill through the other place, when they know the way you treated the Solicitor-General's advice last time, is highly unlikely.

I know in your heart of hearts you do not care if this passes or not because this is a political game to you. For the moment, just pretend that you care about good legislation. For the moment, just pretend that you actually want to see an outcome that protects businesses. Let us for a moment pretend that you care about wasting taxpayers' dollars in the High Court.

Minister, I have asked you, I do not know how many times, does the Solicitor-General's advice say clearly, without equivocation, that this bill would survive a constitutional challenge in the High Court? Not your interpretation, not your staff's interpretation, not the acute interpretation of other lawyers that you have had dinner with. Does the Solicitor-General's advice say that? If you cannot say that, then everything else that we do today - and we will do it for a long time - is going to be a

mockery because you are simply setting us on the same path as before. Does the Solicitor-General's advice guarantee the constitutionality of this bill?

Mr BARNETT - Madam Deputy Chair, I have answered this three, four or five times, but I am happy to give it another go and indicate to the member the very careful consideration the Government -

Ms O'BYRNE - No, that is not my question. Point of order, Madam Deputy Chair, that is not my question. It is not the minister's consideration I am interested in. The question is, the Solicitor-General's direct advice. If you read the Solicitor-General's advice, would it guarantee -

Madam DEPUTY CHAIR - Ms O'Byrne, it is not a point of order.

Ms O'BYRNE - It is, Madam Deputy Chair. He is deliberately not answering the question and if it goes to the conduct of the rest of how this process will go today -

Madam DEPUTY CHAIR - Unfortunately, as you know, Ms O'Byrne, it is not a point of order. It is up to the minister to answer the question. I cannot direct the answer, as you know.

Ms O'BYRNE - True. You can ask him, to be honest, Madam Deputy Chair.

Mr BARNETT - Thank you, Madam Deputy Chair. I am pleased that you have been able to remind the member that she is in a position to ask the questions and, on behalf of the Government, I am answering the questions. I have answered this question several times and I will do so again. I have been able to provide criticism of two of the legal authorities that the Opposition parties have been using to say how unconstitutional the bill is. I have responded to those purported authorities from the other side and I have responded to them and advised the flaws in their arguments. I made it very clear they are flawed arguments, in terms of the constitutionality of the bill -

Ms O'Byrne - That was not my question. My question was about the Solicitor-General. I did not quote anyone else.

Mr BARNETT - I hope, during the course of today, I have the opportunity to also criticise and highlight the flaws in the arguments from the other side because there have been many and varied flaws and allegations made which are completely baseless. The arguments that have been used by the other side have been conflated so immensely, so incredibly, and so unfairly to mislead the public in such a dreadful way because this does not deny people the right to protest.

We support the right of people to protest and express a view. It does protect the right of lawful businesses to go about their business without the intention of others to impede, to obstruct, to interfere in those businesses and to stop Tasmanian people on their right to work.

We have considered it very carefully -

Ms O'Byrne - I did not ask for your consideration, I asked for the Solicitor-General's. We can only construe from this that you have advice that the Solicitor-General said this is unconstitutional.

Mr BARNETT - Madam Deputy Chair, I am trying to make a point. We have had very comprehensive consultation earlier this year. A lot of criticisms were made in those submissions and feedback. I am making it very clear that based on all that feedback, all those criticisms, all of

the views that were put in the submissions that were made, and we can go through all of those that have made submissions if you would like - we have a whole list of them, they are all on the public record. We are very clear, and based on that feedback, based on all of those submissions, based on the High Court challenge, based on the High Court judgment and the views of the High Court judges, based on all of that, very carefully considered, and based on the view that the Government wants to get this right.

We want to do the right thing by the people of Tasmania and the businesses in Tasmania to ensure they can operate free from interference and impeding into their workplaces, so that they can operate fairly and safely going forward, and their workers can do so as well. Based on all that advice and based on the advice of the chief legal adviser, the Solicitor-General, the Government is confident in the constitutionality of the bill and that it will survive a High Court challenge, were it to occur.

[3.00 p.m.]

Ms O'BYRNE - I draw the House's attention to Standing Order 2. The final element of Standing Order 2 says:

A Member conducts themselves in Parliament in ways that will protect the public interest and enhance public confidence and trust in parliament.

A Member must observe proper standards of parliamentary conduct by complying with Standing Orders and directions ...

A Member must take particular care to consider the rights and reputations of others before making use of the unique protection available under parliamentary privilege. Privilege should never be used recklessly or without due regard for accuracy.

Minister, putting to one side whether or not you have applied that to the independent assessments that have been given of the bill, I am now gravely concerned that you are deliberately failing to have regard to the accuracy of the Solicitor-General's advice. You are trying to leave everyone in this House and in the community with the impression that the Solicitor-General's advice directly says that this would survive a constitutional challenge. If that is not accurate, you are now in breach of Standing Order 2.

Minister, did the Solicitor-General give you advice that said this matter would sustain a constitutional challenge in the High Court, yes or no? I draw you again to Standing Order 2, because telling the truth, being accurate about this information that has been written by people outside of this House, is an obligation under the Standing Orders of this House.

Mr BARNETT - Madam Deputy Chair, let me make it clear on my behalf and on behalf of the Government, that I find those remarks bordering on offensive.

Ms O'Connor - Why?

Mr BARNETT - You are calling into question my integrity, and that is totally repudiated and rejected.

Ms O'Byrne - Then answer the question. Do you have advice from the Solicitor-General that says this would survive a constitutional challenge?

Madam DEPUTY CHAIR - Order. Allow the minister to answer.

Ms O'Byrne - I wish he would, Madam Deputy Chair.

Dr Woodruff - *Hansard* will show you are using slippery language.

Madam DEPUTY CHAIR - Order, Dr Woodruff.

Mr BARNETT - The member cannot verbal me. I have answered that question very comprehensively, in the most comprehensive way I can. I have made it clear in terms of the careful consideration that has been given to the drafting and preparation of this bill and the confidence the Government has in the constitutionality of the bill. I cannot add any more to that.

There is a convention regarding Solicitor-General advice and the release thereof. Both the Government and I have made it very clear. We have received that advice, we appreciate that advice, we are acting on that advice, and we are proceeding with that advice to progress the bill through this parliament, all being well. I certainly commend the bill to the Chamber and every part thereof.

Ms O'CONNOR - Madam Deputy Chair, that was a most unedifying episode just then. It is not a hard question. The question was put to the minister, I think I counted six separate times, and I asked it yesterday during the second reading debate but the minister refused to answer any of the questions that were raised yesterday. The only conclusion you can draw from a careful listening of the minister's responses, is that yes, the Government has Solicitor-General advice but the advice did not tell them what they wanted to hear. The advice reflects concerns that have been raised by constitutional experts. That advice was on the table when Cabinet considered the amendment bill. It was carefully considered and then it was ignored. That is the only conclusion you can draw if you listen carefully to the minister's answers.

Unlike some people in this place, I do not have a law degree, but for 30-odd years now I have been right into the art of communication. I am an old journo. I listened very carefully to the minister's answer and the only conclusion you can draw is that he is being slippery. I cannot remember the last time, having been asked a question in Committee on a bill, a minister has looked over to me and offered me the jump while he was thinking about his answer.

Ms O'Byrne - Anything to buy time.

Ms O'CONNOR - Yes, that is what happened. Again, the apparatus of the state is being used and abused by this Government, seeking to trash the names and reputations of people not just with law degrees but legal specialists like Dr Brendan Gogarty and Terese Henning. Potentially what has happened here is that the minister has also brought into disrepute the reputation of the Solicitor-General.

Ms O'Byrne - Absolutely outrageous.

Ms O'CONNOR - That is what has happened, because what he has tried to do in avoiding telling the truth is connect the Solicitor-General advice to the decision to proceed with the bill and

suggest there is a causative relationship between the advice provided by the Solicitor-General to Cabinet when Cabinet then decided to proceed with bill.

My understanding from some of the things I hear out there is that the Solicitor-General is quite grumpy. I have not spoken to the Solicitor-General and I apologise if he feels he is being verballed, but it is unfortunate that he is potentially being tied to this Liberal Government's decision to proceed legislation that has been struck down by the High Court. To try to put lipstick on a pig through this amendment bill, the Solicitor-General's reputation in legal circles, because of what the minister just said, is potentially compromised. It is extremely unfortunate, minister, that you could not just say that the Solicitor-General's advice was that these amendments will make the principal act constitutional. The minister could not say that. He could not say the Solicitor-General's advice gave Cabinet comfort that the legislation would stand up in the High Court. It is absolute dishonesty from this minister. I could see it in his face when the question was being repeatedly asked, buying time to try to craft an answer that was not entirely misleading.

Before the lunch break the minister was talking at length about taking offence to my use of the term early onset fascism and demanding that I apologise. I will not be apologising for stating the truth. Fascism is another form of government, like democracy. In fact, it is democracy's polar opposite. It is not country-specific. It is an authoritarian and nationalist right-wing system of government and social organisation. It is intolerant of the views or practices of others.

The term 'fascism' was first used in the totalitarian right-wing nationalist regime of Mussolini, the regimes of the Nazis in Germany and Franco in Spain. Fascism tends to include a belief in the supremacy of one national or ethnic group. In this circumstance we are talking about one cohort in our society - and that is our corporate and vested interests. It shows a contempt of democracy, which is what this amendment bill and the principal act do; they show contempt for the constitutional implied right of freedom of political communication.

Fascism requires an insistence on obedience. These laws demand that Tasmanians be obedient and not raise their voices in peaceful protest or dissent. Fascism demands obedience to a powerful leader and a strong demagogic approach. That is why I will not be apologising for using the term 'fascism' in relation to this legislation, because that is exactly what it is.

We still have not had an answer to the primary question that is contained within the short title of the bill. If you remove 'protesters' from the title of the bill, and if you remove the definition of 'protesters' from the legislation, how does that make it any more constitutional in the High Court? We have not had that answer.

The minister simply poured scorn on the submissions made by Dr Brendan Gogarty and Terese Henning on the part of the Tasmanian Law Reform Institute and tried to drag the Solicitor-General into the decision to proceed with what are, in all likelihood, unconstitutional amendments to an unconstitutional act. That is a disgraceful effort on the part of the minister. He is being slippery.

I will ask the question again: given the advice from the experts that this minister has trashed, the Tasmanian Law Reform Institute, how does the minister see that removing the words 'protection from protesters' from a short title of the bill will make it more constitutional? It is the evidence of the Tasmanian Law Reform Institute that there remain huge questions over the constitutionality of this legislation. I do not know if the minister has taken the time to read the TLRIs submission, but the last paragraph of the TLRIs submission states that -

Without consideration of the issues outlined above, we consider that the *Workplaces (Protection of Lawful Business Activities) Act 2014* ...

That is what this legislation would become, should it be passed -

... would remain overly punitive and impose disproportionate and unnecessary restrictions on freedom of political communication. The likelihood that the legislation does not resolve the problems identified by the High Court in relation to its earlier iteration, in addition to the human rights problems identified above, mean that it could be open to challenge on constitutional grounds and for non-compliance with human rights.

Minister, you have been warned by the experts. There is a huge question mark over whether this legislation would stand up in the High Court. It is not only the TLRI -

Madam DEPUTY CHAIR - I remind the member we are on clause 1, the short title. Can you please be relevant to the title?

Ms O'CONNOR - Yes, thank you for the reminder. It is not only the TLRI that says the removal of the term 'protesters' and definition does not resolve the issues that were identified by the High Court. It is also the Gilbert + Tobin Centre of Public Law in New South Wales.

Time expired.

Dr WOODRUFF - Minister, we are talking about the short title today because of your very expensive attempt to defend your previous failure for this bill. The waste of over \$300 000 of taxpayers' money to defend the indefensible ought to have shown you that you should not have another go at it again. Instead, it is clear that you did not pay sufficient attention to the judgment of the High Court judges. One of the things about that judgment that is worth making clear is that the majority decision in *Brown v Tasmania* 2017 was split over four separate judgments, which became the joint judgment that was produced by the High Court.

This makes it hard, if not impossible, to determine. According to the submission from Dr Brendan Gogarty, which you should be well aware of, which of the specific provisions in the 2014 anti-protest legislation were invalid? It was complex because the majority of judges did not speak together about which specific operational provisions were invalid. They made separate points. Some talked about several, some talked about all of them, and some talked about one of them. As Dr Gogarty also noted, I am talking about operational, rather an administrative or definitional, provisions.

Justice Gageler explained that the network of provisions meant it was not possible to sever one part of the anti-protest legislation from the whole.

Madam DEPUTY CHAIR - Dr Woodruff, I remind you we are on clause 1, the short title.

Dr WOODRUFF - I understand that and this is exactly to the point of the short title. This is the first time I have spoken on this clause, it is new information and the minister needs to be aware of this because we paid \$334 000, as a state, for this advice. He should have paid attention to that before he brought this bill back into the place because he has clearly misunderstood that very expensive advice that we have paid for.

Consequently, Dr Gogarty said, it is not possible to say with any degree of certainty which provisions of the anti-protest act survived the court's declaration of invalidity. Expert commentators assumed the result of the decision was that the entire legislation was invalid. Despite this, the amendment bill we have here opts to substantially amend the anti-protest legislation from 2014 albeit removing reference to protesters.

No explanation has been provided by the Government as to why they have taken this approach instead of creating a completely new bill. They have created an amendment bill and amended the act from the inside rather than creating new standalone legislation. The Government has taken a simplistic and narrow interpretation of which of the elements of the 2014 bill were declared invalid by the High Court. The Government has taken a convenient, carefully constructed Liberal Party narrative and has made a simplistic, and what I will contend will be an expensive decision on the part of Tasmanians to remove the word 'protester', in the vain hope that that will save the Government from a constitutional failure next time it goes to the High Court but it is not going to work.

The University of New South Wales Gilbert + Tobin Centre of Public Law, and the Centre for Crime, Law and Justice in their excellent submission, go into some more detail about the targeting of protesters in this bill, that is, the removal of 'protesters' in this bill. The bill purports to remove the act's targeting of protesters by the short title, which is what I am speaking to, but its practical operation is considered rather than simply its form. The act still remains focused on prohibiting protest activity that affects business operations.

The explicit focus on 'protesters' is removed. Instead you have put in this proposed change to the short title by removing the words 'protection from protesters' and substituting those with 'protection of lawful business activities'. That operates as a shield for what is really going on. But it does not actually work because the High Court's Justice Gageler, on pages 202 and 203 of their judgment, commented about the discriminatory operation of the legislation against protesters in the *Brown v Tasmania* judgment. They indicated that the operation contributed to their conclusion that the relevant provisions were not appropriate and adapted to meeting their indicated purpose of protecting legitimate business activities from protester activities. The removal of the explicit reference to protesters in the bill we have here has not remedied this operationally discriminatory operation of the legislation and it will continue to affect the actions of protesters more so than other groups. That is the point.

In practice, and given a history of onsite protests in Tasmania, the burden that would be created by the offences of this legislation will still sit almost exclusively on onsite political protests that are targeted at legislative or regulatory change.

I want to go to the excellent report, *Say it Loud: Protecting Protest in Australia*, produced by the Human Rights Law Centre.

Madam DEPUTY CHAIR - I remind you, Dr Woodruff, we are on the short title. Please make it relevant.

