Tuesday 10 September 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 have the privilege of welcoming to the Chamber the Speaker of the Legislative Assembly of Western Australia, the Honourable Peter Watson MLA and the Sergeant-at-Arms, Dr Isla Macphail. Welcome to parliament.

Members - Hear, hear.

STATEMENT BY SPEAKER

Reflecting on Role of Speaker

Madam SPEAKER - I have a statement to the House.

Last week, the Leader of the Opposition made public statements that were clearly a reflection on the role of the Speaker. Any reflection on the character or actions of the Speaker inside or outside the House is highly disorderly. A fundamental tenet of parliamentary practice is that any Speaker's actions may only be criticised by a substantive motion moved in the House. I ask that all members of this House think carefully about using the role of the Speaker to make their political points and ask them to also reflect carefully on the code of conduct that all members of the Tasmanian Parliament have signed.

This states that a member must observe proper standards of parliamentary conduct by complying with the Standing Orders and the directions of the Presiding Officer. There is a range of options available to me in my role as Speaker. I have determined to not take those options but instead have written to the Leader of the Opposition and have asked her, consistent with precedence, to withdraw her comments at the first available opportunity today and to apologise for them.

I ask that the Leader of the Opposition now do so, so that the matter can be concluded without any unnecessary escalation and the House returns to its business.

[10.04 a.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Madam Speaker, on 6 September I received a letter from you regarding comments I made to the media and asking for an apology. The convention of the House is to not criticise the Speaker because the Speaker cannot speak or defend themselves. I therefore unreservedly withdraw and apologise.

Madam SPEAKER - Thank you. Let the *Hansard* reflect that the Speaker has accepted the Leader of the Opposition's apology with the sincerity with which it was given.

QUESTIONS

Tasmanian Health System

Ms WHITE question to PREMIER, Mr HODGMAN

[10.05 a.m.]

Last night the Tasmanian health system was back in the national spotlight for all the wrong reasons. ABC *Four Corners* told the harrowing story of John Novaski.

In October 2017 Mr Novaski was complaining of breathlessness and his GP ordered an ECG test which showed he had a heart blockage. He was sent immediately to the Launceston General Hospital Emergency Department. On that day there were 17 patients in ED who had waited more than 24 hours for a bed and one patient had waited 61 hours straight.

Mr Novaski was supposed to have been seen within 30 minutes but waited nearly five hours. Instead of being admitted to a bed to see a cardiologist, Mr Novaski was assessed on his chair in the waiting room and sent home. The following morning Mr Novaski's wife found him dead on the lounge room floor. His wife said:

> It is heartbreaking to think that if they had been able to keep him at the hospital, I might have been able to hold his hand.

What do you say to Mr Novaski's family and how do you justify more cuts to health when people are already dying?

ANSWER

Madam Speaker, I thank the member for her question. From the outset, I extend the Government's condolences and our thoughts to Mr Novaski's family and friends. Any death in our community is a tragedy. I assure the House and the Tasmanian community that patients' safety is also a top priority of our Government, our staff and our clinicians.

With respect to this matter, all Coroner's reports are taken very seriously and our health service always seeks to learn and improve. Our hospitals have robust quality and safety systems in place which meet national accreditation standards and all serious incidents undergo thorough investigation and processes and are continuously reviewed and improved.

The Government is responding to increased demand on our hospital system. We now have 32 per cent of our entire budget dedicated to our health system. We are investing more into health services and not, as the Leader of the Opposition says, making cuts to essential services.

In fact, we have recruited over 400 additional FTE staff to the LGH since coming to Government in 2014 which is a 23 per cent increase and includes almost 240 nurses, a 29 per cent increase, 45 more doctors, a 21 per cent increase and it allows the hospital to not only bolster services, to reopen beds that we have done on Ward 4D -

Members interjecting.

Madam SPEAKER - Order, please.

Mr HODGMAN - a ward that was closed, shut, cut by Labor and the Greens.

Mr Ferguson - Beds put in storage.

Madam SPEAKER - Order, Mr Ferguson.

Mr HODGMAN - We have also put on first new paramedics for the Launceston area in years and established the community rapid response service which is delivering thousands of episodes of care into that community again, following Labor-Greens' cuts to the former Hospital in the Home service.

We have restored local management to our hospitals, at the LGH, and we are continuing to look at ways to further strengthen local decision-making, authority and accountability. We accept as a Government that there is a lot more to be done when it comes to improved health care for Tasmanians and that remains our focus.

Tasmanian Health System

Ms WHITE question to PREMIER, Mr HODGMAN

[10.08 a.m.]

Sadly, Mr Novaski's tragic death was not an isolated incident. Over the past two years the Coroner has criticised the standard of care in Tasmanian public hospitals in 13 separate cases.

Launceston General Hospital nurse, Tom Millen, summed up the true impact of the health crisis. He said:

> We used to make a joke that nothing is going to change until someone dies, but we don't make that joke anymore. People have died and we know that this is going to keep happening until something is done about it.

How can you continue to claim that the Hodgman health razor gang, savage cuts will not put more lives at risk?

ANSWER

Madam Speaker, I thank the member for her question. I refer to my previous answer with respect to the additional resources, the staff. It is not spin; it is actually people and hospital wards and beds that have been opened and increased under this Government.

Ms O'Byrne - This is a nurse in a Tasmanian hospital.

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

Mr HODGMAN - It is not true to assert, as the Leader of the Opposition continuously does, that we are making cuts to frontline services. We are investing more into our hospitals, with more staff, more beds and more hospitals open now under this Government. We are also restoring the integrity of our health system, which we said we would do, and undertook the most extensive

consultation in engagement with health practitioners and professionals across the state to ensure that our systems are working better as well.

Mr O'Byrne - But they're not, they're worse.

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

Mr HODGMAN - That work is still in progress. We will continue to do more. Our health system does need more and it is getting more under this Government. The track record of Labor and the Greens was one of cuts, shutting beds, closing wards and diminishing community services. Even now they continue to argue with us when we talk about investing more into regional services; for example, our ambulance system. We recognise that there is a lot more to be done. That is why our Budget reflects an increase from around 25 per cent just a few years ago to around 32 per cent of the total budget now going into Health. That demonstrates our priority.

Tasmanian Health System

Ms O'CONNOR question to PREMIER, Mr HODGMAN

[10.11 a.m.]

Last night on ABC *Four Corners*, your Government's neglect of the health system was revealed to a national audience with people dying as a direct result of a hospital under-resourced and staff overstretched beyond capacity. It has been confirmed since you came to office in 2014, around $1.6 billion of Commonwealth funding that should have gone into the health system has been spent elsewhere. Tasmania, a state with the oldest population and the highest chronic disease burden, has the lowest per capita spend on Health.

What a difference that money could have made to patient outcomes at the Launceston General and Royal Hobart Hospitals. Now there are further cuts to elective surgery and cuts to staff hours at the Royal, placing patients at risk. Meanwhile, your Government is spending $1.6 billion on roads and bridges. How do you explain such warped priorities when people are dying prematurely due to a public health system made chronically sick by your Government?

ANSWER

Madam Speaker, I thank the true leader of the opposition for the question.

Mr O'Byrne - Really, that is your best joke?

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

Mr HODGMAN - I refer her to the detail of my previous answers and the increase to 32 per cent of our state's budget. We have actually committed funding of $8.1 billion over the next four years of this Budget. That is $2 billion above what Labor and the Greens spent when they were in government. I will not be lectured by Labor and the Greens about investments and commitment to our health system. We have now employed more staff and more beds have opened since we came to government. We have local leadership in place in our hospitals and it is important for our clinical leaders to make decisions about how our hospitals are run. They are the experts and we rely on them and trust their judgment with respect to that and the operations in our hospitals.

This notion that is repeated about Tasmania's GST - I acknowledge our visitors from Western Australia who also have a keen interest, fairly so, in how the GST is distributed by the Commonwealth - and the member should acknowledge; when it was introduced, GST revenue was provided to states with a distribution commensurate with each state's circumstances and was done so in a way that is not constrained or determined by the Commonwealth. It can be used in accordance with the needs and priorities of any state. No part of the GST is earmarked, as you suggest, for any particular purpose, whether it be in Health or other areas. It is not true, as you and others assert, that money has been assigned -

Ms O'Connor - How do you justify the lowest per capita spend?

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

Mr HODGMAN - by the Commonwealth through the GST distribution to Health and that has been taken by this Government and used elsewhere when, in fact, we have, as I have said repeatedly, increased the share of our total state Budget to health care in this state.

Recognition of Visitors

Madam SPEAKER - Honourable members, I draw your attention to our guests in the Chamber. They are grade 9 students from St Francis Flexible Learning Centre. Welcome to parliament.

Members - Hear, hear.

Economy and Job Creation

Mrs PETRUSMA question to PREMIER, Mr HODGMAN

[10.14 a.m.]

Can you please outline to the House how the Hodgman majority Liberal Government is delivering on our long-term plan to keep Tasmania's economy strong, to support job creation and is delivering real benefits to Tasmanians in partnership with the Morrison federal Liberal Government?

ANSWER

Madam Speaker, I thank my colleague from Franklin for the excellent question and welcome the opportunity to note that Tasmania's economy is now the strongest performing in the country under Liberal state and national governments. With federal and state Liberal budgets in surplus, this gives us greater capacity to invest more into the essential services that Tasmanians need. In partnership with the Morrison Government, we are delivering on our long-term plan for Tasmania and it is delivering positive results. We welcomed the re-election of the Morrison Government in May. It was a strong endorsement of the Coalition's track record and plans, and it was another strong rejection of the Labor Party, which is out of touch with the issues that matter to Tasmania. It was good news for our -

Mr O'Byrne - Highest unemployment in the country.

Madam SPEAKER - Mr O'Byrne, that is warning number two.

Mr HODGMAN - state because it came with around a billion dollars' worth of additional commitments to projects and services to our state, building on the strong track record of working cooperatively and delivering for our state. That is a billion dollars' worth of projects; funding for roads, for research, for community hubs, ports, tourism, irrigation and renewable energy. Working closely with the Commonwealth Government, we have also secured and enhanced the Tasmanian Freight Equalisation Scheme, which has seen a significant and consistent increase in the value of our exports for our producers. Working cooperatively with the national Liberal government, we were also able to secure the Mersey Community Hospital in our state and its long-term prospects with what was the largest cash investment made by any Commonwealth government into our state's health system.

This week we have secured another massive outcome for our state with the Morrison Government deciding to waive Tasmania's historic housing debt to the Commonwealth, which we have strongly advocated for, for years. I do recognise the important contribution to Senator Lambie for this outcome but it has been delivered by Liberal governments. Labor was not able to deliver this in the years they were in government, including those years when Labor and the Greens were in government here in Tasmania and in Canberra. They were not able to deliver it but we have. As the federal Assistant Treasurer and Minister for Housing, Michael Sukkar, said -

> The Morrison and Hodgman Governments have worked hand in hand to support the growth ambitions of Tasmania. Waiving this loan will support the Tasmanian Government's efforts to reduce homelessness, increase access to social housing and improve housing supply across the state.

With respect to alternatives, after five-and-a-half years in Opposition, Labor still has not delivered an economic development policy, they still have not delivered an alternative budget, and they still do not have a shadow treasurer. It was discovered last week that they claimed to have only now, apparently, realised that the economy is important. We remember what happened when Labor was in charge of our economy. It was one that slipped into recession, 10 000 jobs were lost, there were budget deficits forecast and business confidence was the lowest in the country.

They are out of touch. They are divided. They do not yet have a new member for Clark to replace the outgoing Mr Bacon. It does not look like they care or can deliver on that either. We are watching with great interest. We do not know whether the Leader of the Opposition, Ms White, even wants Madeleine Ogilvie in her party. If you do not even know who you want in your party, how can you lead it? We do know that Mr O'Byrne would warmly welcome Ms Ogilvie back. He said, of course, you would. It only took him a millisecond to contradict the Leader of the Opposition and at least have a position on a matter as simple as that.

Despite their many promises that they are now to focus on the issues that matter to Tasmania, their track record shows that they will not. We know they are all about stunts and disruption and we expect more of that this week, but we will continue to focus on the things that are important to our state; the strength of our economy through good budget management and delivering very positive outcomes in our housing sector.

Ambulance Response Times

Ms WHITE question to PREMIER, Mr HODGMAN

[10.19 a.m.]

Last week in this place you did not deny that the Hodgman health razor gang had directed Ambulance Tasmania to find at least $5.7 million in cuts this financial year. In attempting to justify these savage cuts, you claimed that ambulance response times had improved. Your own data shows that this is untrue. Ambulance response times blew out from 12.5 minutes in April last year to 13.1 minutes in March this year. In fact, the Report on Government Services shows that Tasmania's ambulance response times are the worst in the country. Will you now correct the record and will you also commit to telling the truth about your Government's reckless cuts that are putting lives at risk?

Mr Ferguson - You'll be here all day if you correct the record.

Madam SPEAKER - Excuse me, Mr Ferguson - thank you.

ANSWER

Madam Speaker, I thank the member for the question. The facts are that statewide emergency response times peaked at 14.5 minutes in January 2017 and since then we have seen improvements with additional resources brought back on line. The most recent published response time on the health statistics dashboard is 13.1 minutes, which is a clear reduction. Despite what Labor and their union sidekicks might say, as I advised the House, we are increasing our investments into ambulance services. I again want to thank those who work within our ambulance service, paramedics and of course our volunteers, for the fantastic work they do. They are highly skilled and provide first-class medical response services around the state.

We will always endeavour to work closely with them not only to additionally support them with more resources and staff on the ground but to make sure that they are safer in their workplace. Who can forget the Labor Party, that claims to be the great friend of the workers, standing against us when we wanted to strengthen the laws to protect ambos in the workplace. They refused to do so and took the side of the lawyers and not the workers. That was a disgraceful and shameless display. Also, when they had the chance to increase the wages of paramedics when they were in government, they refused to do so and actually took it to court and spent a million dollars in the process. That shows how much the Labor Party cares for those who work within the ambulance system.

With more demand pressures there are also pressures on response times. That is why we are responding and, as I said last week, we are. Ambulance Tasmania is currently recruiting paramedics to address shortfalls within operational rosters. Right now they are in the process of offering permanent employment to 34 applicants. This will allow Ambulance Tasmania to fill current vacancies, backfill appointments for branch station officers and intensive care paramedics, provide cover for staff on leave and reduce stress loads and workloads on staff, including workers' compensation.

This year's Budget delivers $438 million over the next four years for ambulance services, which compares to spending of $234 million over four years in the 2013-14 budget under the Labor-Greens government. This is an increase of more than $200 million, or 87 per cent. No matter what

opposition parties and some union leaders might say, these are the facts. We have been able to recruit 92 more full-time paramedics and dispatch officers at Ambulance Tasmania than five years ago. That is an increase of 30 per cent, and this is against the backdrop of the significant investments into our health and hospital system and the rebuilding of our hospitals, the opening of new beds and the employment of new staff to support Tasmanians to get the care they need. That is our track record. We will put it up against yours any day of the week.

Tasmanian Health System

Dr WOODRUFF question to MINISTER for HEALTH, Ms COURTNEY

[10.24 p.m.]

Last night's ABC story shone a spotlight on the heightened risk for regional Australians accessing hospital services. In it, Tasmania's Auditor-General confirmed that nine out of 10 patients admitted to the Launceston General Hospital spent close to 40 hours in the emergency department. There was a 50 per cent increase in adverse events over the past five years. Mr John Novaski was one of those people. He was a much-loved father and husband from Turners Beach, who died needlessly and prematurely from a heart attack after being discharged from a horrendously overcrowded LGH emergency department instead of being admitted to life-saving care. Minister, this heart-breaking story and your backyard shame has been paraded on national television. You are responsible for a Health portfolio today that is cruelly cutting more frontline services from our hospitals, those that are already unable to properly protect people in greatest need. Will you stand up to the cruelty of your Cabinet's push to cut funding from hospitals?

ANSWER

Madam Speaker, I thank the member for her question. I too would like to begin, as did the Premier, with regard to Mr Novaski and his family and extend my deepest sympathies to them. As the Leader of the Opposition said in her opening question, it was very heartbreaking to hear his wife's account. I want to put that on the record.

With regard to the question, I reject the assertion that we are cutting Health. This Government is investing more, 32 per cent of our Budget into Health, up from 25 per cent. I also want to address the assertions with regard to the claims around the Auditor-General's report. I am advised that the recently published data for the financial year 2017-18, the same period the Auditor-General's report covered, show that 90 per cent of patients admitted to the LGH had departed the emergency department within 20 hours and one minute. To be clear, this means that only one in 10 waited longer than 28 hours.

Opposition members interjecting.

Madam SPEAKER - Order.

Ms COURTNEY - While the data is yet to be verified, I am advised that the measure has improved in 2018-19.

We know that patients waiting longer at the LGH is a long-term challenge. In fact in 2013-14 the same measure was worse, with 10 per cent of patients waiting longer than 35 hours. This Government understands we have these long-term challenges and that is why we are investing more

in Health. It is why we are employing more doctors, more nurses, opening more beds and making sure we have the right partnerships with our private hospitals.

Dr Woodruff - You're cutting $50 million from the Royal Hobart Hospital.

Ms COURTNEY - This is what this Government is doing, because we understand that patient care is an absolute priority.

Dr Woodruff - It is spin.

Madam SPEAKER - Order, Dr Woodruff, warning number one.

Ms COURTNEY - I reject her assertion that it is spin.

Mr Hodgman - It is fact, data.

Madam SPEAKER - Order, Premier.

Ms COURTNEY - Forty-four new beds is not spin. This is 44 new beds that we will see at the Royal next year to service Tasmanians. We are employing the nurses and doctors to make sure these are serviced.

Dr Woodruff - How dare you mislead Tasmanians.

Madam SPEAKER - Order, Dr Woodruff, warning number two.

Ms COURTNEY - Madam Speaker, it is disappointing that the Greens and Labor come into this place and peddle falsehoods.

Ms O'CONNOR - Point of order, Madam Speaker. I take offence to that on behalf of Dr Woodruff and myself. Nothing we have said in our questions was false or misleading. It is inappropriate and offensive for the minister to say that.

Madam SPEAKER - Thank you. Minister, the member for Clark has taken offence. Leader of the House?

Mr FERGUSON - Madam Speaker, we are in a terrible place if the member wants to take offence at a debating point that has been made by our minister.

Ms O'Connor - We have been accused of lying.

Mr FERGUSON - I suggest that the standing order is very clear that it is there to protect members against offensive words. Seriously, that is very thin-skinned.

Madam SPEAKER - Thank you. It is not a point of order. It is the cut and thrust of debate and it was not personal. Please proceed.

Ms COURTNEY - Thank you, Madam Speaker. I am pleased to be able to talk about the portfolio because we are investing more into Health. With regard to the claims that have been made by the Greens and Labor, I make it very clear that this side of the House is aware of the increasing

demand we are seeing in our hospitals - the increasing demand at our emergency departments and the increased complexity of the cases we are seeing, which is why we are investing more into this important portfolio. It is unnecessary for the other side to create fear in our community when our hardworking clinicians across the state are doing a wonderful job supporting Tasmanians. We will always seek to improve what we do and make sure we get better outcomes for our community and I do not apologise for that.

Commonwealth Housing Debt - Waiver

Mrs RYLAH question to MINISTER FOR HOUSING, Mr JAENSCH

[10.30 a.m.]

Could you please update the House on the historic deal secured by the Hodgman majority Liberal Government to waive the Commonwealth housing debt and to deliver more homes to Tasmanians in need?

Mr Hodgman - Labor will try to -

Madam SPEAKER - Premier, you are being a little disruptive this morning.

ANSWER

Madam Speaker, I thank the member for Braddon, Mrs Rylah, for her question and her interest in this important topic. It was with great pleasure on Sunday that I signed the agreement with the federal Housing minister, Michael Sukkar, to retire Tasmania's historic housing debt to the Commonwealth.

This is great news for all Tasmanians. It means that Tasmania will save over $230 million in principal and interest repayments between now and 2042 which will see $15 million in this financial year alone of our money not going back to Canberra. Instead, these Tasmanian dollars will be invested into increasing access to social housing, reducing homelessness and improving supply of housing for Tasmanians.

This is an historic agreement and I am proud to be part of the team that was able to secure it on behalf of all Tasmanians. It shows what can happen with significant and sustained advocacy on an issue, and I acknowledge the Tasmanian Liberal senate team. I acknowledge federal members for Braddon and Bass. I acknowledge the Tasmanian social services sector for their sustained advocacy on this issue, and the role of independent senator, Jacqui Lambie, for their support in making this happen.

In particular, I note that at a critical stage in the negotiations that we were having with the federal government, Senator Lambie played a very important role. She saw her opportunity to plant a flag for Tasmania. She had a clear shot and she took it. This is in stark contrast to Tasmanian Labor which was in government for 16 years, including a period where one of their own -

Members interjecting.

Madam SPEAKER - Order, please.

Mr JAENSCH - Julie Collins, was federal Housing minister, a Tasmanian in Canberra.

Members interjecting.

Madam SPEAKER - Premier, you are on your first warning.

Mr JAENSCH - This housing debt did not become a priority for them. They did not take their shot when they had an opportunity. Senator Lambie did. We are very happy to have been able to capitalise on that, work with her and I give credit where it is due. She played a very important role in getting this deal through. Labor did not when they had their chance.

Let me be very clear. We have been able to secure a deal that ditches the debt without penalty or a reduction in any other funding agreements for Tasmania. The details of the deal, which I will table today, will support our Affordable Housing Strategy to improve housing outcomes and ensure housing supply keeps pace with population and economic growth.

Current estimates suggest that the $15 million saved in this financial year could be used to build up to 80 new homes for people currently on the social housing waiting list. We will build these homes where the need is greatest. It means that we can go further than already identified under our Affordable Housing Strategy which will currently see almost $200 million invested over eight years, the largest ever state government investment into affordable housing in Tasmania's history.

We will report on the progress made using this additional state funding released under this historic agreement to ensure that Tasmanians can see how these funds are being used. As the federal Housing minister said on the weekend, Tasmania has met and set a very high bar in order to secure this deal and part of that was our commitment to continue delivering planning reforms that will help us meet future housing demand. Tasmania is currently delivering Australia's first statewide planning scheme which will make it quicker and simpler to build houses right across Tasmania.

We are releasing more land through new legislation that enables rapid rezoning of surplus government land for housing, including land parcels at Newnham, Devonport, Moonah, Rokeby and the recently tabled order for Huntingfield, which is currently before the parliament.

We are also looking at new planning pathways for medium density apartment-style developments in our urban areas so we can have growth without additional urban sprawl. These measures, along with more analysis of future population growth that is currently underway to guide our Tasmanian planning policies for settlement and liveability will help us to continue to provide the housing Tasmanians need where and when they need it.

We are now going to get on with the job, working closely with our community and housing sectors and in partnership with our building and construction industry, to deliver on our plan to increase the supply of more social houses and reduce housing stress and homelessness across Tasmania.

Madam Speaker, I table this historic agreement.

Ambulance Services - Funding

Ms WHITE question to PREMIER, Mr HODGMAN

[10.35 a.m.]

In attempting to justify the catastrophic cuts to Ambulance Tasmania services that are being inflicted by the Hodgman health razor gang, you claimed in parliament last week that funding for Ambulance Tasmania had increased by $200 million in the past five years. You said, and I quote from *Hansard* last week:

> Our resources have increased by $200 million more than in the 2013-14 Budget. That is an 87 per cent increase in just five years on funding into our ambulance services.

Your own budget paper show that this is not true. Funding for ambulance services was $62 million in the 2013-14 Budget, and is $81 million in the 2019-20 Budget. That is an increase of $19 million, not $200 million, as you claim.

Do you really think that Tasmanians are falling for your spin when there are ambulance stations around the state that cannot fill shifts on a regular basis? The Tasmania Fire Service is on call because of a lack of staff. Will you take this opportunity today to apologise for misleading the parliament about your comments last week and also the impact of your savage cuts on Ambulance Tasmania?

ANSWER

Madam Speaker, I thank the member for Lyons for the question. If I were to apologise to members of Ambulance Tasmania, I would have to apologise to a lot more now than I would have under a Labor-Greens government because we are investing more into our ambulance service. We are employing more staff, as I have said in the previous answer. We are recruiting and we are investing more in our budget compared to what Labor and the Greens did in theirs.

Ms White - Are you going to apologise? You misled the House.

Madam SPEAKER - Ms White, that is warning number one.

Mr HODGMAN - We recognise there is much more to do. We strongly value the role of our ambulance service paramedics and volunteers and we acknowledge that there is more that needs to be done. That is why we are making such significant investments into our health system and also our ambulance system, to better support them and, importantly, to support Tasmanians who need better health care.

Commonwealth Housing Debt - Effect on Budget

Mr TUCKER question to TREASURER, Mr GUTWEIN

[10.37 a.m.]

Can you update the House on what the housing debt relief means to the state's economy and budget? Is the Treasurer aware of any alternative vision?

ANSWER

Madam Speaker, I thank the member for that question and his interest in this very important issue. As Treasurer, I will do my best to answer the question. Although Tasmania's economy is performing -

Dr Broad - No ambition, but he has your full support, has he not?

Mr GUTWEIN - If you want to talk about ambition you should chat to the bloke next to you.

Mr Hodgman interjecting.

Madam SPEAKER - Mr Premier, that is warning number two.

Mr GUTWEIN - Last week, Tasmania once again was confirmed as having the strongest growing economy in the nation. State demand grew 3.4 per cent last year, the highest growth rate in the country, significantly higher than the national growth rate of 1.4 per cent. These are outstanding results and even Dr Doom should be able to agree with that. Two years ago our economy grew the fastest in the nation on the per capita basis and now we are growing at the fastest overall.

Members interjecting.

Madam SPEAKER - Excuse me, could I have a little bit of silence over here? Thank you. Please proceed.

Mr GUTWEIN - Madam Speaker, it should be acknowledged that these results have not happened by accident. We have worked very hard to get to this point. We have achieved these results because our budget is strong and Tasmanians are confident. When Tasmanians are confident they will invest more and they will create more jobs.

As we have made abundantly clear, this year's budget is important to ensure that we maintain momentum. We cannot get complacent, we put forward a positive plan for Tasmania's future and we are getting on with the job of delivering it.

The budget includes an unprecedented $3.6 billion in intergenerational infrastructure and I am pleased that, as the budget papers pointed out, it is expected to support the creation of 10 000 new jobs. The budget also invests record amounts into Health and Education and to providing essential services that Tasmanians need, expect and deserve.

Now to housing: what a fantastic result for the state, for those who need housing; those who need roofs over their heads. I publicly congratulate Mr Jaensch for the work he has done. He has acknowledged Senator Lambie's role but this was a Liberal majority government in Tasmania delivering with a Liberal-National Coalition in Canberra, and delivering in spades. This will mean that the funding is not being spent on loan repayments or repaying capital. It can be invested directly into affordable and social housing to reduce -

Dr Broad - How much is the billion dollars going to cost us?

Madam SPEAKER - Dr Broad, warning number one.

Mr GUTWEIN - homelessness and to improve housing supply.

As the minister has mentioned, the current loan balance of $157.6 million will be waived. This means the Government will save $230 million over the period we would have been repaying back this loan. We have also built in safeguards so that it will not affect our GST, nor any other grants that we receive. This will deliver up to around 80 new homes over the course of each year.

In the 2019-20 Budget, $171 million is currently allocated over four years to build homes. With the debt relief we will now have nearly an extra $60 million over that period to invest, taking us up to around $230 million worth of investment into affordable housing over the four-year period. If you compare that to when Labor and the Greens were in government in 2013-14, their budget provided just $52 million for the same purpose over four years.

Ms O'Connor - We built 2200 new homes.

Mr GUTWEIN - You can once again interject and play your bleeding heart role, but it is $52 million compared to $230 million. You should be congratulating the Government for having the fortitude and the financial acumen to put that sort of money into housing. It is four times more than you invested; almost $180 million more we will be investing over four years compared to what they invested.

Mr Tucker asked me what the alternatives are and whether I was aware of them. That is a very difficult question to answer. We know they have but one policy because they all voted to inform this House that they have one policy for TAFE but nothing else. When you consider Ms White's budget response this year, it was nothing short of embarrassing. You would think that after two years in the job she would be getting better at it but she seems to be getting worse, unfortunately.

Ms White - TAFE, mental health; what is embarrassing about that?

Madam SPEAKER - Ms White, warning number two.

Mr GUTWEIN - Her response to the budget was a ringing endorsement of what we were doing. It is a statement of fact that they did not change one thing in our budget. They did not announce any new revenue measures, any reductions or increases in recurrent or capital expenditure. Not one thing, zero.

Dr Broad - How is your farm tax going for you?

Madam SPEAKER - Dr Broad, warning number two.

Ms Standen - Six minutes.

Madam SPEAKER - Ms Standen, warning number one.

Mr GUTWEIN - In terms of housing, embarrassingly, we had the Leader of the Opposition set up a media event outside a house in recent months, claiming it to be a publicly-owned property that was empty and it turned out to be neither empty nor publicly-owned. That is the level of -

Ms O'CONNOR - Point of order, Madam Speaker, on standing order 48. The Treasurer has been answering a Dorothy Dix question for six-and-a-half minutes.

Madam SPEAKER - Yes. I must admit it is a bit long, Treasurer.

Mr GUTWEIN - I will wind up on that last point. I thought it interesting that the Leader of the Opposition appeared to blame her staff for her own stunt going wrong.

Madam SPEAKER - Treasurer.