Dr WOODRUFF - This is entirely germane to the short title and I follow on from this. This is the reason why political protesters in Tasmania will be particularly affected, regardless of any word changes that the minister and the Government are trying to make. The short title must reflect the real intention of the bill. We know that onsite protest is an incredibly valuable tool in advocacy for environmental, legislative and policy reform because it raises public awareness about an

environmental issue. It must be onsite. That is the point. It has a special importance in Australian history. The potency of onsite protest was specifically recognised in the High Court judgment. Justice Gageler said that the communicative power of onsite protests through the generation of images capable of attracting the attention of the public and politicians to the particular area of the environment which is claimed to be threatened and sought to be protected. He noted that.

Similarly, Justice Nettle wrote that in the plaintiff Bob Brown's experience, quote:

... on-site protests against forest operations and the broadcasting of images of parts of the forest environment at risk of destruction are the primary means of bringing such issues to the attention of the public and parliamentarians. Media coverage, including social media coverage, of on-site protests enables images of the threatened environment to be broadcast and disseminated widely, and the public is more likely to take an interest in an environmental issue when it can see the environment sought to be protected.

Time expired.

Ms O'BYRNE - Minister, if I was to walk outside and stand on the steps today in front of the packed media, or I was a union secretary and I was to address my membership and say that the Solicitor-General says that the law - the proposed Workplace (Protection of Lawful Business Activities) Act 2014 - is constitutional and will survive a constitutional challenge in the High Court, would I be telling the truth? Would the union secretary be telling the truth? If we stood outside and said that the Solicitor-General says that this would survive a constitutional challenge would we be telling the truth, minister?

I have finished. That is a question to you if you would like to answer it. Would I be telling the truth if I stood outside and said the Solicitor-General said that this bill would survive a constitutional challenge in the High Court? I do not want to tell lies.

Madam Deputy Chair, the minister said before that I was verballing him. I do not want to verbal him. I want to know, if I went outside and said that, as he has implied, would I be telling the truth?

Madam DEPUTY CHAIR - I heard the question.

Ms O'BYRNE - I am sure the minister did not hear the question because otherwise he would be jumping up now and saying, 'Yes absolutely, because that is what I conferred to this House'. Goodness me.

Madam Deputy Chair, point of order. Let the *Hansard* show that the minister chose not to answer the question and that is why you have called Ms Haddad for the next question.

Madam DEPUTY CHAIR - It is not a point of order. Ms Haddad.

Ms HADDAD - I have some comments to make regarding the short title of the bill and a question to put on the record - which I did put on the record yesterday during my second reading consultation - specifically around the minister's comment in his second reading speech around community consultation. Before I do, I reiterate what I said by way of interjection earlier that when I was referring to the comments of Dr Brendan Gogarty, I was referring, in fact, to his submission

to the Government's community consultation, not to his opinion piece or to anybody's opinion piece in the media.

The minister indicated that there were 50 targeted stakeholders who were sent a copy of the bill and invited to make a submission and that more than 400 submissions were received in response to the bill. That is an impressive number of responses to any government community consultation and I daresay it is probably one of the highest that has occurred.

My question in my second reading contribution yesterday was, how many of those 400 submissions were supportive of the provisions of the bill? I did take offence to the implication that people on this side of the Chamber were lining up one by one, a conga line as we were referred to, and reading off the same script.

Madam Deputy Chair, in my second reading contribution I was referring to a number of the community consultation submissions which the Government invited and received, many of which are published and on the Government's Justice department community consultation website. The ones that were published, I will go through them briefly - A. Booth, A. Davidson, A. Ferrari, B. Gogarty, Bob Brown Foundation -

Madam DEPUTY CHAIR - Ms Haddad, I remind you that we are on the short title.

Ms HADDAD - CLC Tasmania, Greenpeace, I. Matthews, K. Darko, L. Foley, P. Lennard, R. Griggs, R. Trustum, S. Garland, TasCOSS, Tasmanian Law Reform Institute (TLRI), Tasmanian Aboriginal Corporation, Tasmanian Minerals and Energy Council, Unions Tasmania, University of New South Wales, V. Bayley, and there were two redacted at the request of the submitters.

Madam Deputy Chair, they are the submissions I was referring to and that is where I drew my contribution from on the second reading.

My question specifically to the minister is, when he said in his second reading contribution that those community consultations were considered when it comes to the short title, the submission made by the University of New South Wales, Gilbert + Tobin Centre of Public Law, and the University of New South Wales Centre for Crime, Law and Justice, which was co-signed by three eminent professors, Professor Gabrielle Appleby, Professor Luke McNamara, and Dr Victoria Sentas, their view on the change to the title of the bill was this. They say on page 2 of their submission:

While the Bill purports to remove the Act's targeting of protesters, we submit that, when its practical operation is considered rather than simply its form, the amended Act remains focused on prohibiting *protest* activity that affects business operations. The removal of this focus on explicit protesters appears to be in direct response particularly to Justice Gageler's comments as to the discriminatory operation of the legislation against protesters in *Brown v Tasmania* [2017] HCA 43, which indicated that this operation contributed to his conclusion that the relevant provisions were not appropriate and adapted to meeting their indicated purpose of protecting legitimate business activities from protester activities.

We submit that the removal of the explicit reference to protesters in the Bill has not remedied the operationally discriminatory operation of the legislation, and

that it will continue to affect the actions of protesters more so than any other groups.

That is my specific question regarding the short title: what consideration was given by the Government to that specific comment by one of those groups that submitted to the Government's community consultation? What consideration was given to that specific submission? I will reiterate my question around the 400 submissions that the minister referred to in his second reading speech, to ask the question again, what proportion of those submissions were supportive of this bill?

Bill Declared Urgent

[3.30 p.m.]

Mr BARNETT - Madam Deputy Chair, it is now 3.30 p.m. so I declare the Workplaces (Protection from Protesters) Amendment Bill to be an urgent bill.

Ms O'Byrne - You're going to gag the bill? That is outrageous, absolutely outrageous. Madam Deputy Chair, this is a complete indictment on this minister. The reason he is gagging this bill is that he has been caught out lying. You are a liar.

Madam DEPUTY CHAIR - Ms O'Byrne, order.

Ms O'Byrne - It is not constitutional and you know it. You have lied about the Solicitor-General's advice. You are a liar.

Madam DEPUTY CHAIR - Ms O'Byrne, order. Withdraw.

Ms O'BYRNE - Withdraw what?

Madam DEPUTY CHAIR - Your accusation that the minister lied.

Ms O'BYRNE - Madam Deputy Chair, you are asking me to withdraw the fact that the minister has lied about the constitutionality from the Solicitor-General's advice. When I asked him if I said it, would I be telling the truth, he could not answer.

Madam DEPUTY CHAIR - Ms O'Byrne, withdraw.

Ms O'BYRNE - Madam Deputy Chair, I withdraw and point out the minister is deliberately and intentionally misleading the public and this House about that advice. He should stand condemned.

Madam DEPUTY CHAIR - Ms O'Byrne, it needs to be an unconditional withdrawal.

Ms O'BYRNE - I unconditionally withdraw but he is misleading and being dishonest.

Madam DEPUTY CHAIR - Sit down.

Ms O'BYRNE - Madam Deputy Chair, I seek the call. This minister is misleading the House and the public and he knows it.

Madam DEPUTY CHAIR - Ms O'Byrne, you are warned.

Ms O'CONNOR - Point of order, Madam Deputy Chair. The minister needs to explain why this is an urgent bill. We are being asked to gag a debate after being in Committee stage for a bit over an hour.

Madam DEPUTY CHAIR - I would like to be heard, Ms O'Connor.

Ms O'CONNOR - Madam Deputy Chair, under Standing Order 181 I am entitled to raise a point of order and be heard. I ask to be heard now on behalf of every Tasmanian who believes in democracy and the right to peaceful protest. The gag has been pulled on one of the most significant, dangerous, antidemocratic pieces of legislation ever to come before this House. It is declared an urgent bill when the upper House will not even deal with it until next March. This is scandalous.

Madam DEPUTY CHAIR - Please sit down. That is not a point of order. I have been advised there is no debate on this question.

Ms O'Connor - There is no justification for this being an urgent bill.

Madam DEPUTY CHAIR - The question is -

Dr WOODRUFF - Madam Deputy Chair, this cannot happen. This is exactly the undemocratic thing that this bill seeks to introduce and the Government will not even let us debate the bill. This is outrageous. Look at the minister smirking over there.

Madam DEPUTY CHAIR - It is not a point of order.

Dr WOODRUFF - He has not answered the questions. He has been slippery, he is prevaricating, he is providing falsehoods and lying.

Madam DEPUTY CHAIR - That is not a point of order. There is the opportunity to debate in the next section.

Ms OGILVIE - On a point of order -

Ms O'Connor - Oh, you're going to make a contribution now, are you?

Ms OGILVIE - I actually think I have a point of order. Stop yelling at me, Cassy.

Ms O'Connor - Take your teaspoon of concrete, Madeleine.

Madam DEPUTY CHAIR - The advice is there is a 20-minute debate on the allotment of time on the urgency, which is the next question.

Ms OGILVIE - On a point of order, I am now unsure whether it is appropriate to table proposed amendments at all.

Ms O'Connor - No, it's not. You're so out of touch.

Ms OGILVIE - Please stop yelling at me. I would like to hear what the Deputy Chair is trying to say.

Madam DEPUTY CHAIR - It is not a point of order. I am going to put the question so that we can deal with that question. The question is that the bill be considered an urgent bill.

The Committee divided -

AYES 10

Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Mr Hodgman
Mr Jaensch
Ms Ogilvie
Mrs Petrusma (Teller)
Mr Shelton
Mr Tucker

NOES 10

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

PAIRS

Ms Archer
Mr Rockliff

Ms Dow
Ms Houston

Madam DEPUTY CHAIR - The result of the division is 10 Ayes 10 and 10 Noes. In accordance with standing order 257, I cast my vote with the Ayes.

Motion agreed to.

[3.41 p.m.]

Mr BARNETT - Madam Chair, I move -

That all remaining stages of the bill shall be concluded by 6 p.m. today.

I would like to outline the reasons why.

Dr Woodruff - It is complex. There is a High Court judgment about this. We paid \$330 000 for that advice. It is worth listening to.

Madam DEPUTY CHAIR - Order, Dr Woodruff, warning one.

Mr BARNETT - We have just spent two hours on the title of the bill. If that evidence is not enough to convince members in this place that we need to do this in a considered and orderly manner, I do not know what is. We have 18 clauses in the bill. You have an opportunity to ask questions of me and I will have an opportunity to respond, but when the Labor and Greens members work in cahoots, time and again, asking the same questions, the time has come. We need a balanced and sensible approach.

Dr WOODRUFF - Madam Chair, point of clarification, Standing Order 181. The minister should be honest about the fact that the reason we have asked questions is that the minister has not

answered them. If he answered it honestly the first time, we would have gone through that in 10 minutes. The Government is purposely holding this back.

Madam DEPUTY CHAIR - You will have an opportunity, if you remain in the House, to contribute to the debate. You have been warned once.

Ms O'BYRNE - Point of order. If you realise, we started at 12.39 p.m. We then had an hour and a half for lunch and we have debated the constitutionality of the bill for an hour and a half. I would not want the minister to mislead the House.

Madam DEPUTY CHAIR - That is not a point of order.

Mr BARNETT - Here we are, at nearly 3.45 p.m. in the afternoon and it is clear that Labor and the Greens are working in cahoots. They moved an amendment on the second reading to try to throw out the bill in the first place. That was the Greens' amendment.

Ms O'CONNOR - Point of order. The minister is misrepresenting. We moved the amendment. It was our initiative and Labor happened to support it. It was the right thing to do.

Madam DEPUTY CHAIR - Ms O'Connor, it is not a point of order.

Mr BARNETT - Yes, it was moved by the Greens, and Labor and the Greens are working together. They are tied at the hip. They are asking the same questions. We know they do not like the truth. They do not like hearing these facts, time and again. We have had the conga line of the same arguments. We had an estimated nine hours of debate on the second reading, finishing after 2 a.m. and we heard the same speech again from the Labor members' conga line with the same arguments, quoting the same people.

The repetition was nonstop. I could almost regurgitate every single word of Labor members' contribution at the dispatch box. It goes on and on. Labor and the Greens are siding with each other and are saying dreadful things about the business community. We have heard some dreadful allegations with respect to the business community in this state, those productive industries, the farmers, foresters, miners, fishermen and businesses small, medium and large, and the condescending dreadful remarks with no apology from the Leader of the Greens with the respect of that. We have not heard one argument in support of the business community.

Ms White - Bullshit. I withdraw that.

Mr BARNETT - Yes, the Leader of the Opposition is absolutely out of line. Quite clearly, by 6 o'clock tonight, the House will have debated this bill for over 13 hours and that will be sufficient time for scrutiny of this bill.

Ms O'BYRNE - Can I explain what exactly has gone on here? We need to explain it because the minister has shown with his actions in the lead-up to this and his action now that he is not capable of being honest with this House. We have not spent two hours on the first part of the bill. We have spent an hour and a half discussing the constitutionality of this bill. If the minister had answered the question honestly in the first instance, we would have moved on to the significant number of questions we have.

We honestly did believe we had the time because this minister also told representatives of the industry that he would not gag this bill. They told me that the minister has given assurances he will not gag this bill. Once again, he cannot tell the time and he cannot tell the truth to the industry.

Before we talk about the issue of constitutionality, which is where we were caught up, let us talk about urgency and timing. This bill will not get to the upper House until March. The upper House will determine when they see it that there is a whole lot of work they have not done because you did not send it to them in time. You have a duties bill that you had to get through but you could not. There is no way this bill is going to be passed by March next year, yet you are preventing members of this House having the appropriate opportunity to scrutinise it despite giving those assurances.

There is no way there is an argument to gag a bill on the basis of urgency. You cannot guillotine a bill on the basis of urgency if it is not going to be dealt with for four months. You are running scared because, in this debate on the title, you could not even go to the difficult parts of the bill. You failed on the first point of what the intention of the title meant. For those people who say the title is not important, it gives legal effect to the intent of the bill. It matters because it goes to whether this minister resolved the issue of constitutionality.

When he was asked directly about the Solicitor-General's advice, he was dishonest. He said, 'I have received advice. I have considered things. I have made a decision'. Six times, we asked that question. We even asked it backward. Can you confirm that you do not have Solicitor-General's advice that gives us assurances that the Solicitor-General says that this bill will withstand a constitutional challenge in the High Court? The minister could not answer that without going into his spiel about taking advice from the Solicitor-General, he went on and on, 'I considered that, I considered other advice, and it is my opinion'.

When we came to the final crunch point, which is, minister, if I walked outside of this door and stood on the steps in front of the media, or a union secretary stood in front of their members, and said the words 'the Solicitor-General has said that this bill is constitutional and will withstand a High Court challenge on constitutionality'; he sat there like a stunned mullet because he could not lie. He could not lie any more. That is what you did.

I will speak as loud as I choose, Madam Chair. I am so angry at the behaviour of this minister and this pack of people behind him who would do so much so willingly to sell the rights of individuals and communities down the line. This bill is now proven to be something that is heading to the High Court. We are looking to another hundreds of thousands of taxpayers' dollars where this gets ripped up, because you never wanted to solve the issue. You wanted a fight with the Greens and a fight with the unions. You do not care about protecting workers in those workplaces. This has been about the fight and the fact that you are too gutless now because you have got yourself in trouble because you have willingly, deceitfully and with intent misled this House about what the Solicitor-General told you, because you could not tell me that if I said it, or a union secretary said it, that we would be telling the truth, because it is not true.

You have advice from the Solicitor-General that tells you that this bill will not withstand a constitutional challenge. You could have brought a clean piece of work to the bill. You have sold the industry down the line because they are not going to get a resolution to this. It is going to the High Court. You have sold workers down the line because you have been dishonest about the industrial protections that are offered to them. You, minister, have been so political, so base and so vile that you have sold out those workers in those workplaces. You have sold out individuals who

are trying to fight for those rights, and you have sold out the Solicitor-General. You have sold him down the line because he is now in a compromised position. He has a minister who has stated that this will maintain a constitutional challenge. You are dishonest and deceitful and you should stand condemned.

Time expired.

Ms O'CONNOR - Madam Deputy Chair, the Liberals in Government, with the support of the so-called Independent member for Clark, have just given the middle finger to every Tasmanian who believes in the right to peaceful protest and believes it is a critical foundation of our democracy. They have given the middle finger to the Tasmanian Law Reform Institute, to Dr Brendan Gogarty, to barrister Roland Browne, to the Tasmanian Council of Social Services and, critically, to the Tasmanian Aboriginal Centre, the First People of Tasmania who called on this House to reject this legislation.

There is no other conclusion to draw other than the Liberals do not like democracy. They just do not like it. They do not like being held accountable. They cannot be transparent. They do not want to answer to the people who voted them in here. They want to crush the democratic spirit of Tasmanians and silence dissent. What we saw in here today is an utter corruption of the Westminster system of parliament.

We are given a job by the people of Tasmania to scrutinise legislation. The reason the debate went on so long last night is that everyone on the other side of the House, people who believe in democracy and the right to peaceful protest, wanted to make a contribution. It is not like the conga-line we get from Liberal backbenchers with their pre-prepared speeches who are filibustering on crap bills.

This is not an urgent bill. You cannot argue it is an urgent bill. That is why this is a corruption of the Westminster system. There is nothing urgent about a bill that cannot be debated until March or April next year. As we know, it will not be brought on for debate until after the Legislative Council elections. This is not urgent legislation. The processes and procedures of this House are being abused by the Liberals in government with the support of the so-called Independent member for Clark, Ms Ogilvie, who did not have the courage to come in here on the second reading debate and make a contribution. Shame on all of you.

You just stuck a knife into the heart of our precious democracy. You denied members in this place an opportunity to properly scrutinise this nasty, dangerous legislation. You have delivered a massive slap in the face to the Tasmanian people who believe in the right to protest, as well as the Tasmanian Law Reform Institute, Dr Brendan Gogarty, TasCOSS, the First People of Tasmania and others. It is not an urgent bill. We are debating a lie. There is nothing urgent about this legislation. What has happened here is that because we sat until 2 o'clock in the morning making contributions on this legislation on the second reading debate, the Liberals want to go home, they want to go nigh-nighs, but they also know they have a minister in the chair now who misled the House and dropped the Solicitor-General in it, without care, with abandon, stuck a knife in the heart of Tasmania's democracy, corrupted the Westminster system of accountability and is now going to rubber-stamp through a bill in this place which would rob Tasmanians of their most fundamental right of peaceful protest and, in all likelihood, end up in the High Court.

The reason the short title debate went on for so long is because that is the threshold question we are dealing with here. You cannot just take a word out of legislation and a definition that is

'protesters' and think you are going to slip this through again without High Court challenge. Dealing with the lie in the short title is an important part of scrutinising this legislation. But having misled the House, having misrepresented the Solicitor-General, this minister now wants to gag debate on this legislation. He wants to gag it on the first part of the bill that has 18 clauses. It is so disgraceful. We have so many questions here that come from submissions made to government.

We have not had an honest answer on this legislation from the minister at any point. He could not even come in here on the second reading debate last night and answer a single question that had been put. What a disgraceful effort.

Madam DEPUTY CHAIR - The member's time has expired.

Mr FERGUSON - Madam Deputy Chair, I will be supporting my colleague minister's motion. I will make some points and I expect that the House will listen to the points. The conduct of members opposite has been very poor. It has been unprofessional, it has been discourteous -

Dr Woodruff - It has been matched by the lies on the other side of the House in defence of democratic rights.

Madam DEPUTY CHAIR - Dr Woodruff, warning two.

Mr FERGUSON - and it has been intended to intimidate one of your own members in your own electorate. It is quite disgraceful.

First of all, as the minister has made very clear, the conduct of the debate during the Committee stage has already been self-evidently an attempt by Labor and the Greens to waste and frustrate time and to frustrate the process, and if there is any bellyaching to be had about now being to ask questions arising from whatever submission, that is down to you, because you have failed to even attempt to ask those questions.

Ms O'CONNOR - Point of order, Madam Deputy Chair. The minister is manifestly misleading the House again. A range of questions was asked of the minister last night in the second reading debate and he did not answer them.

Madam DEPUTY CHAIR - That is not a point of order. Minister, you have the call.

Mr FERGUSON - The member is very free with her accusations and they just continue to be vomited out on the table. It is most discourteous, most incorrect and most unreasonable. It is fair to say as well that last evening the Greens and Labor, again working together, tried to support a motion that would have had none of this debated whatsoever. They tried to have this motion pushed off into the never-never -

Ms O'Connor - We tried to have unconstitutional legislation repealed.

Mr FERGUSON - If you would just care to listen. This morning Labor and the Greens worked together to try to suspend standing orders to push all of this debate off for their stunt on fire preparedness.

Ms O'CONNOR - Point of order, Madam Deputy Chair. It is important that the minister does not misrepresent this. We had no idea Labor was bringing on a censure motion. We did not work with Labor on the censure motion. Can you please ask the minister to stop lying?

Madam DEPUTY CHAIR - That is not a point of order.

Mr FERGUSON - It is just that you spoke to it and voted for it. All right, we will keep moving. You have rejected the voters. Now you have a bellyache again, there you go, the Leader of the Opposition following the Greens. You talk about democracy but you only talk about your kind of democracy where people should be able to break the law and protest illegally.

What about people's votes at the last election? Does that count in your mind? No. It is fair enough that the Government be able to get on with its legislative agenda.

Ms O'Connor - You'd be an advocate for mob rule and capital punishment then, would you?

Mr FERGUSON - If you would just care to listen. Yesterday, we extended the sitting and all members of the House who wished to speak did speak, including the Government, making way by surrendering its private members' time and its MPI time this morning in order to help the House go about its business.

Ms O'Byrne - That was your choice.

Madam DEPUTY CHAIR - Order, Ms O'Byrne, warning number one.

Mr FERGUSON - I do not need your compliments but I am setting the record straight on your dishonesty. Finally, we expect the Greens to trample on businesses and workers. They have made a 40-year history of it.

Ms O'Connor - That is a lie.

Mr FERGUSON - Again you are very free with your insults but I will continue.

Labor pretends that they care for workers and small businesses but they do not. They have sold out, time after time after time. Every time this week that you have voted with the Greens you have voted against the interests of workers and small businesses including with the point that you voted against better protection for frontline workers to be protected from serious assaults. You voted against that legislation this week and I will not have the Labor Party trying to pretend that they are standing up for workers. They are standing against workers. They are standing against interests. More insults. That just illustrates who you are and where you are coming from. It is a very dark and sad place. I feel sorry for you that you live that way.

We have also had stunts on procedures -

Ms O'Byrne - I beg your pardon. And I have thoughts and prayers for your future, Michael. How is that?

Mr FERGUSON - You have been wasting time. The House ought to be able to consider this legislation, has had ample time to do so and still has time to do so before the 6 p.m. proposed time.

I say to members of this House; you have shown that you are not really serious about real scrutiny; all of your huffing and puffing but you have only tried to frustrate the debate.

[4.01 p.m.]

Ms WHITE - This is a government that turns to fights and then they tap out early. You cannot even handle answering simple questions about constitutionality. This is a disgrace that you are gagging debate.

Time expired.

Dr WOODRUFF - Madam Deputy Chair, I was talking about the importance of location in environmental protests and why the short title matters to say what is actually happening in the bill. Restrictions that prevent the public from accessing environmental locations, particularly public land, for the purpose of a peaceful protest should be avoided.

That is why we have to make sure that the short title of this bill accurately describes the intention of the Government. The view of Brendan Gogarty was that, while the Government opting to redraft the bill in the fashion it has, it ensures that resultant legislation will retain its date of enactment. The High Court's declaration of invalidity in the 2017 judgment means that the bulk of the law must be altered, including the proposed legislation's title.

That is the important point here. There are many real risks in this bill. The bill is a toxic bill to democracy and the right to protest. That is why the short title in itself will not solve the problems that the High Court has pointed to. It is clear that the Government is just doing this: as we have pointed out time and again, this has got no purpose other than to distract us over the summer in a horrible campaign in the lead up to the May upper House elections.

It is a disgrace but it points out more than anything the carelessness that the Government has with state money, their preparedness to take us back to the High Court for the challenge that must inevitably follow a decision. If this goes through the other place it must follow, because Tasmanians cannot suffer living in a state under legislation that this bill seeks to enact because it takes away every opportunity we have to protect the things that we love. The children of Tasmania, along with everybody else who cares about them and their future, will be rising up against this horrible bit of legislation.

Mr BARNETT - In response to the member's accusations and allegations, which are totally refuted and talking about protests around different parts of Tasmania and different parts of Australia, let us make it clear it was the farmers who were targeted by the Aussie Farms website. It included an interactive map. It listed the location and contact details of around 5000 farms and farm-related businesses across Australia and 200 of those were in Tasmania. They were targeted farms.

Aussie Farms encouraged trespass by inviting people to obtain photographs and footage of what they have chosen to declare as animal cruelty, taken from inside those farms and businesses. Aussie Farms has now lost its charitable status a few weeks ago because it is not a legitimate body as a charity. I say good on that charity authority to remove that charitable status from Aussie Farms because it is a direct threat to Tasmanian farmers, to Australian farmers. Why do you think the

Tasmanian Farmers and Graziers Association is so supportive of this bill? Why do you think that the farmers across Tasmania are concerned and that they require protection? And they will get the protection if this bill is supported.

Not only that, it is the Labor Party on the mainland that has been supporting like legislation, just like here in Tasmania: bipartisan support at a federal level, protecting the rights of farmers at a federal level across this country on agricultural land to protect their right to stop these farm invasions occurring across Australia. Why does the National Farmers Federation support such strong legislation? Why does the Tasmanian Farmers and Graziers Association support such strong legislation like we have here before us?

I am pleased that they know how important this is. We do not want vegan activists invading Tasmanian farms and doing damage and interfering with Tasmanian farms. Agriculture is one of our great strengths, and, frankly, it is not on. That is why we say this legislation is important. Law abiding businesses need to be safe. On the farm, yes, you have the farm animals and you have the families. It is not just a farm. It is a family farm. It is a farm where people live. They have their kids. They do not want to be invaded. Guess what? Aussie Farms said, go and invade those farms - 200 of those farms here in Tasmania. It is not on. We are going to protect those farms. We are going to protect every Tasmanian farm from farm invasions. I am pleased that Aussie Farms has lost that charitable status. I notice that the Prime Minister likewise commended that good news to remove that charitable status because they do not deserve that.

The bill says that at present there are no laws that specifically target those who intentionally impede lawful business activity. There is a question about why do we need the bill? That is one of the reasons. The bill criminalises the intentional impediment of certain business activity which is not an element of any existing offence. This is something new. This is happening not just at the federal level and the federal parliament, but in Queensland, New South Wales, Western Australia and they are considering it in Victoria. The Labor Party on the mainland is doing it, but Tasmanian Labor has thrown their values out the back door and they should be ashamed. At least the Greens have been consistent over many decades of being anti-business, anti-everything and anti-jobs.

The bill recognises that the existing trespass offence does not recognise the additional criminality that arises when a person trespasses or impedes a business and stops law-abiding businesses from operating and stops law-abiding Tasmanian workers. We are out there to protect workers' right to work, to earn a living and support their families. That is what we are on about. Such behaviour is much more than a trespass. It is the intention to impede.

Ms O'CONNOR - Point of order, Mr Deputy Chairman. Previously on a range of really significant questions that were being raised by legal experts, the minister kept sitting and not answering questions. He has been on his feet for close to 10 minutes now answering his own questions and tediously repeating what he was saying before. He has not dealt with Dr Woodruff's question.

Mr DEPUTY CHAIRMAN - That is not a point of order and the minister has not been on his feet for 10 minutes.

Mr BARNETT - It is entirely proper and consistent with the current structure of Tasmania's existing criminal laws. That is why we are doing it. You have asked about why we are doing it and the constitutionality of the bill and this is a very important point. I am happy to say it is based on our trespass laws. This is something that the Labor Party has no idea about.

Ms O'Connor - Is it based on the Solicitor-General's advice?

Mr DEPUTY CHAIRMAN - Order, Ms O'Connor.

Mr BARNETT - The Leader of the Opposition is talking about something different to what is happening on the mainland. It is based on our trespass laws, just like on the mainland, and the Labor Party has it all wrong and I am happy to add to that in due course.

Clause 1 agreed to.

Clause 2 -
Commencement

Ms O'CONNOR - This is the commencement clause of the bill and it says:

This Act commences on the day on which this Act receives the Royal Assent.

Will the minister commit here and now on this day - given that he is trying to fool Tasmanians into believing this is an urgent bill - to bringing this legislation on for debate in the first week of the Legislative Council sitting when it returns next year?

Mr BARNETT - I am quite happy to say that the bill will commence on the day of royal assent. It is quite clear in the bill.

Ms O'Connor - That wasn't the question. Don't play dumb.

Mr BARNETT - The clause speaks for itself - *res ipsa loquitur*.

Ms O'Connor - Are you going to answer the one question I asked?

Mr BARNETT - I am still speaking. There have been incessant interjections, not just today but during the nine hours of -

Ms O'Connor - The incessant corruption of democracy.

Mr DEPUTY CHAIRMAN - Ms O'Connor, I will throw you out if you continue to do this. Let the minister answer the questions.

Mr BARNETT - of the second reading debate and then during all these discussions, all this debate in terms of the clauses, and here we are on the second clause, on the royal assent.

Ms O'Connor - That is not the question.

Mr BARNETT - Royal assent occurs when it is given by the Governor, Professor Kate Warner. With respect to when the debate may or may not occur in the upper House, that is a matter for the Government. I cannot pre-empt that.

Ms O'Connor - Yes, that's right. Is it urgent or not?

Mr BARNETT - I want to make it clear that this bill is important. Why do you think we have responded so quickly and efficiently as possible? This year we have given careful consideration to the bill and all the feedback. We have legal advice from the Solicitor- General and so on and so forth. This bill is important because we have brought it before the people of Tasmania on two occasions.

Ms O'CONNOR - Point of order. The minister is being dishonest again and trying to get around the question. He wants us to believe this is an urgent bill. Can he commit that this legislation will be brought on by Government in the first sitting week of the Legislative Council calendar next year?

Mr DEPUTY CHAIRMAN - Ms O'Connor, you have another chance to speak on this at a later date.

Ms O'Connor - Later date, yes, that would be right. Later time is what you mean. Anyway, can the minister answer the question?