Mr GUTWEIN - Madam Speaker, in winding up, this side of the House waits with anticipation as to who will take the role of shadow treasurer. We know that it will not be Madeleine Ogilvie, but we will wait to see whether it will be Dr Broad or Mr O'Byrne. It is interesting that for nearly nine or 10 days now, that side of the House has not been able to decide who will hold that important position. That says volumes in respect of Ms White's leadership.

Health Services - Effect of Budget Cuts

Ms WHITE question to PREMIER, Mr HODGMAN

[10.45 a.m.]

Last week you repeated your promise that the Hodgman razor gang's savage cuts to Health would not impact on frontline services. Only a week after the razor gang entered the Health department, it has been revealed that casual and permanent part-time nursing staff have been told that their shifts will be cut back from eight hours to six hours. Workers on the front line have warned that this decision will lead to patient care being compromised and mistakes being made. It does not get any more front line than nursing staff. It is clear that you have broken your promise and repeatedly misled this parliament about the impacts of your cuts. How do you expect nursing staff to do the same work in less time without putting patients at risk?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for the question. She was, as I informed the House by reminding her of what Labor did when in government, on a budget sub-committee that presided over savage cuts to our health system. Ms White, when in government, comfortably described it as necessary to ensure that the government could live within its means. We were told back then that it would take a decade to recover from it and they were right. It has taken 10 years.

Ms O'Byrne - Then you cut another $210 million.

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

Mr HODGMAN - We are investing more into our hospital system; 32 per cent of our total budget, $8.1 billion over the next four years and that is more than the $2 billion that was committed by Labor and the Greens. We now have more staff employed, more beds open, and we have hospital leadership in place with clinical leaders who are best placed to make decisions about the operations of the management of the hospital. It is certainly not the Leader of the Opposition. If she had her way, our staff would be working in hotels looking after sick people.

Ms WHITE - Point of order, Madam Speaker, standing order 45, which is particularly relevant given the *Four Corners* report last night. How do you expect nurses to do the same amount of work with less time and not compromise patient care? I ask you to please answer the question.

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

Mr HODGMAN - Thank you, Madam Speaker. I remind the House and the Tasmanian public, who are probably still in disbelief, that doctors and nurses would have been treating sick Tasmanians in hotels, had the Leader of the Opposition been on this side of the House. That was the one and only Labor policy for our health system and its improvement. We will always rely on the expertise and the clinical judgment of our clinical leaders, who are best able to make decisions about how our hospitals are effectively run.

In relation to the specifics of the process underway at the Royal Hobart Hospital, I am advised that the recent changes at the Royal are one such decision made by local management. They relate only to some casual staff and part-time staff who take on additional hours. There are still provisions for handover where clinically necessary. For example, for nurses and midwives to continue to have face-to-face handover periods so that continuity of care is maintained. For staff such as patient sitters, the nurse unit manager will be able to provide for a handover period where they deem it necessary. They also have discretion to provide for longer handover periods if and as required. I am advised that this will have no impact on patient care whilst allowing for better management of resources. That is the advice from our medical specialists. As the Treasurer reminds me, better managing our resources and our work force is something that is being proposed -

Ms O'BYRNE - Point of order, Madam Speaker, in regard to standing order 45, relevance, and standing order 2, which requires us to be honest in this House and ensure we do not misrepresent things. This is clearly a budgetary, not a clinical, decision. Can the Premier tell us why it is being made?

Madam SPEAKER - That is not a point of order.

Mr HODGMAN - I have clearly outlined for the Opposition, who do not want to listen, why it has occurred. It is the advice of local clinical management who are working to ensure we get the very best outcomes for our patients. I was making the point with respect to the better management of resources. That is something that has been proposed to us by unions when we have discussed with them their wages, terms and conditions as part of the negotiations, how to better utilise our workforce so it is able to provide the best possible care. I am sure all sensible Tasmanians would agree that we should minimise spending on overtime or casual staff to ensure that the funding we are providing to Health has the maximum benefit possible and can support full-time permanent staff.

As a government we also continue to invest significantly into nursing programs, with more graduate nurse spaces on offer than ever before and new opportunities for nurse practitioners to provide care in our facilities. Of the 1000 additional FTE health staff we have employed since 2014, 550 FTE are nurses and these are crucial staff in our hospitals. We are bolstering services. We are reopening beds that were closed by Labor and the Greens. Tasmanians would appreciate that. We know that the Opposition has no policies of their own, because they stand for little and cannot produce an alternative budget to say what they would do differently or who how they would pay for it, yet they are now second-guessing our clinical experts. We will take their judgment on these matters over the Leader of the Opposition every day of the week.

Skills Funding - User Choice Program

Mrs RYLAH question to MINISTER for EDUCATION and TRAINING, Mr ROCKLIFF

[10.51 a.m.]

Can you update the House on skills funding being delivered by the Hodgman majority Liberal government that is helping to maintain Tasmania's economic growth?

ANSWER

Madam Speaker, I thank the member, Mrs Rylah, for her question. Last week I was pleased to update the House on the success of our training system in Tasmania, including the fact that we have completion rates 10 per cent higher than the national average, while trade-specific apprenticeships in Tasmania have surged 10.4 per cent, despite a national decline of 0.6 per cent. It was great to attend the Tasmanian Training Awards last Friday night. Over 560 people attended. I commend all the trainees, trainers and industry players on the success of that evening and the reason they were there, the finalists and those successful in their endeavours.

Despite a national decline in apprentices, Tasmania continues to perform better than the Australian average across most key indicators and that is not by accident. The Hodgman majority Liberal Government has worked very hard to ensure skills policies underpin the economy and create the pipeline necessary to maintain the momentum. I commend the industry, the trainers and trainees for the work and that success.

As a government we are listening and working within industry and local communities, including rural and regional Tasmania, to deliver the skills workforce for the future. I am pleased to update the House on our User Choice program which is now accepting applications to fund training for apprentices and trainees. A total of $20 million has been allocated as part of our plan to ensure Tasmania has the workforce it needs to support our growing economy. User Choice significantly reduces the cost of training and assessment for over 400 nationally recognised qualifications. Over the past three years User Choice funding has supported 9388 apprentice and trainee commencements and provided direct benefit to 2375 Tasmanian employers, over half of which, around 54 per cent, were small or micro-sized employers with less than 20 employees.

User Choice apprentices and trainees were employed in key industries, including health care and social assistance, aged care and disability services, accommodation and food services, including tourism and hospitality, building and construction, manufacturing and agriculture, forestry and fishing. We know that apprenticeships or traineeships give a young person the best start to their working life as well as allowing existing workers to upskill.

We have reformed and rebuilt our public training provider, TasTAFE, having just passed its seven-year accreditation with the national regulator, and I commend the 800 employees in TasTAFE for that sterling effort. It is fantastic for them and fantastic for our public training here in Tasmania. We are delivering the highest completion rates in the country and we are delivering apprentice and trainee sign-ups that are the envy of the nation.

Those opposite pretend they support TAFE but they are far from a friend of TAFE. In government, they decimated TasTAFE and 4000 apprentices and trainee jobs were lost in only 18 months. This side of the House can be trusted, clearly, to grow our economy and provide the skills needed to build Tasmania's future.

North West Regional Hospital - Rehabilitation Beds

Ms DOW question to PREMIER, Mr HODGMAN

[10.56 a.m.]

Like your broken promise not to cut frontline services, you have broken your promise to keep eight rehabilitation beds at the North West Regional Hospital open. Your broken promise has forced patients and their families to travel further and caused upheaval for staff. How many staff who worked at the North West Regional Hospital have been transferred to the Mersey, and how many have lost their job as a result of your decision to close rehab beds at the North West Regional Hospital? Will you listen to the community and reverse this decision?

ANSWER

Madam Speaker, I thank the member for the question. I again refer to a previous answer where I said that our decisions will always be made in the context of additional funding for our health and hospital system, additional resources and more staff, but also with the input of our clinical experts to guide decision-making.

The service change referred to has resulted in more rehabilitation beds for the north-west, up from eight to 12, so we are able to deliver more. Four more rehabilitation beds have meant more people getting their care on the north-west. There are patients admitted to the unit right now who would otherwise have needed to leave their community, their region on the north-west, and go to either Hobart or Launceston for care under the former service.

Ms Butler - You've broken your commitment, though.

Madam SPEAKER - Order, Ms Butler.

Mr HODGMAN - This is a huge reduction in travel and stress for these patients and their families.

The new rehabilitation services for the north-west are only possible due to the new $4.2 million dedicated facility. The THS has also recruited a rehabilitation specialist to head the new service, so overall there is an improved level of service for people living on the north-west coast. There is more care, less travel and more beds available. The North West Regional Hospital and Mersey Community Hospital continue to play a critical role in our health system. Thank heavens for the Coalition government in Canberra and the Liberal Government in Tasmania who were able to secure the future of a hospital which had so often been under threat under the party of the member who asked the question, when in government.

We have also enabled the new stroke telemedicine service to operate out of the North West Regional Hospital to commence later this year, thanks in no small part to the very generous donation and contribution from the Elphinstone Group as well as the recruitment of full-time neurologists to service the north and north-west. Many more additional services are being made available because we are able to do so with our stronger budget.

The member who asked the question parrots the Leader of the Opposition's dishonest claims about what we are doing to ensure that the Government can continue to have a balanced budget and a strong economy so we can invest in all these things and make these additional resource allocations. I remind members, when we hear from the Leader of the Opposition who claims that we are making cuts, what she said in response to the 2011 state budget when Ms White said:

> ... the Government has made tough decisions to reduce spending in order to balance the budget and to take responsible approaches to the administration of the State's finances.
>
> ...
>
> I recognise the hardworking members of our public sector and acknowledge that the past few months have been an anxious time for many of the them. It has been an anxious time for many of us, and many of the decisions made in the budget have been difficult ones. However they have been taken with the best interests of all Tasmanians in mind ...

Then in 2012, she said:

> We are slowing the growth in the costs for Health and this will result in a slowdown of some of the services and the loss of some positions in the department.
>
> We must make savings across government, and the largest department, DHHS, some 40 per cent of the State budget, must play its part.

In the 2013 budget debate, getting a little closer to it -

Ms DOW - Point of order, Madam Speaker, it goes to standing order 45, relevance. The question to the Premier was, will you listen to the community and reverse this decision?

Madam SPEAKER - Ms Dow, that is not a point of order.

Mr HODGMAN - Thank you, Madam Speaker. I have responded to the member and we will continue to work very closely with the community as to the additional services we are putting in to support patient health care. It is not irrelevant to understand what the Leader of the Opposition, who has spent the entire question time today making claims about the cuts she says we will make, did when in government, which was exactly the same. In 2013, she said -

> We have made appropriate cuts where necessary but also sustained support and funding to those services that Tasmanians rely on.

Prior to this comment, she also said, 'we have also acknowledged that the Tasmanian community cannot sustain further drastic cuts, which is why we have not cut further to the bone.'. The Leader of the Opposition is dishonestly claiming we are making cuts; we are not. We are investing more into our health and hospital system. The hypocrisy of the Leader of the Opposition is again on show.

Drug and Alcohol Rehabilitation Beds

Ms WHITE question to PREMIER, Mr HODGMAN

[11.02 a.m.]

The federal Liberal government's plan to drug test welfare recipients has highlighted the national shortage of drug and alcohol rehabilitation beds. The price to stop the member for Clark

from bringing down your chaotic and dysfunctional government was a commitment to build a 50-bed drug and alcohol rehabilitation facility in Hobart. At the time, the member for Clark said

> I am particularly excited today to announce the government has agreed to a 50-bed unit drug and alcohol and mental health, a dedicated state-of-the-art facility, probably at St John's Park, certainly in greater Hobart. This is a gift to the people of Tasmania that I have been able to negotiate because of this particular set of circumstances. We are going to move on it swiftly.

Sadly, it appears this is no longer a priority for your Government or the member for Clark, who has since described this as an ambit claim. Is your Government still committed to building a 50-bed drug and alcohol facility in Hobart or is this another broken promise?

ANSWER

Madam Speaker, I thank the member for her question. Anyone listening to it will want to check very carefully what the Leader of the Opposition has said and what she has asserted because, as is so often the case, she will say and do anything. Worse, she will say one thing and do another. That is the habit.

Ms WHITE - Point of order, Madam Speaker. I take personal offence. The Premier has misled this House and has not corrected the record. He should reflect on truthfulness of his statements.

Madam SPEAKER - That is not a point of order.

Mr HODGMAN - This Government is currently rolling out the biggest increase in drug and alcohol rehabilitation treatment the state has ever funded, which is $6 million over three years to open 31 new beds. This brings the total number of beds to more than 100. Prevention is very important. The government funds a range of services through different health organisations to help those with risk of addiction. We certainly have capacity for those seeking voluntary stays in our inpatient withdrawal unit at St John's Park. The beds are run in Launceston by Launceston City Mission and the Salvation Army, including those in the south, north and north-west, will help Tasmanians access services and support where they need it. This is in addition to the $2.5 million to secure the 12 residential rehabilitation beds in the north-west.

This contradicts any suggestion that we are not doing more. There is always more we can do. Our response is always to ensure a structured, therapeutic residential rehabilitation environment, 24-hours a day, seven days a week, to treat those with alcohol and drug addictions and dependency issues, including support for families and carers.

I have previously acknowledged and welcome the view of others in our community and that includes the member for Clark. We have had discussions about the Government's future plans for the mental and alcohol and drug sector, which very much align and support the Government's endeavours to increase our support against the backdrop of the Rethink Mental Health plan, which puts the focus on community-based supports and better coordination. We will not be prescriptive about what the best support looks like right now. What we will agree to is engaging with the sector and those specialist clinicians who work within it to understand how we can best support our increased investments in this area.

Time expired.

MARINE-RELATED INCIDENTS BILL (MARPOL IMPLEMENTATION) BILL 2019 (No. 37)

First Reading

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

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

First Reading

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

PLACE NAMES BILL 2019 (No. 38)

First Reading

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

MATTER OF PUBLIC IMPORTANCE

Health Cuts

[11.08 a.m.]

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

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

Each and every day, as we have done today, we will come to this place and discuss the importance of there being no cuts to health in Tasmania. In this Government's lack of talk about health cuts, they talk about record investment but they do not talk about the human consequences of health cuts.

The *Four Corners* report highlighted some of that last night on the ABC and presented a scathing synopsis of the current state of affairs of Tasmania's health system. I was particularly concerned by the reference made to where your post code is, where you live, and that being an indicator of the level of service you receive from health services in Australia. That should be a concern for us all in this place when we look at the socio-economic profile of Tasmania. We are considered to be regional and we do have an ageing population, which means that our health needs are growing. We do not have a good focus on preventative and primary health in Tasmania at the moment and we do not have record investment in this important layer of care which supports better acute care and in fact may lead to the reduction of the burden on our current acute care services in Tasmania.

I want to talk about four aspects today, and they are cuts to rehabilitation beds, cuts to ambulance services, cuts to casual, permanent and part-time nurses, and cuts to elective surgery. I want to talk in each instance about the impact on people because we do not talk about that enough.

When we look at the rehab beds, this will mean that people and their families from the west coast, Circular Head and King Island will have to travel further to access services. As I have said here before, one of the other important considerations for the provision of health care across Tasmania is our dispersed population, particularly across our regional areas such as Braddon. There is a need to provide equitable services and additional investment in patient transport services as well.

Today during question time, I said I will be calling on the Government to review their decision to close those eight beds and look at the impact that will have on people travelling longer distances, sometimes in considerable pain, and for their families to be away from them at a point in time of their care where it is very important for them to be supported by their families.

If we look at ambulance services, I want to talk about this in the context of an ageing population where we see more elderly people within our community living alone, but also more people being supported in their homes by aged care packages and the like. This means that where people may have been in aged care facilities in the past, they are now home for longer periods of time and at greater risk of instances such as falls. One particular concern that has been raised with me is the fact that people who have had a very bad fall and may have a fractured neck or femur or another terrible injury are being left for hours on their own waiting for an ambulance. That is not good enough. That is the human toll of what happens when you cut services.

Having a nursing background, I also want to talk about the cuts to casual, permanent and part-time nursing staff within our health system. Those nurses play a very important role and are complementing full-time equivalent nursing positions within the system. Cutting the shifts of those workers is concerning, particularly when we look at the importance of handover, which has been raised by health professionals as the major concern. Handover is such an important part of your nursing shift. It is what shapes your day as you start your shift and when you finish your shift. It is the important time for relaying critical information about the status of your patient, the care you provided that day and priorities for care going forward into the next shift. To see there is a risk that this opportunity for critical information exchange about the health and wellbeing of patients is going to be compromised, is considerably concerning. I know health practitioners have raised their concerns about that.

If you do not hand over information or do not have the opportunity to do that, that can lead to things being missed. That was highlighted as part of the synopsis of information presented on the ABC last night on *Four Corners*. What happens when information about patient care is not relayed? You may say you can read the notes or you can get that information from someone else when you start that shift, but there is nothing quite like getting information directly from the person who has been providing that care, monitoring that patient's wellbeing throughout the day and prioritising what needs to be done, what additional services need to be brought in for that patient, and any medical intervention that has happened during the course of that shift as well.

The Government should be concerned about this because it will lead to poorer health outcomes for patients. That is wrong and should not be happening. The Government might say that this is an operational consideration but, let's face it, it has come from the directive of finding that

$450 million efficiency dividend across government departments. This is one of the first examples we are seeing of these cuts and what that will mean for people.

I want to talk about cuts to elective surgery. Each and every day I see people come in to my electoral office in considerable pain and suffering when they have had to wait for long periods of time, particularly for procedures like hip replacements. I have also known people who have had to use their retirement savings, their whole savings, to pay for their joint surgery because they have to wait so long on the public waiting list. That is not good enough. They are living with continued pain and discomfort and it impacts on their quality of life. We do not talk about these issues when we talk about the importance of balancing a budget and record investments in Health. This is about people's lives.

Time expired.

[11.15 a.m.]

Ms COURTNEY (Bass - Minister for Health) - Madam Deputy Speaker, I am delighted to talk today about Tasmania's health system. It was very disappointing that in Ms Dow's entire contribution she failed to tell us an alternative. We want to see some constructive ideas from an opposition. Ms Dow came in here and -

Ms Standen - This is your first big test as Health minister and that is the best you've got?

Ms COURTNEY - The other side has a glass jaw when it comes to the fact that they do not have an alternative budget, so how are they funding the promises? Is your only policy still medi-hotels? Is your policy ripping rehab out of the Mersey? Is your policy not to invest in 42 more paramedics in regional areas, Ms Dow?

Ms Dow - We ask the questions and we are here to discuss health cuts.

Madam DEPUTY SPEAKER - Order. Ms Courtney showed respect when the member for Braddon, Ms Dow, was speaking. I ask for the same respect to be shown to Ms Courtney.

Ms COURTNEY - Thank you, Madam Deputy Speaker. This side of the House is proud of our record investment into Health. We are investing in our facilities, we are investing in our people and we are doing it across Tasmania and into regional areas. Everyone in this Chamber wants to see high-quality health care delivered to Tasmanians no matter where they live, and that is why we have been investing. That is why my predecessor, Mr Ferguson, through the white paper on role delineation has made sure that the services we are delivering across regional areas are safe. We want safe delivery of health care. I am disappointed that with an opportunity such as this Ms Dow does not stand up and talk about what she would do in Health or what Labor's policies are, or even more importantly, how they would fund it. Without an alternative budget - and, indeed, without an alternative treasurer at the moment - Tasmanians do not know what they stand for. That is a very -

Dr Broad - You are the Health minister of Tasmania. How about some responsibility?

Madam DEPUTY SPEAKER - Order, Dr Broad, this is your first warning.

Ms COURTNEY - The very core of what is wrong with Labor is they do not know what they stand for, whether it is pokies - there is a range of issues. They do not know where the Treasurer is, they have forgotten that the economy is important this week, only nine days after the Leader of

the Opposition had decided that it actually was important. They simply do not know what they stand for on that side of the Chamber. They do not have any alternative policies. It is disappointing in a health system that we know is challenged.

We know we are seeing increased demand and increased presentations at EDs all around the state and there is increased complexity of those patients. That is why we are investing. That is why we have hundreds more doctors and nurses employed within our system and why we are opening more beds across Tasmania. That is why we are investing in our facilities - we know there is increased demand. We know we need to look at how we do things and we know we need to continue to strive to make sure we are getting better health care outcomes for Tasmanians.

As Health minister, I fully expect that it is my responsibility to continue to strive to improve our health system. We are doing that by investing in our people, investing in our facilities and making sure that we have the right health services available.

With regard to the budget and these assertions of health cuts, I want to be clear that health spending as a percentage of the entire budget has increased to 32 per cent, up from 25 per cent across the forward Estimates of around a decade ago. So we are investing more money. We can do that is because we can balance the budget. You can trust this side of the House with money. You can trust us with the economy. Businesses are telling us that because we know that businesses are confident under this side of the House which allows us to invest in the essential services that we need, like our health system. This side of the House gets it and that is why we have been able to have record investment into health, $2.3 billion over four years, more than it was in 2013-14 under Labor and the Greens. The numbers speak for themselves.

We also know that it is not just about the numbers, as Ms Dow said. It is about the people. This is why we are investing in our people. This is why we are investing in nurse graduates. This is why we are investing in services such as the rehab at the Mersey, making sure that we have the clinical experts on the ground so people from the north-west coast do not have to travel to Launceston and Hobart to receive their care. This is a good outcome for people on the north-west coast to be able to receive their care in their local community, meaning their families and their friends and their support mechanisms can come to them on the north-west coast and not have to drive to Launceston or Hobart.

It is disappointing that the other side with regards to aspects of the health care system, such as this, do not welcome it and do not come in here with any kind of constructive alternative. We know that it was only this side of the chamber that delivered when it came to the Mersey. It has been a clear theme that this side of the House can work with our Commonwealth counterparts to be able to get the best outcomes for our state, whether that be housing or whether that be the Mersey. We are working hand in hand with our federal colleagues to make sure we get that. We are seeking that with reinvestment at the Mersey. We are seeking it with the new helipad so that people from the north-west coast can get the critical care they need when they need it most.

With regards to the North West Regional Hospital, we have seen eight new beds open in the acute medical unit, in addition to four emergency department beds and four surgical beds which were opened in 2017. This side of the Chamber clearly understands the importance of investing in our health system and investing across regional areas. We will continue to do so. We are seeing it again on the north-west coast with additional rehab beds at the Mersey. This is more beds for the north-west coast. We have a range of other services to be able to make sure that people can get the care they need in their local community. It is also about the whole system working together.

Time expired.

[11.22 a.m.]

Ms STANDEN (Franklin) - Madam Deputy Speaker, I rise with pleasure to speak on this matter of public importance. What a disgrace. This new Health minister has the opportunity to stand up in this place and set the record straight, put a line under the bar of the woeful former failed health minister and finally admit that there needs to be a major reset and a reprioritisation and investment, and in people, to turn around some of the dreadful health statistics in this state.

This Government has had nearly six years to improve the health statistics in this state and what do we have? We have a dreadful situation. In Question Time this morning we have been listening to the dreadful situation of Mr Novaski who presented to the Launceston General Hospital in October 2017 -

Mrs Rylah - What is your plan?

Ms STANDEN - Have you no compassion, Mrs Rylah? A person from your electorate, from Turners Beach in your community, drove to the Launceston General Hospital Emergency Department where there were 17 patients already waiting more than 24 hours and one patient waiting 61 hours straight. Mr Novaski and his family were entitled to believe that he should have been seen within 30 minutes and assessed by a cardiologist. Instead, they later found out that not only had he been waiting for nearly five hours, but he had not been assessed by a cardiologist. He had instead I think been seen by a student doctor.

What a dreadful devastating outcome for the family to find that this patient was discharged, rather than being treated appropriately, and found dead in the lounge room the next day. I could not help but feel for this family, for Mr Novaski 's wife, who could only regret the fact that it would be heartbreaking to think that instead of being admitted to that hospital she would have had the opportunity to hold his hand at his time of need.

How can this Health minister justify more cuts to the health system when cases like this are occurring? They are not an isolated incident. The Coroner criticised the standard of care in Tasmanian public hospitals, not just once but 13 separate cases in recent times.

There has been $5.7 million of cuts to ambulance services despite the worst response times in the country. Tasmanian Fire Service is on standby and despite a promise of 42 regional paramedics, just one has been delivered. This impacts on volunteer services too in the community because they know that the professional paramedics are being pulled more and more into the urban centres and they are being left alone in the regional centres to cope without ambulances, let alone the professional paramedic services to support care in their area.

Now we hear today about the plans to cut casual and permanent part-time nursing staff by 25 per cent from eight hours to six hours, putting patients at risk. The Premier of this state and the Health minister have the gall to stand in this place and defend this as an operational decision. Seriously, these are cuts as a result of $450 million to the entire budget. It is because of the decline into $1.1 billion of debt. It is, pure and simple, a reflection of this Government's priorities; their inability to understand that these decisions regarding resourcing impacts those not just on the front line but on the back line. In fact, they are all one of the same. As a former health professional, I can tell you that my work within an outpatient or in an inpatient setting at the Burnie hospital was no different from my job working with Government officials at the COAG officials' table around

public health and nutrition policy within the country. In the end, it was all about trying to invest more in preventative care to keep people well for longer and out of the hospital.

What do we have instead? This year TasCOSS in their 2019-20 State Budget briefing identified that there would be no new announcements in public health and funding falling over the forward Estimates to a record low of 1.2 per cent of the overall health budget, down from 1.5 per cent four years ago and nothing in prevention in mental health either. If it is not enough to take it from me as a former health professional, the Health minister should reflect on Saul Eslake's stark evidence around the relative expenditure in Health which is well below the national average, and also services to communities which is well below the expenditure which would be expected for this state.

The Tasmanian Audit Office delivered a damning indictment on the state of the health system with increasing presentations to EDs, overcrowding, ambulance ramping, long patient wait times, adverse patient outcomes, and the frequent presence of access block.

In particular I note the concern about the rate of ED adverse events increasing significantly from 2015 to 2018 across all four major hospitals by around 60 per cent. This is the type of evidence that this Health minister and this Government continue to deny. They need to look no further than the state of public health report in 2018 to show how much we still have to go to attain that goal of the healthiest state by 2025. We are a long, long way from that position, that lofty goal. There is a burden of chronic disease such as heart and lung disease, diabetes, mental health problems, particularly young to middle aged men and women, suicide, the single greatest contributor to life lost due to premature death. So much more needs to be done on preventative health.

Time expired.

[11.30 a.m.]

Mrs RYLAH (Braddon) - Madam Deputy Speaker, it is clear that this Government has a strong plan to build a better health system and support our hospitals. This is in contrast to Labor that, as we just heard, has no long-term plan, denies their history of failure and has nothing to offer Tasmanians.

Health is a top priority which is why we are devoting a record proportion of the budget to health: 32 per cent, up more than 25 per cent from years ago.

Ms Standen - Here we go, she is going to talk about new money. Don't talk about people.

Mr DEPUTY SPEAKER - Order, you have had your turn, Ms Standen.

Mrs RYLAH - At $8.1 billion over the next four years, more than $2 billion over and above the last Labor-Greens budget. Labor has no credibility on keeping the economy strong or the budget in surplus and it is no wonder they did not have enough funding for health. There are now more staff in the North West Regional Hospital, including 60 FTE more nurses than in 2014 and we are getting on the with job of constructing brand new facilities.

Let us turn to regional hospitals in Braddon. The Mersey Community Hospital is an outstanding hospital. The extraordinary $730 million deal with the Commonwealth in 2017 finally secured the future of the Mersey and we are proud to be continuing to invest in this crucial part of our health system. We are getting on with the job of rolling out the much-anticipated redevelopment of the Mersey Hospital, which is underway as we speak, with the completion of the $4.2 million

rehabilitation ward. Our actions are based on clinical advice. At $35 million total, this project will eventually see upgraded surgical theatres and dedicated palliative care rooms as well as improved outpatient services and facilities to support a broader range of visiting specialists.

Other upgrades as part of the work include upgraded air-conditioning, a new hospital-wide nurse-call duress system replacing three ageing systems and a redeveloped medical ward with improvements for specialist geriatric care. These new rehabilitation services in the north-west are only possible thanks to the $4.2 million dedicated facility. The THS has also recruited a rehabilitation specialist to head the new service. Overall, this is an improved level of service for people living in the north-west; more care, less travel and more beds for more people.

The North West Regional Hospital and the Mersey Community Hospital play an important part in our health system and we will continue to ensure they deliver high quality care. Further, it enables the new stroke telemedicine service that will operate out of the North West Regional Hospital to commence later this year, thanks in large part, to a generous contribution by the Elphinstone Group as well as the recruitment of a full-time neurologist to service the north and the north-west.

The new stroke telemedicine service will provide 24/7 thrombosis diagnosis and treatment capability of acute stroke patients at the North West Regional Hospital through neurologists at the LGH and Melbourne-based neurologists through the Victoria/Telemedicine (VST) program. This means local doctors at the North West Regional Hospital will have around the clock access to stroke experts who can provide treatment advice about patients with acute stroke symptoms, something sadly prominent in Braddon.

This Government's investment in north-west health services extends beyond our busy hospitals and I now turn to our first responders and patient transport. The newly-completed $1.8 million Latrobe Ambulance Station upgrade has delivered a new adjoining garage, a new and large lounge area with bathrooms for paramedic crews, office space, training facilities and multi-purpose rooms for the paramedic crews to rest and recline. Further, and most importantly, these crucial works have increased capacity from holding two ambulances to four ambulances and one non-emergency transport vehicle. We are backing our hardworking paramedics.