Mr BARNETT - I think I have answered that question. I have made it very clear that it is an important bill. It is a top priority. We have brought this forward because we know how important it is to provide protection for small, medium and large businesses in Tasmania that employ hundreds of thousands of Tasmanians. We want law-abiding businesses to be kept safe from intervention and interference impeding their workplaces. We want Tasmanian workers to have the right to work.

Ms O'Connor - Mr Deputy Chair, I know the minister has no respect for scrutiny but it is a really straightforward question. If this is an urgent bill, will it be brought on in the first sitting week of the Legislative Council calendar next year?

Mr DEPUTY CHAIRMAN - The minister was on his feet talking and I am sure that he will get to that.

Ms O'Connor - I'm sure he won't.

Mr BARNETT - Mr Deputy Chair, I have repeatedly answered the question that has been repeatedly put.

This is an important priority and royal assent is something that is given by Professor Kate Warner, the Governor of Tasmania, at the appropriate time and that will occur in due course subject to the bill going through this House of parliament and then the Legislative Council.

Ms O'Connor - Now you have just confirmed by omission again that you will hold this off until after the Legislative Council elections.

Mr BARNETT - I said subject to the bill going through both Houses of parliament.

Ms O'Connor - First week in the Legislative Council's sitting calendar or not?

Mr BARNETT - I said subject to the bill going through both Houses of parliament and then the Governor's response. In terms of the Government's decision with respect to the timing of that, that is a matter for the Government.

Ms O'BYRNE - In relation to the unconstitutional bill before us and the failure of the minister to have any idea when it will receive royal assent, minister, can you answer a question? I have a copy in front of me of the bill that has been brought into the House and I have the combined bill where you have put it all together, which is a great piece of work, thank you. In that, under commencement, it says:

Whole (proclaimed days) the provisions of this Act commence on the day or days to be proclaimed.

Minister, can you tell me what that means?

Mr BARNETT - Which bill are you referring to?

Ms O'BYRNE - You have given us the combined version of what the new bill will look like, the marked-up version, as effect of commencement. I am not sure why the language is different.

Mr BARNETT - You would have to show me which section you are referring to.

Ms O'BYRNE - Two. You have both of them, I am sure, in front of you. There is the bill before the House right now which says '(2) Commencement. This Act commences on the day on which this Act receives the Royal Assent'. The marked-up copy says something different. I am sure there is probably a very reasonable excuse for that but I have never seen that language, so could you explain why that one says, 'Whole (proclaimed days) the provisions of this Act commence on a day or days to be proclaimed'.

Ms Ogilvie - I think that is right. I think that is the standard language, isn't it?

Ms O'BYRNE - I have not seen it before. It is normally 'the bill has effect on royal assent' or 'the bill has effect on a nominated day'. That is what we would normally see and I am only asking because the minister was not clear when the bill might go to the upper House in case there is something else going on that the minister might not be being upfront about.

Ms Ogilvie - I understand. It could be a few days leeway that we need to just nail down.

Ms O'BYRNE - I just need to understand whether there is any other framework around implementation date of this bill other than it going up to the upper House on the first day, despite it being unconstitutional and, should it pass, which is unlikely because it is unconstitutional, it actually then getting royal assent. I do not understand what the language means. Can you explain that? There is probably a simply explanation; I have never seen the language.

Mr BARNETT - I have just been taking advice. The commencement is exactly as is set out in the bill being tabled in this parliament and we are debating that says '(2) Commencement. This Act commences on the day on which this Act receives the Royal Assent.'

Ms O'BYRNE - I am just wondering why the marked-up copy is different.

Mr BARNETT - That is very clear and that is the bill before the House. I think you received a bill during the briefing earlier this week. It took a little while for you to accept the briefing but I am glad that you did, but unfortunately you had obviously declared your position in advance of getting a briefing.

Ms O'Byrne - Minister, that is not the question before us. Could you tell me why the marked-up bill has a different phrase?

Mr BARNETT - I draw that to your attention, and the disappointment I have that you did not choose to be briefed on the bill before you declared your position.

Ms O'Byrne - I want to move through this as quickly as everyone else. If you could answer that question, I am so happy to move on to new clauses. Please tell me why the marked-up bill has that language.

Mr BARNETT - Did you receive the marked-up version from the office of OPC?

Ms O'Byrne - Yes, from your staff, which was great and I appreciate it.

Mr BARNETT - From the OPC, that is slightly different. The version that is before you is the bill we are debating and that is the correct bill, which notes that, 'The provisions of this Act commence on a day or days to be proclaimed.' That is not exactly the same as royal assent. That is slightly different.

Ms O'Byrne - No, and it usually means something else, doesn't it?

Mr BARNETT - It could have a number of different meanings and you have to read it as you see it. The bill we are talking about is the bill that has been tabled and is being debating today.

Ms O'BYRNE - Can I get you to confirm that this unconstitutional bill, should it pass the upper House when it is debated in the first week because it is urgent and that must be what is happening, will then get royal assent at the first opportunity? It is 'day or days' that makes me think you are up to something. I do not trust you. Can you explain to me why, in a briefing in which your officers gave me a marked-up copy of the bill that they assured me was the amalgam of the bill we are debating now, the existing legislation would say something different from the bill we are debating now? If I cannot trust that, can I trust anything in that document?

Mr DEPUTY CHAIRMAN - I think the minister has answered the question.

Ms O'Byrne - I think the minister doesn't know what the hell he is doing.

Clause 2 agreed to.

Clause 3 agreed to.

Clause 4 -

Long title amended

Ms O'CONNOR - Mr Deputy Chair, we had an amendment to make to the long title. The long title of the bill is to be amended. According to this unconstitutional bill, it says -

The long title of the Principal Act is amended by omitting 'protesters do not damage business premises or business-related objects, or prevent, impede or obstruct the carrying out of business activities on business premises' and substituting 'lawful business activities carried out on business premises, or by means of business vehicles, are not impeded'.

As has been pointed out in the submissions that were sent to Government, there is such a broad definition of what 'impeding' is, that the most minor interference with business can be captured by this legislation. We had prepared an amendment that clause 4 be amended by omitting everything after the word 'substituting' and inserting the following -

That the Liberal Party can distract Tasmanians from chronic under-resourcing of Tasmania's health system and emergency management, as well as their failure to act on the climate emergency.

Because debate on this legislation has been guillotined, we will not be moving that amendment. I reiterate that, in every one of the credible submissions that have been made to this bill, there are serious questions being asked about whether you can, in legal terms, put lipstick on a pig. Changing the long title will not make this legislation any more constitutional. My question to the minister is, can he explain how this change to the long title makes the legislation more constitutional?

Ms O'Byrne - Without misrepresenting the Solicitor-General, if you could. I am sorry. Seriously, after all those questions, you have to seek advice on that one?

Ms O'CONNOR - He does not know the answer. For the purposes of *Hansard*, he has wandered off to get advice. It will not be the Solicitor-General's advice that he is getting.

Mr BARNETT - Thank you for the question. In response to the query regarding the long title, you have asked the question about the constitutionality of the bill and how that would assist.

Ms O'CONNOR - No, no. Point of order. Just so you do not misrepresent us again, what I have asked you is how the substitution in a long title makes the legislation more constitutionally compliant?

Mr BARNETT - That was the query I was attempting to respond to. With respect to the constitutionality of the bill, it has been considered very carefully. One particular amendment or change to the bill does not, of itself, ensure constitutionality. We have had a High Court challenge, the judgment has been considered carefully and we have received lots of submissions and feedback, which has been considered carefully. We have had Solicitor-General's advice -

Ms O'Connor - You could simply say how a change in the long title contributes toward making the bill more constitutional.

Mr BARNETT - We are not going to provide that type of specific response with respect to the long title amendment. What I am trying to say is that the bill should be seen as a whole in terms of its constitutionality.

Ms O'Connor - Why can't you explain the long title?

Mr BARNETT - It is quite clear that the bill should be seen as a whole with respect to its constitutionality and the confidence of this Government in the constitutionality of the bill.

Ms O'Connor - You were asked how that contributes toward improved constitutionality of the legislation. As a lawyer, maybe you could explain.

Mr BARNETT - That is my answer. The bill should be seen a whole with respect to the constitutionality of the bill. It should be seen in all and every part and then be seen as a whole. The Solicitor-General's advice is essential and, based on that advice and the feedback and analysis of that advice, the Government's view is that we are very confident of its constitutionality.

The Committee divided -

AYES 10

Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Mr Hodgman
Mr Jaensch
Ms Ogilvie
Mrs Rylah (Teller)
Mr Shelton
Mr Tucker

NOES 10

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

PAIRS

Ms Archer
Mr Rockliff

Dr Broad
Ms Houston

Madam CHAIR - The result of the division is 10 Ayes 10 and 10 Noes. In accordance with Standing Order 257, I cast my vote with the Ayes.

Clause 4 agreed to.

Clause 5 agreed to.

Clause 6 -
Section 3 amended (Interpretation)

Ms O'BYRNE - I am concerned about the introduction of the definition of 'public thoroughfare'. In other sections of the bill it lists the places that are exempted but say you are allowed to protest near hospitals, schools, and in this one they define the changing language around what a school is, hospitals, schools, health facilities, those sorts of institutions. However, in order to protest in those places, you often have to stand outside those places because you cannot get on those places. Therefore, if you are on a public thoroughfare outside a school, a hospital, a health facility, and it turns out it looks like a minister's office would also be covered by this because they are a statutory officer, does that actually become ultra vires if the exemption you can grant later is impossible to achieve because this clause identifies a public thoroughfare as being a place now that is subject to the provisions of this legislation?

He worries a lot about the poor drafting that happens in this place that makes legislation fall over because it is ultra vires. You would understand all about that, would you not, boys?

Mr BARNETT - Thank you for the question. That clause - obviously you are talking about the public thoroughfare.

Ms O'BYRNE - It is clause 6 which amends section 3 (Interpretation) (m) by inserting the following definition around public thoroughfare and whether or not the existence of that makes ultra vires the existence of the exemptions later in the bill?

Mr BARNETT - In respect to the obstruction of a public thoroughfare, the advice I have, in order to be found guilty in the obstruction of a public thoroughfare offence, each of the following elements would need to be proved beyond reasonable doubt:

- (1) a person caused the use or enjoyment of a public thoroughfare to be obstructed.
- (2) the time that the person caused the obstruction, the person intended by causing the obstruction to impede the carrying out of a business activity.

When will a thoroughfare be obstructed? Let us go to that particular matter. A thoroughfare will be obstructed as a result of conduct that makes it impossible to proceed, or interferes in an appreciable way with the right that every member of the public has to use the thoroughfare.

Ms O'BYRNE - Which is pretty much any street?

Minister that did not answer my question. I do understand the escalation issue. I do understand that this is going to be subject to prosecutorial discretion. I do understand the Director of Public Prosecutions is going to have to provide advice because you have no idea how this will be applied.

My question is, given that you state within this bill, and with an amended bill and the existing bill, that there are exempted locations, does that actually mean that is not possible because, in order to protest outside of those places, you are on a public thoroughfare, and that is subject to the purposes of this bill? That is the question. Is this bill actually going to have significant issues because it is ultra vires because you cannot exempt an area that you include by defining the public thoroughfare that surrounds it, whether it be the street, whether it be the park next to the hospital, whether it be the mall that the health facility might be situated in?

Minister, this bill does not make sense if you include public thoroughfares.

Mr BARNETT - The advice I have is that the public thoroughfare is different to the trespass offence and the answer is, no. Clause 6 amends the interpretation of the principal act. It amends the existing definitions of area of land, damage forest operation, forestry land, premises and process, and inserts new definitions of business, vehicle, Crown land, impede public thoroughfare, user of a business vehicle, vehicle and vessel. It also repeals existing definitions of business access area, business-related object, development, engaging in a protest activity, protester and works.

Ms O'BYRNE - Minister, is the street outside the hospital, the mall outside of the health facility, the park outside of a school, a public thoroughfare under the definition of this bill?

Mr BARNETT - Yes.

Ms O'BYRNE - Yes, so you are confirming that the moment you protest in one of those places, against one of the exempted entities, that the exempted entity now actually falls into - you are not

trespassing on the entity but you are now impeding the use and enjoyment of the public of that space, would be captured by this bill? Or, if you are not sure, would it at least be subject to prosecutorial discretion around that capturing?

Mr BARNETT - In response to the question, I think the member is conflating two different principles and concepts. Let us make it very clear, in terms of trespass and with respect to the bill, there needs to be an intent to impede. I think you are mixing; can I just make it clear? In response to the member, there is the premises and there is the thoroughfare. What is important, based on the advice I have received and based on the drafting of the bill, there needs to be that intent to impede.

Ms O'BYRNE - Okay. Minister, if I am on the public thoroughfare and I intend to impede access to one of those exempted areas, am I captured by the bill?

Mr BARNETT - Yes, as I was saying earlier, there needs to be an intent to impede a business activity and that is crucial. I think you are conflating the two issues. The advice I have is that there needs to be an intent to impede a business activity.

Ms O'BYRNE - If I am intending to impede the activity outside of one of those places that is exempted and I am on the public thoroughfare, then I am captured because I have intended to do it? Is that what you are saying or are you not saying because you don't know? That is fine minister. If you can't explain your bill that is a matter for you.

Mr BARNETT - I have answered the question.

Ms HADDAD - I have a question on the same clause. I wanted to raise two of the examples that were given in the second reading contribution. One of them was by me when I spoke about a protest I attended at the university on the steps of the Refectory, a business premises that exists on the Hobart campus of the University of Tasmania. The intent of that protest was to protest against federal government policy at the time but the protest itself took place on the steps of business premises at the university, the Refectory. The second example was given by the member for Franklin, David O'Byrne, who spoke about a protest that happened in the early 1990s outside Banjo's Bakery Cafes around the state, protesting against working conditions and changes to award conditions at Banjo's bakeries. He described a peaceful protest. Essentially people were handing out leaflets outside of Banjo's, intending to highlight to the public and to patrons of Banjo's the problems that were going on in that business in terms of their employment conditions. I would like to know whether those two examples would fall under the scope of this bill as two peaceful protests that took place in a public place outside businesses.

I also note that a similar question was asked by Terese Henning of the Tasmanian Law Reform Institute in her submission to this bill. She gave the example, in her view, peacefully handing out pamphlets on the footpath could cause a minor obstruction for people accessing a business but would not prevent them from entering and patronising the business. Despite this, the offence could be made out through the minor obstruction they experienced while accessing the premises. It could be that it is not the intention of the Government to capture activity that might be characterised as a minor obstruction. It is a genuine question to the minister about whether those three activities would be captured by the bill.

Mr BARNETT - Thanks for the contribution from Ms Haddad. I will go through the examples one by one. With respect to the university, the answer is no. That is based on the advice I have received. There has to be an intent to impede a business. I have said that consistently throughout

the second reading contributions today on many clauses. There needs to be an intent to impede the business. Second, with respect to Banjo's, again the answer is no, based on advice. Again, there has to be an intent to impede a business activity by the obstruction. That is the answer there.

With respect to Ms Henning's view, the advice I have is no. I can give you a couple of other examples as well. Jess Munday, in her opinion piece, said that hundreds of union and community members gathered around the ABC building, including on the grass footpaths and lawns; it is exactly this type of action that would be illegal under the workplaces bill. That is incorrect. Without an actual obstruction of a public thoroughfare, nobody will be caught by the bill. People will still be able to gather in public places, but it has been illegal for hundreds of years to obstruct public thoroughfares. The bill builds on that existing prohibition. Without an intention to impede business activity, no one will be caught by the bill. That is the advice I have received.

With the police permit, the provisions of the bill will not apply. If you have permission, if you have a police permit, then that is satisfactory. Likewise, Ms Munday also said -

Consider nurses and care workers protesting for safe nurse to patient ratios in hospitals or aged care centres. They'd fall afoul of these laws.

This is also untrue. First, there is an exemption for union activity that it is engaged in by a person or part of an activity organised by or for a trade union that relates to, among other things, conditions or safety. Second, hospitals and aged care facilities are not business premises for the purposes of the act. I think that also answers in part Michelle O'Byrne's earlier query.

Ms O'BYRNE - Can I go to that point you made on intent? The legal advice we have is that it is misleading to speak in the intent requirement because intent in criminal law is a state of volition that essentially requires the finder of fact to enter into the mind of the defendant by inferential reasoning. What is proposed is actually an objective knowledge test which would usually be resolved by reference to what the defendant should have known. This is going to have to be proven through an objective knowledge test because you cannot measure intent other than, 'You didn't have a permit, therefore you must be intending'. That is the only way you could interpret it, in which case, everything would be captured.

Ms Munday's examples would be captured because they do not currently need a permit for such activity. They do not currently have to do anything other than move on. You are immediately allowing them to be arrested. You are fundamentally changing every example Ms Munday gave. I think you are being misleading in that explanation.

The legal advice I have from a lawyer whom I imagine is somewhat better than you and Mr Harriss - you have both managed to completely misunderstand advice around unconstitutionality in this unconstitutional bill - it that it is misleading to speak of an intent requirement because in criminal law intent has a different meaning. What you are talking about is an objective knowledge test which will have to be resolved by reference to what the defendant should have known, not what they did know.

I just want to see if I can get an answer first. If you cannot, we will probably need an amendment.

Mr BARNETT - I answered this question earlier in terms of intent.

Ms O'Connor - No, you have not answered any question honestly.

Mr BARNETT - I have and it has been very comprehensive and very thorough. This is done by prosecutors on a consistent and regular basis in our courts. I made that contribution earlier in the debate. It is clearly understood by the prosecutors in terms of the definition of intent. I have made it very clear, Madam Chair, I have answered that question. What I said earlier, you can check the *Hansard*; it is not a problem. It is on the public record.

Ms OGILVIE - I want to pick up on the same point. This question of intent is an important one. I suspect there is a bit of circularity in the drafting, but I would be happy to be proved incorrect.

The definition of 'impede' is currently stated to be 'impede means to prevent, hinder or obstruct'. I query whether, and by way of a question of a member that might be considered now or at a later time, whether it would be helpful to include 'intentionally' in that definition.

When I turn to section 6 as amended, we have clauses in there that relate to or specify 'knowingly or recklessly trespass' but it does not say 'intentionally trespass'. I wonder whether the nature of the act of trespass has some *mens rea* or intent component in it. That legal drafting is replicated in section 6(1)(a)(i) and 6(1)(b)(i) and (ii).

This question of whether you knowingly or recklessly are hindering or impeding could do with some clarification, particularly around the intent question. Ms O'Byrne was on the right track with the questions about intent but that is something that would be provided for as part of evidentiary processes through the Magistrates Court or the Supreme Court if it is an indictable offence.

I wonder if we could tighten that up? That is my request. I have made a couple of proposals which I am happy to share if you would like a copy? I am happy to do that. It is a very simple change to include the word 'intentionally'. It tightens it up, but maybe I have misread the structure.

Mr BARNETT - The member has made some good points. With respect to Criminal Law, there is the *mens rea* and the *actus reus*. In terms of proving a crime, the two parts to a crime is the intent and then there is the action: the *mens rea* and the *actus reus*.

You have asked about clause 6. I can take that on board and think further about it, but that is my understanding. It is in two parts. That is the advice I have with respect to the criminal law.

Regarding clause 6 specifically, that is the interpretation of the bill. Part of what you are referring to relates to clause 7, relating to the meanings of protester and engaging in a protest activity. I am happy to have further contribution on that matter.

Ms O'CONNOR - This is the section in the unconstitutional amendment bill that turns all of Tasmania into a potential prohibited zone for the purposes of this legislation, excluding hospitals, health facilities, educational facilities -

Ms O'Byrne - But the buildings outside them, the streets outside them would be. Anything surrounding.

Ms O'CONNOR - That is right. The carve outs are for hospitals and health facilities, educational facilities, including kindergartens and some charitable organisations, which means that

we are creating two separate classes of aged and disability care providers for the purposes of this act.

Not-for-profit aged and disability care providers will not be 'protected by this legislation' but for profit aged and disability care providers will. This is the section of the bill that alienates Tasmania from any waters, including sea water on the area of land, any seabed and any area of land.

The question I have for the minister - and perhaps the minister could listen - can the minister confirm that even if the business activity is unlawful, it will be a citizen challenging that business's illegal activity that is treated as a criminal? That is my first question.

The second issue relates to how you establish intent. While the minister does not have much time for the expertise of legal professionals, other than himself, it is from the UTAS submission by Dr Brendan Gogarty, who is the director of Clinical Legal Practice, UTAS, Senior Lecturer in the Faculty of Law and a barrister and solicitor, and his submission is very clear that the intent question is important. He says the amendment bill will impose significant criminal penalties for a broad range of activities which may interfere to some degree with business yet the bill provides no guidance on how police are to determine whether or not a person intends to interfere with a business in such circumstances.

We need to read this clause with the clause that repeals section 11 of the principal act. Section 11 of the principal act gave police powers to ask a potential criminal for the purposes of the workplace protection from democracy act 2014 to move on. So, the move on powers that were in the principal act have been removed and now we are expecting police as they arrest someone to determine that there has been an intent to impede or obstruct a business. Given how broad the definition of impede is, this is a very serious concern aligned with the extra police powers that the minister has given just to arrest people who peacefully protest.

Dr Gogarty said the bill limits the crime of impeding to intended acts only and specifies an officer may only arrest a person upon a reasonable belief of a commissioning of such an offence. However, no criteria are set out for police to determine whether a person can reasonably be assumed to intend to impede business versus say merely participating in a civic event, awareness raising or otherwise.

Given the scope and nature of the act proscribed by the proposed impeding provision this is likely to lead to uncertainty and arbitrariness in the exercise of police powers. Could the minister explain very clearly to this House what guidance is in this legislation, apart from some of the waffle we have heard about evidentiary issues, that would enable a police officer to determine intent. It is the lack of thresholds in this bill that is an issue.

The obstruction to thoroughfare provisions. In the excessively broad advice of the experts who made submissions to the Government on this issue back in March, it captures almost every public act of criticism against a business. I will say that again: almost every act of public criticism against a business in every part of Tasmania's land and water and Crown lands.

What a person obstructs has no relation to the business. The cause of the obstruction is to a thoroughfare not to a business premises and the causing the obstruction does not need to be to a thoroughfare. Where the person is in relation to the impeded business is an issue. Can a person be on one side of the state and impede a business on the other when the impeding happens? That is, a person can obstruct a thoroughfare, raise an issue about a business which causes a long term or

future impact on that business by discouraging people to shop at that business and how severe? There is no threshold here. All you have to do is be in the way. You do not have to have an intent to seriously obstruct. You just have to be in the way of a business and the police can just arrest you there on the spot.

Can the minister answer some of those issues that we have raised and particularly the question of whether or not even if a business activity is unlawful, it will be the citizen who is challenging that unlawful business activity who is treated as a criminal. The minister would do well to answer that question.

The Gilbert + Tobin Centre has pointed out that the Government has chosen not to amend or remove the definition of 'business premises' and according to the Gilbert + Tobin Centre, this in the words of the High Court, Kiefel CJ, and Bell and Keane JJ, the principal practical problem under these definitions is that for protesters:

... it will often not be possible to determine the boundaries of 'business premises' or a 'business access area'. That problem arises because the term 'business premises' is inapt for use with respect to forestry land. The definition of 'business premises' with respect to forestry land does not provide much guidance.

These are the issues that are raised by Ms O'Byrne on behalf of the unions. If we had more time to go through this legislation clause by clause we might get some resolution on these issues but we will not have that time because debate has been gagged.

Can the minister answer that question about illegal businesses? Also, for the purposes of being really clear with Tasmanians about what is being taken away from them, perhaps the minister could detail to the House; if these laws are passed, where? We are looking for geographical reference. Where will it be legal to peacefully protest against a business activity?

Mr BARNETT - Thank you to the member for her contribution. A number of observations have been shared and questions put that I would like to respond to. It was asked earlier in the debate: how do you prove intent? I have indicated to this Chamber that prosecutors deal with this matter on a regular basis day in, day out. It is a consistent matter they have to deal with all the time. Sometimes, there is direct evidence of a person's intention. As an example, a trespasser might admit in a police interview, 'I chained myself across the door of the shop to stop customers from buying from the shop'. A clear intent is demonstrated.

At other times, intention may be inferred. For example, a trespasser inside a shop, blocking customers from going to the counter, and saying to the customers, 'you are not buying anything from here'. I gave the example earlier, which was contrary to the views put by Dr Gogarty. He indicated in his opinion piece -

By consequence, the Bill criminalises a range of actions that have nothing to do with 'radical protest'. That includes, for instance, someone who: refuses to leave a shop when the cashier denies them a refund (that they are legal entitled to under the consumer law); slows foottraffic at Salamanca Market by holding up placards contesting the sale of Tasmanian farmland to foreign companies; hands out pamphlets on a footpath highlighting the underpayment of staff by their ex-employer.

The answer is no. Without more, none of these examples would be offences under the act because they are missing: first, the requirement that the obstruction itself must be caused with the intention to impede business activity; or the requirement for intent to impede business activity; or the requirement for obstruction. You can see there are a number of examples.

The second part of the member's question relates to whether the bill will capture trivial or minor impediment of business activity? I took that onboard and the answer is no, because it relates to the definition -

Ms O'Connor - It does, because there is nothing there that says you have to seriously obstruct.

Madam CHAIR - Ms O'Connor, through the Chair, please.

Mr BARNETT - There was a question about the definition of impede. The independent member for Clark asked that question earlier, and it means to prevent, hinder or obstruct. These words are currently in the act. The advice I have received is the High Court observed in Brown that these words are limited in scope. Prevent, hinder or obstruct are in the current version of the act and, as such, the High Court considered their reach in the case of Brown. It is clear from that case, according to this advice, that these words should be construed to require substantial, substantive or serious hindrance or obstruction, and that is set out in the judgment. That is in line with existing interpretations of the terms hinder and obstruct in other cases dealing with criminal offences containing these terms.

Ms O'CONNOR - What is going on here, Chair? The minister, who has an aversion to democracy and transparency, has not answered the two specific questions I asked; the first one being, can he confirm that even if a business activity is unlawful and that has been the genesis of the peaceful protest activity, it is the peaceful protestor, and not the business conducting itself illegally, that will be treated as a criminal for the purposes of this law? That is my first question, asked a second time.

The second question is: given the insertion of a much broader definition of an area of land now, which includes any waters, including sea water on the land, any seabed and any area of Crown land in connection with the definition of 'business premises' and 'business activity', can the minister explain to the House where exactly in Tasmania it will be legal for someone to peacefully protest the conduct of a particular business, including a government business enterprise, for example, such as Sustainable Timber Tasmania?

This is a critical question. It goes to the heart of why this bill is so dangerous. Tasmanians have a right to know where the Government thinks they should be permitted to peacefully raise their concerns about a business activity. Where exactly in Tasmania, outside any area of land that includes any waters, sea water on the area of land, any seabed and any area of land, Crown land, it will it be legal for Tasmanians to exercise their constitutionally-implied right to peaceful protest to make a political point? Where can people do that? Where will it Duce let Tasmanians make their point peacefully?

Mr BARNETT - There is a very fundamental misunderstanding by the Greens but it is consistent with the Greens' view of the world. That is, that there seems to be a perception, at least in the mind of the member, that a business is acting unlawfully. That is how I am hearing your -

Ms O'CONNOR - No. Point of order, Madam Chair. I have asked this question of the minister four times, in one way or another, and he is misrepresenting it.

Madam CHAIR - It is not a point of order. The minister is answering the question. I ask the member to take her seat, please.

Ms O'CONNOR - On the point of order -

Madam CHAIR - According to which standing order?

Ms O'CONNOR - I need the minister to be honest, so let us try Standing Order 2. Can the minister confirm that even if a business is operating unlawfully, it will be the peaceful protestor challenging that illegal business who is treated like a criminal?

Madam CHAIR - That is not a point of order. Minister, you can continue.

Mr BARNETT - The last comment observation and the member proves my point.

Ms O'Connor - What?

Mr BARNETT - What you have just said, you have put on the record 'even if the business is acting unlawfully'. You are going around, it seems to me, looking out for unlawful businesses. Let me go back and try to respond to those two questions. If the bill passes, where will it be legal to peacefully protest? That is how I heard one of your questions. The bill will not make peaceful protest illegal anywhere. The bill does not achieve that objective. However, if a person is trespassing and intends to impede -

Ms O'Connor - Now they only have to intend to impede.

Mr BARNETT - I am trying to respond to the query. If a person is trespassing and intends to impede business activity and impedes business activity, this will apply to a business premises as defined in the bill or a business vehicle as defined in the bill. If a person obstructs a public thoroughfare and intends to impede business activity by that obstruction, it will apply to any public thoroughfare.

That helps answer the query put earlier by Ms O'Byrne.

Dr WOODRUFF - This is an important point to clarify because it goes to the heart of the definitions which are inserted in this bill. 'Impede' means to prevent, hinder or obstruct. The question we are trying to get to the bottom is, which mechanism could a person use who wishes to peacefully protest against a particular unjust business action? It might be that a business has taken money from them, it might be that they can see they are unfairly treating customers, it might be that they are observing staff maltreatment, or it might be that the standard of the food is abominable. Which mechanism could be used for a person to peacefully protest about that injustice?

That goes to the heart of this, because it is clear from the legal advice provided by constitutional lawyers such as Mr Gogarty and also from the University of New South Wales Legal Centre, that this section is excessively broad and it captures every public act of criticism. This is the point. What mechanism, what place, what vehicle of communication, what opportunity is there for a person to raise a valid peaceful concern about the unjust or unreasonable actions of a business?

Mr BARNETT - It is very helpful to hear Dr Woodruff, who has just confirmed the views and intent of the Leader of the Greens talking about unjust businesses and businesses, from their perspective, doing the wrong thing, so they might be, for example, forestry businesses, salmon businesses or mining businesses. They might be productive industries.

Dr Woodruff - Maybe you're revealing the truth about how those businesses operated. I was talking about restaurants as an example. I have not spoken about -

Madam CHAIR - Dr Woodruff, I ask you to let the minister continue. I ask you to be quiet.

Mr BARNETT - Clearly you have a target on the head of business and that probably underpins why the Leader of the Greens said what she did about business leaders in her contribution in this parliament, which was very disappointing.

Ms O'CONNOR - Point of order, Madam Chair. Just so the minister does not misrepresent me or the Greens, we were challenging the TCCI calling peaceful protesters 'economic terrorists', as we should.

Madam CHAIR - That is not a point of order.

Mr BARNETT - I have answered the question but I will make it very clear -

Dr Woodruff - No, you haven't. I asked you what is the mechanism?

Madam CHAIR - Order, Dr Woodruff, thank you.