On top of the 12 new paramedics recruited in the north-west in 2016, three new paramedics are now stationed at Wynyard, providing 24-hour coverage. In the future, there will also be a broader range of health services delivered out of the Mersey through our $9.3 million commitment as well as a community rapid response service pilot for the north-west for the first time. The aeromedical transfer capacity is now available directly to the hospital, thanks to the $2 million helipad that looks fantastic.

The North West Regional Hospital is also an outstanding hospital that we are backing in. Just this year, we have seen eight new beds opened in the brand new North West Regional acute medical unit, a boost in capacity that has seen more people getting the help and the care they need sooner. This is in addition -

Members interjecting.

Madam DEPUTY SPEAKER - Order, I cannot hear the member speak.

Mrs RYLAH - to four ED beds and four surgical beds which opened in 2017. These are the key achievements of this Government for the north-west, delivered thanks to the strong commitment

to funding and boosting services. It includes the completion of the North West Cancer Centre and funding of its operation, not done by Labor, resulting in cancer treatment being delivered at the North West Regional Hospital for the first time, saving thousands of trips into Launceston each year for routine radiology treatment. The Government has refurbished the Emergency Department with significant capital works to extend and upgrade facilities and provided $720 000 for the new North West Regional Hospital pre-admission clinic which is helping patient flow and increasing efficiency at the hospital.

This Government's investment in the north-west health service extends beyond our busy hospitals. We will be constructing a $6 million ambulance station in Burnie which will ensure our paramedics are working out of modern efficient facilities that meet the best standards. As well, we are getting on with $1.1 million Smithton ambulance upgrades, including vastly improved training areas.

It is clear that this Government has a strong plan to build a better health system and support hospitals. We take clinical advice. We invest, we strive and we are delivering to Tasmanians who need better health care.

Time expired.

[11.37 a.m.]

Dr WOODRUFF (Franklin) - Madam Deputy Speaker, few questions times that I can remember have left such a sour taste in my mouth. Or maybe a better analogy would be the impact it had on my ears hearing the Premier of Tasmania stand here and answer questions with shameful bunkum and falsehoods, and pure unadulterated spin. It was a disgrace to him and his reputation and what he purports to be doing for this state that he could stand here and deny the truth that his Liberal Cabinet members have decided to cut frontline health services in this state.

We asked the questions of the Treasurer and every other minister we sat in front of during budget Estimates. Ms O'Connor and I asked questions about where the Treasurer's 0.07 per cent dividend of efficiency, so-called, was going to come from in their budgets. We wanted to know which services were cut. Every single minister of every department refused to answer that question, but assured us that they would never come from frontline services. There would never be any risk to Tasmanians - to their health, to their care, to any other operational service. Yet here we have the Premier of Tasmania today absolutely mislead Tasmanians about what has happened over the last couple of weeks.

As we have seen, time and again, in hospitals across Tasmania, surgeons, nurses and other staff are making outcries about the reality of the directives they have been handed. Just a few weeks ago, we heard that the surgeons at the Royal Hobart Hospital are bracing themselves for massive cuts of 15 per cent to elective surgery waiting lists. These are the same surgeons who have had to suffer working with patients who have waited far, far longer. Already the elective surgery waiting lists in Tasmania have ballooned under the Liberal Government. Massively ballooned. They have grown by 75 per cent since mid-2017. In two years, the elective surgery waiting list has ballooned by 75 per cent. They have increased from 5403 in July 2017 to a wall of 9426 individual people. They are individual people, just like Helen Manser, who was reported on by the ABC for having waited more than two years for elective surgery after recovering from bladder cancer. She had to endure what she described as, '"deeply personal health problems", including recurring urinary tract infections, daily pain and discomfort.', that had a devastating and huge impact on her life because she did not receive the follow-up elective surgery she needed in a timely fashion. Ms Manser is

one of 9426 people with 15 per cent cut from elective surgery waiting lists and $50 million cut from the Royal Hobart Hospital budget.

It is a matter of fact and, on behalf of Tasmanians, I will tell people that this Premier has misled Tasmanians when he says there will be no cuts to frontline health services. It is happening today. It is also happening for the nurses who will no longer go to work and have time for a proper handover if they are casual or permanent part-time nurses. They will no longer, under this Health minister, who has directed them to cut shifts from eight to seven or six hours; either a one or two hour cut to a shift with no time for handover, no time to make sure the safety and care of patients is properly recorded and passed on to the next person so that avoidable mistakes do not happen. As we heard on the ABC last night, what a shame for this beautiful state to be pointed out as one of the postcodes; the whole state. Other states have some regional areas but the whole of Tasmania has impoverished emergency department services and this same Liberal government has cut and cut and refused to increase the funding to the hospital budget to keep up with the -

Ms Archer - Oh, that is wrong.

Dr WOODRUFF - No, this is the truth. The Minister for Health and the previous minister for health stand here day after day and pretend there has been an increase and the greatest amount of money ever spent on Health. They have, Madam Deputy Speaker, because every single health budget in the history of the known universe has increased year by year because of the cost of medical equipment, because of the cost of staff. That is what happened. That is not the real increase that is needed to make sure that Mr Novaski and the other sad, heartbreaking people whose stories were talked about on the ABC, that those people do not get left waiting in emergency departments; not admitted, not looked at. On behalf of all Tasmanians, I call on the Premier not to mislead the House again.

Time expired.

Matter noted.

MAGISTRATES COURT (CRIMINAL AND GENERAL DIVISION) BILL 2019 (No. 27)

Second Reading

[11.44 a.m.]

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

That the bill be now read the second time.

Over the years the various jurisdictions of the Magistrates Court have been statutorily created as divisions of that court - for example, the Administrative Appeals Division, the Children's Division, the Civil Division and the Coronial Division. Each of the divisions of the Magistrates Court have been created by a separate act and operate in accordance with a purpose-specific set of Rules.

The only summary jurisdiction that has not yet been incorporated as a division of the Magistrates Court is that currently known as the Court of Petty Sessions, which deals with the vast

majority of matters coming before the Magistrates Court, including summary criminal matters and general matters such as applications for restraint orders and family violence orders.

The Court of Petty Sessions is currently governed by the Justices Act 1959. The Justices Act is an outdated piece of legislation that uses outmoded language and does not provide the necessary legislative basis upon which to operate a modern court. This 60-year-old piece of legislation also predates the modern computer age and fails to provide a proper or modern procedural foundation upon which a new court and corrections technology platform can be built.

Work has been underway for many years to draft a suite of legislation to replace and update the Justices Act 1959. This bill is the culmination of over 18 years of work and establishes the high-level framework for the criminal and general jurisdiction of the Magistrates Court.

The Government is committed to improving access to justice and the efficiency of our courts in Tasmania. In the 2019-20 state Budget the Government made a number of significant commitments in this area, including increased resourcing and procedural and technological reform across the courts and corrective services to address court criminal backlogs and improve access to justice, including significant new funding for the Justice Connect technology replacement project.

The Magistrates Court (Criminal and General Division) Bill 2019 will provide the legislative framework to support a modern court system and set the foundation for the Justice Connect project to be designed, built and delivered. The design of the Justice Connect solution is currently pending the final form of this bill. There is little point spending time and money to design and build a modern technology solution to match the outdated and at times less efficient and paper-based procedures currently contained in the Justices Act.

The Government is also undertaking a number of related reforms to the justice system in Tasmania, including the reform of bail law and the laws in place for dangerous criminals in Tasmania. These proposed reforms will be progressed separately to this bill, which will set down what is informally known as the 'core operating procedures' for the Criminal and General Division of the Magistrates Court.

As I mentioned earlier the Justices Act is an outdated piece of legislation that needs replacing and does not provide the necessary legislative basis upon which to operate a modern court. For example, despite considerable amendment over the years, the Justices Act 1959 is still principally expressed in terms of the functions and powers of lay Justices of the Peace. It does not reflect the fact that the court is now largely presided over by professional magistrates.

The Justices Act 1959 also does not provide a clear statutory framework for the various reforms that have been introduced over the years to promote efficiencies, such as the contest mention hearing process, which aims to narrow the issues in dispute and facilitate early pleas of guilty before the matter proceeds to a full hearing.

An evaluation report on contest mention hearings completed in November 2012 by the Magistrates Court recommended that legislation be developed to provide statutory authority for the Magistrates Court to conduct contest mention hearings and to make relevant directions. In the early years of the last decade, a number of other state jurisdictions commissioned reviews into the management, conduct and processes associated with the hearing of summary and indictable offences.

The recommendations resulting from those reviews recommended that jurisdictions enact legislation to:

- reorient criminal justice procedures away from the trial as the likely outcome, to facilitate early and fair dispositions of criminal matters;
- require prosecution authorities to disclose evidence and exhibits;
- discourage delaying tactics in the court or hearing processes by constructing limits around the right to an adjournment;
- encourage early pleas of guilty;
- provide an ability for parties to engage in conferencing;
- provide for the summary disposition of less serious indictable offences; and
- broaden the sentencing jurisdiction of the Magistrates Court to some indictable matters.

The move to develop legislation to replace the Justices Act 1959 was approved in broad terms by a previous government in 2001, and the project has continued and evolved since that time. The impetus for the project has largely come from the Magistrates Court itself, with successive chief magistrates, magistrates and court staff finding time, despite their busy schedules, to progress the project. I would like to take this opportunity to express my thanks for the significant work that has been put in by magistrates and staff over the years.

I would also like to recognise the very important work of the recently convened Magistrates Court Steering Committee, comprising the chief (or deputy chief) magistrate, Director of Public Prosecutions, registrar of the Supreme Court, secretary of the Department of Justice and deputy secretary of the Department of Police, Fire and Emergency Management. This committee has overseen the final development of the bill over the last approximately 18 months, considering, consulting and making recommendations on procedural changes which appear in this bill.

There has been significant consultation undertaken on the bill. Public and stakeholder consultation was undertaken on a consultation draft Magistrates Court (Criminal and General Division) Bill and three cognate bills in 2017, being the Restraint Orders Bill, the Justices of the Peace Bill and a consequential amendments bill.

Submissions made during that process informed a number of changes to the Magistrates Court (Criminal and General Division) Bill. A second round of consultation was undertaken on a revised bill in 2019, with further changes resulting from consultation. As part of this process, a workshop was held with the Law Society of Tasmania and the Legal Aid Commission to address various matters raised during the consultation.

I am very proud to be the Attorney-General who prioritised and finally brought this project to fruition in the form of four new bills that have been developed to replace the Justices Act 1959 with a contemporary legislative framework.

The Justices of the Peace Bill 2018 was passed by the parliament last year and commenced on 1 July 2019. The Restraint Orders Bill 2019 and the Magistrates Court (Criminal and General

Division) (Consequential Amendments) Bill 2019 have been tabled as cognate bills with the Magistrates Court (Criminal and General Division) Bill.

As I mentioned earlier, the Magistrates Court (Criminal and General Division) Bill 2019 establishes the high-level framework for the criminal and general jurisdiction of the Magistrates Court.

To give some context for the number of matters the criminal and general jurisdiction of the Magistrates Court deals with, there were 16 648 criminal lodgements for adults and 16 176 criminal finalisations for adults in 2018-19. The Magistrates Court annual report indicates that in 2017-18 the criminal and general jurisdiction of the Magistrates Court finalised 18 047 criminal complaints, 4403 breaches of orders and 1644 other applications in that financial year. The 2017-18 figures do not include restraint orders and family violence applications.

The purpose of this bill is to provide updated legislation that meets current demands on the court system, and also provides a sound statutory basis for initiatives to enhance justice and improve efficiencies which have been trialled and evaluated empirically.

Besides establishing the Criminal and General Division of the Magistrates Court, the objects of this bill are to provide for the administration of justice in that division to:

- provide for enhanced access to justice;
- facilitate the timely dispensing of justice according to law;
- ensure that all proceedings are conducted fairly; and
- facilitate and improve the case management of proceedings.

The bill provides the legislative foundation for a number of initiatives, procedural changes and changes to the law. In brief, the more significant changes include:

- the establishment of the court to be known as the Magistrates Court (Criminal and General Division), the composition of the court and the jurisdiction of that court;

- the replacement of references to 'justices' with specific references to the court as constituted by a 'magistrate', a 'bench justice' or an 'authorised justice', as the case requires - the bill expressly defines the powers of each of these categories of the court;

- the commencement of proceedings by filing with the court either a 'court attendance notice' or a 'charge sheet', whichever occurs first;

- a new framework for disclosure of prosecution evidence in summary offences to ensure that defendants receive free disclosure of the case against them at the earliest opportunity;

- an obligation on defendants to provide notice of an alibi and admissible opinion evidence similar to the requirements which are currently in the Criminal Code Act 1924;

- a specific statutory basis for case management procedures and sentence indication powers to promote the just and efficient determination of matters;

- an increase in the property value threshold for minor property crimes to $20 000 and for electable property offences to $100 000, together with a revised list of crimes that fall into these categories;

- provisions which outline the process for electing to have eligible indictable offences dealt with by either the Magistrates Court or the Supreme Court;

- an express provision for a witness or party to attend court by audio or video link;

- a prohibition on the publication of any evidence, an account of, or any information connected with preliminary proceedings, unless the court permits this to occur; and

- tightening of the procedure for appeals against bail applications.

I will now speak in more detail on the more innovative changes which will be introduced by these reforms.

More efficient commencement of proceedings

The new mechanism to commence court proceedings by filing either a charge sheet or a court attendance notice with the court will give prosecutors more flexibility by allowing a court attendance notice to be issued by a prescribed prosecutor 'in the field'. For example, a police officer who observes an offence being committed will be able to serve the alleged perpetrator then and there with a court attendance notice, which requires that person to attend court at the place and on the day and time specified in the notice.

This will be a much more efficient process, as a police officer will no longer be required to track down an alleged perpetrator at a later date in order to serve a summons to attend court on them. A prosecutor will then have up to seven days to file with the court either a copy of the court attendance notice or the prescribed information which is detailed on a court attendance notice. This process will commence proceedings.

It should be noted that there is the option for the prescribed information or a copy of the actual court attendance notice to be filed by the prosecutor with the court. This recognises that in future the transfer of electronic data, both in the court and between the court, prosecutors and defence counsel, will be more commonplace.

If a prosecutor has commenced proceedings by filing a court attendance notice, he or she is then required to file a charge sheet for the offence no later than 21 days before the court attendance date specified in the notice. The charge sheet will:

- specify the offence;
- identify the statutory provisions that create the offence;
- state the particulars of the defendant's alleged conduct that constitutes that offence; and
- if the offence relates to property, the estimated value of the property.

Proceedings may also be commenced by filing a charge sheet with the court.

The bill also contains provisions that allow for both a court attendance notice and charge sheet to be withdrawn without the leave of the court at or prior to a defendant's first appearance, or with the leave of the court after that time period.

These reforms will introduce more flexibility into the prosecution process and reduce the time that elapses from the date of charging to the completion of the matter. In combination with the new requirements for disclosure that I will come to in a moment, these changes will create significant efficiencies in the court and contribute to a fairer and more efficient justice system for Tasmania

More timely disclosure

The more timely disclosure of information for summary offences is another significant piece of reform which is introduced by this bill. Currently under the Justices Act 1959, prosecuting authorities are not required to disclose any information to the defendant for summary matters. Any disclosure that currently occurs is because of informal arrangements that have been established by Tasmania Police. In contrast, the bill requires the preliminary disclosure of:

- the charge sheet;
- a summary of the material facts;
- a copy of the record of interview; and
- where the prosecutor is a police officer or the Director of Public Prosecutions, the defendant's criminal history.

With these reforms, an adjournment on the first appearance in court will become discretionary, to be granted or refused by the magistrate according to the particular circumstances. This will ensure that the first appearance of a defendant can be meaningful, and in combination with early disclosure, is likely to have a number of benefits, including reduced court backlogs and fewer delays and adjournments.

The requirement for police to disclose material at an earlier date will help defendants be ready to plead earlier and with full knowledge of the case against them. This is because defendants will be able to use the information disclosed to them to obtain legal advice prior to their first appearance before the court. This will increase the likelihood of a defendant being able to enter a plea of either guilty or not guilty on that appearance. In short, this is likely to result in defendants being able to have their matters finalised more efficiently and quickly than is currently the case and the court will need fewer resources to resolve these matters.

The average total number of attendances per finalisation of matters in the Criminal and General Division jurisdiction of the court has increased in recent years, from an average of 3.8 attendances per finalisation in 2011-12, to an average of 4.4 attendances in 2017-18. These changes aim to ensure that every appearance in the Criminal and General Division of the Magistrates Court will be a meaningful one and it is expected to reduce not only the time that will elapse from the date of charging to the completion of the matter but also the average number of attendances per finalisation.

Where a defendant has received a court attendance notice or bail notice, preliminary disclosure information is to be provided to the defendant at least 21 days before the court date, which is the defendant's first appearance before a magistrate on that particular matter. However, this does not

apply where the defendant's first attendance before the court occurs following his or her arrest for an offence, or to facilitate the making of a protective order, such as a family violence order or restraint order. In these circumstances, the information is to be provided at or as soon as reasonably practicable after the first attendance.

Additionally, if a defendant pleads not guilty, the prosecutor must provide a full summary offence brief at least 28 days before a case management hearing or before the hearing of the charge. The contents of a full summary offence brief are extensive.

Disclosure provisions in relation to indictable offences remain as they are under the Justices Act 1959, except that the material required by the preliminary brief is now provided prior to a first appearance.

The bill also includes important safeguards for victims which ensure that 'sensitive material', such as obscene or indecent material, or a recording of an alleged victim of a sexual offence, are not required to be provided to the defendant but must be made available for viewing under controlled circumstances.

The bill also mirrors provisions in the Criminal Code that require a defendant to disclose an intention to use admissible opinion evidence so that the prosecution has time to consider this evidence, and if it considers necessary, arrange for the examination of the defendant by another person qualified to give admissible opinion evidence.

Formalising case management hearings

The bill sets out the procedures for dealing with a summary offence, including provisions relating to case management and sentence indication.

Case management hearings have a number of benefits, including assisting with the identification of the issues in dispute, exploring the possibility of finalising charges other than by way of a hearing, enabling hearing times to be more accurately assessed and determining what evidence can be provided by affidavit or by agreement.

While case management hearings are already current practice in the Court of Petty Sessions, as it is currently known, the bill will provide a specific statutory basis for this practice for the first time. The bill also provides a statutory basis for victims to make a statement to the court before the court is permitted to provide to the defendant an indication of the sentence.

Increasing flexibility for court attendance by audio or audiovisual link

The bill provides for the court on its own motion, or for a party or witness to proceedings to apply to attend court via an audio or audiovisual link. Before the court is entitled to make the order directing a person to attend proceedings in this manner, the court is to take into account any difficulties that the person might have in attending court in person and whether the interests of justice would be affected by allowing or refusing to allow such a person to attend by audio or audiovisual link.

This is a general provision that is designed to improve the flexibility and efficiency in the courts. Examples of when this provision might be useful include where an expert witness who is

located interstate is unable to attend court, or where a party is unable to attend court because of illness.

Preliminary proceeding evidence

The Magistrates Court conducts preliminary proceedings which allow for the initial examination and cross-examination of witnesses in indictable crimes. The Justices Act 1959 contains no prohibition on the publication of information relating to preliminary proceedings.

A new measure which is introduced by the bill is a prohibition on the publication of information relating to preliminary proceedings without the express permission of the court. Evidence given at preliminary proceedings may be inadmissible in a trial and the publication of such information may prejudice the possibility of a person receiving a fair trial.

The bill also requires preliminary proceedings to be conducted in a court that is closed to the public. The general rule is that criminal matters in the Magistrates Court are conducted in a court that is open to the public, and there is currently no requirement under the Justices Act 1959 to conduct preliminary proceedings in a closed court. However, examination of a witness in preliminary proceedings is usually limited to confined points and the justice who conducts preliminary proceedings usually has nothing to decide.

Closed courts will allow the exploration of evidence that may be controversial without the risk of the evidence becoming public knowledge - for example, prior convictions for the same offence that may be inadmissible at trial. This was a provision fully supported by the chief magistrate, the Director of Public Prosecutions and the Law Society, as the publication of evidence given at a preliminary proceedings hearing has the potential to prejudice the fair trial of an accused person.

Increasing the jurisdiction of the Magistrates Court - minor crimes and electable offences

The Magistrates Court generally deals with summary offences, such as the stealing of property with a low value. These are comparatively less serious criminal offences that are usually prosecuted by Tasmania Police. By contrast, the Supreme Court generally deals with more serious indictable offences that are prosecuted by the Director of Public Prosecutions.

In some circumstances, the Magistrates Court can deal with indictable offences. The bill sets out the procedures for the court when dealing with an indictable offence that is either automatically treated as a summary offence or which is categorised as one where the defendant may elect to have it dealt with summarily.

The most significant area of reform in this area is an increase in the property value thresholds. Under the bill, the property value threshold for indictable offences which are treated as summary offences increases from $5000 to $20 000, and for electable property offences the threshold increases from $20 000 to $100 000. These figures are more in line with current property values.

The bill also expands the number of indictable offences that can be dealt with by the Magistrates Court if the defendant chooses. The list of crimes that fall into these categories has also been reviewed and updated to correct anomalies and to ensure they reflect the expectations of contemporary society. For example, the bill sets out the circumstances in which the crime of fraud as a clerk or servant can be dealt with in the Magistrates Court.

Tightening procedure for appeal against bail applications

The bill also sets out the procedures for dealing with an indictable offence where the defendant will be committed for trial in the Supreme Court. Provisions for the appeal and review of orders made by the court are also provided for under the bill. These provisions largely replicate the existing appeal and review provisions under the Justices Act 1959.

One change that is included in this bill is a requirement for a formal application to be made for an appeal against bail, with submissions, before an appeal can be made to the Supreme Court. This change aims to address an issue raised by the Chief Justice, where at present an appeal to the Supreme Court can be made without a formal application.

In addition to the bills which are before the House today, several pieces of supporting rules and legislation are being developed to support this bill, which will be finalised prior to commencement of the bill.

The Magistrates Court (Criminal and General Division) Rules are being developed to provide for procedural matters under the new legislation.

A further consequential amendment bill will also be developed to make a myriad of minor but important changes, such as changing outdated references to the governing act and the court in all other Tasmanian legislation.

It is envisaged that an implementation period of at least 12 to18 months will be required before the bill and its cognate bills can commence operation. In order to ensure that there is a smooth transition to the new regime established by this package of bills, extensive consultation with key government and non-government stakeholders will be undertaken during this period.

The Government will also continue to give consideration to any further or related legislative reforms that may support a more efficient, fair and effective justice system for Tasmania, including potential changes to the current process for preliminary proceedings and the reform of bail law in Tasmania.

The Government may also consider whether it is appropriate to commence a number of discrete changes in the bill at an earlier time if this is considered necessary to address backlog issues in the Supreme Court. These might include the changes to jurisdictional boundaries that will allow additional matters to be heard in the Magistrates Court and the changes to bail applications that I have just outlined.

I mentioned earlier the range of current initiatives the Government is undertaking to support and complement the new legislation, and I would like to briefly discuss those initiatives now.

The Government has provided significant funding in the 2019-20 state Budget for a range of initiatives to support an efficient court system and improve access to justice in Tasmania. These include significant additional funding for an additional Supreme Court judge, a new magistrate for southern Tasmania, a replacement magistrate for northwest Tasmania, additional funding for Supreme Court acting judges, the Legal Aid Commission of Tasmania and the Office of the Director of Public Prosecutions, as well as significant new funding for Justice Connect.

The Government has provided $24.5 million over four years from 2019-20 for Justice Connect to deliver an ICT system that will support an efficient court and corrections system, enhance efficiencies and improve policy outcomes through better information sharing, access to timely and trusted information and integration across government with relevant critical ICT systems, including systems within the Department of Police, Fire and Emergency Management.

All of these changes will support increased access to a more efficient, fair and effective justice system in Tasmania.

Madam Deputy Speaker, I commend the bill to the House.

[12.13 p.m.]

Ms HADDAD (Clark) - Madam Deputy Speaker, I am glad to provide the Opposition's contribution to the debate on this legislation, the Magistrates Court (Criminal and General Division) Bill 2019. I start by reiterating the point the Attorney-General made. To some members of the parliament and some of the community it might not sound terribly exciting, debating legislation -

Ms Archer - I find it exciting.

Ms HADDAD - So do I; I share that with the Attorney-General. As we heard in the second reading speech, this is quite an historic change we have seen here and one that has been going on for 18 years under successive governments. The Attorney-General should be proud that she is the Attorney-General who has been in the hot seat to bring these changes to the parliament.

It is my pleasure to support the changes in the bill. I will put some questions on the record and go through the provisions of the bill in a little detail. It is worth recognising that many of the things we talk about in this portfolio area and many of the things that I raised with the Government during the Estimates process, for example, access to justice, backlogs in the Magistrates Court and the Supreme Court, and access to information to defendants and to prosecution: all of these things will be significantly impacted upon by the changes proposed in this bill, to an extent, and implementation is key in bringing those positive changes to life.

I put on the record at the outset that I recognise this has been an enormous piece of work, led by the Department of Justice for almost two decades, and express my thanks and acknowledgement of that hard work that has been conducted over many years. Once this bill and its accompanying bills - one of which we have already dealt with in this parliament, the Justices of the Peace Bill 2018 - I look forward to seeing a more streamlined approach to matters coming before the Magistrates Court that will make things simpler for defendants, simpler for the court, and fairer across the state in terms of people being able to be heard in the Magistrates Court quickly and to have the information they need in order to mount their defence.

I acknowledge that much of the change proposed in the bill has come at the advice of the court itself. A really important point to make is that it is important for governments to listen and respond to changes proposed by those who are using the legislation we discuss in this place. After all, we speak about legislation, move amendments, pass bills and they become law, but then it is others who are charged with the responsibility of working under those laws we discuss here. When they need to be updated and changed, it is important that governments listen to those people affected by them. This instance is an example of that being done.

As the Attorney-General says, the bill will establish a new division of the Magistrates Court, the Criminal and General Division, which will replace the many former divisions that have been established over the years. Its intention is to provide for enhanced access to justice, timely dispensing of justice according to law and to ensure that proceedings are conducted fairly and facilitate and improve case management proceedings in the Magistrates Court.

Some of the key initiatives are important to note. The Attorney-General spoke about the consultation that has happened on the draft bill. I put on the record some of the comments that are already in the public domain. I feel it is my duty as an Opposition spokesperson to do so. Since the draft bill was released, I have been told there has been extremely productive consultation with the Law Society and other non-government stakeholders involved with the administration of justice in Tasmania. That has been gratefully received, albeit in their view, that consultation came a little late and they would have preferred to have had a say in the drafting of the original bill that went out for community input. That consultation could have commenced with non-government users of the bill, but I am told it actually happened extremely well and productively after those concerns were raised.

There are some other things that, as I go through the clauses of the bill, I will ask some questions about that have come from my consultation on the draft bill. I will do that in the order the Attorney-General went through in her second reading speech about what the bill will do.

Much of what the bill does is administrative in terms of changing terminology in the current Justices Act, which is outdated and not relevant to the way the court operates at the moment. For example, it references the word 'justices' rather than 'magistrates', 'bench justices' and so on.

The new framework for disclosure of evidence is a very positive and welcome step. I understand there will be a list of items that will be routinely disclosed for non-indictable offences and for indictable offences they will be disclosed earlier. This is a really key aspect in increasing access to justice and fairness before the courts and will not only save time but will be fairer for defendants as well, so that each defendant when appearing in the court will have the opportunity to seek legal advice, a clear understanding of the charges brought against them and will be able to respond accordingly.

That also will in time have an effect on some of the backlog issues the Opposition has raised through Estimates and other processes in the parliament. One of the common complaints heard from people working in the Magistrates Court is that often appearances are required before all the ducks are in order. Appearances are required for lawyers and defendants, sometimes even before a lawyer has been able to seek instructions from their client. By providing information on the charge sheet but also through early disclosure of information, that hopefully, in time, will decrease in the Magistrates Court and will make sure that each appearance is a meaningful one in the Magistrates Court.

My question to the minister about that new change is whether that list of standard disclosure items will be routinely reviewed, or if other pieces of evidence become notably needed, acknowledging that the current disclosure provisions are a bit ad hoc in terms of what police have developed over time? I am imagining a future where there might be another piece of information that is routinely disclosed to defendants and whether that list of standard items could be routinely reviewed with a view to expanding that list.

Relevant as well to that question is what the anticipated extra workload might be within Tasmania Police and whether extra resourcing for police will be required to comply with those disclosure requirements in the bill.

Increasing the property value threshold for property crimes from $20 000 to $100 000 is a positive step as well and, as the minister said, reflects the increase in property values and also shows the parliamentary intent to have more matters heard in the Magistrates Court and fewer in the Supreme Court, allowing the Supreme Court to focus on the issues that more relevantly come before it. Linked to that are the changes in this bill which will allow for more electable offences that the defendant or the defence will be able to elect to have heard in the Magistrates Court.

Through my consultation, one of the things I heard is that there was perhaps a missed opportunity in the drafting of this legislation to deal with some of the crimes in the code that are now within the Commonwealth jurisdiction and, arguably, will not be chargeable under Tasmanian law. That was part of the advice provided to Government in their consultation with legal stakeholders.

Specifically, when it comes to the opportunity to elect to have something heard in the Magistrates Court, there was a view that some of those offences should be electable when perhaps not. The Attorney-General might be able to correct me but my understanding is that stalking will now be an indictable offence. The views of the lawyers I spoke to, who sometimes have clients who have been charged with that offence, explain that those papers are often extremely complex and require significant resources to run and conduct, making more of those cases of defendants charged with the offence of stalking heard in the Supreme Court which might go against the intention of the bill to increase the number of matters that can be heard in the Magistrates Court.

Similarly, the offence in the Criminal Code for providing a false statutory declaration, section 113, is not an electable offence in the list of offences that would be electable under this bill. One of the practical examples I was given about that offence 113, is that sometimes victims of family violence who might be pressured into withdrawing a statutory declaration they have made when first making a complaint to police, might be put under some pressure from abusers to withdrawing that statutory declaration and providing a new one under pressure. That would enliven the possibility for that person to be charged with providing a false statutory declaration. The view of those lawyers I spoke to who sometimes deal with that offence is that they believe it should be an electable offence to be able to be dealt with in the Magistrates Court. In the instance of the family violence matter, for example, or any other matter and that in the event that a false statutory declaration was provided that should not be indictable, then there are other charges that would be available for prosecution to be used, such as perverting the course of justice.

In a roundabout way my question to the Attorney-General is that once these bills are implemented whether there is an appetite to continue to look at the range of offences that are electable with a view to possibly revising that list or adding to that list over time?

I also put on the record my support for making it an express provision that people can appear by video link or audio link. In my view, that is positive in providing better safety for witnesses and other people who have to appear before the court. The Attorney-General explained in her second reading speech that it would be a decision of the court as to whether somebody would be able to appear in that way, such as an expert witness, and that the court would consider whether it was in the interests of justice to allow that to occur. I wanted to know from the Attorney-General whether

safety of a witness or someone who is called before the court would also be a factor that the court could consider in deciding for someone to appear by audio or video link?

One of the things I found interesting, and is a positive step, is the ability now for a police officer to be able to issue a charge sheet that includes information about a court attendance. Not only will that be time saving in terms of the police officer not having to go through that two-step process that they currently have to, to being able to later on find the defendant and serve them information or a summons to attend court but it is also fairer on the defendant and those who represent them to be able to have that information. It is a clear course of action that the defendant is expected to comply with in terms of appearance.

The points around preliminary proceedings are also very important and have been an issue on the minds of people working in the Magistrates Court for some time. Hearing preliminary proceedings in a closed court is a fair and just way to deal with defendants on their first appearance or first hearing. It is in the interest of justice and fairness to ensure that evidence that is heard in preliminary proceedings, which is sometimes and often inadmissible at trial, should be heard in a closed court: closed to the public in the interests of fairness to people charged, especially in small communities, where people often hear information or are closer to the ground on information than might happen in bigger cities. This is a positive step for the courts operations to be able to change in this way.

Ms Archer - We can always go into Committee if you think of other things.

Ms HADDAD - If I think of other things, that is true. The Government also spoke about the development of Justice Connect, the IT system that will link information between courts, police and divisions of the court and so on. My very broad understanding of that piece of IT software that is being developed is that it has indeed been thought about and been developed over a very long period of time. From my previous experience, not in this public service agency, but in the previous department of health and human services, is how challenging it is to get computer systems to talk to one another.

It is incredibly challenging, not only in an IT sense in terms of having software packages able to extract data, exchange data and have it readable in comparable ways across systems, but also in terms of obligations under the Personal Information Protection Act, which are often cited in terms of protection of personal information. Sometimes those attempts at protection of personal information can go against the interests of justice or the interests of fairness in terms of dealing with people, especially when it comes to information sharing between police, courts and between prisons.

Overarching work being done in that Justice Connect area in this bill and in other pieces of work, that I imagine will continue, that eventually a lot of that information will be able to shared electronically and there will be a lot less need for paper-based information being exchanged between courts, and also between courts and the prison.

There is always going to be the potential for error even when there are electronic systems in place for sharing information. In my personal view, there is a lot less room for error when things are shared electronically than when paper records are expected to make their way, for example, from the prison, perhaps from holding cells to the prison or back to police or to the hospital when inmates are transported from the prison to hospital for treatment. It is my expectation and hope that the changes that Justice Connect are working toward will lead to greater fairness for defendants and

for inmates, once people are sentenced. Also they will be a big timesaver in the time currently taken by staff in all those agencies to fill out -

Ms Archer - They do not have to go through seven people.

Ms HADDAD - They do not have to go through seven people. It does sound a little inefficient in many ways to still be so reliant on paper-based record-keeping in 2019. I acknowledge the amount of work that has been progressed by the Justice Connect team in the Department of Justice to ensure that courts, prison and police will be able to work in an electronic way and to share data across agencies, which I acknowledge is a challenge in itself.

When it comes to the specific implementation of the changes in this bill, the actual tangible things, the physical paper forms that now exist in the court that will now be electronic, I am curious to know whether the $24.5 million over four years that was announced in this year's budget, the implementation of this bill and the two cognate bills that we are dealing with today, is encompassed in that $24.5 million. Will there be additional allocation of resources to the implementation of these bills or were they always anticipated by the Justice Connect unit to be part of their work in implementing the physical changes that will need to happen as a result of passing this legislation?

I have raised all the questions I intended to raise on indulgence from the Attorney-General, as she suggested that we may elect to go into Committee to clarify any other issues that might come up if there are other things that come up during the debate. This is significant legislative reform that may look simple on its first reading but will significantly improve and significantly alter the current practices of the court.

I thank the department and the Attorney-General's office for providing me with a very detailed briefing on this bill and the information they shared with me about the committee that had the steering group that had been charged with the responsibility of coming to the end point of the 2007 consultation version of the bill. I acknowledge the hard work those people put into developing that consultation version and the non-government stakeholders who have since then provided feedback to the Government that has led to amendments to that consultation version that we are looking at today.

I am hopeful that the changes in this bill will be implemented swiftly and smoothly, as swiftly as they can be in making sure that they are implemented smoothly. I do not shy away for the fact that implementing a change of this magnitude will take time. My hope and expectation is that the amount of time that is needed to do it right will be afforded to the department, to the department of police and to the courts because this is close to two decades in the making. It would be a real shame if implementation was rushed to a point that mistakes could be made that would not improve on the system we have right now. This is a once-in-two-decades opportunity to really improve the processes of access to justice in Tasmania that will have a tangible positive effect on the courts and on those who appear before the courts. I acknowledge that is an important and historic thing to be a part of. Labor supports the bill and anticipates some really positive outcomes as a result of the changes.

[12.41 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, the Tasmanian Greens support this bill. We wholeheartedly support the changes that will bring our Magistrates Court from a very dusty and outdated form of legislation into the 21st century. We understand and hope this will lead to far quicker, more efficient, more just, more compassionate and timely hearings of cases in the

Magistrates Courts. We hope it will lead to a reduction in costs to defendants and to the state in the running of the Magistrates Courts, and better outcomes for victims who, more than any, need to have the shortest time for cases to be heard so that there is closure for what is often as very painful process for people.

The Magistrates Court is the busiest in Tasmania and more than 27 000 cases came before the Magistrates Court last year. The court is divided into a number of divisions including the Children's Court, the Administrative Appeals Court, the coronial court, the youth justice division and the criminal and general division. This latter deals with the vast majority of the cases that come before the magistrate.

The minister said in her second reading speech that this is the culmination of over 18 years of work, although I note that the vast bulk of that work had been done in recent history. I acknowledge and thank the successive magistrates who have sat on the Magistrates Court steering committee driving this reform, and the other members of that committee who included the Director of Public Prosecutions, the Registrar of the Supreme Court, the secretaries of the relevant departments, the Department of Justice and Department of Police, Fire and Emergency Management.

Notably absent from the process until recently, however, have been representatives of the legal fraternity, in particular defence lawyers, who will be disproportionately affected by the changes that this legislation would bring into force. The flaw in that part of the process was reflected most strongly in comments about the consultation that were directed to the minister, through her Department of Justice staff, by the Tasmanian Law Society, who expressed their considerable disappointment and frustration at the lack of consultation. In their submission of 20 May 2019 they said:

> It is beyond words for the Society to describe its frustration and disappointment of how such a fundamental Act can be developed with such little consultation with the Society or the profession at large with such a narrow opportunity to review after 10 years of development.

They were only provided with a version in 2017 for comment but did not get any opportunity for further participation until the eleventh hour, despite what they say were 'repeated requests and efforts to secure the opportunity to do so'. From what I understand from personal conversations I have had with the chair and executive officer of the Law Society, this is a situation which has fundamentally been fixed. They were subsequently invited to participate in a working group and have spent a lot of time working closely with Department of Justice staff and others on the working group to come up with mutually agreeable solutions and amendments to the legislation.

It is important to note that, yet again, this Government does not cover itself in glory by consulting early with stakeholders, and this is one of most examples of changes to legislation that come to this place where there would be an improved outcome by earlier consultation. I will come to some other comments the Law Society made later in my contribution around that matter. I am pleased to hear from the Law Society that after being brought into the tent, the amendments they proposed to this bill were adopted in part or in full. I also understand from the briefing I had with the department on this and the subsequent bills that they will continue to collaborate with the Law Society in formal working groups to address the outstanding issues, some through additional regulation and also through the implementation stages of the bill.

I take this opportunity to thank the minister's staff for the briefings I was provided on this bill. They were very comprehensive and all the questions I and my staff asked were answered with follow-up information. I appreciate that. It helped us to prepare our position on this bill, so thank you.

The improvements this legislation will bring in have been identified by stakeholders for a long time. The Justices Act 1959, which currently governs the matters before the Criminal and General Division which is also known as the Court of Petty Sessions, is in everyone's view outdated legislation that does not enable efficient processes in the court. This bill will improve that status quo by establishing the Criminal and General Division and its jurisdiction and composition and establish a provision to allow for a party or witness to attend proceedings via an audio or video link, as well as establish a statutory basis to formalise case management hearings for the Criminal and General Division. This is an important opportunity to finalise charges without needing to go to hearing.

We undertook our own consultation process with major stakeholders, including the Law Society, the Australian Lawyers Alliance of Tasmania, the Tasmanian Law Reform Institute and individual lawyers who we reached out to.

As I mentioned, the major body of proposed amendments to this bill were from the Tasmanian Law Society and, in general, these have been adopted. However, the major issue which was and remains a sticking point, related to disclosure through the preliminary briefing stage prior to that made available to a defendant or their legal representative, prior to them entering a plea.

It is important to put some context around the disclosure framework that is in the bill before us. The bill significantly improves the disclosure framework from what currently exists. Disclosure information is provided at least 21 days before the court date and a fee will not be charged. This is a very important introduction. We fully support that step in the right direction. The process was previously governed by police internal policy and was not legislated. Nonetheless, it falls far short from what some people feel would be an optimum process to ensure full opportunity to natural justice for people who are making a plea in court.

That is the most serious concern that the Australian Lawyers Alliance have with the disclosure sections of this bill. I am talking here in division 2, the Pre-Hearing Disclosure of the Prosecution case, particularly clause 62, the contents of the preliminary brief. Their serious and abiding concern is that a person should be able to fully understand the evidence against them, prior to them entering into a plea. Their argument for that is that it is fitting with the principles of natural justice and in order for a person to be able to understand the evidence against them they need to be able to see the quality, quantity and substance of the type of evidence.

They have made the argument that this is not only good for the principles of natural justice because a person ought to be able to know the evidence against them before they enter into a plea, but it will also be good for victims as well. The case was made to us that if a person understands that overwhelming evidence is available to convict them then they would more likely than not proceed to a guilty plea in the first instance.

This would expedite the process of moving directly into the stage of judgment and sentencing without having to go through the trial where a victim would be required to provide their testimony, go through their experience and essentially make themselves vulnerable and exposed in a court situation where they otherwise need not have to do that.

There is certainly a very persuasive argument in situations like that. It would consequentially reduce the cost to the court system, to the defendant, and to all parties not having to appear in court multiple times, not having to pay legal representatives. It would speed through the process of other trials because the courts would not be held up.

There are very strong arguments for increasing the amount of information available at disclosure. I look at what the contents of the preliminary brief are: clause 62(1) in the bill says that a preliminary brief is to include:

> (a) a copy of the relevant charge sheet; and
>
> (b) a summary of the material facts; and
>
> (c) if the prosecutor is a police officer, the Director of Public Prosecutions or the Commonwealth Director of Public Prosecutions, a copy of the criminal record of the defendant or a statement that the defendant has no previous convictions; and
>
> (d) a copy of the record of interview; and
>
> (e) a statement specifying that, if an audio-visual recording of the formal interview of the defendant has been made, the recording may be viewed by the defendant and the name and contact details of the person with whom the defendant may arrange for such a viewing; and
>
> (f) if the relevant offence is a summary offence, any other information, document or other thing that the regulations require to be included in the preliminary brief.

In relation to what I just read out, parts (a), (b), (c), (d) and (e) would all likely be matters known at face value to the defendant: the charge sheet, the summary of the material facts, a statement of previous convictions, the record of the interview at which they were present and the statement about an audio-visual recording of the formal interview at which they were also present. My point is the only bit of information that is not known is the important bit of information which under the bill as so drafted part (f) says that a summary offence or any other information, document or thing that the regulations require to be included in the preliminary brief.

That is the material which some members of the legal profession argue ought to contain more prescription about the evidence that is held by the DPP and police in relation to the offences being brought against the person prior to them pleading so that they have the information.

The question is, how prescriptive should that be? I want to come to a situation in Victoria where a more comprehensive preliminary brief is prescribed in their legislation and that makes more information available to defendants in Victoria, which is more fitting with principles of justice I have described and provides for significant information to be provided before a plea can be entered into. I would like to read from the Victorian legislation, the Criminal Procedure Act 2009, section 37, Contents of Preliminary Brief, subsection (1):

A preliminary brief must include -

(a) a copy of the charge-sheet in respect of the alleged offence; and

(b) a notice in the form prescribed by the rules of the court -

(i) explaining this section and section 84; and

(ii) explaining the importance of the accused obtaining legal representation; and

(iii) advising that the accused has the right, if eligible, to legal aid under the Legal Aid Act 1978; and

(iv) providing details of how to contact Victoria Legal Aid; and

(c) a statement made by the informant personally that complies with subsection (2) and section 38; and

(d) any evidentiary certificate issued under any Act that is likely to be relevant to the alleged offence and is available at the time the preliminary brief is served; and

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

MAGISTRATES COURT (CRIMINAL AND GENERAL DIVISION) BILL 2019 (No. 27)

Second Reading

Resumed from above.

Dr WOODRUFF (Franklin) - Continuing on with section 37, Contents of preliminary brief from the Victorian Criminal Procedure Act 2009 -

(e) a copy of the criminal record of the accused that is available at the time the preliminary brief is served or a statement that the accused has no previous convictions known at that time; and

(f) if the informant refuses to disclose any information, document or thing that is required to be included in the preliminary brief, a written notice that the informant refuses disclosure under section 45, identifying the ground for refusing disclosure; and

(g) a list of any other orders that are or will be sought, as known at the time of preparation of the preliminary brief.

(2) A statement by the informant in a preliminary brief must be a complete and accurate statement of the material available to the prosecution at the time the statement is sworn, signed or attested and must include -

(a) a statement of the alleged facts on which the charge is based, including reference to the material available to the prosecution to support the alleged facts; and

(b) a description of the background to and consequences of the alleged offence, if known; and

(c) a summary of any statements made by the accused concerning the alleged offence, including any confession or admission; and

(d) a list of the names of all persons who, at the time the statement is signed, may be called by the prosecution as witnesses at the hearing of the charge, indicating whether those persons have made statements; and

(e) a list of any things the prosecution may tender as exhibits, indicating whether they are in the possession of the prosecution at the time the statement is signed.

(3) A preliminary brief may include any other information, document or thing that is relevant to the alleged offence and may assist the accused in understanding the evidence against the accused that is available to the prosecution.

We can see that there is in Victoria, at least, a much more extensive and comprehensive requirement for the information that has to be disclosed to a defendant prior to them entering into a plea as part of the preliminary brief. It includes, for example, the complete and accurate statement of all the materials that are available to the prosecution at the time the statement is sworn. That does not mean that, if further information becomes available, that would not also be included because it includes a requirement that it is made known to the defendant or to their legal representative when additional information is made available.

It provides a much more extensive opportunity for a person who is accused to understand the extent of evidence that is available to the prosecution and will be brought to bear in a case against them. As is argued by a number of barristers I spoke to in our consultation process, it provides people with a much greater basis on which to consider that they probably, if they are guilty, ought to so plead in the first instance rather than to reflexively plead not guilty in the hope that they may be able to avoid the evidence and the case against them, which will be presented. On behalf of barristers I have spoken to, particularly one who practised in Victoria and has recent personal experience in the Victorian system, that there is as better way of doing things in the material available to a defendant in the preliminary brief process of disclosure than is being provided for in this bill.

However, that is not what we have here today. I believe the process, as described to me during the briefing by Department of Justice staff and my understanding from listening to the Attorney-General's speech, is that there is a serious intention to look in detail during the implementation phase and the creation of regulations about the balance of what must be required in preliminary briefs. The bill as is written provides under clause 62(1)(f) that -

> if the relevant offence is a summary offence, any other information, document or other thing that the regulations require to be included in the preliminary brief.

It provides an opportunity for more detail to be required to be provided in a preliminary brief than is written into the legislation at the moment.

I hope that the law from Victoria might be considered. I accept there is a balancing process in the number of cases that come before the court each year. I thank the staff, who provided me with some indicative raw numbers from the database. They do not represent formal data collection, which will appear in the annual report for the Magistrates Court, but they provided me with the percentage of summary versus indictable offences that have appeared in the Magistrates Court in the 2018 financial year. In total, 27 729 cases appeared. Of those, 24 758, or 89 per cent of them, were not indictable, 5 per cent were indictable, and 6 per cent were elected. As I understand it, 89 per cent of those cases remained in the Magistrates Court and the percentage of defendants who self-represented in the criminal division was 54 per cent. That is a very large number of people who represented themselves; 16 per cent were not represented and 30 per cent had unknown representation.

I accept that an extremely large number of cases go before the Magistrates Court, most of which are very simple and the defendant pleads guilty. There has to be consideration about the amount of resourcing required. This was the view of the Tasmanian Law Society: there is a balance to be struck between the resourcing required to provide comprehensive information to every single person in a preliminary brief stage and what is appropriate and necessary information to be provided during the preliminary brief. This is a matter of controversy.

I submit to the minister that it is something that I hope and expect - from the tone of conversations - will be discussed in more detail when the regulations are being prepared in the implementation phase.

We certainly hope that the deficiencies will be addressed by subsequent regulations and that all the relevant stakeholders will be involved in that process. The success of the implementation phase of the bill will be where the detail is thrashed out. The Tasmanian Law Society was kind enough to provide me with the table of key changes that they had created from the consultation version of the bill and the final tabled version. They provided me with a list of things that had been accepted and things which had not been accepted in the manner. Most of the things they asked to be changed have been included in the final bill. They also highlighted that a number of those things were changed after they were invited into the working group. Clearly, their involvement in the working group enabled them to work through a number of changes.

My time is up and I will finish, if you would not mind indulging me, to thank again the staff who provided the comprehensive briefing and to make the point that the Tasmanian Law Reform Institute has also supported the fundamental procedural changes in this bill. They ask a number of questions which I would ask the minister to take on notice if she is able to, including whether there will be an increase in funding resourcing in order to make sure these reforms are able to occur? Also, whether measures will be implemented to ensure the smooth transition in the use and comprehension of the new terminology? The Tasmanian Law Reform Institute noted that the bill introduces changes in established terminology and they would like that to be clarified.

Time expired.

[2.43 p.m.]

Mrs RYLAH (Braddon) - Madam Speaker, I support this bill. I commend the Attorney-General for bringing this bill before the House. This bill brings long-awaited changes to procedures

in the Magistrate's Court and will deliver a more efficient and effective criminal and civil justice system. As the Attorney-General has said, the work on this bill stretches back over 18 years, so it is no small feat that the Attorney-General has been able to finalise this bill and bring it before parliament.

In the second reading speech, the Attorney-General provided a comprehensive summary of the contents of this bill and the important measures that it introduces for the court. The new Magistrates Court (Criminal and General Division) Act, will support the operation of a modern court and in conjunction with changes being implemented through the Justice Connect project in particular, a significantly more efficient and effective justice system for Tasmania.

The object of the bill is to provide for the administration of justice in the division in such a manner as to provide for enhanced access to justice, facilitate the timely dispensing of justice according to law, ensure that all proceedings are conducted fairly and facilitate and improve the case management of proceedings.

The Attorney-General has touched upon the importance of this legislation for the Justice Connect project and it is on this aspect that I will focus. Justice Connect is very important to the Government's commitment to ensure Tasmanians have access to an effective and efficient justice system. This commitment cannot be achieved without the passage of this critical bill. To meet this commitment, critical changes to the justice system are required. The Government has provided $24.5 million over four years from 2019-20 for Justice Connect, an IT system that will support an efficient courts and corrections system. It has efficiencies and improved policy outcomes for better information sharing, access to timely and trusted information system and integration across government with relevant, critical IT systems, including systems within the Department of Police, Fire and Emergency Management.

Today we have an issue of the relevance and the importance of system changes to create an efficient and robust system for the management of prisoner release. This Government takes the issue of correct prisoner release extremely seriously and strong actions have been taken to minimise the risk of incorrect releases occurring. This includes continuing to implement a suite of recommendations outlined in the 2017 KPMG Audit Report. As the Attorney-General and I have said, the Government has committed $24.5 million to Justice Connect, a project which is underway and will deliver a much-needed technology solution and significantly enhance information transfer between justice and correction agencies. Any incorrect release is unacceptable and we are doing everything we can to prevent them from occurring.

The effective use of this investment, made by the 2019-20 Budget, is contingent on the introduction of this bill, promised for approximately 19 years but to be delivered by this Government. It will set the foundation for the Justice Connect project to be designed, built and delivered. The design of the Justice Connect solution is currently pending the final form of this bill. It is anticipated there will be at least 12 to 18 months of implementation work required by the courts and the Department of Police, Fire and Emergency Management before the package of legislation can commence. Some of the preparatory work will be dealt with as part of ongoing information technology upgrades in both the Department of Justice and the Department of Police, Fire and Emergency Management. Further, repurposing of resources within the Department of Justice will be undertaken to ensure the smooth implementation of the bill.

Once the legislation has commenced, it is expected to deliver efficiencies to the court system as well as the broader justice system. In addition, the commencement of the bill will result in a

significant number of matters that must currently go before the Supreme Court being eligible to be heard in the Magistrates Court. This may require an adjustment to the distribution of resources between the courts.

To date this commitment has been evidenced by a number of measures undertaken by the Government, such as the $15 million commitment to upgrade the Burnie court house, as well as funding to appoint a new magistrate and a new judge in coming years. However, as the Attorney-General has said publicly and in this place, it is not just about resourcing. To meet the needs of a modern community, systematic, technological and legislative change is required in Tasmania's court system. This bill achieves that legislative change and brings with it the opportunity for technological change, the Justice Connect project.

The Justice Connect project has brought praise from legal professionals. The Tasmanian Law Society President, Evan Hughes, said although IT was not in people's minds, front and centre, it was important to create efficiencies within the system. He said:

> We are a big supporter of the Justice Connect program.
>
> The Government has committed a significant amount of money for the development of that project, which we see as really important.

A number of different platforms are used within police, the courts, corrections and the prison. The new technology will connect these systems. This bill will ensure that Justice Connect technological reforms can successfully proceed and the Magistrates Court can transition away from the outdated and inefficient paper-based procedures currently contained in the Justices Act 1959. It also provides a new framework for the disclosure of prosecution evidence in summary offences, a specific statutory basis for case management procedures and sentence indication powers to promote the just and efficient determination of matters, an expansion of offences that can be dealt with in the Magistrates Court rather than the Supreme Court.

Once complete, Justice Connect will provide for a significantly more efficient and effective justice system. This is an incredibly complex information technology project involving the replacement of multiple outdated and often unconnected IT systems currently used by the department and courts. It will also involve removing many inefficient paper-based practices. Funding of $1.5 million to date has allowed the department to conduct stakeholder workshops and undertake a detailed analysis of the six distinct systems that are to be replaced and the future needs of the justice system. This analysis has included more than 60 workshops with stakeholders across the system.

The department has also successfully completed a request for a proposal to identify the preferred technology architecture and implementation approach for an end-to-end justice and corrections technology solution for Tasmania. The funding of $24.5 million provided in 2019-20 will allow for the tender process, design and implementation of the required systems. This will be key to the modernisation of the Magistrates Court and the Justice Connect information technology upgrade, described as an end-to-end justice and corrections technology solution.

This is complex information technology. It will replace multiple outdated and often unconnected systems currently used by the department in the courts and will remove inefficient paper-based practices, allowing the courts to deliver more efficient outcomes for Tasmanians. Once designed, the final project will be able to be implemented along with the significant change

management process to transition courts and corrections stakeholders from traditional paper-based practices to a more contemporary digital system that will help to streamline the work of the justice system.

Importantly, and as a way of circling back to the bill, the Justice Connect solution will also be designed to take into account the significant procedural improvements proposed by the Magistrates Court (Criminal and General Division) Bill. It is this bill that provides the necessary legislative basis upon which to operate a modern Magistrates Court supported by modern technology. It hardly needs to be said that it would be ludicrous to design such an important piece of technology around the clearly outdated Justices Act 1959. It is not just the contents of this bill that is important for the court and the justice system more broadly but also the opportunities it presents to bring about important and much-needed changes to the systems and technology the court relies on to provide justice to the Tasmanian community.

[2.53 p.m.]

Mr TUCKER (Lyons) - Madam Speaker, I support this bill. The Hodgman majority Liberal Government is committed to ensuring that all Tasmanians have access to an efficient and effective criminal and civil justice system in which court proceedings are able to be finalised in a timely manner. As members will recall, the Government's recent Budget invested more than $35 million over four years into the courts to ensure that Tasmanians have access to an effective and efficient justice system. However, as the Attorney-General has said on a number of occasions previously there is no one single silver bullet that can assist the courts with their workload. It is not just about resourcing.

To fully realise the benefits of the Government's significant investment in Tasmania's justice system, we are also pursuing a range of legislative technological and procedural reforms to address the court's increasing workload and to improve access to justice. This bill is central to those reforms.

It has taken our Government to progress and finalise this significant reform, culminating in a four-bill package. I congratulate the Attorney-General and her staff for the work they have put in on these bills. The work on this bill stretches back 18 years. Suffice it to say, a significant amount of work has gone into producing the bill before us today.

The first of those bills was the Justices of the Peace Bill, which passed parliament and commenced on 1 July 2019. The Magistrates Court (Criminal and General Division) Bill will provide the Magistrates Court with a modern legislative framework, replacing 60-year-old legislation the court currently relies on for its criminal and general jurisdictions. The Justices Act 1959 on which the court currently relies is outdated legislation that uses outmoded language and does not provide the necessary legislative basis upon which to operate a modern court.

The bill makes a number of changes to court and police procedures that will make the justice system more efficient, up to date with technology and streamlined. Key changes that will be introduced by this bill include more efficient commencement of proceedings, more timely disclosure, the formalising of case management hearings, increasing flexibility for court attendance by audio or audiovisual link and, importantly, increasing the jurisdiction of the Magistrates Court to hear more matters that are currently required to go before the Supreme Court. It also includes the change in title from a court of summary jurisdiction to a Magistrates Court, changes to titles and names, for example the change in document name from complaint to charge sheet and changes to governing legislation.

The Magistrates Court Act 1987 amendment is to reflect the fact that summary courts are now divisions of the Magistrates Court. Provisions that allow magistrates to control the processes of the court, including provisions relating to persons who are allowed in the courtroom, have also been inserted in that act. A second consequential amendment bill will be introduced closer to the commencement of this package of legislation. The second bill will make numerous minor consequential amendments which will flow from these reforms.

Over the last two centuries the jurisdiction of magistrates, both criminal and civil, has increased considerably and continues to increase. Over that time Australia's magistrates have also gradually shed their administrative functions, which by necessity were imposed on them last century, and assumed true judicial functions, taking on work of true judicial quality.

This is a complex information technology project involving the replacement of multiple outdated and often unconnected IT systems currently used by the department and the courts. It will also involve removing many inefficient paper-based practices. Furthermore, in these jurisdictions in which there are only two tiers to the judiciary and no intermediate court - that is, a district or county court - magistrates have come to exercise the jurisdiction exercised by intermediate courts in other jurisdictions. Even in those jurisdictions consisting of a three-tier judiciary, the judicial distinctions between Magistrates Courts and intermediate courts are becoming increasing blurred, thereby calling into question the need for intermediate courts.

In Australia, virtually all criminal cases are commenced in Magistrates Courts and, being the local courts, magistrates have a very broad criminal jurisdiction. Tasmanian magistrates have jurisdiction to hear and determine complaints from simple offences and certain complaints for unlawful offences. In addition, a magistrate has power to conduct an examination into a complaint of an unlawful offence and commit to trial.

An explanation of the various statutory provisions governing the summary disposal of indictable offences in each of the jurisdictions discloses the wide range of offences over which magistrates exercise jurisdiction and the serious nature of many of those offences. The maximum sentence of imprisonment that Australian magistrates may impose in relation to unlawful matters dealt with instantly ranges from two years to five years. Tasmanian magistrates exercise civil jurisdiction through two divisions; the civil division and the small claims division.