Mr BARNETT - The bill will not make peaceful protests illegal anywhere. This Government supports peaceful protests. We support free speech. Let us make it very clear. If a person is trespassing with the intent to impede a business activity - do you need me to say it again and again? - and actually impedes that business activity, it will apply on business premises or in a business vehicle. Secondly, if the person obstructs a public thoroughfare and intends to impede a business activity by the obstruction, that will apply to any public thoroughfare.

Clause 6 agreed to.

Clause 7 agreed to.

Clause 8 -

Section 5 amended (Meaning of business premises)

[5.15 p.m.]

Ms OGILVIE - I will be very brief. I have a query here and there is an amendment I have shared with the minister previously around the issue of unions being exempted from activity that is genuine business activity.

Ms O'Byrne - Excuse me, but that is clause 10, isn't it? Exemptions for union activity?

Ms OGILVIE - Yes, I was going to address it now but I am happy to wait if you want to have a bigger discussion.

Ms O'Byrne - We have questions on it as well.

Ms OGILVIE - Do you want to do it at the same time? Do you want me to wait? I am happy to wait. I think we will have the same discussion.

Ms O'Byrne - I am happy either way. We just want to get the most efficient way through if we can.

Ms O'CONNOR - Can the minister confirm that because of the amendment to the definition of 'business premises', business premises now includes a hospital that is owned, leased or occupied by or on behalf of a government entity; a day procedure centre - handy if you are opposed to a woman's right to choose; a private hospital or a residential care service, each within the meaning of the Health Establishment Act 2006; a prison or detention centre; a kindergarten, school or institution that provides primary, secondary or tertiary education; a premises occupied by a charitable volunteer or religious organisation; and any premises that are a member of a class of premises that is proscribed for the purposes of this paragraph. Can the minister confirm or reassure those who run not-for-profit aged or disability care services are not being treated as a different class of business premises to those who are running a for-profit aged and disability care service?

Mr BARNETT - The advice I have is that all those examples raised are not business premises.

Ms O'CONNOR - Minister, are you saying that for-profit aged care providers, for example, such as BUPA, or Southern Cross Care, are not business premises for the purposes of this act?

Mr BARNETT - The answer is yes. The advice I have is that they are not, for the purposes of the act, considered business premises.

Ms O'CONNOR - On what basis? Are they captured by the Health Services Act? What is the advice?

Mr BARNETT - Do you want further advice?

Ms O'CONNOR - I want to be certain that we are not creating two classes of businesses, ones that are for profit and ones that are not for profit.

Mr BARNETT - The advice I have is that they are not business premises as consistent with section 5(2)(b) in the act.

Ms O'CONNOR - Are they in the Health Services Act?

Madam CHAIR - Ms O'Connor, you have had two speaking turns.

Ms O'CONNOR - I know that. Point of order. I am actually speaking for people whose parents have been abused in aged care facilities. Can the minister confirm why is it the case that BUPA and Southern Cross Care are not business premises?

Madam CHAIR - Thank you, Ms O'Connor. It is not a point of order.

Ms O'CONNOR - You are going to shut down this question on behalf of people whose parents have been abused by the system? Excellent.

Madam CHAIR - Ms O'Connor, you can ask Dr Woodruff to take it on your behalf.

Ms O'BYRNE - Can I ask, Chair, are those businesses identified by Ms O'Connor covered by the Health Services Act?

Ms O'Connor - That is all we need to know.

Mr BARNETT - It is all set out in the bill. It is clear. They are not business premises, they are defined as such in accordance with clause 5(1) and clause 5(2) as stated clearly in the bill. That is the answer.

Clause 8 agreed to.

Clause 9 agreed to.

Clause 10 -
Sections 6, 7 and 8 substituted

Mr O'BYRNE - I have two questions. Effectively, they relate to 1(a)(i) and (ii) and it also relates to point 7.

I will give you two solution scenarios for an instance. You would be aware that a number of high-profile restaurateurs and celebrity chefs have undertaken systematic and persistent wage theft where hundreds and thousands of hospitality workers have lost millions of dollars of wages.

A number of actions have been taken in response to that to highlight to the community that injustice. Redress is being sought through the courts and through industrial processes. For example, an organisation is loosely attached to a trade union but it is not a registered trade union and, on a social media site, they seek to highlight this injustice and seek to attend that restaurant and occupy it for a period to inform the diners of the injustice and to put pressure on that company not to do it again, and to show that there is a consequence to their action when it is belligerent, consistent and occurring multiple times over a long period of time despite being caught and despite being found guilty of doing that charge. It is a recidivist act against working people.

The scenario is on social media sites. Not a registered trade union, they seek to occupy the restaurant for a period of time - it does not matter how long - and inform diners and potential diners of the circumstances. They are knowingly on the premises, it does impede business, and trade drops for that company on that night, or that day, as a consequence of that action. How will they be treated under this law?

The second question, and this goes to point 7, where persons must not issue a threat to impede carrying out business activity. If, for example, that call is made the night before on the social networking site where people are called to act and then, as a pre-emptive approach, the restaurant closes for that day. For whatever reason they make the decision, that they do not want to subject themselves to being exposed for their consistent and intense law-breaking and a day's trade is being lost. That is impeding.

In the first case there is no doubt there may be an impact, if they can prove that turnover is down, that there is a loss on that day. The fact that the restaurateur in the second instance closes but the event does not occur and essentially the protest goes nowhere, what are the consequences? Will those people be charged under this law?

Mr BARNETT - Thank you for the contribution from Mr O'Byrne. Let us make it very clear. Any criminal activity is totally opposed by Government. Wage theft obviously is an important issue and is absolutely not supported. If there is clearly an occupation of a restaurant as a trespasser with the intention to impede that business activity then section 6(1) would apply in the first example that you have provided. So yes, that would be a case if they were trespassing with intent to impede a business activity.

With respect to the second example and they call the night before, based on how I am hearing your example, they intend by that call to impede business activity. If that is their intent and they impede that business activity, from the advice I had the answer is yes.

Mr O'BYRNE - What happens if the threat is made, the restaurateur does not close the restaurant but then nothing happens. It is a genuine threat. It is a call to arms. It is a call to action on a social network.

Ms Ogilvie - It is a third party.

Mr O'BYRNE - It is not a trade union. It is not a third party necessarily. There is a whole range of new organising techniques for unions that occur through online organising approaches but they are not registered trade unions. Hosted Voice is one example. It is not a registered trade union but it is an organisation on the internet through Facebook and social media sites that coordinates activity around worker and wage injustice. They are not a trade union under the narrow definition of this act. The restaurant does not close, but the threat is made. Is it still the case that if the restaurant does not close, it continues, there is no impact on the business whatsoever, but the threat has been made. Do they fall under this?

Mr BARNETT - Madam Chair, the advice is that if there is an intent to impede, the answer is yes. That is consistent with Commonwealth Criminal Code Law.

Mr O'Byrne - Even if it does not occur.

Mr BARNETT - That is the advice in response to your queries.

Madam Chair, through you, could I acknowledge the dignitaries in the Chamber from Sarawak. It is a great honour to have you visit the Parliament House here in Tasmania. Thank you very much for visiting and the opportunity to acknowledge your presence today.

Members - Hear, hear.

Ms O'BYRNE - Before you resume your seat, in the briefing we raised issues of the sort of campaigns that might be run through social media that might be a call to action. We were told quite clearly that it would not cover all of them. But you are now saying that it would be picked up by this particular provision under the 'threat' to occur. Is that what you are saying, minister?

Ms Ogilvie - I think the answer is yes.

Ms O'BYRNE - Absolutely it is yes. He just does not want to say it.

Ms Ogilvie - You are probably meant to bring it in under union operations to give the protection.

Ms O'BYRNE - But they are not because they are not registered trade union organisations and they are not going to be.

Ms Ogilvie - And they are not under your control?

Mr O'Byrne - No. It doesn't matter if they are in control or not. They are not a registered trade union for the purpose of the action.

Ms O'Byrne - They are not even an entity. They are just a group of peaceful protesters.

Mr BARNETT - The advice from my advisers, just so it is very clear in terms of the advice provided to you in your briefings, because we do not want any misunderstanding -

Ms O'Byrne - We talked about this kind of example.

Mr BARNETT - Yes. The answer is yes, so long as there is an intent to impede. Let me give you an example. The threatened offence is not a thought crime as it requires an act or threat made with the intent to impede business activity. A thought alone is not a threat or an act. This is consistent with the Commonwealth Criminal Code. It has been used in the debate. In fact, I think the Greens used it. In line with other threats and hoax offences in the Commonwealth Criminal Code, the Tasmanian Criminal Code is the communication itself. For example, if a person uses a carriage service to menace another person it does not matter whether or not they intend to follow through with their menacing words.

Ms O'Byrne - They are not threatening.

Mr BARNETT - The offence is made out by the menacing communication. This is an offence under the Commonwealth Criminal Code.

Ms O'BYRNE - But that is not the action that has taken place. You were saying that the Commonwealth act applies when you use a carriage service to directly threaten, intimidate or harass. This circumstance is a group of people who are joined in an online or social community who have a call to arms, who choose to do something but then do not do it, and they will still be picked up.

Mr Barnett - Do what?

Ms O'BYRNE - Who then do not go forward with it because it is under your threat provision.

Mr Barnett - So they do threaten them. What are you saying? Please explain.

Ms O'BYRNE - Mr O'Byrne did explain it to you. If you don't listen, minister, and you don't understand your act, this is more of a concern.

Mr Barnett - Can you explain it again? I have answered it.

Ms O'BYRNE - No, you have not. What you are now saying is that a group of people, such as the people who might front up to an organisation like Hospo Voice, who are not part of a registered organisation and are not conducting action under any kind of Fair Work protected action, who joined together on that page to campaign against something, have a call to action to go to a

place that might be conducting the thing they are concerned about, and yet do not go, will still be picked up under the threat provision.

Mr Barnett - That is your question.

Ms O'BYRNE - That is what you have said. Do you even understand what your bill does, minister?

Ms O'Byrne - For every question you go to your advisers. Did you get a briefing?

Mr BARNETT - I have answered that question. I will just make it very clear. If those people make those threats with an intent to impede a business activity -

Ms O'Byrne - And then do not impede.

Mr BARNETT - then the answer is that is a crime.

Ms O'CONNOR - Madam Deputy Chair, we have just had it confirmed by the minister that all a group of people need to do to be treated as criminals under this act is to say they are going to organise an action in response to a business conduct or activity. They can then decide they are not going to carry out that action in response to the business's activity but they will be captured by the legislation. That is frightening.

This is the Bunnings clause, the clause that repeals sections 6, 7 and 8 from the principal act and only inserts new clauses 6 and 7. This is the clause that captures customers, journalists, and everyday people. Can the minister confirm that should a person go into Bunnings and demand a refund for a product, or demand a response from management to a grievance, is not satisfied that their request has been met and therefore refuses to leave the business premises, thereby impeding that business activity that, that person, the truculent Bunnings customer, would be captured by the trespass provisions in this legislation?

Mr BARNETT - The bill is very clear that it is an intent to impede a business activity and in fact threatening it with the intent to impede that would be in breach of the act.

Ms O'CONNOR - So we have had it confirmed by the minister that aggrieved customer of any business - Coles, Woolworths, Bunnings, the Federal Group, Qantas - any customer of a business who does not leave the business premises because the business has not responded to their concerns, is a criminal for the purposes of this legislation. That is terrifying. Oh my goodness, what is this Government doing to this island?

Having confirmed that this Government is prepared to lock up everyday Tasmanians who are cranky with a business and will not leave it, as criminals, can the minister confirm that trespass provisions that are in the Police Offences Act more than cover people who disturb the peace, engage in disorderly conduct, annoy any person, commit any nuisance? There is a very broad definition in the Polices Offences Act and many workplaces would fall within its scope. It includes, for example, any shop while open for the transaction of business. Can the minister confirm that the effect of this provision in the legislation will treat trespass against a business as a more serious offence than trespass against an individual in their own home, for example?

I know the answer to that is yes. I know that this minister would lock up customers who are unhappy with businesses. I know that this minister would lock up people exercising their right to

peaceful protest and to organise a peaceful protest and then change their mind. This minister would lock up people for simply organising a protest against a business activity and then not carrying it through. And you get cranky with me for naming the obvious here, that this is the slide into a police state, this is low-grade authoritarianism, this is early onset fascism. The provisions in this part of the bill should terrify every Tasmanian who is not running a business. Every Tasmanian no longer will have the right to organise a protest against a business activity and then change their mind. You, minister, are terrifying.

Mr BARNETT - Madam Deputy Chair, I will not be verballed by any member in this place. I am happy to answer the questions but I will not be verballed. I will not be told what is in my mouth and the mouth of the Government. I have made it very clear the bill is defined with respect to minor and trivial offending. The bill will not capture minor or trivial impediment of business activity. I have made that very clear. I have said it already; I say it again. The bill defines 'impede' to mean prevent, hinder or obstruct. These words are currently in the act. The High Court observed in the Brown case that these words are limited in scope. It says prevent, hinder or obstruct. They are in the current version of the act, and as such, the High Court considered their reach in the case of Brown. It is clear, from that case, that these words should be construed to require substantial, substantive or serious hindrance or obstruction.

I will not be verballed by other members in this place. This is in line with existing interpretations of the term 'hinder and obstruct' in other cases dealing with criminal offences containing these terms. This is consistent with the Commonwealth Criminal Code. It is consistent with the Tasmanian Criminal Code. It is consistent with, and builds upon, the offence of trespass, which is in fact, the key point. This is building on the offence of trespass, which is already in our criminal code. We are building on that with its trespass, with the intent to impede. That is why we are providing that protection for business activities and to provide a safe workplace for businesses, small, medium and large. To make it very clear they need to be safe workplaces for those businesses, small, medium or large. Whether that be invasions on farms or on any business, they need a safe workplace, free from people who are impeding -

Ms O'CONNOR - Madam Deputy Chair, the minister is wandering off. One of the questions I asked which needs to be answered is -

Mr BARNETT - What is your point of order? I am trying to answer the question.

Ms O'CONNOR - No, you are not. Can you explain why it was necessary -

Madam DEPUTY CHAIR - Order. Ms O'Connor, do you have a point of order?

Ms O'CONNOR - What is wrong with the trespass provisions in the Police Offences Act to capture these sorts of offences?

Madam DEPUTY CHAIR - It is not a point of order.

Mr BARNETT - Madam Deputy Chair, as I was saying, trespass is the fundamental part of this criminal law that we are actually building upon. This is something that the Labor Party had so wrong in their second reading contributions. In fact, the leader for the Labor Party was trying to differentiate somehow from the mainland bills and legislation from Queensland and in the various states, New South Wales and one that is being considered in Western Australia. That is based on trespass. The trespass laws are very clear.

Here was the Leader of the Opposition, that contribution was so out of place it was either a total fundamental misunderstanding of how the law works or a transparent attempt, a very transparent attempt, to engineer some reason to oppose the bill. The fact is they are actually based on trespass laws as well. Our bill is based on those trespass laws. It is plain on the face of it that the offences that clause 10 of the bill, through new sections 6(1) and 6(2) have as their very basis, trespass. We are building on that. Trespass is a fundamental component of these new offences.