The Magistrates Court, in its civil division, has jurisdiction to hear and determine -

1. all actions for the recovery of an amount or goods where the amount or the value of the goods claimed, together with the amount of any claim for consequential damages for detention of those goods does not exceed $20 000;

2. certain matters which are without equitable jurisdiction of the Supreme Court of Tasmania involving an amount which does not exceed $20 000;

3. any matter under Sections 41 and 45 of the Residential Tenancy Act 1997; and

4. any action, irrespective of the amount involved, with the consent of the parties.

In common with the other Australian jurisdictions, the civil division of the Magistrates Court is invested with jurisdiction to hear and determine, subject to the general jurisdiction limits of the court, civil matters arising under corporation law, except for those matters which are within the

providence of a superior court. It also has jurisdiction under the Commonwealth Trade Practices Act, again subject to general jurisdiction or limits of the court. In a small claims division, the Magistrates Court has power to hear and determine -

1. a small claim referred to it by a claimant or transferred to it from a civil division of the court;

2. a claim for a set-off or a counter-claim not exceeding the prescribed sum in respect of a course of action where the respondent claims against the claimant, or exceeding that sum if the parties consent to it being heard and determined by the division, or a magistrate determines that it should be so heard and determined; and

3. a claim for an order authorising access to land under section 5 of the Access to Neighbouring Land Act 1992.

The Magistrates Court (Criminal and General Division) Bill will provide the Magistrates Court with a modern legislative framework, replacing 60-year-old legislation the court currently relies on for its criminal and general jurisdictions. The only jurisdiction that is yet to be incorporated as a division of the Magistrates Court is known as the Court of Petty Sessions, which deals with the vast majority of matters coming before the Magistrates Court, including summary criminal matters and general matters such as applications for restraint orders and family violence orders. The Court of Petty Sessions is currently governed by the Justices Act 1959.

The Justices Act is outdated legislation that uses outmoded language and does not provide the necessary legislative basis upon which to operate a modern court. This 60-year-old legislation also predates the modern computer age and fails to provide a proper or modern procedural foundation upon which a new court and corrections technology platform can be built. The Government is committed to improving access to justice and the efficiency of our courts in Tasmania. In the 2019-20 state Budget, the Government made a number of significant commitments in this area, including increased resourcing and procedural and technological reform across the courts and Corrective Services to address court criminal backlogs and improve access to justice, including significant new funding for the Justice Connect technology replacement project.

The Justices Act is outdated legislation that needs replacing and does not provide the necessary legislative basis upon which to operate a modern court. The Justices Act 1959 does not provide a clear statutory framework for the various reforms that have been introduced over the years to promote efficiencies such as the contest mentioned hearing process, which aims to narrow the issues in dispute and facilitate early pleas of guilty before the matter proceeds to a full hearing. The purpose of this bill is to provide updated legislation that meets current demands on the court system. It also provides a sound, statutory basis for initiatives to enhance justice and improve efficiencies, which have been empirically trialled and evaluated. Changes will support the increased access to a more efficient, fair and effective justice system in Tasmania.

Restraint orders provide important protections for persons who have been subject to violence. The Restraint Orders Bill 2019 replaces part XA of the Justices Act 1959 as part of the broader reforms associated with the introduction of the Magistrates Court (Criminal and General Division) Bill 2019. The Restraint Orders Bill 2019 retains the principles embodied in existing restraint order legislation while updating definitions and improving operation and availability of orders made under those provisions. The bill includes provisions relating to restraint orders, interim restraint orders and electronic interim restraint orders. The bill also makes provisions for the registration of

external restraint orders, which encompass certain orders made by courts of other states, territories or New Zealand. The provisions relating to these restraint orders, interim restraint orders, electronic interim restraint orders and external restraint order provisions in this bill largely replicate the current divisions of the Justices Act 1959.

The Family Violence Act 2004 brought in separate divisions for family violence orders under the act while retaining the restraint order provisions in the Justices Act 1959 for other situations. The bill retains this separation and does not make any changes to the provision of the family violence orders made under the Family Violence Act 2004. Restraint orders provide important protection for persons who have been subject to violence, threats to their person or property, harassment or intimidation. Restraint orders aim to prevent further violence or unwanted behaviours.

This legislation will set the foundation for the Justice Connect project to be designed, built and delivered. The design of the Justice Connect solution is currently pending the final form of this bill. There is little point spending time and money to design and build a modern technology solution to match the outdated and, at times, less efficient than paper-based procedures currently contained in the Justices Act 1959. The Justice Connect program is very important to the government's commitment to ensure Tasmanians have access to an effective and efficient justice system.

Once complete, Justice Connect, combined with the reforms in this bill, will provide for a significantly more efficient and effective justice system. This is an incredibly complex information technology project involving the replacement of multiple outdated and often unconnected IT systems currently used by the department and the courts. It will also involve removing many inefficient paper-based practices and allow the courts to deliver more effective outcomes for the Tasmanian community through better information sharing across government agencies. A significant amount of work has gone into producing the bill before us today and I thank the Attorney-General for leading that. I support the bill.

[3.10 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Madam Speaker, I thank all honourable members for their contributions this afternoon and for their appreciation, particularly of the work that has gone into producing this bill package - and we will get to the other two bills shortly. It is a package; it was actually a four-bill package. We have previously dealt with the Justices of the Peace Bill, which has significantly updated the language and processes around justices of the peace and how they operate within our court system. That came into effect on 1 July this year.

I also thank members for their gratitude for the briefings they received. It was a specific request of mine to ensure that members had that full briefing to ensure there was a comprehensive understanding of the whole suite of reforms. I am sure the department and my staff will be heartened by that appreciation because this is such an important reform to our lower court jurisdiction. We do not have a district court system in Tasmania. In other words, we do not go from a magistrates court, to a district court to a supreme court situation. As we only have a two-tiered approach, it is important that we have that interrelationship between the Magistrates Court and the Supreme Court and creating those efficiencies, particularly to do with preliminary proceedings.

In my summing-up, I will address the need for further work in this regard. It was thought not to throw too much into this whole bill package at once, otherwise it might have taken another 18 years. Let us get the things in this package that are required for most of this reform and then

deal with the bail reform the Government is committed to doing. I can advise the House that is well advanced, and also preliminary proceedings. There are further requests that have come from the Chief Justice, in particular, and we want to ensure that all this works to decrease the enhanced demand for the services of our court. There is increased crime and that creates a backlog. We are committed to addressing that, both in funding with the additional magistrates and judges, and acting judges - I should say additional judge and acting judges. That has largely addressed some issues, but in doing so we have had to put additional funding into the Director of Public Prosecutions and the Legal Aid Commission and that is constantly being monitored and reviewed.

There were specific issues raised and there will be some things that I would like to expand on in terms of issues that have been raised by members and generally matters that I would like to place on the record. Also, for the benefit of the other place, it is very helpful for them if we address some issues quite comprehensively so that we can ensure a swift understanding and debate through this entire place.

I will do some thanking at the end as well, but I place on the record the enormous amount of work that has gone into this bill over almost 19 years. I will mention some specific people and contributions later on, but I place on record the enormity of this task, and, of course, the steering committee. When I took on this work it was indicative that we needed to have everyone from all sections of the legal profession, including the magistracy and the Supreme Court, prosecution, defence, all coming to a compromise on certain matters because, as you can see in an adversarial judicial system, you will see differences in how prosecution and defence operate. I thank them all. I very much appreciate the work that they have put in in arriving at common positions as best they could in this work. It is not easy and I appreciate the work that each of those individuals has put into this process and will continue to put into this process through the implementation phase.

Ms Haddad and Dr Woodruff both mentioned consultation particularly with the Law Society so I thought I would briefly outline the consultation process we had with the Law Society over a number of years.

The most recent version of the bill was circulated to stakeholders, including the Law Society, for consultation on 15 April 2019. Submissions were requested by 10 May 2019. Stakeholders, including the Law Society, who requested additional time to make a submission were given a further week to 17 May 2019 and advised that if a further extension was required the Attorney-General would, or I would, consider the request.

The Law Society's criminal law subcommittee was provided with a presentation and briefing by departmental officers on 1 May 2019. It was always our intention to do so and so it need not have become the issue that apparently it became publicly. In any event, I know that the Law Society is quite satisfied with the outcome.

I will highlight, though, that the previous version of the bill was circulated for comment from 7 March 2017 to 31 March 2017. The most significant changes made since that version of the bill were outlined in the letter sent to stakeholders with the bill in April 2019. Following the public consultation phase, the Law Society was invited to participate in a workshop to address the various matters raised during consultation. This workshop was undertaken prior to the tabling of the bill in parliament. A number of changes were made to the final bill in response to matters raised by the Law Society.

In addition to this formal consultation process this project was also the subject of discussions at administration of justice forums hosted by myself and former Attorneys-General. It has been our practice in government - the Hodgman majority Liberal Government - to hold administration of justice forums at which we have the Chief Justice, the Chief Magistrate, the DPP, administrative heads of the courts, the Law Society, the independent Tasmanian Bar and the Legal Aid Commission. I may have missed a few. The Solicitor-General attends that as well so you can imagine how difficult it is to schedule those meetings to get everybody in the room at the same time. Usually it is at the end of the sitting day for courts and us but they are very helpful not only for me to hear the feedback from all of these individuals and entities but for them to network together in relation to various viewpoints which are not always the same. It is very useful for them to hear each side's views so we have done that in relation to this project as well. There has been really comprehensive consultation outside of that steering committee process and outside of the public and targeted stakeholder consultation, which I have previously mentioned.

There was a question regarding whether the Law Society will continue to be engaged and how. In order to ensure there is a smooth transition to the new regime following the passage of the package of bills, a working group has been established for the implementation phase of the project. The Law Society and the Legal Aid Commission of Tasmania have been invited to participate in the working group. I am pleased to advise that working group held its first meeting on 26 August 2019 in readiness for this going through the House and starting to look at that implementation phase, should it get through both Houses of our parliament.

As to who was consulted, I can provide the list; I like to put these things on record. The following stakeholders were consulted on the first bill package in 2017, the first bill package: the Chief Justice and Chief Magistrate; heads of government agencies, obviously important; the Law Society of Tasmania; the Director of Public Prosecutions; Hobart Community Legal Service; Launceston Community Legal Service; North West Community Legal Centre; Environmental Defenders Office; Women's Legal Service; the Tasmanian Bar; Tasmanian Law Reform Institute; Legal Aid Commission of Tasmania; Legal Profession Board of Tasmania; Tasmanian Women Lawyers; Australian Lawyers Alliance; Tasmanian Aboriginal Community Legal Service; Prisoners Legal Service; and the Commonwealth Director of Public Prosecutions.

We then consulted on the Magistrates Court (Criminal and General Division) Bill in April 2019. The stakeholders we consulted were the targeted ones, such as the Chief Justice and Chief Magistrate; heads of government agencies; Director of Public Prosecutions; Legal Aid Commission of Tasmania; Solicitor-General; Commonwealth Director of Public Prosecutions; Supreme Court of Tasmania; Magistrates Court of Tasmania; Commissioner for Children and Young People; Inland Fisheries Commission; Australian Federal Police; Commonwealth Department of Human Services; National Heavy Vehicle Regulator; Australian Lawyers Alliance; the Tasmanian Bar; Tasmanian Women Lawyers; Women's Legal Service Tasmania; Tasmanian Aboriginal Community Legal Service; North West Community Legal Centre; Hobart Community Legal Service; Launceston Community Legal Service; Law Society of Tasmania; Prisoners Legal Service Tasmania; Community Legal Centre Tasmania; Civil Liberties Australia (Tasmania); Civil Liberties Australia; Local Government Association of Tasmania; RSPCA; Tasmanian Aboriginal Centre; University of Tasmania; Page Seager for TasBuild; Tasmanian Society for Justices of the Peace; the Honorary Justices Association of Tasmania Incorporated; and the Honorary Justices Association of Tasmania North West Incorporated.

I mention all of those because that is our more detailed stakeholder list when we sent out the final draft bill. You will see that it is far more comprehensive and that is because the bill also dealt

with the civil jurisdiction as well as criminal, so there were some that were not so obvious for the first tranche. The broader public was also invited to comment on the Magistrates Court (Criminal and General Division) Bill through the community consultation page on the Department of Justice website. It is quite standard that we do that and we make it very accessible for people.

The following stakeholders made submissions to the 2019 bill when consultation was undertaken in April this year. Their submissions are exempt from publication under the Tasmanian Government's public submissions policy, and they the Chief Justice; the Chief Magistrate; Department of Primary Industries, Parks, Water and Environment; Department of Police, Fire and Emergency Management; and the Director of Public Prosecutions. The following exempt stakeholders responded but did not provide specific comments: Department of Education; Department of Treasury and Finance; Commonwealth Department of Human Services; Australian Federal Police; National Heavy Vehicle Regulator; and Legal Aid Commission, who made no comment but provided input through the Law Society committee so they still had a voice there.

The following stakeholders also made submissions on the Magistrates Court (Criminal and General Division) Bill 2019 when consultation was undertaken in April this year. These submissions have been published on the Department of Justice website in accordance with the Tasmanian Government's public submissions policy. They are the Law Society of Tasmania; the Tasmanian Bar; the Community Legal Centres; Hobart City Council; Australian Lawyers Alliance; Page Seager for TasBuild; Simmons Wolfhagen for local government; and Tasmanian Society of Justices of the Peace.

I know both Ms Haddad and Dr Woodruff mentioned disclosure; there has been a lot of interest and rightly so. I will also address that at the outset in some detail. Generally speaking, what is the new disclosure regime? The bill introduces a number of key reforms, the most notable one being changes brought about by the new disclosure regime. Preliminary disclosure for both summary and indictable offences will occur automatically at an earlier time and at no cost to the defendant. This is something that has been called on for quite some time, that there be no fee, and that is something that is essential to have access to justice. We want to ensure that there is greater access to justice and it has certainly has been something called for publicly, to which I have already noted in the affirmative that would be the case, but here it is in black and white.

Currently under the Justices Act 1959, there is no requirement for prosecuting authorities to disclose any information to the defendant for summary matters. Under this bill, where a defendant has received a court attendance notice or a bail notice, preliminary disclosure of documents is required at least 21-days before the court date, which is the defendant's first appearance before a magistrate on the matter. This does not apply where the defendant's first attendance before the court occurs following his or her arrest for an offence or to facilitate the making of a protective order such as a family violence order or restraint order. In these circumstances, the information is to be provided as soon as reasonably practicable after the first attendance. Further, if a defendant pleads not guilty to a summary offence, the prosecutor must provide a full summary offence brief at least 28-days before a case management hearing or before the hearing of the charge.

In respect of indictable matters, a preliminary brief will be provided prior to a first appearance or as soon as reasonably practicable after the first attendance in circumstances where the defendant is arrested. After the first attendance and before the second attendance of the defendant, the indictable offence brief will be provided. The prosecutor also has a continuing obligation to disclose any information, document or thing that comes to the prosecutor's attention after the

preliminary brief, summary offence brief or indictable offence brief has been provided, if that information document or thing would have been required to be provided or viewed.

Turning to the question of what will be provided under the disclosure regime, in the case of preliminary disclosure, a defendant will receive a copy of the charge sheet; a summary of the material facts; a copy of the criminal record of the defendant, if any, or a statement that the defendant has no previous convictions, which is important; an audio copy of the record of interview; a statement specifying where the audiovisual recording of the interview can be viewed if one has been made and who to contact to arrange this; and anything else prescribed in regulations that is to be provided.

Where a defendant pleads not guilty in a summary matter they will be provided with a summary of offence brief and this includes preliminary brief information that has not already been provided; a copy of any statement relevant to the charge and signed by the defendant that it is in the possession of the prosecutor; a copy of the relevant statements made by each person to a police officer or person investigating the offence; a copy of documents that the prosecutor at the time of disclosure is intending to tender as evidence at the hearing; a copy of relevant photographs or audio recordings; and a list or general description of documents and other things that are required to be provided in the summary offence brief but which are not practicable to copy or include in that brief, or where disclosure or publication is prohibited or limited under any act or law. In this case, the brief will include a statement advising that the item may be viewed and the name and contact details of the person who should be contacted to arrange the viewing. It is making this disclosure regime as easy as possible for a defendant or the defendant's solicitor in terms of who to contact as well.

In respect to indictable matters, the preliminary brief will be provided prior to a first appearance or as soon as reasonably practicable after the first attendance in circumstances where the defendant is arrested. After the first attendance and before the second attendance of the defendant, the following information will be provided: any preliminary brief information and documents that have not already been provided; and a copy of relevant statements made by each person to a police officer or other person investigating the offence. The prosecutor also has a continuing obligation to disclosing information, document or thing that comes to the prosecutor's attention after the preliminary brief, the summary offence brief or indictable offence brief have been provided if that information, document or thing, would have been required to be provided or viewed.

Ms Haddad asked if this will improve over time. Under the preliminary disclosure provisions there is the ability to describe in regulations any other items or documents that are to be provided to the defendant. This provision will improve the flexibility of the preliminary disclosure regime as it will provide for advances in technology and science accommodated under the regime. There is also further work being undertaken at a policy level to update the memorandum of understanding between the Law Society and the Department of Police, Fire and Emergency Management, with the Office of the Director of Public Prosecutions to support the proposed new disclosure regime. I am sure members in this House are aware that the reason it is the Department of Police, Fire and Emergency Management is because police prosecutions take some of the matters through our Magistrates Court. It is the Director of Public Prosecutions that prosecutes Supreme Court matters, or largely so, although we do have DPP officers that do take summary matters as well. Largely speaking, that is why I am referring to that department.

To the question of the benefits of a new disclosure regime, the bill introduces a number of reforms that will include administrative efficiency, the most notable being changes brought about by the new disclosure regime. It will also improve efficiency within the courts. I have had an

offline discussion with Ms Haddad about generally improving efficiencies and she noted my interjection that sometimes things do have to go through about seven people. Human error can occur and it is unfortunate. Yes, it is unacceptable, but when we are relying on a paper trail and humans entering information, sometimes dates can be entered wrongly and things happen. This type of disclosure regime and the technological advances we have talked about in Justice Connect that are so vital for the creation of efficiency in our whole of justice system, and how our justice system works with corrections is vital.

The bill introduces a number of reforms to improve administrative efficiency, the most notable being changes brought about by the new disclosure regime. Preliminary disclosure for both summary and indictable offences will occur automatically at an earlier time and at no cost to defendants. Currently under the Justices Act 1959, there is no requirement for prosecuting authorities to disclose any nation to the defendant's summary matters. Under the bill, preliminary disclosure of documents is required at least 21 days before the court date, which is the defendant's first appearance before a magistrate on the matter. This does not apply where the defendant's first attendance before the court is following his or her arrest. In these circumstances, the information is to be provided as soon as a reasonably practical after that first attendance. If the defendant pleads not guilty to a summary offence, the prosecutor must provide a full summary offence brief at least 28 days before a case management hearing or before the hearing of the charge.

The bill also makes an adjournment on the first appearance discretionary. That is, it can be granted or refused by the magistrate according to particular circumstances. As defendants will be able to use the information disclosed to them to obtain legal advice prior to their first appearance before the court, this will increase the likelihood of an early plea. It is expected that these changes will reduce the time between the date of charge until the completion of the matter and the average number of attendances per finalisation.

Members will be aware that as of right, a defendant cannot plead on a first appearance without having to provide any reasonable excuse; it is simply as of right. With the efficiencies created with the new disclosure regime and the time limits all parties have agreed that this is fair in the circumstances because greater efficiencies has been created as a trade-off, if you like. We will also monitor the progress of that and I am sure that, with fewer delays and adjournments, defendants will have their matters finalised more quickly and efficiently and the court will need fewer resources to resolve them.

I am quite confident, having practised in this area in my early days, that getting rid of that delay between a first and a second appearance and being able to have that early disclosure will make an enormous difference to the time and the speed at which matters can be dealt with. Eventually it is expected that this will lead to a reduction in the court backlog, so we should see an improvement and we will be watching that closely.

There was a question as to why a gold standard of disclosure, as advocated for by the Australian Lawyers Alliance, is not being adopted. Currently under the Justices Act 1959 there is no requirement for prosecuting authorities to disclose any information to the defendant for summary matters. The bill provides for the disclosure of information for summary offences, which make up the vast majority of offences that are dealt with in the current Court of Petty Sessions. The disclosure regime proposed by the bill is one the most extensive in the country. The majority of jurisdictions in Australia only require disclosure following a not guilty plea and some not even then.

Under the bill, Tasmania will provide free mandatory disclosure for all matters, including preliminary disclosure prior to a first appearance in court for all matters. This is a significant improvement on what is currently provided to defendants under the Justices Act 1959 and it will improve access to justice. Considerable investment of resources will be required to implement the disclosure regime put in place by the bill. The additional resources that would be required to fund a more comprehensive disclosure regime, rather than the one that is provided under the bill, would be significant. Prosecuting authorities, in particular, Tasmania Police, deal with around 24 000 prosecution files per year. Prosecution briefs of evidence are hard-copy paper files and disclosure involves manual processes of retrieving files, copying documents and redacting sensitive information such as victim and witness addresses and phone numbers. Doing this with the volume of matters dealt with by police involves significant costs. Expanding the disclosure regime any further than this bill does would require the Government to reallocate resources from other areas.

It is important to note that the final form of the disclosure regime has only come about after protracted negotiations, parties have moved on both sides and detailed consideration of their competing interests of the key internal and key external stakeholders, including the Law Society, have been taken into account. The Law Society is supportive of the disclosure regime that is now established by the bill and the Law Society believes that the new regime is doable and provides far more disclosure than is currently provided and it sets out a minimum level that will be built on through a collateral agreement with police. I wanted to note -

Dr Woodruff - With your indulgence, so we don't have to go into Committee, I agree with what you are saying. I wanted to note that so that we understand another jurisdiction does have a higher bar.

Ms ARCHER - Yes, I understand why Dr Woodruff has noted that. It was important to address how internal and external stakeholders' concerns have been dealt with by this bill and that the Law Society is content with this bill, so much so that a memo was sent from the President of the Law Society of Tasmania on 28 August 2019 to Law Society members, which is the entire legal profession. I have authority to read this out. I will read out parts. It is entitled, Memo from the President, and I quote:

> In the next few weeks it is highly likely that the Magistrates Court (Criminal and General Division) Bill will be debated in the lower House. On Monday I travelled to Hobart, and back, to attend a series of meetings including with the steering committee who helped develop the Bill. The people at that meeting included the Chief Magistrate, the Deputy Chief Magistrate, the Director of Public Prosecutions, the Director of Legal Aid, the Secretary of the Department of Justice and senior ranking representatives of Tasmania Police. The Executive Director and I were also part of this meeting. We have now been provided with the opportunity to consider the Bill since the Society made detailed submissions on an earlier draft. We support it. For 18 years this Bill has been debated, considered, redrafted and debated again.

By debated he does not mean in this House; he means amongst stakeholders.

> I want to clearly stress that the Bill is an initiative of the Magistrates Court and driven by the court itself. While much of the attention has been focused on disclosure, we have incorporated reforms in the Bill to the right of appeal to include for example a miscarriage of justice basis. The Society did not begin and

> end on disclosure; we worked across the entire Bill and I believe we have improved the rights of defendants through those amendments. The Bill, if enacted, will form the basis for the Justice Connect infrastructure project to overhaul the IT of the court to bring its technology into the modern era. Without the Bill there is no legislative platform for that project to begin.
>
> As lawyers I like to think we have an understanding of what is reasonably possible, and what is hopelessly aspirational. The Bill will provide far greater disclosure than currently exists. It sets a minimum level that we can, and are, building on by collateral agreements with Police. It is no wonder that this Bill has taken so long to develop when the competing tensions are taken into account, but as was said at the meeting on Monday this hard fought outcome of mutual give and take is, in fact, doable.

He then goes on to say, further down:

> There will be an opportunity to address issues through a consequential amendments Bill and a long lead-in before the Act comes into effect. My view is the Bill needs to become law, we need to be clever in our strategy and see this as a platform from which we can build, rather than, as I said before, shouting from a high horse into the wind.

I thank the Law Society for their valuable input and for clarifying the work that had been done with my department in relation to that.

Ms Haddad also mentioned the Department of Police, Fire and Emergency Management resourcing, specifically the anticipated extra workload for police arising from new disclosure provisions. As I have said, the Government has provided $24.5 million over four years from 2019-20 to build, design and deliver Justice Connect. This is an ICT system that will support an efficient court and corrections system, enhance efficiencies and improve policy outcomes through better information sharing between agencies and court, access to timely and trusted information and integration across government with relevant critical ICT systems, including systems within the Department of Police, Fire and Emergency Management.

I thank Ms Haddad also for acknowledging from her prior work within government how difficult this is to do, but to pinch the Law Society's words it is 'doable'. It is just a massive project, hence the reason we have put $24.5 million into it. We have put significant injections across Justice, in terms of infrastructure, systems and personnel.

It is anticipated that there will be at least 12 to 18 months of implementation work required by the courts and the Department of Police, Fire and Emergency Management before the package of legislation can commence. Some of the preparatory work will be dealt with as part of ongoing information technology upgrades in both the Department of Justice and the Department of Police, Fire and Emergency Management. Implementation of the new processes and procedures will require re-purposed resources for the Department of Justice and the Department of Police, Fire and Emergency Management. While some preliminary modelling work has already been undertaken and the departments have known about the changes for some time as they have worked through them together, the resourcing implications will need to be fully assessed. It is obvious that that now need to occur. Further modelling work will be undertaken as part of the implementation phase.

There was mention of there being a lost opportunity to make further changes to jurisdictional boundaries, or what is my appetite to continue to look at this? Some of the suggested changes to the list of minor crimes and electable crimes raise complex issues which would require more detailed examination if there was a proposed change, for example, to make an offence electable. As key stakeholders of competing interests and different views as to how some of these offences should be categorised, any further proposed changes will be considered by the implementation of the working group during the implementation phase of the bill package. The Law Society has been invited to be part of those discussions.

In relation to the offence of the crime of stalking, under section 192 of the code the crime of stalking was removed from the list of electable offences to reflect the position taken in the Criminal Code Amendment (Bullying) Bill 2019 tabled in March 2019, and recently debated and passed in our House on 6 August 2019, yet to be debated in the other place. It will be soon. That bill removes stalking as an electable offence from the Justices Act 1959 on the policy basis that stalking and the proposed expanded offence of stalking and bullying is a serious crime that should be tried on indictment in the Supreme Court. This policy position recognises the serious nature of bullying behaviours, the impact on victims and the dynamic of control in this type of criminal behaviour.

Proceedings for this offence will only, and I should stress only, be instituted as a last resort if the DPP consents and in circumstances where the course of conduct is extremely serious. We are not talking about whether the conduct does not qualify as a serious crime, which is the example that Ms Haddad drew - I wanted to address that specifically; or in the case whether it is extremely serious, where the conduct is continued over an extensive and sustained period of time or where lesser charges, restraint orders or other proceedings have failed to stop the behaviour of the defendant. This is consistent with the DPP's comprehensive stalking charging guidelines which are publicly available. I put that on the record for anyone taking note of this, that there are guidelines that the DPP takes into consideration in rating these things as to whether these are serious crimes or dealt with in a different manner or a different offence.

Section 113 of the Criminal Code was referred to, false statutory declarations and other false statements. Clause 101(3) of the bill provides that if a defendant is charged under section 113 with making a false statutory declaration or other false statement, the defendant may elect to have the offence dealt with in the Magistrates Court or in the Supreme Court if the prosecutor consents. It is considered that it is appropriate to require the consent of the prosecutor because crimes involving false statutory declarations and other false statements sometimes involve premeditated behaviour or behaviour over a long period which has serious consequences. It is considered that the bill strikes the right balance.

I advise members, if I run out of time, I will probably will need a bit of extra time to address all of these things if we are not going to go to Committee.

Audiovisual - Ms Haddad raised the issue of the safety of a witness, whether it is a factor that the court will consider in allowing an audio-visual link to be used. The bill provides for the court on its own motion, or for a party or witness to proceedings, to apply to attend court via an audio or audio-visual link. Before making a decision, the court is to take into account any difficulties that the person might have in attending court in person and whether the interests of justice would be affected by allowing a person to attend court in this manner. This provision will also make attending court easier.

The new provision in the bill confers a broad discretion on the magistrate to take into account such matters as they consider relevant. Subject to the interests of justice tests, this would include the safety of the relevant witness, and I believe it is vital that this is a consideration. This provision operates alongside the provisions of the Evidence (Children and Special Witnesses) Act which provides significant protections for vulnerable victims and witnesses as well.

Time expired.

Ms HADDAD - Madam Speaker, I move -

That the member be heard.

Motion agreed to.

Ms ARCHER - Thank you to members for allowing that. I have gone through Justice Connect already in some detail. In relation to the integration of ICT systems, that work will now be undertaken following the passage of this bill package through parliament; we still have the next two bills to deal with, but all going according to plan and getting through the other place, that work will happen. Work will also need to be undertaken to ensure that the necessary ICT systems are in place to support the new processes put in place by this bill, which may seem obvious. When I say it could take 12 to 18 months, that is for very good reason, because we need to ensure that this operates smoothly and successfully and that everybody transitions through the new process.

The Department of Justice will work closely with the Department of Police, Fire and Emergency Management to develop an effective, integrated ICT solution under the Justice Connect and their Project Unify project to facilitate implementation of the project. In addition, the steering committee that was set up to finalise the bill will be repurposed to oversee the implementation phase, and as I said, other parties such as the Law Society will be involved. Further modelling work will be undertaken and any other necessary work to ascertain resourcing needs.

There was a question from Ms Haddad hoping that the implementation will not be rushed, and I believe I have confirmed that it will not be rushed. We need to dedicate the time that is necessary but neither do we want delays in this process. The department will be working as quickly as possible but crossing our Ts and dotting our Is and going through these things to ensure success when we press go, so to speak.

During the implementation phase of the bill, work will be undertaken to further develop and finalise the Magistrates Court (Criminal and General Division) rules and regulations and a second consequential amendments bill will make the myriad minor but important changes such as changing outdated references in other Tasmanian legislation. Good luck, OPC, with that one.

Supporting documents and education material such as fact sheets will also be developed, which is very important to the language issue. Regarding the new terminology, I know Dr Woodruff mentioned what will be done to assist and communicate those changes. During the implementation phase, both the Law Society and Legal Aid Commission will be involved in the production of information and fact sheets that will be made publicly available. As part of the implementation working group for implementing the bill, it will also include the courts, DPP and the Department of Justice. I note as an overview, that the language itself in this bill is much easier to understand than previously. The terminology is much easier but those fact sheets will be developed as a really

good source of information, just as members of the public can currently access fact sheets on restraint orders to highlight the essential facts of how to apply and go about it in certain situations.

Dr Woodruff - Would they be available online or made available to defendants?

Ms ARCHER - Yes, those sorts of things will be available online and I imagine it would be through the courts and any interested parties that want to put in on their website, like the Law Society, the Legal Aid Commission, and the Department of Justice, of course, would as well. Those sorts of things do get put on line.

As I have said, the working group established to progress implementation has on it the Department of Justice, the Department of Police, Fire and Emergency Management, the courts, the Office of the DPP, the Law Society and Legal Aid Commission, and that committee will oversee the finalisation of the bill and the implementation of it in the next 12 to 18 months.

I believe I have addressed all the issues. There have been many people involved in this project over its entirety, the 18 to 19 years, including people previously in positions of department secretaries, heads of courts and the like. There are too many to name individually and I am always reluctant to do that because I hate missing people out. However, of significance, I need to thank Catherine Prideaux and Emma Gunn for their tireless work at the Department of Justice on this package. I wish Emma best wishes with her health challenges as well. The enormity of their work cannot be underestimated.

The Office of Parliamentary Counsel has my admiration and respect on every single bill they work on, but particularly this one. When it was delivered it was hand delivered to me with ribbons and bows and all sorts of things. I could see the sheer relief on the deliverer's face. I thank Robyn at OPC as well as the deputy chief Parliamentary Counsel, Jeanette McDonald, who had carriage of drafting this for many years and, in fact, retired only days after finalising the bill. Some say we would not allow her to retire until she had done so as an incentive. I would not say that we did that, but it did coincide with that occurring. I thank Jeanette enormously for her tireless work in that regard and I pay tribute to her. Her work was incredibly valuable, as you can imagine. No doubt she will be sorely missed within that unit.

I thank everybody at SLP within the department as well, and our two that we have here in the advisers' box today, who do an enormous amount of work across the board in relation to that whole unit, headed by Brooke, so thank you very much. Thank you also to my own staff within my ministerial office. We have a small but strong Justice team and their efforts are very much appreciated. Finally, Kath Morgan-Wicks was my department secretary right from the start when I became minister. She has implemented incredible changes across the Justice department and is now heading up the Health department, so good luck with that position. Kath is here today because this is the last thing she would like to see go through this House. Kath, your efforts on this bill have been truly appreciated. I know Kath gave personal briefings on this to some members as well, such has been her involvement in the time she has been the department secretary, and brought all parties together. That is greatly appreciated and she will be missed. Thank you again to members for their thoughtful contributions and for making this, dare I say it, a relatively swift process through the House this afternoon.

Bill read the second time.

Bill read the third time.

MAGISTRATES COURT (CRIMINAL AND GENERAL DIVISION) (CONSEQUENTIAL AMENDMENTS) BILL 2019 (No. 28)

Second Reading

[4.01 p.m.]

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

That the bill be now read the second time.

This bill is cognate with the Magistrates Court (Criminal and General Division) Bill 2019. It is one of two consequential amendment bills and contains the major amendments to other legislation which are consequential on the replacement of the Court of Petty Sessions with the Magistrates Court (Criminal and General) Division.

The following acts are amended by this bill:

- Bail Act 1994;
- Consumer Affairs Act 1988;
- Coroners Act 1995;
- Criminal Law (Detention and Interrogation) Act 1995;
- Family Violence Act 2004;
- Magistrates Court Act 1987;
- Police Offences Act 1935; and
- Supreme Court Civil Procedure Act 1932.

Many of the consequential amendments which are made by this bill reflect the changes in terminology and processes which have been introduced by the Magistrates Court (Criminal and General Division) Bill 2019 - for example, the change in title from a court of summary jurisdiction to the Magistrates Court (Criminal and General Division), changes to titles and names, for example the change in document name from complaint to charge sheet, and changes to governing legislation.

Some consequential amendments which are made by this bill insert provisions which are currently contained within the Justices Act 1959 into a more appropriate act. For example, provisions relating to police bail and the prohibition on the publication of bail proceedings are now included in the Bail Act 1994.

Other consequential amendments provide for more consistent rules for the court. For example, under the Coroners Act 1995, the contempt offence under section 66 is repealed because the contempt provisions under section 17A of the Magistrates Court Act 1987 will apply to both the Coroners Court and the other divisions of the Magistrates Court.

The Magistrates Court Act 1987 has been amended to reflect the fact that summary courts are now divisions of the Magistrates Court. Provisions that allow magistrates to control the processes of the court, including provisions relating to persons who are allowed in the courtroom, have also been inserted in that act.

A second consequential amendments bill will be introduced closer to the commencement of this package of legislation. The second bill will make the myriad of minor consequential amendments which will flow from these reforms.

I commend the bill to the House.

[4.04 p.m.]

Ms HADDAD (Clark) - Madam Speaker, as the Attorney-General mentioned, this is a consequential amendment bill that is necessary to pass as a result of the changes made in the bill we just dealt with. With the level of complexity of the legislative change, there was a decision not to debate the three bills in a cognate debate. That said, I do not have a lot to contribute on the second reading of this bill because, as we heard in the minister's second reading contribution, it is a very straightforward bill correcting language, correcting references to other legislation and updating references to the Justices Act with the name of the new bill that we will consider next, being the Restraint Orders Bill.

We heard that the acts that will be amended by this consequential amendment bill are the Bail Act, Consumer Affairs Act, Coroners Act, Criminal Law (Detention and Interrogation) Act, Family Violence Act, Magistrates Court Act, Police Offences Act and the Supreme Court Civil Procedure Act. Many of the provisions that are in this bill are provisions currently in the Justices Act 1959 and will be replaced as a result of this amendment bill. I acknowledge that the Attorney-General said we will be dealing with other consequential amendment bills as time goes on and the implementation, after the end of today, of four bills in the package of bills that the parliament will have dealt with.

To go through some of the changes that will be made, some of them are very simple and update the language. For example, in updating language in the Bail Act, there are a couple of examples of removing the word 'justice' and replacing it with 'Magistrates Court (Criminal and General Division)', recognising that the bill previously dealt with today creates a new division of the Magistrates Court to replace the various divisions that have been developed over time and other logical language changes. For example, in the Consumer Affairs Act, the words 'matter of complaint and alleged offence' will replace the current words 'matter of complaint arose and alleged offence occurred'. The Coroners Act is amended to replace position titles, for example, the 'Chief Clerk Coronial Division' will be replaced with the words 'Coroners Registrar' as the position is now named. Overall, the changes in the clauses of this bill update much of the language that has been used in the previous bills. For example, in the Family Violence Act the words 'matter of complaint' will be replaced with the words 'charge for the offence'.

Overall, I support as much as possible the use of plain English in legislation and in the documents that accompany legislation. That is particularly pertinent when it comes to legislation like the bill just passed and all of the acts that are being amended by way of this consequential amendment act. In particular, that example I gave of the Family Violence Act should be legislation that is accessible and easy to read for all members of the public, particularly those who are experiencing family violence, and updating wording that would not make a lot of sense to a lay person. 'Matter of complaint' does not really mean a lot to a general member of the public but 'charge for the offence' is something that would be readily understood by the public. Many of the changes that have been made in this bill are changes that I am happy to see in terms of updating language and ensuring that plain English is used as much as possible.

The Magistrates Court Act is amended by clause 51 and that is a new provision allowing the court to determine a time of their choosing when it is not appropriate for certain people to be present in the courtroom. Will that apply to all hearings and all stages of hearings in the court, or only to preliminary hearings? It is clause 51, proposed new section 15AAA, Persons allowed in courtroom, inserting a provision allowing for the court at any time that they consider appropriate to order all or any members of the public, or any or all witnesses other than the witness who is being cross-

examined, to leave the room or the place where the court is sitting and to remain outside. I note in the previous bill preliminary hearings will now be heard in closed courts. I wanted to confirm that this provision will apply to hearings other than preliminary hearings.

I also had a question about clause 55, which amends section 17 (Delegation) of the Magistrates Court Act. This inserts a new subsection (2A), which would allow a departmental employee to receive by delegation the functions or powers conferred on a district registrar. In applying that new section, I wonder whether it is expected that this would be a formal delegation in the registrar always having some members of their department holding that delegation in the event that the registrar is unavailable and needs to call upon that delegation, or if it would happen on an ad hoc basis or something quickly at a time the registrar is unable to perform those functions. I also wondered if that happens currently, is this formalising current practice, or would this be a new practice that would be occurring as a result of this change?

With that final question, the comments I had to make were fairly minimal even though the act is quite a lengthy one. I note this is the case with consequential amendment bills, which are required to update a several acts. It is not to be assumed that because the act is long in words that the changes are unnecessarily complex. On the contrary, they are all quite straightforward changes, many of which are updating words and references to other legislation, which is required as a result of the previous act and the one to be debated next. The Opposition supports the bill.

[4.13 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, the Greens support the Magistrates Court (Criminal and General Division) (Consequential Amendments) Bill, which will make changes to the Bail Act, Consumer Affairs Act, Coroners Act, Criminal Law (Detention and Interrogation) Act, Family Violence Act, Magistrates Court Act, Police Offences Act and the Supreme Court Civil Procedure Act in a number of important areas, so that the criminal and general division bill preceding this can take effect. They are important to enable that bill to take effect and to update and make consistent definitions and terminology between the bills I mentioned.

There were no problems with the stakeholders I spoke to about this bill and the Tasmanian Law Society indicated that they had looked at this bill and were comfortable that it does what it purports and intends to do.

I have no substantial comments to make other than to again put on the record and ask the minister to respond to the comments of the Tasmanian Law Reform Institute in the context of this bill. I know she responded in the context of the previous bill. They noted that this bill introduces changes in established terminology across a number of bills, such as new definitions for charge, for court attendance notice, for district registrar. The TLRI noted that some of that terminology was easily understood but they were concerned it could create an additional burden on the court and on practitioners, particularly given the significance of the changes introduced by the bills.

I note the Attorney-General has said previously that there will be fact sheets in relation to this and that is very good. However, where the changes are substantial or even germane to a particular case and will make a difference to how a person understands their rights, I would be interested to hear how she responds to the TLRI's question about the possibility of an additional burden on the court with this new terminology.

I do not understand what their particular concern was but if the Attorney-General could reflect on any burdens on the court and whether the fact sheets actually referred to previously would be

sufficient to manage that burden. Is it simply a question of training or some particular materials being made available for people who work in the court, the magistrates, other appropriate people in addition to the fact sheets that she has already talked about, whether that would be helpful and useful? I do not have any other comments and we support the amendment bill.

[4.17 p.m.]

Mr TUCKER (Lyons) - Madam Speaker, this bill is related with the Magistrates Court (Criminal and General Division) Bill 2019. It is one of two consequential amendment bills and it contains major amendments to other legislation which are consequential on the replacement of the Court of Petty Sessions in with the Magistrates Court (Criminal and General Division).

The following acts are amended by this bill: the Bail Act 1994; the Consumer Affairs Act 1988; the Coroners Act 1995; the Criminal Law Detention in Interrogation Act 1995; the Family Violence Act 2004; the Magistrates Court Act 1987; the Police Offences Act 1935; and the Supreme Court Civil Procedure Act 1932.

The work on this bill stretches back 18 years; suffice to say a significant amount of work has gone into producing the bill before us today.

Key changes introduced by this package of bills include more efficient commencement of proceedings; more timely disclosure; the formalising of case management hearings; increased flexibility for court attendance by audio or audio-visual link; and importantly, increasing the jurisdiction of the Magistrates Court to hear more matters that are currently required to go before the Supreme Court. Many of the consequential amendments which are made by this bill reflect the changes in terminology and processes which have been introduced by the Magistrates Court (Criminal and General Division) Bill 2019. For example, the change in title from the Court of Summary Jurisdiction to the Magistrates Court (Criminal and General Division); changes to titles and names; the change in document name from 'complaint' to 'charge sheet' and changes to governing legislation.

Some consequential amendments made by this bill insert provisions which are currently contained within the Justices Act 1959 into a more appropriate act. An example of this is the divisions relating to police bail and the prohibition of the publication of bail proceedings are now included in the Bail Act 1994.

Other consequential amendments provide more consistent rules for the court. Under the Coroners Act 1995, the contempt offence under section 66 is repealed because the contempt provisions under section 17(a) of the Magistrates Court Act 1987 will apply to both the Coroners Court and other divisions of the Magistrates Court.

The Magistrates Court Act 1987 has been amended to reflect the fact that summary courts are now divisions of the Magistrates Court. Provisions that allow magistrates to control the processes of the court, including provisions relating to persons who are allowed in the courtroom, have also been inserted in that act.

A second consequential amendments bill will be introduced closer to the commencement of this package of legislation. The second bill will make the myriad minor consequential amendments which will flow from these reforms.

This bill was designed to increase efficiencies in the Magistrates Court and will update the processes and procedures for the criminal jurisdiction of the Magistrates Court, known as the Court of Petty Sessions, currently provided by the Justices Act 1959.

This is outdated legislation that is difficult to understand and does not provide the necessary legislative basis upon which to operate a modern court.

The new bill includes the framework for the disclosure of prosecution evidence and summary offences that will ensure that a defendant receives full disclosure of the case against them at the earliest opportunity.

Over the years, the various other jurisdictions of the Magistrates Court have been created as divisions of that court. For example, the Administrative Appeals Division, the Children's Division, the Civil Division and the Coronial Division, each created by a new act and operating in accordance with the purpose-specific set of rules.

The criminal jurisdiction of the Magistrates Court is the only jurisdiction remaining to be updated. The Government has reviewed criminal case finalisations and procedure across the Magistrates and Supreme courts and determined to implement a package of backlog initiatives, including increased resourcing and procedural and technological reform across the courts and corrective services to address the court criminal backlogs and improve access to justice.

In addition to increased resources, introducing the Magistrates Court (Criminal and General Division) Bill which will update the processes and procedures for the criminal jurisdiction of the Magistrates Court, known as the Court of Petty Sessions, currently provided under the provisions of the Justices Act 1959 as well as introduce changes to jurisdictional thresholds impacting both the Magistrates and Supreme courts.

Some of the following initiatives form part of the Government's response to address increasing criminal case workloads across the courts and corrective services and to modernise the Tasmanian criminal justice system: an additional Supreme Court judge; Legal Aid Commission, additional resourcing; a new magistrate for southern Tasmania; replacement magistrate in the north-west; Supreme Court acting judges; additional Tasmania Police Service funding and additional workplace inspectors.

Justice Connect is an initiative driven primarily by the need to address the shortcomings of existing legacy technology in key justice business systems that are impeding the department's ability to effectively deliver court and corrective services to the Tasmanian community. The department has undertaken a successful request for proposal process which has enabled the department to determine the appropriate architecture to finalise development of detailed specifications prior to undertaking a tender for an IT solution. The IT solution will enhance efficiencies and improve policy outcomes through better information sharing, access to timely and trusted information and integration across government with relevant critical ICT systems, e.g. systems within the department of Police, Fire and Emergency Management.

I support the bill.

[4.25 p.m.]

Mrs PETRUSMA (Franklin) - Madam Speaker, I note that this is one of two consequential amendment bills that have come into this House today and it also contains the major amendments

to other legislation which are consequential and replace the Court of Petty Sessions with the Magistrates Court (Criminal and General Division).

I note that many of the consequential amendments which are to be made in this bill reflect the changes in terminology and processes which have been introduced by the Magistrates Court (Criminal and General Division) Bill and that the following acts are amended by this bill: the Bar Act 1994, the Coroner's Act 1995, the Criminal Law (Detention and Interrogation) Act 1995, the Family Violence Act 2004, the Magistrates Court Act 1987, the Police Offences Act 1935, the Supreme Civil Proceedings Act 1932 and the Consumer Affairs Act 1988.

It is just the Consumer Affairs Act I want to spend a bit of time on today. I note that the clause notes outline how the Consumer Affairs Act 1988 will be amended, including in regard to time limits. Today I acknowledge that the Attorney-General is also now the Minister for Building and Construction and under that comes Consumer Affairs. I acknowledge the great amount of work being done under the minister as Attorney-General but also in the Building and Construction portfolio and the Consumer Affairs portfolio.

I acknowledge all the staff in the department today for all the great work they are doing in this area. The Hodgman majority Liberal Government wants to ensure that a fair, safe and equitable marketplace is maintained for Tasmanians, that the rights and responsibilities of consumers and businesses are sensibly balanced, and that Tasmanian consumers are appropriately and fairly protected. This means that, where possible, we will also continue to streamline regulatory processes and reduce red tape for Tasmanian businesses and the broader community by promoting greater efficiency and effectiveness in the administration and enforcement of consumer regulation.

This Government wants to reduce unnecessary complexity and regulatory burden for Tasmanian businesses. We know, for example, that Tasmanian businesses currently endure lengthy and costly delays in the disposal of goods that are uncollected by consumers. This process can result in the cost of disposal outweighing the value of the goods. This Government has acknowledged the fact that this is an unfair burden on businesses, which is why we are committed to making this law more contemporary and bringing our requirements into line with other states and jurisdictions. I note that there is a bill we will be debating in this House in the future because we want to make sure that we have faster, simpler and more cost-effective disposal processes available for Tasmanian businesses.

Under the minister and the Attorney-General there are many other actions being done to support our commitment to progress the significant red tape reductions for small business and provide better transparency measures for consumers under the consumer affairs area.

Other key reforms that have been progressed include legislative amendments to allow Tasmanian retailers to conduct bag checks under a Tasmanian code of practice to deter shoplifting. The cost of shoplifting is estimated to be around $200 million or more per year, so that was an important reform. Retail theft is putting a significant financial burden not just on Tasmanian businesses but ultimately consumers pay as well, with higher prices of goods and increased cost of living pressures. Many of these persons who commit shoplifting could come before the Magistrates Court as well.

Prior to the amendments, retailers were required to employ a licensed security guard if they wished to search a customer's bag while inside their business premises, but the cost of doing so, particularly to small business, can be prohibitive. This change to legislation allows retailers, large

or small, to remove the requirement for staff carrying out bag checks to hold a security licence and makes it a condition of entry that customers' bags can be physically inspected when complying with the Tasmanian bag check code of conduct.

In regard to other areas, this Government has been working hard to see greater consumer protections and regulation in the use of gift cards by supporting the national Treasury Laws Amendment (Gift Cards) Bill 2018. Gift card terms and conditions vary widely, making it hard for consumers to understand their rights and obligations and often resulting in financial loss when gift cards expire. As the 2018 chair of the Legislative and Governance Forum on Consumer Affairs, Tasmania facilitated an out-of-session vote in September 2018 to enable Commonwealth ministers to vote on the reforms. The reforms force gift cards to be valid for at least three years to reduce the losses consumers can suffer from shorter expiry periods and also require the prominent and clear display of expiry dates. The good news is that these important consumer protections come into effect on 1 November 2019, just in time for Christmas. That is good news for those of us who want to buy gift cards or receive them.

Another area that Tasmania has been leading the nation in is when you consider the dangers of Takata airbags. When the dangers of those airbags became apparent, we were the first state or territory to commence a suspension of registration of vehicles still fitted with the dangerous alpha-type airbags, despite owners receiving clear warnings of the imminent and critical safety risk. These airbags have been the subject of a worldwide recall when it was realised there was a 50 per cent chance that they could misdeploy, even when the vehicle was in a minor crash, resulting in pieces of metal exploding in the faces of drivers with serious deadly consequences.

In Tasmania we acted decisively and led all the other jurisdictions, with the exception being Victoria, which implemented its own methods of registration suspensions. We acted quickly on the airbags and since then the ACCC has added critical beta-type airbags, which also pose an immediate danger to the priority list for replacement. I am pleased to advise that there are no vehicles remaining on our roads that have an alpha airbag installed, making Tasmania Takata alpha-free. That is good work under the Registrar of Motor Vehicles and good news for our consumers as well.

Also under the minister, there is the rollout of a number of different industry development assistant programs across government. There is also funding for the development of a new online rental bond management system which went live on 1 May 2019 and is for residential tenants. MyBond is for residential tenancies or leases to replace the current paper-based process. It is a red tape reduction initiative that will reduce administrative costs and burdens on the Rental Deposit Authority.

There is also funding for four years for the ongoing development of nation-leading condensation research in partnership with the University of Tasmania for the improvement of building standards under the National Construction Code. Condensation occurs when water vapour within the building's envelope is retained within its structural fabric and there is more and more evidence of this. The research being done will build on and continue on from earlier research and provide nation-leading guidance for design and construction practices for limiting condensation risk in new and renovated Tasmanian homes, which again is good news for consumers.

There are many more things that are being done, Madam Speaker. I commend the minister for all these bills we have brought on this afternoon and for the work she is doing as the new Minister for Building and Construction.

[4.34 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Madam Speaker, I thank members for their contributions in relation to this bill, which is consequential from the previous bill we have just debated at length this afternoon and earlier this morning. I will make a few remarks about the consequential amendment bill itself and then move to the three questions from Ms Haddad and one from Dr Woodruff before we proceed to our third bill of the package this afternoon.

I will address the changes that have been made since the 2017 consultation version of the Magistrates Court (Criminal and General Division) (Consequential Amendments) Bill because I just took us through the process in relation to the other bill with its first round of formal consultations.

The more significant changes that were made following consultation on the bill in 2017, include the following changes. First, the provisions relating to the prohibition on the publication of bail proceedings, which are currently in the Justices Act, were inserted into a more appropriate act, specifically the Bail Act 1994. The police bail provisions in the Bail Act were amended further to clarify that family violence matters are to be considered when police bail defendants and restrained persons. The Bail Act is also amended to clarify the interrelationship between section 4 of the Criminal Law Detention and Interrogation Act 1995, and the police bail provisions under the Bail Act 1994.

The amendments to the Coroners Act 1995, which required a police officer who commences criminal proceedings against a person for offences relating to the death of another to notify the District Registrar that proceedings have commenced and that the person may be a person of relevance to the inquest, were removed. These were removed because the provisions created an additional and unnecessary burden on a public officer. The issue will be dealt with by way of practice directions and protocols instead.

The contempt offence under section 66 of the Coroners Act 1995 was repealed because the contempt provisions under section 17A of the Magistrates Court Act 1987 will apply to both the Coroners Court and the other divisions of the Magistrates Court.

A new Part 5 was inserted to amend the Criminal Law (Detention and Interrogation) Act 1995 to update references and terminology.

Additional amendments were made to the Family Violence Act 2004 to update references and terminology, and the provisions under the Magistrates Court Act 1987 relating to allowing persons in a courtroom were further refined and clarified and new provisions inserted to provide for the regulations to establish a district registry, and for related matters.

The vexatious litigant provisions were also removed because they are now included in clause 37 of the Magistrates Court (Criminal and General Division) Bill 2019.

A new Part 8 was inserted to amend the Police Offences Act 1935 to update references and terminology in that act - you can see that a lot of those things are stock standard. I thought I would run through for the purpose of completeness what changed since the 2017 round of consultations.

Moving to specific questions, first of all from Ms Haddad, and specifically the question, does the new section 15AAA apply to all proceedings in the Magistrates Court and not just preliminary proceedings? That is the section that deals with persons allowed in the courtroom. Clause 51 inserts

the new section 15AAA to establish the general principle that the Magistrates Court sits as an open and public court. It also gives the court the discretion to order some, or all people, from the court, be removed when considered to be appropriate. This might apply to any proceedings when the court is sitting, not just preliminary proceedings, which was the essence of your question.

Subclause (3) outlines the types of circumstances when the court might consider that it is appropriate to exclude a particular person or persons and this includes, for example, to ensure that the physical safety of any person in not endangered or to prevent undue distress and embarrassment to an affected person, as well as a number of other situations. The list is not exhaustive but is left to the discretion of the court. Again, that is the principle of the person presiding over the court has control over their own courtroom.

The other question from Ms Haddad related to clause 55 which amends section 17 of the Magistrates Court Act relating to delegations by providing that a district registrar may, by instrument in writing, delegate certain powers and functions to a person employed in the department. The question was whether this would be a formal delegation. I can confirm that the words 'by instrument in writing' is a formal delegation consistent with other delegations to be made under the current section 17 of that act by the Chief Magistrate or the administrator.

Turning to Dr Woodruff's question relating to terminology, as we can see, the bill changes terminology across a number of different bills which have been listed in my second reading speech. Some are easily understood, but the TLRI was particularly concerned it could create an initial burden on the court. As I have said, that has been addressed by the fact that there will be the fact sheets I referred to in the debate on the previous bill, and the court has been involved in the development of the bill itself and is comfortable with it. As well as the fact sheets to which I referred, the 12 to 18 months I mentioned for the transition period to implement this bill would be required. That will allow for the court to be fully briefed and ready to deal with any changes in terminology, in any event. Fact sheets will help the public through that process as well, as will their lawyers and Legal Aid, should they have a duty solicitor assigned to them or the like. That transition period will be used not only for implementation but education through the profession and those who use our court system.

I thank the officers across the departments for all their hard work and those contributing to the work as I have said in great detail in the previous debate. I refer anyone reading this to the comments I made earlier in my deep appreciation for the amount of work that has gone into the development of this entire bill package.

Bill read the second time.

Bill read the third time.

RESTRAINT ORDERS BILL 2019 (No. 29)

Second Reading

[4.43 p.m.]

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

That the bill be now read the second time.

This bill is cognate with the Magistrates Court (Criminal and General Division) Bill 2019 as it replaces part XA of the Justices Act 1959. Restraint order provisions were first introduced as part XA of the Justices Act in 1985 and substantially revised and amended in 1988. Until the introduction of the Family Violence Act in 2004, these provisions applied to both domestic and non-domestic situations. The Family Violence Act 2004 brought in separate provisions for family violence orders under that act, while retaining the restraint order provisions in the Justices Act 1959 for other situations. The bill retains this separation and does not make any changes to the provisions for family violence orders made under the Family Violence Act 2004.

Restraint orders provide important protections for persons who have been subjected to violence, threats to their person or property, harassment or intimidation, and they aim to prevent further violence or unwanted behaviours. These orders may contain conditions which make it unlawful for a person who is the subject of the order to do or not do certain things, such as approach the person who is protected by the order, approach or damage that person's property, or contact the person who is protected by the order. If a restraint order is breached, the person who is the subject of the order may be arrested and detained, and charged with a criminal offence.

For example, a restraint order may be sought where the relationship between neighbours or former friends has become acrimonious and there is a threat of personal injury or damage to property if such an order is not made. This bill retains the key principles embodied in the existing restraint order provisions under the Justices Act 1959, updates the provisions, and improves the operation and availability of orders made under those provisions.

I will now explain in more detail the key provisions of the bill.

Part 2 of the bill deals with restraint orders and interim restraint orders, including electronic interim restraint orders. These provisions largely replicate the equivalent provisions under part XA of the Justices Act 1959. Division 1 of Part 2 contains the provisions for restraint orders, including:

- how an application for a restraint order is made to a court and who can apply for a restraint order;
- the tests a court must apply in determining whether to make an order;
- a non-exhaustive list of orders that may be included in a restraint order; and
- the period for which a restraint order has effect, being the period specified in the order unless it is revoked before it expires.

The substantive test that the court must apply in determining whether to make an order is that it must be satisfied, on the balance of probabilities, that the person to be restrained:

- has caused personal injury or damage to property and unless restrained is likely to do so again;
- has threatened to cause personal injury or damage to property and unless restrained is likely to carry out that threat;

- has behaved in a provocative or offensive manner and unless restrained is likely to behave the same way again; or

- has stalked the person for whose benefit the order is sought, or has stalked a third person and the stalking of the third person has caused the beneficiary of the order to feel apprehension or fear.

In deciding whether or not to make a restraint order, and what orders should be included in the restraint order, the bill also provides that the court must consider:

- the protection and welfare of the person for whose benefit the order is sought to be of paramount importance;

- whether a party to the order should be able to communicate or spend time with a child who is a family member;

- whether a party to the order should be able to communicate or spend time with the other person; and

- any relevant Family Court orders.