I will not be conflating, I will not be taking these views that are being put from the other side. You should look at that. In fact, Ms White in her contribution said that we should instead seek to look at, and I quote, 'aggravated trespass'. Well, this is exactly what is in this bill. This is exactly what this bill does. Aggravated trespass is trespass plus an additional -

Members interjecting.

Mr BARNETT - Madam Chair, I am trying to make a point and to respond to the queries that have been made that aggravated trespass is trespass plus an additional more serious element. Hello, hello, this is what we have been doing. This is an argument that the Leader of the Opposition has been putting to this government to try to oppose the bill. Well, that is a massive and fundamental misunderstanding of the bill. That is what the new offence is; it is trespass plus the intentional impeding of a business activity. It is that simple.

I am happy to get on to another part of it relating to the unions. I know other members in this place may wish to make a contribution on it.

[5.44 p.m.]

Ms O'BYRNE - As we continue the debate on this bill that the minister has already admitted, by his silence, that the general set is unconstitutional, can I address the point that the minister just made, when he has repeatedly said that this legislation mirrors legislation introduced by other states. That is not true. The minister knows that is not true.

What other jurisdictions have done in their biosecurity provisions, is that they have looked at how they use their existing trespass provisions in their criminal codes. They have looked at aggravated trespass. This actually was the advice in a number of submissions the Government received that they chose not to do.

No-one else in the country is introducing draconian legislation that effectively outlaws, effectively criminalises, any act of protest whatsoever. That is what happens under this. The only protest that will be legal under this bill is if you write to the Government and say, 'please may I protest?' and the Government says 'yes'. We know the only person who is going to get that is the member for Braddon, Mrs Rylah, because she is the only one who thinks that is the way protests should be undertaken. It is untrue of you to continue the mistruth that this is a constitutional bill. It is untrue of you to unfairly misrepresent the Solicitor-General and the other jurisdictions that have worked collaboratively to ensure that they can protect workers, which was the stated intent of this bill, not silencing protests, which is what you are doing. Do not be so dishonest.

What you have done, and my question goes to this now, is that this provision says that a person must not knowingly or recklessly trespass on business premises. How the hell could they even know if they are doing it? How would they even know, minister? The criminal code that we have been following in Tasmania, establishing in Tasmania, since 1924 is very clear in its intent. The reason that we do not deal with things under common law is because we want clarity so that nobody

could accidentally commit a criminal offence. That is what the criminal code is about. Common law deals with interpretations. Common law deals with previous cases. Common law deals with the things that have happened before. That is what common law does. That is what you are making the criminal code do now by your actions.

You are expecting people to know something that they could not possibly know. They could not possibly know because you cannot answer how it works. You are making the criminal code subject to prosecutorial discretion. That means that me as an individual, who has been part of the debate in this place, I do not know what you are saying in this bill. How on earth is anyone else supposed to know what is happening in this bill? You do not know. You do not even know if it is constitutional.

You do not know who is going to be captured because you are assuming that every single person has a full understanding of what this means, what 'knowingly and recklessly undertaking' would be. It is inappropriate to enact a criminal statute that deliberately criminalises a wide variety of conduct not intended to be captured by the offence. Then it leaves it there so that the prosecutor of the day can determine whether or not they will prosecute matters that they think it is intended to construe. You have just made it clear that people gathering together on a social media site, suggesting that they should come together at a workplace and say this is outrageous that you have treated workers this way and then calling it off, they have still broken the law under this.

You are criminalising people for joining together on Facebook and saying, it is not okay for wage theft. You are criminalising people who do not have a permit if they gather and say, 'I am not comfortable with what this government does'. You are criminalising union activity outside of such a narrowly-defined provision. You know when you have said to people, it is okay, union activity is okay, that you have already constrained it to the point that even unprotected legislation that is covered in the Fair Work Act is not covered by this. They are breaking the law. The Fair Work Act recognises it. You do not. That Fair Work Act recognises the action of union leadership. You do not. Other organisations who come together on union-based campaigns, on progressive campaigns about workers' conditions will be criminalised under your act.

Minister, you have brought a dog of a piece of legislation into this House. You know you have and it is not okay for you stand here and say that this legislation in any way mirrors any other jurisdiction because no-one has sought to silence dissent in the manner in which you have. Minister, this is Orwellian. This is about making sure that the only voices that are heard are the voices that you agree with. That is not democracy. It is not the way Tasmania acts and it is not the way Australia acts. Quite frankly, you should withdraw this bill right now. It is a sickening attack on democracy, a sickening attack on workers and you should stand ashamed.

Dr WOODRUFF - I have so many things to say about this disgusting clause; the substitutions to the principal act that are proposed here. The principal act is a toxic document but this makes it far, far worse. The minister said something that I would like to have his clarifications on, which was noted in the *Mercury* newspaper on 14 November in relation to this clause. Minister, you were quoted as saying about these laws -

'They are very tough. Let's make it very clear in terms of impediment and trespassing with an intent to impede, the first offence is 18 months and the second offence is four years, with a \$10,000 fine.

And that will be decided obviously in a court of law.

Secondly, in terms of intrusion there could be absolutely up to 21 years jail, depending on the circumstances.'

That is what you said, minister. The proposed new sections 6(4)(b)(i) and (ii), set maximum punishments of either 18 months or four years. Can you tell us what the situation would be in which a 21-year sentence could be imposed?

Mr BARNETT - Very clearly, that is consistent with our criminal law. I have said that on the public record and I am happy to say that again. Our Criminal Code has a maximum penalty of 21 years.

Dr Woodruff - For what?

Mr BARNETT - It is consistent with the Criminal Code, with criminal law.

Dr Woodruff - How utterly contemptuous you are, and how contemptuous you are of any practise. I asked you -

Madam DEPUTY CHAIR - Dr Woodruff, the minister answered and I have given the call to Ms Ogilvie.

Ms OGILVIE - I want to refer to the amendment I have proposed and have discussed with the minister for some time. I have a lot of sympathy for the comments made by the Tasmanian Labor Party about the union movement. I am a proud member of my professional association and my own union. The clause I wanted to speak about is an amendment to subsection (8)(b) of clause 10 and it would be to delete the current wording and replace it with, '(b) is engaged in by the person as part of or in connection with an activity organised by or for a trade union.'

I have an understanding that the minister may be minded to consider making an amendment. The reason we need to look at this is that there are situations, such as those outlined by Mr O'Byrne, where there is a grey area. Local Tasmanian union activity organised by that union, which is not covered by Fair Work laws as a protected industrial action, may be accidentally caught by the provisions. This is the legal issue we are grappling with. I am not an expert in drafting. We have people who can do that. I wish to flag that and say that I hope that that is addressed as this legislation progresses.

Ms O'Byrne - Can I seek the call on that? I am familiar with that and it is not going to do what you want it to do.

Madam DEPUTY CHAIR - No.

Mr BARNETT - Madam Deputy Chair, the member for Clark has made some helpful and positive contributions, which I have taken into account. We have had some discussions about these concerns because we have offered briefings, unlike the Greens, who refused a briefing.

Ms O'Connor - We don't get a briefing on bills like this. We listen to the experts.

Mr BARNETT - You were not interested in the briefing. Briefings have been offered and accepted by the member for Clark, who has responded to those briefings and has expressed some views and concerns about this clause. It gives effect to that fundamental principle that our laws should protect people who are undertaking lawful business activities and the people who work for

them. The bill is in no way aimed at unions, I want to make that very clear. It contains provisions to make clear that people whose acts are part of lawful or protected industrial action are not in contravention of key offences, so they are exempt.

It is set out in the bill that they are exempt and they are not in contravention of the key offences in the provisions. I acknowledge Unions Tasmania was one of those organisations invited to comment on the draft bill and the Government carefully considered that contribution. Likewise, we have had communication with the CPSU, and I know the member has had communication with the CPSU as well, and the Government has carefully considered its response. The Government has offered briefings. I have indicated that and that has been taken up. The member for Clark has engaged on this matter. She has some concerns about the issue in terms of its relevance and relevance to unions. I have sought advice from the department and have raised a number of matters, including those issues of trade union exemptions, and some of those matters are problematic.

The preliminary advice I have received suggests that going beyond the exceptions currently provided would be problematic. I appreciate that the member has brought them here to me directly and then into the Chamber to express that view in good faith. I have given that undertaking to the member that I am happy to get more considered advice on that matter to inform debate in the Legislative Council when that does occur, subject to the legislation passing through this Chamber. I have made it very clear with respect to unions about who the union exemption provisions would cover. That is set out in section 6. Industrial action might include employees going on strike or imposing work bans. Protected industrial action takes place where employees or employers are negotiating on a proposed enterprise agreement. Industrial action will only be protected where, among other things, and I will give you a couple of examples, it is taken to support claims in relation to an enterprise agreement or it is -

Ms O'Byrne - There are only a few minutes left and you are going to filibuster so that I cannot ask you another question.

Members interjecting.

Mr BARNETT - I am giving you some examples.

Ms O'BYRNE - Point of order, Madam Deputy Chair. The minister is attempting to give an example. Could he tell me if correctional workers who have walked off the job today, who are public servants, who have no description of lawful industry action, would be captured by this legislation right now?

Madam DEPUTY CHAIR - That is not a point of order. The minister has the call.

Ms O'Byrne - If this legislation was in place, those workers who had walked off for safety would be picked up by this bill because your bill has no definition of what is lawful industrial action and you know it.

Madam DEPUTY CHAIR - Order, Ms O'Byrne.

Mr BARNETT - I was trying to provide some examples and have followed up from the constructive contributions from the member for Clark and I am trying to give some examples. To initiate a protected industrial action, a bargaining representative for an employee must apply to the Fair Work Commission for a protected action ballot order. Recent examples of protected industrial

action include teachers striking and industrial actions undertaken by council workers; there is a range of examples.

Trade union activity; this provision will apply where - I need to share these four examples - conduct is lawful, except by reason of the act; is engaged in as part of or in connection with an activity; the activity was organised by or for a trade union; the activity relates to remuneration, terms of conditions, hours of work, working conditions or safety in respect of employment -

Ms O'CONNOR - Point of order, Madam Deputy Chair. For the record, it needs to be understood that the minister is filibustering his way to 6 o'clock. This is a bill of 18 clauses and we have only reached clause 10. He is filibustering in order not to have to answer a single further question on this unconstitutional legislation.

Madam DEPUTY CHAIR - It is not a point of order, Ms O'Connor. Minister, you have the call.

Dr WOODRUFF - Point of order, Madam Deputy Chair. We have some serious questions to ask about this bill, like the fact it criminalises people who may have an intent without doing anything about that, or changing their mind; a threat that is never fulfilled. This is a complete reversal of the current laws and protections that we have in this state.

Madam DEPUTY CHAIR - Dr Woodruff, that is not a point of order. The minister has the call.

Ms O'BYRNE - On the point of order, Madam Deputy Chair, can the minister tell us whether the industrial action being taken by correctional workers right now would be captured by this bill if this bill was in place?

Madam DEPUTY CHAIR - Ms O'Byrne, that is not a point of order.

Dr WOODRUFF - Point of order, Madam Deputy Chair, this minister is removing the rights of people to be told to move on in this state by the police. That is a total abrogation of our rights. It is outrageous and we stand against this unconstitutional anti-peaceful protest bill.

Madam DEPUTY CHAIR - Dr Woodruff, order. Sit down.

Dr WOODRUFF - I will not sit down. This is an outrageous affront on all Tasmanians and the Premier, who has never stood up and spoken in this House, that man, that weak, draconian authoritarian Premier, is responsible and he should stand up.

Madam DEPUTY CHAIR - Dr Woodruff, I am going to report your conduct to the Speaker.

Dr WOODRUFF - Well, you do that, Madam Deputy Chair, because he does not respect this place and we must speak for people who will not be stood up for.

Madam DEPUTY CHAIR - Dr Woodruff, I will name you if you do not sit down.

The time allotted for consideration of the bill having expired, according to Order, the following questions were put -

**That clause 10 stand as part of the bill;
That the remaining clauses be agreed to;
That the title be agreed to; and
That the bill be reported without amendment -**

The Committee divided -

AYES 10

Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Mr Hodgman
Mr Jaensch
Ms Ogilvie
Mrs Petrusma (Teller)
Mr Shelton
Mr Tucker

NOES 10

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

PAIRS

Ms Archer
Mr Rockliff

Ms Butler
Ms Houston

Madam DEPUTY CHAIR - The result of the division is 10 Ayes and 10 Noes. In accordance with Standing Order 257 I cast my vote with the Ayes.

Question - That the bill be now read the third time - put -

The House divided -

AYES 10

Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Mr Hodgman
Mr Jaensch
Ms Ogilvie
Mrs Rylah (Teller)
Mr Shelton
Mr Tucker

NOES 10

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

PAIRS

Ms Archer
Mr Rockliff

Ms Butler
Ms Houston

Madam DEPUTY CHAIR - The result of the division is 10 Ayes and 10 Noes. In accordance with Standing Order 257 I cast my vote with the Ayes.

Bill read the third time.

ADJOURNMENT

Christmas Greetings

[6.09 p.m.]

Mr HODGMAN (Franklin - Premier) - Madam Deputy Speaker, I welcome the delegation from Sarawak to Tasmania's Parliament.

It is opportune to extend my best wishes to all in this place for a safe, happy and restful Christmas season with your loved ones. It does feel that we could all do with more love in our lives after spending more than most of the last two days together in this place.

Madam Speaker, thanks to you and to those who assist us in this House with great distinction, the Clerk, Mr Donnelly; Deputy Clerk, Ms Ross; Assistants, Ms Hesford and Mr Buttsworth with the support of Ms Stephens and Ms Donovan. Thanks to our new Clerk of Papers, Ms Morrison. It is certainly not the same without Barry, but we appreciate Alison's friendly services as Tasmania's first female Clerk of Papers. To the wider parliamentary team, our sincere thanks for the excellent service you provide us, without which one might only imagine what might happen in this place.

Thanks to our parliamentary education team, Kimbra and John, who provide citizenship education to primary, secondary and tertiary students and outreach to our schools, giving greater insight into the workings of this place. To our parliamentary officers, Charles, Scott and Adrian, and parliamentary attendants and assistants, Kristy, James, Fiona and Rosie, thank you for all you do for us, and for my part, the double water is ready to go each morning and I appreciate that.

Thanks to our parliamentary security team, Ian; the parliamentary dining room team as well, Mandie, Jacqui and their team as well as Simon and John; and the bistro staff, Jo, Christine, Jade and Renee for keeping us well fed and watered.

To our Library staff, Marijana, Sue, Deb, Helen, Sarah and Luke, my personal thanks to you for guiding me to the rare books section, and our great research team as well led by Bryan, Cassandra, Catriona, Jayne and Kate.

Thanks to the Hansard team who do a tremendous job, to Helen, Pat and their crew for putting down what we say into print forever. Thank you to the parliamentary IT and broadcast services, Peter, Ben, Jason, Brett, Chris, James, Adon and Angus.

Thanks to the cleaning and maintenance service team who tidy up after us and keep this place in such fine shape, to Jason, Brendan, Shane and Gaye and the now retired Louis, who I was thrilled to see in the parliament today. To our ministerial drivers who get us around safely and our own ministerial and parliamentary staff, the wonderful team we have in our electorate offices around the state, thanks for the hard work you do.

To my own team, our hardworking staff and parliamentary colleagues, thank you again for your support.

I take this opportunity to thank those closest to me, Nikki and the kids, for what has been another big year for us all, and to all members of parliament in this House and indeed the upper House and to all Tasmanians, my best wishes for a safe, happy and festive season. For those for who it is not, we resolve to work harder still over the year ahead to make it so.