Another important feature of the bill is the wide range of orders that are available to the court when making a restraint order to protect a person. These include, but are not limited to, the following types of orders:

- orders prohibiting the restrained person from behaving in a particular way, including prohibiting them from approaching or contacting the other person;

- orders directing the restrained person to vacate premises, or to prohibit them from entering premises or limiting their access to premises;

- orders prohibiting or restricting the restrained person from having the possession, custody or control of any firearm or firearm accessory, or directing the forfeiture, disposal or surrender of a firearm or firearm accessory;

- orders cancelling or suspending a firearms licence or permit held by the restrained person;

- orders prohibiting the restrained person from applying for or holding a firearms licence or permit, from applying for the reinstatement of such a licence or permit, or for the return of any firearm and/or firearm accessory;

- orders prohibiting the restrained person from stalking the protected person or a third person;

- orders prohibiting the restrained person from causing another person to engage in conduct that the restraint order otherwise prohibits; and

- orders directing the restrained person to deliver property to, or to allow the protected person to recover or have access to property.

In addition to these orders, the bill provides that the court may make any ancillary or other orders it considers appropriate in the circumstances.

The court may also issue a warrant authorising a police officer to enter and remain in the premises specified in the warrant, or any premises on or in which the police officer reasonably believes a firearm, or firearm accessory, may be situated and seize any such firearm or firearm accessory. It should be noted that while a police officer may use such force as is necessary in these circumstances, there are limitations imposed on the exercise of the power, which may only be exercised in respect of the premises specified in the warrant, or if the police officer reasonably believes a firearm or firearm accessory is situated on the premises.

The bill also provides that the court may order that a restrained person or person who is the subject of the order remain in the precincts of the courthouse until they are provided with a copy of the order, or alternatively, the court may order that person to immediately provide the district registrar with his or her postal address or email address so the order, or copy of it, can be provided to the person at that address. This is a new feature of the bill. It reflects the fact that electronic communication is now more commonplace and is designed to ensure that the restrained person or person who is the subject of the order is served promptly with the relevant order.

In order to accommodate for urgent situations and when there is sufficient cause to do so, the bill also makes provision for a magistrate or bench justice to issue a warrant for arrest of the person against whom the restraint order is sought.

The bill further provides that where an application for a restraint order has been filed in a district registry, the court may make an interim restraint order or an order varying an interim restraint order. The bill also sets out those persons who can make an application for the variation, extension or revocation of a restraint order made under the bill, and the court's powers to vary, extend or revoke the order.

Division 2 of Part 2 of the bill deals with interim restraint orders. It provides that an interim restraint order may include any order which may be included in a restraint order, and it has effect until a restraint order is made or until proceedings are otherwise terminated.

An interim restraint order may be made, varied or extended in the absence of the person against whom the order is sought, and the provisions of the bill that apply to the making, variation or extension of a restraint order under Division 1 largely apply to the making, variation or extension of an interim restraint order.

Division 2 of Part 2 deals with electronic interim restraint orders. It provides for a police officer to apply by electronic device or prescribed telephone to a magistrate for an interim restraint order against a person in certain circumstances; that is, where certain behaviour is believed to have occurred and it is not practicable to immediately file the application in a district registry because of the time and place at which the relevant behaviour occurred. In these circumstances, the presiding magistrate may make an electronic interim restraint order if satisfied that there is sufficient cause to do so. The magistrate may also issue a warrant or make an ancillary order or other order in the same way that warrants and other orders are made for restraint orders.

These provisions largely replicate the existing telephone interim restraint order provisions under the Justices Act 1959, except that the terminology has been updated to reflect changes in technology, specifically the increased use of electronic communication.

Division 3 of Part 2 sets out the procedures for hearing and determining applications for restraint orders and interim restraint orders under Part 2.

Division 4 deals with the various miscellaneous matters that arise in relation to applications under Part 2, including service of the order, when it takes effect, the powers of the court to remand a person in custody or admit them to bail, and powers of police to enter certain premises.

Part 3 of the bill deals with how external restraint orders that are made interstate and in New Zealand are to be dealt with. It also clarifies their status in Tasmania. The external restraint order provisions also largely replicate the current provisions of the Justices Act 1959.

In particular, the bill sets out the process for registering an external restraint order, the effect of registration and the processes for the variation and cancellation of registered external restraint orders. An external restraint order which has been registered has the same effect as a restraint order made under the act and may be enforced against a person as if it were a restraint order made under this act and provided to that person.

Part 4 of the bill sets out a range of miscellaneous provisions to support the earlier provisions, including clarification that any relevant Family Court order prevails to the extent of any inconsistency with an order made under this act, provisions in relation to when and how costs may be awarded and restrictions on the publication of the names of parties to an order.

It provides that a restraint order, interim restraint order and an application under this act are to be in a form approved by the Chief Magistrate. It also includes provision for rules of the court, provides a head of power for the making of regulations under the act to support its operation, and provides savings and transitional provisions in relation to the Justices Act 1959.

New restraint order rules will be developed to provide for the electronic filing of applications, service of process and other procedural matters which are required to support the bill. It is intended the new rules will commence when the new Restraint Orders Act 2019 commences.

I commend the bill to the House.

[4.57 p.m.]

Ms HADDAD (Clark) - Madam Speaker, it will be no surprise to the Attorney-General or to the Chamber that Labor will also be supporting this necessary bill which represents the fourth in a series of bills, three of which we are dealing with today. One was dealt with last year, the Justice of the Peace Amendment Bill. That one was of interest to me, which might not sound very believable - who is excited about Justices of the Peace? I am. It was one of the things that I used to focus on a little bit but sadly there was not the resourcing available at the time that I worked in this area many years ago to do what that bill did.

It updated the provisions under which Justices of the Peace perform their very valued and necessary functions in Tasmania. The list as it was for many years contained the names of people who were no longer eligible to serve as Justices of the Peace for various reasons. Also, people who had moved interstate, even some people who had passed away. Nerdy as it might sound, I was very excited to be a part of this parliament that had the opportunity to put in place the provisions of that Justices of the Peace Amendment Bill, which is now in operation.

As the Attorney-General has outlined, we have dealt now with three more of the bills which are streamlining and improving the way the justice system operates in Tasmania. We acknowledge that there will be more consequential amendment bills to come in time.

This bill again is relatively straightforward in that it replicates much of what is contained in Part XA of the Justices Act. That act is now being replaced with the Magistrates Court (Criminal and General Division) Bill, so it was necessary for the Government to act in retaining the parts of the Justices Act which dealt with restraint orders.

I note that this new legislation will deal with all restraint orders other than family violence restraint orders. It is important to note that and acknowledge that family violence restraint orders have their own legislation, as they should, and are taken very seriously by this parliament and by the community.

The bill updates some outdated language. I reiterate my points about my support for using plain English as much as possible when it comes to legislation that affects people's day-to-day lives. Restraint orders affect people's day-to-day lives and we have heard some of the examples from the Attorney-General in her second reading contribution. When neighbourhood disputes go sour, when business disputes go sour, there is often the need for restraint orders, sadly, to be a part of daily life. For people to be subject to restraint orders it is pertinent for the parliament when the opportunity arises to update that language and make sure that any person reading that legislation is able to understand the provisions of that legislation without needing to be a legislative interpretation expert. Some of the wording changes that have been made in this bill do that.

It also updates some of the things that were not anticipated at the time that the Justices Act Restraint Orders Division was first enacted, namely electronic communications. That is something that needs to happen in legislation as technology continues to develop and new methods of communication are available to the community and to courts. That is good.

I am satisfied that the provisions of the bill, as much as is possible, are a replication of the current law existing under the Justices Act which will be extinguished at the end of this debate or once those bills do come into force.

I had one small question of the Attorney-General, which I will take the opportunity of putting to her through this second reading contribution. I note that in making restraint orders one of the things that must be considered is any existing Family Court orders and that is good. It is also noted that the Family Court orders, if there was an inconsistency, would take precedence over the restraint order. I wondered if there was also a need for an ability for somebody issuing a restraint order to be able to consider any possible family violence restraint order that might also already be in place? That might be a bit of a circular question because it could be that if a family violence restraint order is already in place then there is not a need for a restraint order under the provisions of this bill. I thought I would ask that question in any case.

Ms Archer - Do you mean if it has been issued under a different court?

Ms HADDAD - Family Violence Act. If there is already a family violence order out against somebody, so for some other reason a restraint order under this bill is sought, whether that would be considered by a magistrate making the new restraint order under this bill. Does that make sense?

Ms Archer - Sort of.

Ms O'Connor - I am sure it would. It is in the principal act as well.

Ms HADDAD - With that brief question and those brief comments I reiterate Labor's support for this package of bills and acknowledge again the enormous amount of work that has been put in to these bills by the department. My thanks again to the minister's staff and the department for the briefing that I received on these bills. I also put on the record, as I do have the opportunity now, to wish the now former secretary of the Justice Department all the very best in her new position. It is a department that I feel very passionately about. I am sure that she will enjoy her time there and I thank her for the personal briefing on this bill.

[5.04 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, the Greens will be supporting the Restraint Orders Bill 2019.

We recognise that restraint orders and the capacity for a court to hear the evidence of the need for a restraint order and to issue one is an important component of protecting the blameless from harm which is perpetrated by another. If we lived in a kinder, more compassionate and gentle society, there may not be a need for restraint orders but there clearly is.

I pay tribute to former attorney-general, Judy Jackson, who was integral to the development of the family violence laws we have in Tasmania and a passionate advocate for stronger protections for the victims of family violence and a legal framework that seeks to protect them.

The Attorney-General stated in her speech that restraint orders have provided important protections for persons who have been subjected to violence, threats to their persons or property, harassment or intimidation, and they aim to prevent further violence or unwanted behaviours. I could not agree more. It is ironic, however, that the words 'harassment' and 'intimidation' are used in this context when, at the same time, the federal conservative Government has legislation it plans to bring on for debate that would allow for the harassment, humiliation and intimidation of a person based on a perceived difference. Whether they be an LGBTI person, a woman, someone living with a disability, someone from a culturally and linguistically diverse background, someone who has married their gay partner or is unmarried, there is a range of attributes that will lose protections should the so-called 'religious freedoms law' currently being debated in Canberra be passed.

I looked at the section from the principal act that this restraint orders bill is replacing. It is very clear, as Ms Haddad said, that the amendments we are dealing with are a refinement and a plain English translation, if you like, of the current act. There is an important difference. 'Restraint order' is not defined in any meaningful way in the principal act. It simply says it means an order made under section 106B, which is the section of the act that establishes the process for seeking a restraint order, holding one and granting one.

There has also been an extension of the definition of stalking. It is a more sophisticated definition of stalking that is now in the amendment bill that is before us. I note that the principal act talks about such quaint technologies as facsimile machines.

Ms Haddad - Some people still have them.

Ms O'CONNOR - You have one?

Ms Haddad - No, but some people do.

Ms O'CONNOR - Some people do and some lawyers will often only operate with materials from the facsimile machine.

I have a couple of questions for the Attorney-General. In the definition of stalking, which is reasonably different from the definition in the Justices Act 1959, section 3(2)(e) -

> (2) For the purposes of the definition of *stalking* in subsection (1), an act is done for a lawful purpose if the act is done -

Then it defines a series of acts or professions, people performing their official duties, which is an extension of the principal act. The final subclause is, '(e) by another person as part of his or her professional occupation.'. Perhaps, Attorney-General, you could elaborate. What other occupations, apart from this quite extensive list of occupations and actions, do you believe should have a protection from the legal definition of stalking?

Ms Archer - I think it is there for the discretion of the court, but I will check.

Ms O'CONNOR - If you could lay that out it would be helpful because it is broad as an exemption for stalking. I note that there is an exemption for a person during picketing that is otherwise unlawful and simply note that there has been one failed, disastrous and highly expensive attempt to crack down on peaceful protests. We hear that there is another bill coming before the House because, sometimes, conservatives in government are slow learners and we will be watching that very closely.

The provisions for making a restraint order, former clause 106B(1) (a) to (d) are fundamentally the same in the new legislation as it is in the principal act, although there has been the removal, for example, of a clause that when a court hears an application for a restraint order, the provision that is set in the principal act, 106B(1)(c) -

> (i) a person has behaved in a provocative or offensive manner;
>
> (ii) the behaviour is such as is likely to lead to a breach of the peace; and

It seemed that it was a redundant provision, given all the other explanations in the clauses. There is a new clause in this legislation that is not in the principal act, which is clause 6(3)(c) -

> whether it is relevant to the making of the order that a person for whose benefit, or against whom, the order is sought be able to communicate with, or spend time with, the other person;

That is an extension of what is in the principal act for the matters that the justices or the court need to consider. I also note that the outdated language of 'justices' has been replaced by the 'court'.

There are much stronger provisions relating to firearms and the consideration that a court needs to give to a person against whom an order is being sought and their capacity to access firearms. I commend the Attorney-General on that improvement in this legislation. Thank you. You might also talk to your colleagues in Cabinet about making sure there is no weakening of the gun laws we have in Tasmania. There have been changes from the Justices Act 1959 in relation to the application for variation, extension and revocation of restraint orders. It is much more clearly defined than it is in the principal act.

That is the extent of the questions we have. We recognise this Restraint Orders Bill 2019 improves the language in current legislation without in any way diminishing the process and the court's powers in relation to hearing applications for restraint orders, granting them and making sure that they are complied with and enforced. We have no issues with this legislation and will not be requiring a committee. We believe it is an improvement on the Justices Act 1959 and I commend the Attorney-General for this legislation.

[5.14 p.m.]

Mrs PETRUSMA (Franklin) - Madam Speaker, it is a pleasure to rise on the Restraint Orders Bill 2019, which I note is one of four bills that have been developed to replace the Justices Act 1959. I note that the other three bills have already passed this House, the Justices of the Peace Bill 2018 passed parliament and commenced on 1 July 2019. The Magistrates Court (Criminal and General Division) Bill 2019 and the Magistrates Court (Criminal and General Division) (Consequential Amendments) Bill 2019 have also now passed this House today. I thank the Attorney-General and the department but also the other members of this House for their support of these bills.

I know that the development of this package of bills has been a significant investment of the current and previous governments, and it is something to congratulate everyone on and has been under development for quite a while, since around 2001. The project has been driven by the Magistrates Court and current and previous chief magistrates and deputy magistrates, with support from the Department of Justice working closely with key stakeholders in the delivery of the changes, including the Director of Public Prosecutions and the Department of Police, Fire and Emergency Management.

In regard to the Restraint Orders Bill 2019, restraint orders provide important protections for people who have been subjected to violence, threats to their person or property, harassment or intimidation. I note that restraint orders provisions have been in the Justices Act 1959 since 1985 and also note that the Family Violence Act 2004 brought in separate provisions for family violence orders.

The Restraint Orders Bill 2019 replaces Part XA of the Justices Act 1959 and largely replicates the essential features of existing restraint order provisions. The bill does not make any changes to the family violence orders under the Family Violence Act 2004.

I also note that the bill retains the basic principles behind Part XA while updating provisions and improving the operation and availability of restraint orders, and also contains provisions relating to restraint orders and interim restraint orders, including electronic interim restraint orders. For example, the provisions for the making of electronic interim restraint orders largely replicate the existing outdated telephone interim restraint order provisions under the Justices Act 1959, except that the terminology has been updated to reflect technological changes, specifically the increased use of modern electronic communication. The bill also makes provision for the registration of restraint orders made interstate and in New Zealand, largely replicating existing provisions of the Justices Act 1959.

If people go to *Hansard* to look up what restraint orders are, they probably need something that explains it in a form most people can understand. When I was Minister for Women I made quite a lot of use of an excellent resource, the Women's Legal Service of Tasmania fact sheet on restraint orders. That was developed back in 2013 and I used to provide it to quite a wide range of parties. Looking at this bill I was able to find out that this fact sheet from the Women's Legal Service

Tasmania is still current and helps underscore the fact that the Restraint Orders Bill does not make any changes to the considerations that the court has to take into account under the Justices Act, because what the Attorney-General is doing today is bringing across the provisions into their own act as well as taking the opportunity to modernise and streamline procedures, such as by replacing outdated references to faxes and telephones with the words 'electronic communication'.

I would like to read out the Women's Legal Service Tasmania fact sheet because it is an excellent resource. I encourage other members of this parliament, if ever they want to find a great resource to provide especially to constituents, this is a great resource on the Women's Legal Service Tasmania website. It states:

> **What is a Restraint Order**?
> A Restraint Order is a court order that may restrict contact between people or impose conditions on their behaviour. The person who applies for the restraint order is known as the Applicant and the person who is to be restrained is known as the Respondent.
>
> Restraint Orders provide for a fast and flexible method of obtaining legal protection from many forms of violence, which include:
>
> - Physical abuse such as using physical force;
> - Sexual abuse such as forced sexual activity;
> - Psychological abuse such as humiliation and intimidation;
> - Damage to property;
> - Stalking.
>
> There are two types of Restraint Orders.
>
> Interim Orders are temporary orders. They may be issued in the absence of the party who is to be restrained. The Interim orders will be in force until the next hearing stage or for such period of time as a magistrate may determine. There must also be a high level of risk.
>
> Final Orders are orders made after a magistrate hears the application. Final Orders may be consented to by both parties or a magistrate can decide the orders that should be made. A Final Restraint Order will be in place for such period of time as consented to or ordered. This is usually 12 months, but can be longer.
>
> There are a number of people who can make an application for a Restraint Order against another person.
>
> A person who can show that the person whom they wish to restrain assaulted, threatened, damaged or threatened their property or harassed, or behaved offensively towards them can make an application. It must also be shown that this behaviour is likely to reoccur. In addition, a police officer can make an application on behalf of an aggrieved party, a parent or guardian of a child, a Guardian or Administrator of a person pursuant to the *Guardian and Administration Act 1995,* or any person who is granted leave.

Why make a restraint order application?
A Restraint Order should be made where a person will not stop the behaviour which causes the dispute or disturbance on their own accord. It is aimed at people who can only be compelled by an order of the court to stop doing the offending act.

Common situations for when a Restraint Order would apply include:

- Neighbourhood disputes;
- Disputes between siblings;
- Children and parents;
- Friends;
- Acquaintances.

There is no longer a need for Restraint Orders in domestic situations as a result of the introduction of Family Violence Orders.

Are there any other options?
It is always preferable that the parties try to mediate their differences prior to court intervention. A Conciliation Conference provides an opportunity for parties to make a genuine effort to settle their disputes. Reaching an agreement prior to making a Restraint Order will save the need for further court time.

In place of a Restraint Order, the parties may agree to an undertaking. An undertaking is a formal pledge or promise to do or stop doing something. It is not enforceable in court. The offending party can offer the other party a written promise as assurance, placing conditions on their behaviour.

If an application for a Restraint Order has already commenced, the parties may elect to have it adjourned in order to proceed with an undertaking. If an undertaking is breached, the application for a Restraint Order can be brought back to court.

When is a Restraint Order made?
A Restraint Order is usually made where a magistrate determines there is a risk of continued:

- Physical violence;
- Threatening behaviour;
- Provocative or offensive behaviour likely to lead to a breach of the peace;
- Stalking;
- Damage to property; or
- Trespass.

The Respondent must be likely to:

- Cause the same or similar injury or damage;
- Carry out a threat, or;
- Behave in the same or similar provocative or offensive manner.

Urgent applications may be heard on the same day the application is lodged. In order to have an urgent hearing there must be a high level of risk and it is heard in the absence of the Respondent.

What are the types of orders which a Restraint Order makes?
There are various orders, which could be made under a Restraint Order. These include:

- preventing the Respondent from stalking the Applicant;
- prohibiting the Respondent from acting in an offensive manner;
- prohibiting the Respondent from contacting or approaching the Applicant at home or work;
- limiting the contact between the parties;
- prohibiting the Respondent from damaging property;
- prohibiting the Respondent from possessing firearms.

In regard to how to apply for an order, there are two ways of obtaining a restraint order against someone. First, the police have the power to apply for a restraint order on behalf of a person; and secondly, an individual can apply for a restraint order by filling in an application form and filing it at the Magistrates Court. A restraint order application form can be obtained from the Magistrates Court website. The form can be filled in by the applicant themselves or by, or with, the assistance of a solicitor, friend or support worker if the applicant agrees. The application must contain as much information as possible so that the magistrate can be satisfied that the person the applicant wishes to restrain has committed the acts and that they are likely to commit them again in the future.

In regard to what happens if an order is breached, breach of a restraint order can constitute a criminal offence. The police must be contacted if there is a breach of a restraint order. The police may arrest a person without a warrant. There is no difference with respect to a breach of an order in regard to interim and final orders. It also outlines the penalties that are involved.

The Womens Legal Service can be contacted on 1800 682 468, I congratulate the Women's Legal Service Tasmania on the great work they have done for many years and for this great fact sheet. This fact sheet is still accurate and contains a lot of information that people who are considering a restraint order would find of great benefit and of great use.

I congratulate the Attorney-General and the department for all their work on this bill but also for the whole package of bills. It has been a lot of work that has gone on for a very long time now and I support the bill.

[5.27 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Madam Speaker, I thank members for their contributions, particularly the last contribution in relation to how useful fact sheets could have been in relation to restraint orders. It demonstrates what I was saying about the Women's Legal Service, for example, utilising the fact sheets that have become available throughout that process. We will be implementing more in relation to the terminology and other changes in relation to the suite of bills under this package that we have been debating for the whole of today.

In line and consistent with what I have done in relation to the previous two bills, I want to say what changes were made to the 2017 consultation version of this bill. Primarily, the changes

following consultation and the draft of this bill were in terms of terminology and consistency with corresponding or related legislation.

Many things did not change greatly, but changes were made to ensure consistency between the draft bill and the Family Violence Act 2004, including ensuring that the powers provided were consistent. Largely, that is it in relation to what occurred from the first formal consultation.

Moving on to members' questions. In relation to a question in making restraint orders, Ms Haddad referred to existing Family Court orders and the fact they must be considered and that they take precedence. The question was whether there is an ability for a family violence order to be considered under the Family Violence Act. The Family Violence Act provides for family violence orders to be made. It would be expected that any further restraint order relating to family violence would be made under that act, the state act. The reason there is a specific reference to the orders under the Family Law Act 1975 is that this is Commonwealth law and therefore it is possible that separate orders could be made against a person under state and Commonwealth laws. It is good there is that interrelationship and it clarifies the relationship, though.

There was a question from Ms O'Connor which I am sure Dr Woodruff will take note of and I can speak to Ms O'Connor afterwards. She is not in the House momentarily. She referred to the definition of stalking and said that it was reasonably different from the definition in the Justices Act and referred specifically to section 2(d) by another person as part of his or her professional occupation. In response to this, this was brought across from the Justices Act without change. I will clarify that. Examples could include another person undertaking an investigation or compliance activity that do not form part of an official investigation for the purposes of the act. Another example, and this is more commonplace and I can confirm because I did say this by way of interjection, was that it gives the court the discretion as the list is not exhaustive. There may otherwise be loopholes created. It is important that we allow for courts to have that discretion in the interests of justice, particularly for a defendant and for fairness.

If you have a matter before you and it does not quite fit within a definition but there is a clause at the end that says a more general statement, as this one does, it gives the court that flexibility to ensure that this situation comes under the provision. Generally speaking, it is not an exhaustive list so it allows the courts adequate discretion. As I said, that has come across from the Justices Act 1959.

That addresses members questions. I thank members for their contributions and their appreciation of the detailed briefings they received. In receiving those briefings, they have had a chance to ask a lot of questions. I know many questions were put and answered by the Department of Justice, so members have been adequately satisfied in that regard. Members have appreciated the enormity of the work that has been put in by various personnel over the 18 to 19 years that this project has been worked on.

I express my appreciation as I referred to in the debate on the initial bill today to everyone involved, specifically the work and oversight provided by the secretary of Justice, who has moved to a different department now. This is her farewell swansong for the afternoon. I deeply appreciated her input into this process and the teamwork that has been a feature of our Department of Justice, as I regularly see throughout all the work they do on bills we take through this House.

If you look at a percentage term, at least 75 per cent of bills that go through this House are in relation to our law reform. There is a significant amount of work being done by my department. It

is a small team but an incredibly talented and skilful team, a professional team. They provide advice in a timely manner even when there are so many priority projects going on at the moment. I mean that there are a lot of priorities that we have in the Justice department in all of my portfolios across Justice. In fact, I have all of the portfolios, apart from planning. The minister, Mr Jaensch, has Planning, but everything else under Justice now comes under my portfolio of responsibility. I very much enjoy working a lot with the Department of Justice across many different areas in my portfolio of responsibilities.

Thank you to OPCs Robyn Webb and her team, and to the specific people I have named already in the previous debate. I commend the bill to the House.

Bill read for the second time.

Bill read for the third time.

ROADS AND JETTIES AMENDMENT (WORKS IN HIGHWAYS) BILL 2019 (No. 26)

Second Reading

Resumed from 4 September 2019 (page 46)

[5.36 p.m.]

Mr FERGUSON (Bass - Minister for Infrastructure and Transport) - Madam Deputy Speaker, when I was last speaking on this legislation we were adjourned. I had indicated a range of responses to the contributions that had been made by members from around the Chamber in relation to the purposes of the bill, why the need arose for this bill, and how it would engage with property owners prior to enforcing provisions of the legislation. I indicated that best efforts, always, to resolve issues would be attempted before the full force of the law was required before taking things through formal stages. That is current and longstanding practice in the department. The range of powers required in the act have been well canvassed and need to be there. We discussed the minimum time of 60 days being provided with discretion to allow for a longer period of resolution.

Ms O'Connor asked me if the provisions applied to contractors undertaking works for the department as part of capital works program. The answer to that question was no, as contractual provisions already cover situations in which a contractor failed to meet its contractual obligations. Contractors are obligated to remedy any defective works identified by the contract superintendent within time frames specified by the superintendent. Works contracts include contract security provided by the contractor in the form of a bank guarantee in the favour of the principal or retention of contract payments, which the principal can draw on if required to step in and complete the works. I hope that is helpful.

These provisions rarely need to be used as there are far broader implications for a contractor, including suspension or cancellation of pre-qualification, precluding that contractor from undertaking works for the department. Members would understand that would be a very serious failure of business management to put themselves into such a situation, hence the comment that these provisions would rarely need to be used. As the pre-qualification scheme is harmonised across all jurisdictions with mutual recognition suspension or cancellation, it has national impacts and is a

significant incentive for contractors to complete remedial works. I am not advised that presents any challenges, especially.

I wanted to directly respond to the questions asked for a status update on the Melton Mowbray intersection, which had been raised with me by the member for Franklin, Mr O'Byrne. I am advised as follows. Although not related to the current bill, I appreciate the member's interest and concern in the design of intersections on the Midland Highway following recent crashes. As these crashes are currently the subject of police investigations and will be reviewed by the coroner, it is appropriate that we do not speculate on the cause of the crashes nor compromise the outcomes of the investigation. We would like to express our thoughts and best wishes and condolences to the families of any Tasmanians or visitors who lost their life on any of our roads, particularly those of concern to members in relation to the Melton Mowbray intersection.

New projects are designed in accordance with the design guidelines developed and published by Austroads, the peak organisation of Australian and New Zealand road transport and traffic agencies. The development of those guidelines is underpinned by the experience and knowledge of Austroads members, who are collectively responsible for the management of over 900 000 kilometres of roads valued at more than $250 billion as well as leading edge road and transport research. Specifically, I am advised that the designs are consistent with these guidelines, which I believe was a question raised either by Mr O'Byrne or by another person in my meetings recently. An independent review of the Highland Lakes Road junction is currently being undertaken by Keith Midson, a highly regarded traffic engineer and former Tasmanian engineer of the year, and I expect the outcome of that review very soon. Whatever advice that report may have I will publicly release it and the Government will respond to it in due course.

The member referred to suggestion of a slip lane treatment at Harbacks Road for right-turning vehicles and questioned whether that should be more widely applied. Mr O'Byrne, I am advised by the department that right turns into or out of Harbacks Road on Constitution Hill are not possible due to the presence of a solid central median barrier. However, if it is a case of a mistaken location, I believe Mr O'Byrne may be referring to a junction treatment that is used in some other places that is referred to as a seagull junction, which has been used at various locations around the state in the past. I am advised that contemporary design practice is not to use these types of junctions in high speed environments due to the complexity of merging to the left, noting that in merging situations such as the end of overtaking lanes, the driver is generally required to merge from the left-hand lane to the right.

I appreciate the questions and the suggestions. Members of this House are as concerned as the Government to ensure our roads are as safe as they possibly can be. I welcome any other members' contributions, perhaps even a letter or a suggestion if you have one, on particular ways we can make our roads safer. In closing -

Mr O'Byrne - A point of clarification, if I may, it was the Dysart turn-off at the top of the hill where you can turn onto that Midland Highway turning right, turning south, and there is a zip lane or a merge lane as you are heading south. Maybe I was mistaken in how I described the intersection but that is the intersection I am referring to. It is not a seagull junction.

Mr FERGUSON - It is not.

Mr O'Byrne - There is a merge.

Mr FERGUSON - That is exactly what my department advised me that they thought you may have been suggesting. I hope my response is helpful because I have answered the question I felt you were raising. If I have not, I welcome your suggestions.

I thank the department for the amazing work they do in the daily work of planning, procuring, building and maintaining our road network, which is at a record level with our $3.6 billion infrastructure spend in general terms and, in the billions of dollars we are spending over the budget period on roads and bridges. There is a power of work underway. This legislation has been well debated, well discussed and I compliment and thank the department and Shane Gregory for the work in bringing this legislation to our attention and to our House, so that we can deal with it and ensure that works in roads and highways are done safely and appropriately and that we do not have legacy issues that are overlooked. I do not have the head of power to get them addressed. I support the bill.

Bill read the second time.

Bill read the third time.