Christmas Greetings

[6.13 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Madam Speaker, I rise to give thanks to all the staff who support us and make sure we are able to contribute in this place to the best of our ability. I convey my thanks to them and wish them a very happy summer break and Christmas period with their families.

I would like to acknowledge you, Madam Speaker, and your wonderful staff, the Clerk of the House, Shane Donnelly; Deputy Clerk, Laura Ross; Clerk Assistants, Stephanie Hesford and Todd Buttsworth; personal assistant to the Clerk, Ms Donovan; and personal assistant to the Chair of Committees, Ms Stephens.

I also recognise the parliamentary assistants, Rosie, Kristy, Fiona and James, and Clerk of Papers, the wonderful Alison; parliamentary officers, Scott, Charles and Kate; finance manager, Adrian; education officers, Kimbra and John; as well as the computer and electronic services who look after us and at very short notice can be in your office helping you when the computers don't seem to want to cooperate. To Peter, Brett, Jason, Ben, Angus, Chris, James and Adon, thank you very much.

To the catering staff, Mandie and her team and Jo and her team, thank you for your cups of tea as I do not drink coffee, Mr Tucker - just reminding you of that - and the care they give us in feeding and watering us and making sure we are able to continue to do our work here in this place.

To the utility officers Gaye, Shane and Carol, building and facilities manager, Brendan, and Parliamentary Services in Legislature-General, Jason, Anna and Mandy. Thanks to the Library team, the Hansard team, Research Services and the security staff and then of course my own parliamentary colleagues and the staff who support us every single day.

I acknowledge members who departed this year, Scott Bacon, Rene Hidding and Adam Brooks and recognise that Joan, John and Maddie have all joined us in this place this year, so there have been quite a few changes we have all had.

I wish everybody a really safe summer break. I hope you get time to spend with your families and those people you love and be in your communities and places that support us to do our job and who we endeavour to represent to the best of our ability every day in this place. Know that we will continue to work hard to make sure that Tasmania is a better and fairer place. Merry Christmas, everybody.

Christmas Greetings

[6.16 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, it is that time of year when we have an opportunity to try to put into words our gratitude to the people we work with in this place. There is a long list of people here to thank and I want to make a few comments on the way through.

Of course we thank the ever-helpful and long-suffering Clerk of the House, Mr Donnelly. I hope those magnesium tablets I recommended to you start to do the trick before we come back next year. Also to Laura Ross, Stephanie Hesford and Todd Buttsworth, thank you so much. Working with any one of you on a committee is deeply reassuring. Your work ethic, your capacity to translate evidence into reports and to be helpful to us is so appreciated and thank you very much.

Thanks to the beloved Allie, who I have known for more than 20 years so I am so glad is now the Clerk of Papers and also to acknowledge the incredible endurance and long time that Barry Roberts, the former clerk put in here.

Thanks also to our parliamentary staff in here. I am always mindful of the workplace health and safety issues that people like Scott Hennessey, Charles Casimaty, James Reynolds, Cathy Stephens, Colleen Donovan, Kristy Lang, Rosie Brown and Fiona Murphy experience every day. For example, last night when we rose after 2.00 a.m. it was Fiona Murphy who opened the door to me and then when I walked in here this morning at 8.30 Fiona was here at work again.

Madam Speaker, I also want to thank you. It has been a hard year but I recognise that you do try to vote the right way, you try to do the right thing and you have a great big heart. There is only one thing you have ever said to me that I totally disagree with and I am not going to go there now, but I do wish you an excellent break.

Adrian Munnings - oh my goodness, we are so thankful for the work of Adrian Munnings, the finance officer of Tasmania. Every fortnight I hold Adrian close to my heart. Kimbra McCormack and John Retallick - what a transformative parliamentary education system we have here. I thank the previous Speaker of the House of Assembly who amped up the Parliamentary Education Office but what a change it is making to the lives of young people, to civics education and to participation in our dwindling democracy under this Government.

The fount of knowledge, the Parliamentary Library, Deb Jensen, Helen Richardson, Luke Viacelli, Sarah Ravanat, Sue Nolan, Marijana Bacic and Jenny Wray, who I believe retired recently. Our brains trust, the Parliamentary Research Service - Bryan Stait, Cassandra Hennessey, Catriona Ross, Jayne McPherson, Kate Roberts and Tran Huynh, also known as Jade from the bistro.

The nerve centre of the building, Computer Services and Broadcast - thanks to the excellent wry and dry Peter Hancox, Brett Godfrey, Chris Machin, Ben Hughes, James Sly, Jason Hergert, Adon Voss, Kate Duggan, Angus McElhenny and Mal Blood, Pat's husband, who helps out with the broadcast.

Thanks to all our translators and interpreters, highly skilled as they are, who turn some of the gobbledegook that we speak in here into coherent English sentences: the Hansard staff. Thank you to Helen Allmich, Helene Attrill, Pat Blood, Roey Johnson, our transcribers Margot Scales, Jo Bull, Karen Cuzzucoli, Kaye Toohey, Margaret Peters, Wendy Nicholas, Melinda Carver, Gaye Mitchell, my dear friend Glenda Radcliffe, Anne-Maree Nuttall, Stella Beswick, Susan McKay. The high skilled sub-editors Sabine Borgis, Michael Dubois, Shae Huddlestone, Helen Moore, Jenny Morgan, Andie Smithies, my darling friend Kate Stewart, Loretta Thompson and Christine Ward.

Where would be without the dining room and the bistro after long sitting days and when we want to see our families and friends on long sitting days. Thank you to Mandie Donnelly, to Jacqui Kozakiewicz, Jo Smallhorn, Renee, Christine, Sara and Jade who is also in the research service. I

also thank Andree who is one of the lovely staff in the bistro - and I understand highly qualified in academic fields - and Morgan, who I could listen to speak in his beautiful French accent all day long.

The Legislature-General staff. Thank you to Jason Hendy, Anna McCarthy, Mandy Menzie, and very handy Brendan Boon. To Shane, Gaye, Gay and Carol, thank you. To our security team for keeping us safe. To Ian, Tamana, Benjamin, Hannah, Sayeed, Kyriakos, David, Damien and Phil.

Finally I want to thank everyone in here, pretty much, mostly. I want to thank my family for continuing to put up with the work I do on behalf of the Greens and for them. But most of all I want to thank my team. I want to thank the wonderful Dr Rosalie Woodruff who I am so proud to stand with in here every day. I am so impressed by you. You are so fierce and good and green. I also want to thank Rosalie's adviser, Will Greer; our excellent Alice Giblin with her very clever political ways; and Tom Whitton, our excellent policy and parliamentary adviser who helps us come up with some very handy strategies. Our new electorate adviser, the excellent Steve Wright, who is in the Chamber and Jo Bull, who keeps my diary in some form of feral order. To Millie Knott who is my electorate adviser, and a wonderful young Green, Bridget Verrier, our dedicated volunteer. We go hard in the little Greens office. We come in here every day and work our butts off defending democracy.

To all my colleagues in this place, I do not always like you, I do not always want to look at you, but I will look forward to seeing you again when we return next year. I want to see everyone back in here safe and well and ready for 2020. Happy holidays, take good care of yourselves and take good care of each other.

Bruny Island - Fire Incident

[6.23 p.m.]

Mr SHELTON (Lyons - Minister for Police, Fire and Emergency Management) - Madam Speaker, I apologise for this, but I did indicate to the House that I would get back on the issue of the Bruny Island fire that was raised this morning by Ms Butler.

I am advised by the chief officer that the Bruny Island fire was subject to a standard chain of command feedback to senior management and this was incorporated into the TFS process of continuous review and improvement. Local brigades responded to the Conley Point fire at 5.45 on Christmas Eve 2018. Two water bombing aircraft were deployed to assist with the response. In total, five aircraft responded to the fire within the first hour-and-a-half to assist ground crews with water bombing and intelligence gathering.

At approximately 8.30 p.m. on 24 December, Bruny Island volunteer firefighters were transported by helicopter from Cloudy Bay beach to Lunawanna. The chief officer confirmed that they were not rescued, as asserted by Ms Butler, but the decision was a tactical one.

The chain of command and operational effectiveness was reviewed extensively as part of the independent AFAC review and was acknowledged as being effective. The TFS also conducts a review of resources every year to reflect learnings and ensure they are appropriate.

As a government, we absolutely support this approach. I also make the point that for the Opposition to seek to conduct an independent review of every single one of the approximately 1800 bushfires a year is nonsense.

We have had significant reviews into the fires from the past summer and summers before and we are acting on those recommendations. The design of the resource placement on Bruny Island worked exactly as intended because where one resource is constrained to one part of the island there will always be spare and available resources on the island.

TFS district staff conducted a formal debrief with Bruny Island volunteers from both fire stations and there were no critical issues raised by attendees. Furthermore, staff attended a community event at Bruny Island and no critical issues were raised. There are four vehicles located on Bruny Island which are: a heavy tanker, medium tanker and two light tankers. In addition, the State Fire Commission, which included representation by volunteer associations, conducted a review and a tour of the establishment on Bruny Island after the fires and none of the alleged issues were raised in any way.

Water Pollution - Derwent River

[6.26 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, we heard yesterday that Hobart could face drinking water restrictions and that farmers will need to cut back their water usage through irrigation schemes. This is very disturbing news, particularly for people who live in Hobart and who are labouring under the pretext that TasWater and Tas Irrigation and this Government would have worked out a situation to have safeguarded drinking water supplies for people in Hobart.

We know when it gets hot and dry this summer we will be almost entirely reliant on the Derwent River to supply water to the greater Hobart area and also to supply water for irrigation. That is, treated water that goes to irrigation that gets paid for to be treated before it goes to irrigation. Despite our complete reliance on that water, the Government appears very careless about the pollution that is entering the waterways and that is tainting our drinking water supply and damaging the environment.

We have been warned countless times of the risk of high levels of nitrogen and phosphorous entering waterways. These compounds lead to algal blooms and can make water unusable. We have seen that in the upper reaches of the Derwent. It has happened. We have even had reports of atrocious levels of nutrient pollution from the Wayatinah and Florentine hatcheries that were published early this year from the Saltas hatchery there.

These facilities were only recently required to perform any form of filtration to the megalitres of waste that are pouring from their factories into the upper reaches of the Derwent. Despite that, the EPA has waved through another large hatchery right next to Meadowbank Lake, which supplies water to Hamilton, the Derwent and ultimately to Hobart.

The esteemed scientist, Christine Coughanowr, stated that she was prepared to be:

Impressed by the effluent of the quality of Tassal's new hatchery.

But she also said she was:

Really surprised by the high level of nitrates and salinity that appeared to be produced.

Local seventh generation farmers, the Headlams, have been shocked to hear of that development. They know that the volume of waste produced by the hatchery that is intended to be used as irrigation will eventually end up in their lake, their drinking water and ultimately into Hobart's drinking water.

The Headlams know that their land, where they have lived for generations, and they know the effect that the proposal will have on it. The hatchery was approved by stealth, with a piecemeal process that was designed to fly under the radar and get approved as quickly as possible. There is very extensive concern in the communities surrounding the Headlams and the Central Highland Council about the processes around this approval.

Why is the EPA bending over backwards to approve Tassal's hatchery when we know it will contribute to algal blooms and add even more nutrients to a system already close to breaking point? The question not being answered by anyone is: what happens when Tassal's reuse dam is full and the paddocks are irrigated? Are they going to shut down the hatchery and let their products die or are they going to continue running the pivot irrigators, pouring the nutrient-rich waste into the Meadowbank and Derwent Rivers? The latter, I think, and so do those in the headlands and other people in the community. What we are worried about is the height of the summer when the rivers are at their lowest flows and we will feel the brunt of global heating with more record temperatures and an Upper Derwent experiencing the possibility of a catastrophic algal bloom.

Water, as minister Barnett said today, is indeed liquid gold, but we are squandering it and putting the security of its quality at risk with unfettered growth of the fish farming industry and this new mega-sized hatchery, which has raced through the approval process without the opportunity for proper oversight or independent assessment. We are now risking a Derwent River crisis with the massive fish farm expansion planned in Storm Bay, likely to cause nutrients to flow up the Derwent with the saltwater and that water is going to be met by the fish waste flowing down from the hatcheries, resulting in likely algal blooms and a crash in dissolved oxygen.

What I do not want to see is our beautiful Derwent estuary lined up with dead fish like the Murray River, because that is where we are heading with the current management of our waterways. It is not good enough and we are going to keep asking questions, despite the fact that this is the last opportunity in parliament this year. We will continue to ask this because it will only become hotter and a pinch on water availability is yet another thing that we are going to be talking more about as a community because that is where we are heading with global heating. They are the process and the independence we need to make sure we can have these systems working for us, not for business interests only.

Northern Regional Prison - Location

[6.32 p.m.]

Ms BUTLER (Lyons) - Madam Speaker, I have been provided a letter. I will not provide her name but she lives in Bracknell, Tasmania, and she has asked me to read it this evening. It is dated 20 November 2019 and it is addressed to members of the Liberal Government -

I have been reading the *Hansard* transcripts of recent sittings of the Tasmanian House of Assembly and I am appalled at the Liberal Government's attitude to the proposed prison site at Westbury. For the record, had the Government released its preferred prison site prior to the last election and not some 'promise' to build a prison in the 'North' - I highly doubt that the Liberal party would have won the election.

I have been a 'rusted on' Liberal voter for years. Thank you for spraying an entire can of CRC on me. It is now time that the Liberal Government moved to the opposition.

Also, please get your facts straight - Labor has not been scaremongering. Listening to a community's concerns is not scaremongering. Jen Butler has shown the Westbury community much more empathy than Guy Barnett, Mark Shelton and John Tucker combined.

I state for the record that I am not against a prison being built in the North.

I am 100% against the prison being visible from the Bass Highway or any other major tourist route in the North. We already have the Ashley Detention Centre which has a commanding highway frontage. We don't need another prison facility on public display in the Meander Valley Region.

Ms Archer has stated (*Hansard* 16/10/2019) - 'that it is not ideal for Risdon prison to be viewed from Risdon Dam'. (how many people actually go to the dam?). On this basis, the site at Westbury should automatically be struck off the list of possible sites because a 13ha prison facility built on that site will be clearly visible from the Bass Highway when travelling to the east (where thousands travel every day).

I note that Ms Archer has stated (*Hansard* 16/10/2019) that 'you can have plantings around it to ensure that it is not a visual horror in the landscape but in fact integrates well'. I question how effective this would be. As the industrial estate name suggests the proposed site is in ... a valley. The proposed site at an elevation of 188m is viewable from the nearby Bass Highway where the elevation goes as high as 206m according to Google Earth. You wouldn't be planting trees up against the prison walls for obvious reasons, then factor in an optimum growth rate of 1m per year for a gum tree. In 17 years the trees will barely be concealing the top of the prison walls, from the Bass Highway, let alone the entire 13ha complex and that is if those trees were planted today. You would also have to plant an entire forest of gum trees, as gum trees are not known for their canopy density, especially during dry times when they shed their leaves.

We know that you won't be planting any trees in or around the complex due to bushfire risks, so there it will sit in Tourism's Frond Yard and as Ms Archer so eloquently put it 'a visual horror'.

Sincerely,

I will omit the name, thank you.

The House adjourned at 6.35 p.m.