ROADS AND JETTIES AMENDMENT (VALIDATION) BILL 2019 (No. 25)

Second Reading

[5.45 p.m.]

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

That the bill be now read the second time.

This bill ensures the validity of licences issued under current and previous versions of the Roads and Jetties Act 1935 in respect of access to limited access roads, and reduces the administrative red tape associated with the issue of licences with the notification of amendments and revocations of proclamations of limited access.

Part IVA of the Roads and Jetties Act was inserted into the act in 1957 to allow for certain roads to be declared as limited access roads. It was introduced in an effort to reduce degradation of highways from multiple access points which required the construction of new sections of highways to maintain safety and efficiency. It is an important tool in the protection of new sections of road.

The effect of a declaration of limited access is twofold. First, it facilitates the road user's right to safe and reasonable unrestricted travel and, second, it acknowledges the abutting landowner's right to be given reasonable access to their property by providing compensation for any loss of that common law right of access. Any agreed private access to a declared limited access road is issued with a conditional licence; conditional in that the licence includes the land the access serves, the location and use of the access, together with other applicable conditions. Such a licence may be issued as full or partial compensation. There are provisions in the act that allow for a variation to the conditions of a licence, providing that such a variation of use will not have an adverse effect on the declared limited access road.

The original 1957 provisions did not allow for a licence to be issued to a subsequent owner unless the licence specified that it could. However, this had the potential to effectively leave land without any legal access to a road.

A 1994 amendment to the act included a provision that allowed a subsequent owner of land subject to limited access to apply for a licence to allow the continued legal use of the property access. It later became apparent that, due to the absence of a transitional clause to ensure the ongoing validity of licences issued prior to the 1994 amendment, any licence issued after that amendment as a reissue of a licence that had been issued prior to the amendment would appear to be invalid. The act also does not currently recognise any licence other than those issued on roads declared limited access after the coming into effect of the 1994 amendment.

Several other associated minor amendments are needed to avoid misinterpretation of the act and to allow the present procedures in relation to licences to continue without risk of legal argument. This includes ensuring that a licence clearly relates specifically to the land title or titles it serves, rather than to the owner of the land.

Limited access is an essential component in maintaining the integrity and safety of key highways. The current situation with respect to licences means, however, that unless the act is amended, an existing or new owner may not hold or have a valid licence to permit legal access to their property from the limited access road.

Other minor changes have been made to clarify the act from both the state and the landowner points of view. The act will therefore be more meaningful to both the professional and the layperson and, being in plain language, will be more easily understood.

I commend the Roads and Jetties Amendment (Validation) Bill 2019 to the House.

[5.49 p.m.]

Mr O'BYRNE (Franklin) - Madam Deputy Speaker, I indicate the Labor Party's support for this bill and its implications. It is about righting an issue. I am not sure who the minister was in 1994; I know it was a Liberal government so maybe Mr Braid.

Mr Rockliff - Mr Braid, I think.

Mr O'BYRNE - It has taken you that long to clean up another Liberal government's mess - and for the benefit of *Hansard*, I say that with my tongue firmly planted in my cheek.

Mr Ferguson - *Hansard* is not good at recording sarcasm.

Mr O'BYRNE - That is right, so I will clarify that for their benefit.

This is a clean-up bill in terms of clarifying the rights of those landowners and their access to the state roads, and we support the clean-up. It is important to note the two principles that underpin the reason for this bill: health and safety and maintenance of access to our highways, but also acknowledging and recognising existing and commonly accessed rights of landowners accessing the highways.

It is a clean-up bill, there are no major dramas with it and we support it. The only question I have for the minister, and you did infer this, but will any landowners, as an effect of this bill, have

their current normal day-to-day or week-to-week access changed because of it? Or is it simply that we are cleaning this up and there will be absolutely no change for any landowner who currently has a licence and access?

In my time as minister there were a couple of landowners and business owners who were seeking support to change their access on highways. One in particular was in the Derwent Valley. A business there was seeking assistance to either maintain or increase the efficiency of their business by access to the highway and that would have required a licence to be issued. I know from time to time these matters come up and it is important to manage health and safety and road safety on our highways but also acknowledge the rights of landowners.

Will any landowner have their status or access changed by virtue of the passing of this legislation, when the intent clearly is to acknowledge that existing rights are there and this is cleaning up to clarify their rights as opposed to the Government's view that they would change their access? That is the only question. We support the bill.

[5.52 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Deputy Speaker, I am not going to make a substantial contribution on this legislation. It is a validation or a doubts removal bill, if you like. If we can have the answers to the questions that Mr O'Byrne asked, that would be helpful. I cannot see anything contentious in this legislation. It is complementary legislation to the one we debated and passed last week.

[5.53 p.m.]

Mrs RYLAH (Braddon) - Madam Deputy Speaker, I am pleased to speak on this bill. The concept of limited access enables the Crown to acquire a landowner's common law right of access to a public road through statutory mechanisms such as part IVA of the Roads and Jetties Act 1935, thereby limiting the numbers and the use of accesses to that road.

The landowners' access rights convert to a 12-month right to claim compensation and this compensation may include a cash component, with any or all existing accesses generally being licensed for use as before. Permanent closure of existing accesses may result if an alternative access exists and if agreed with the landowner. That is, in essence, what we are debating here today - the important mechanism whereby we can declare important state roads and highways as limited access roads for the benefits of road safety and the efficiency of transport, and on the other hand, the acknowledgement of property owners' rights to access their local road network and the provision of compensation to that property owner should circumstances change.

There are 28 declared limited access roads in Tasmania, amounting to 750 kilometres in length. This represents 20 per cent of the total state road network, so it is significant. Examples of limited access roads are the Bass Highway, which traverses from east to west across my electorate of Braddon, the Midland Highway, which is more than halfway through its current transformation, the East Tamar Highway, which is a critical heavy freight route as well as the main access to George Town; the Brooker Highway; Illawarra Main Road which links the Bass Highway with the Midland Highway; and Bridport Main Road.

Some years ago, on the farm that we owned, we were marginally affected by this issue of limited access discussions. I can advise the House that they were very professionally done by the department. They ensured that all our neighbours - and us - ended up with getting access rights through a combined entry. It was not only sensible; it was done in a balanced and professional way.

It provided a safe and reasonable access to the property and our neighbours through a single access point onto the Bass Highway.

The Ridgley Highway, also in my electorate of Braddon, is another limited access road, serving as a critical link between the north-west and the west coast communities that produce so much of Tasmania's mineral wealth.

This bill before us is highly relevant to the Midland Highway transformation. The 10-year, $500 million suite of projects that many members of this House know only too well, will allow regular commutes between northern electorates and the capital.

In terms of dealing with property owners with limited access rights to the highway, the stakeholder management work undertaken by the Department of State Growth around this project has been enormous.

From Breadalbane to Brighton, there have been many unlicensed access points that have been removed, making this highway safer and aligned to the AusRAP Road Safety Ratings. This has meant innovative designs was required by the Department of State Growth, to which I can attest, as I said. The Perth Link Roads design, which notably is resulting in a four-star rated road, is an excellent example, not only improving amenity and safety for the Perth community and road users, but also providing a more efficient movement of inter-regional traffic. I also point out that all these discussions and negotiations have been overwhelmingly positive.

I would like to dispel some of the myths that have been perpetuated or even actively disseminated by some who would criticise the completed sections of the highway as being somehow inferior. To be clear, the Midland Highway is already a far superior highway to the one it is replacing and by the time it is finished, it will be immeasurably better.

For the benefit of the House and the public record, I have sourced the following information: the objective of the Midland Highway 10-year Action Plan is to deliver a minimum three-star rating for the highway's entire length. This is achieved by delivering appropriate lane widths, sealed shoulders, audible edge signs, improved delineation, protected turning, separation of opposed traffic flows, and where traffic volumes warrant, duplication. Higher traffic volumes that warrant duplication occur at the northern and southern extremities of the Midland Highway, generally near Launceston and Hobart. Under the Midland Highway 10-year Action Plan, four-lane sections of the highway are being constructed between Perth and Breadalbane, completed in 2018, and Perth Links, which is currently under construction.

For those sections of the Midland Highway, which are already completed, under construction, or being designed, approximately 25 per cent of the highway's length is two lanes only, 60 per cent is three lanes, and 15 per cent is four lanes. The nine-kilometres of two-lane carriageway between Bagdad and Mangalore also includes a third centre median turning lane and is not included in the figures just quoted above. This 80-kilometre speed section resulted from direct community consultation by the State Growth with the community and the desire for more access points with streets that were already urbanised. As mentioned earlier, this is about getting the balance right between direct access to the highway against the safety and efficacy of limited access roads.

For the sections that have already been constructed, there are already 17 formal overtaking opportunities for northbound vehicles, totalling approximately 25.3 kilometres, and 17 formal overtaking opportunities for southbound vehicles, totalling approximately 27 kilometres. This is

substantially more than the formal overtaking opportunities in these sections prior to the upgrade. Nine northbound, totalling approximately only 13.6 kilometres and eight southbound, totalling approximately 14.8 kilometres.

Debate adjourned.

ADJOURNMENT

Lifeline Tasmania - World Suicide Prevention Day

R U OK Day

[6.00 p.m.]

Mr ROCKLIFF (Braddon - Minister for Education and Training) - Madam Deputy Speaker, I rise tonight to thank the organisation Lifeline Tasmania for organising such a wonderful walk this morning around the botanical gardens. My colleague across the Chamber, Ella Haddad, was there among many hundreds of Tasmanians. We assembled at 5.45 a.m. and listened to the Tasmanian combined choral choirs which was a wonderful experience and way to finish and end the event. The botanical gardens is a wonderful venue so thank you very much Gary Davies, the manager there, for presenting the gardens so wonderfully. It was a perfect setting for reflection on such an important day, World Suicide Prevention Day, and this was a World Suicide Prevention Day walk.

Amongst the many hundreds of people were also other Lifeline representatives, Melita Griffin, James Pirie, Debbie Evans and Julie Homer, as well as the sports representatives there. It was great to meet Daniel Josifovski and his contemporaries Annabelle Smith and Laura Hingston. They represent the diving team at the Australian Institute of Sport. Daniel's position is community engagement adviser, athlete and wellbeing engagement at the AIS and Annabelle and Laura are Lifeline community custodians. It was great to meet them and thank them for their wonderful support with what was a very at times moving event supported by many hundreds of Tasmanians.

I rise to draw the attention of the House to World Suicide Prevention Day today with R U OK Day this Thursday, 12 September. It is timely to remind ourselves of the role we each have in trying to prevent suicide and making a difference in the lives of those who might be struggling. Suicide is the leading cause of death for Australians aged between 15 and 44. In 2017 the data shows that there were more than 3000 deaths by suicide in Australia, which is tragic. Men are three times more likely to die by suicide than women and ABS data shows more people die from suicide than road deaths. Those are very sobering facts indeed.

Not everyone who dies by suicide has a mental illness. We know there can be a number of contributing factors but every single death of course is a devastating loss, devastating for the children, the parents, the extended family, friends, workmates and for whole communities, which is why there was a very clear demonstration of people there supporting the walk.

It is encouraging to see that deaths by suicide in Tasmania have reduced to their lowest level since 2014, but there is still a lot of work that needs to be done and we all need to work consistent with Tasmania's suicide prevention strategy to ensure that people know where to go for help and receive the compassionate support they need and deserve. You do not need to be an expert to reach out and check in with someone you are worried about, you just need to be a good listener. It is also important to have regular meaningful conversations about life's ups and downs and if you notice a

change in someone, no matter how big or small, it is time to ask, 'Are you okay?' You could change a life in asking that question.

If you are worried about someone and feel they need professional support, encourage them to connect with a trusted health professional like their GP. Tasmanians should consider calling the mental health services helpline available 24 hours a day on 1800 332 388 if they or someone they know shows obvious changes in mood, behaves in a disorganised manner, has poor concentration, sees things that are not there, hears voices, expresses strange thoughts, becomes anxious and fearful or expresses suicidal ideas or thoughts. Anyone who is in immediate danger please call 000 immediately and of course assistance is also available 24/7 by calling Lifeline on 131114.

We know suicide prevention is a big challenge. It is a collective responsibility, but if we all work together to raise awareness and encourage conversation we can all make a difference. Today's walk was not only an expression by many hundreds of Tasmanians in coming together for the walk today but also a demonstration that every single person at that walk also wants to make a difference and encourages every other Tasmanian to do the same.

Nick Smart - School Sports Australian Football Championships

Ambulance Services Funding - Comments by Premier

[6.06 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Madam Deputy Speaker, I rise tonight to congratulate a young man from my electorate, Nick Smart. Nick was selected to represent Tasmania at the recent School Sports Australian Football Championships in Western Australia as part of the Tassie Devils under-12 boys team for 2019. Nick is a member of the Longford Junior Football Club and was selected by AFL Tas early this year to go and play. I was contacted by Nick's mum, Karen, to support them in their fundraising endeavours so he could get to Western Australia. It is not cheap to travel to Western Australia from Tasmania and I was pleased to be able to do that.

I received a lovely letter from Nick and his mum today that gave an update on his successful time competing at the championships. I was updated by Nick that the team was fortunate to win five of the 10 games played for the carnival and finished fifth on the ladder, the highest any Tasmanian under-12 football team has finished in this competition. I say congratulations to Nick. I understand he met a lot of wonderful people from all across Australia and made some lifelong friendships from the experience. I understand how important sport can be for bringing people together and building community and wish him all the best with his future footy career.

Madam Deputy Speaker, I also want to draw attention to comments made by the Premier in this House earlier in the session and note remarks that were made last Thursday in response to a question I asked about cuts to Ambulance Tasmania funding. In response to that question the Premier's answer was:

> Our resources have increased by $200 million more than in the 2013-14 budget. That is an 87 per cent increase in just five years on funding into our ambulance services.

That is not true. The Premier came into the House today and gave different figures but did not correct the record, and I understand he has not come in today to correct the record. There is an opportunity now. There is another 50-odd minutes for the Premier to come in and correct the record

because that statement is incredibly misleading. To claim that there has been an 87 per cent increase equivalent to $200 million in extra funding going into Ambulance Tasmania over the last five years when that is not true at all is misleading to the people of Tasmania and to the staff who work there who are under enormous pressure. In fact, funding for ambulance services was $62 million in 2014 and in the 2019-20 Budget it was $81 million. That is a $19 million increase over five years, not a $200 million increase as the Premier claimed last week.

It is serious for a member of this place to mislead the parliament and not correct the record at the earliest opportunity. The Premier may have misspoken, but I am concerned that when it was brought to his attention earlier today he did not come back into this place and correct the record.

It might be some kind of strange Liberal logic that five equals eight, but it is not anywhere else. Five years of funding is not the same as eight years of funding and that is the figure the Premier is conflating his arguments with.

Ms O'Connor - We are being gaslit. It is like gaslighting.

Ms WHITE - Yes; saying something again and again and claiming that it is true does not make it true. Given the horrific circumstances that our ambulance paramedics are working in at the moment, when they hear the Premier get up and say they have received an 87 per cent increase in funding over the last five years they know it is not true. They called him out on it and yet he still comes into this place and does not correct the record. That has an enormously negative impact on their morale. The Premier and the leader of our state should be able to be truthful and in fact if he cannot correct the record, how can we believe anything that he says ever again?

This is a pretty simple issue that can clearly be shown to be a false statement by the Premier just by looking at his own budget papers and if he does not come in by the end of the adjournment then I think that we can only conclude that he does not care when he misleads the people of Tasmania. He will lie about the true state of funding in Ambulance Tasmania and that is appalling, especially when people are dying avoidable deaths. All the Premier needs to do is at least be honest in the very first instance.

Tasmanian Quality Meats - Cressy

[6.11 p.m.]

Mr SHELTON (Lyons - Minister for Police, Fire and Emergency Management) - Madam Deputy Speaker, I rise this evening to pay tribute to a fantastic Tasmanian company. Tasmanian Quality Meats of Cressy, an award-winning, locally-owned meat producing plant in the electorate of Lyons, and not far from my home.

Tasmanian Quality Meats was first opened in Cressy by the Oliver and Talbot families in 1997 to process Australian lamb for the domestic market. In 2003 due to the demand from producers, Tasmanian Quality Meats built a meat processing floor, providing a service for butchers and wholesalers throughout Tasmania and also exporting to the mainland. A growing need for a small stock export plant in Tasmania saw Tasmanian Quality Meats, or TQM, start to expand again in 2010, providing a new state-of-the art processing floor. In mid 2011 the floor was commissioned and a tier one export registration was obtained in September 2011.

This opened many doors for TQM and since then they have processed Tasmanian lamb, mutton, veal and offal to numerous countries throughout Australasia and the Middle East. TQM has developed a great reputation within Australian markets especially, and are well known for the exceptional quality of their meat products which are sourced from fertile Tasmanian pastures. They are also certified producers of Halal products which are sent to multiple areas around Australia, including Tasmania itself, along with Victoria, New South Wales, South Australia and Queensland.

In May 2013, TQM received certification from the Department of Agriculture, Fisheries and Forests to supply Halal products to more than 25 countries around the world.

Tasmanian Quality Meats is a family run business. From the time it started, employment has grown in the factory from only three workers in 1997 to now employing a total of 105 full-time staff and labourers. Further planned expansions to the company will hopefully see an extra 100 employees given opportunities to work for the company. Together with marked increases in production rates, if approved, the abattoir expansion will allow the processing of an extra 400 000 sheep and lambs, cutting down the number of animals currently being sent to the mainland for processing.

Over their 22 years of operation, TQM has been awarded many accolades and accreditations. Recent years have seen the company take home Tasmanian Exporter of the Year awards in 2013 and 2015 and Regional Exporter of the Year in 2013 and 2015, to name a few.

On 5 September 2019, TQM was awarded the top award in the Australian Food Awards announced at their annual dinner hosted by the Royal Agricultural Society of Victoria at Melbourne showgrounds. TQM beat over 1400 other meat producers from across the country to receive the coveted national award.

After launching its new and now award-winning brand, Lamb Tasmania, in May 2019, the company has successfully worked with local farmers to achieve the product worthy of its award win. The new Lamb Tasmania brand has allowed the company to select the lambs they wanted to process ensuring the correct fat and meat coverage for their product, allowing them to maintain their high degree of quality that the brand is known for. Their award win puts them into a category with well-known Tasmanian brands such as the Australian Honey Company, Van Diemens Land Creamery and Rocky Cape Jams. They were acknowledged as being the best of the best at the RASV by the chief executive officer in the fields of remark. When you come around to classing that it is a remarkable calibre of product that they produce.

I pass on my sincere congratulations to the TQM team with their latest win and look forward to watching the Lamb Tasmania brand growing into the future.

Lifeline Tasmania - World Suicide Prevention Day

[6.16 p.m.]

Ms HADDAD (Clark) - Madam Deputy Speaker, I reiterate many of the words that we heard from the Deputy Premier about this morning's event. Today, 10 September, is World Suicide Prevention Day across the globe and provides an opportunity to collectively shine a light on suicide prevention, politically and at a community and individual level. We all know someone who has been touched by suicide or have known someone who has had suicidal thoughts. Indeed, my family

has known and loved people who have died by suicide and I doubt any of us have not had that experience.

Suicide prevention is a global challenge and marks one of the top 20 causes of death globally across all ages. It is the leading cause of death for Australians aged between 15 and 44. Men are a higher proportion of suicides and when it comes to LGBTIQ people, the risk of suicide is significantly higher still. This is not helped by prejudiced views held, espoused and, in many cases, promoted and highlighted by some members of our community, including high profile homophobic media commentators. I note legislation is currently before the federal parliament that would further diminish the rights of LGBTIQ people, which is a terrible thing, and it is my hope that this does not pass the federal parliament.

Bearing in mind these worrying figures about suicide numbers in Australia, it shows us that we all do have a story to tell and a responsibility when it comes to suicide prevention. Never before has there been a more important time to work together to prevent suicide and encourage conversation. Everyone has a role in preventing suicide and it is our role as parliamentarians to begin the conversation as leaders within our communities. As the Deputy Premier said, I will quote these words as well, 'You don't need to be an expert to reach out to someone, just a good listener. It is better to reach out than to avoid a person through fear of being wrong. Trust your gut instincts and if you think something is wrong, reach out. If the conversation is too big for friends and family, encourage someone to seek professional help.'

Like the Deputy Premier this morning, I also attended Lifeline's Out of the Shadows walk, together with my colleague, Sarah Lovell. Jeremy Rockliff was there as well. Lifeline's Out of the Shadows walk is an annual event where hundreds of people gather in Hobart before sunrise to light candles and walk together to remember and recognise those who we have lost to suicide.

Today's event was a particularly reflective one. It was the first one held in the Royal Botanical Gardens in Hobart, which provided a very peaceful and reflective place to gather together. What really struck me was that there were people from all walks of life there today, in uniforms from all sorts of places across Tasmania, public and private industry, who clearly had been touched by suicide in some way. Their family may have lost a parent, friend, a partner, loved one or a child.

I congratulate Lifeline on their event this year. It was a solemn and respectful way for people to come together and highlight the importance of prevention work and recognise all of those who work in this vital field of mental health. The more work of this kind, the better we will be able to deal as a community with the tragedy of suicide and to turn those devastating numbers around.

What is clear is that most of the time people do not want to die. They just want their pain to end. All of us have the ability and the responsibility to do what we can to work together and to work with our loved ones to help to fight this terrible plight that damages so many of us, which is death by suicide.

Island Magazine - Arts Tasmania Funding

[6.20 p.m.]

Dr WOODRUFF (Franklin) - Madam Deputy Speaker, I rise tonight to speak about the devastating news that Tasmania's premium literary publication, *Island* magazine, heard last Friday

when they discovered they had failed to win a renewal of their four-year funding arrangement with Arts Tasmania.

Island is a quarterly publication that has been with us in Tasmania for 40 years. It is a longstanding, essential forum for young, old and middle-aged Tasmanian writers to publish their work, to cut their teeth on a serious literary publication in the form of poetry, short articles, literary reviews, photographs, graphics and all forms of literary work. It has been such an important forum for people to represent the diversity of views in Tasmania. *Island*, as it is now known, has had an incredible range of editors over the last 40 years starting off in 1979 with Andrew Sant and Michael Denholm, Cassandra Pybus, Russell Kelly, Rodney Croome, David Owen, Gina Mercer, Sarah Kanowski, Dale Campisi, Matthew Lamb and, at the moment, Vern Field.

It has survived the travails of a global financial crisis, the coming and going of governments of all political persuasions, yet they found that they would no longer receive funding, the crucial support that they need, in addition to the support they receive through philanthropists, advertising, from the Arts Council and many different sources. This ongoing consistency of support, which has been there for decades now, has not been renewed. They say they have written to Arts Tasmania, who have agreed to meet to discuss and review the situation, and they will be making their case to continue to have funding for what we believe should remain for all new and emerging Tasmanian writers.

It has expanded enormously since 2015. In the last four years of funding they have had an ambitious expansion of *Island*, with the visual appeal of a magazine and an average tripling of subscriber numbers and growth in the sales across that period, which is comparing well with Australian publications. There is no doubt that it is a tough time to be a publisher of print media. There is no doubt that maintaining quality costs money. It is a line in the sand, essentially, for this Government, for the Tasmanian community, to back in Tasmanian quality art and literature.

I implore the minister to throw her support behind the continuation of this funding. We recognise that Arts Tasmania operates with a peer review process and we respect that. There is no doubt that Geoff Heriott, the chair, and the board members, James Hattam, Alison Wells, Dr Bastian Seidel and Vern Field are all doing their utmost to keep this quality publication here with us in Tasmania for the next 40 years. We implore the Government to do everything they can to support that.

Devonport Angling Club - Juniors Presentation Day

2019 Ambulance Tasmania North West Awards and Recognition Ceremony

[6.24 p.m.]

Mrs RYLAH (Braddon) - Madam Deputy Speaker, it is my pleasure in the adjournment tonight to speak on two great celebrations. On Sunday last I was honoured to be invited to present the awards at the Devonport Angling Club juniors presentation day, held at Taylors Dam near Devonport, representing Mr Barnett. It was a beautiful early morning arriving at this dam with more than 92 young anglers hooked up into the art of fishing on the first day of their season and signed up as members of the Devonport Angling Club. Taylors Dam is a wonderful facility, supported and improved by the club. President Peter Coventry and Mark Rockliff provided a remarkable atmosphere of supporting friendliness and tuition for these families and children at this event.

I note that the Devonport Angling Club is the only angling club in Tasmania that makes presentations to its junior members. This year, 14 children received awards in nine categories ranging from encouragement awards to the youngest, first-year angler, perfect attendance, heaviest fish, the most fish caught by the junior angler and so on. Taylors Dam is stocked with brown trout and rainbow trout and is a junior dam only, meaning that children can fish there. They have a very strict two fish per day limit. If they are terribly young, and there were some three and four-year-olds there, their parents can cast in but they have to sit or stand there watching the line and if they can get it toward the dam edge their parents can help to pick it up.

Mr O'Byrne - Did you kiss any fish?

Mrs RYLAH - They can kiss fish but they were allowed to keep these fish. This was a great day and the children pulled some amazing fish from the water. We thank Inland Fisheries for their work and what they are doing in supplying the fish into this dam. Later this year, in 2019, the World Fly Fishing Championships will be held in Tasmania. This event is another great opportunity to showcase the wonders of Tasmania's great outdoors to the world.

Perhaps some of our junior anglers will be inspired to continue to develop their fishing skills and take part in the fishing competitions in future years. I commend the Devonport Angling Club members, led by President Peter Coventry and Mark Rockliff, Darryl Taylor, the owner of Taylors Dam, for his generosity in making his dam and facilities available and for the helicopter flights that some of the children also received.

The winners: of the encouragement award were Charlotte Island, Phoebe Woodbury, River West and Jackson Hayes. For the youngest first year junior angler, the boy was Jack Milburn and the girl was Scarlett Saltmarsh and she was tiny. It was amazing. Perfect attendance records for last year were held by Novia Hyatt, Charlotte Milburn, Lucas Reddy, Nicholas Reddy, Jack Milburn, Aiden Hyatt and Ariel Hyatt. The heaviest trout caught by a female fisher was achieved by Ella Cox and the heaviest trout caught by a male was achieved by Aiden Hyatt last year. The most trout caught for the season by a girl was awarded to Ariette Hyatt, and for a boy it was Nicholas Reddy. The family dedication to junior angling was awarded to the Milburn family. The highest prize of all was the junior angler of the season and that was won by a delightful young girl, Jasmine Murfett. I commend all of them for a wonderful morning at Taylors Dam and a great opportunity to enjoy the Tasmanian way of life.

I recently had the privilege of representing the Minister for Health at the 2019 Ambulance Tasmania North West Awards and Recognition Ceremony. These men and women are professional and hardworking, often delivering high quality care in stressful and unpredictable environments. They are often the first responders to situations where people are at their most vulnerable and in great need. I acknowledge the families of our paramedics and ambulance officers as they often see first-hand the physical and mental stress our ambulance officers, as all of our first responders and emergency services personnel.

I am pleased to highlight the work of our dedicated Ambulance Tasmania staff both salaried and volunteer and give honour to the work they do. There were 19 recipients of the service medals and certificates, including the recipient of the very special Mansfield Pin. The retirement, after 44 years of service, of Gary Burke, an outstanding service at the Wynyard base. The ambulance medal was won by Simone Haigh for outstanding efforts on behalf of all our ambulance officers on a national basis. The national medal for 15 years was received by Richard Chapman, Jack Van Dalen and Kevin Bannatyne. The long service medal first class, which is 20 years, was awarded to

Jason Clarke, the long service medal for 10 years went to Alanna Kirkwood, Mary Levett, Allyssa Shields, Richard Chapman, Kevin Bannatyne, Gordon Armstrong, Robert Butterfield and Marcus Dixon.

Paramedic qualifications were given to Julie Gander, Jemima Bourne and Hannah Best, the certificate of commendation to Kye Edgar and the amazing Mansfield Pin was presented to David Cox by the two paramedics who resuscitated him. The Mansfield Pin is given to a cardiac arrest patient who survives and is given to them by their treating paramedics. David Cox was inspiring to speak to, very dedicated to getting his life better and absolutely recognised this was his second chance at life.

I congratulate each and every recipient for their dedication and selfless service that they provide to our communities.

Ultimate Foundation of Hope - Survivors Teaching Students

[6.31 p.m.]

Mr O'BYRNE (Franklin) - Madam Deputy Speaker, I rise to talk about the Ultimate Foundation of Hope. In June this year, my daughter and I went to a high tea which was held in Hobart. I was joined by fellow Labor colleagues, Sarah Lovell, Ella Haddad and Alison Standen, and we were raising money for this wonderful organisation. The foundation is run by a six-person board. They all volunteers and they raise awareness around gynaecological cancer. The team is led by Katrina Driessen, who is an inspiration in terms of the amount of work that she does to make a difference in her community and for those around her.

Ovarian cancer is the cancer that causes the highest number of deaths in women. In Australia, 1500 women are diagnosed with ovarian cancer, 1000 of whom will die. There is no early detection test for gynaecological cancer except for cervical cancer, which is a Pap smear. Sadly, GPs find it very difficult to diagnose and therefore early detection is missed due to the signs and symptoms being so similar to many other likely causes, such as irritable bowel syndrome, endometriosis and the menstrual cycle.

Education of our medical professionals is key in early diagnosis. There are currently some support services available; however, the patients are generally included into a breast cancer patient workshop and session and any form of gynaecological-specific support is provided over the phone or Skype. That needs to change and that is what the Ultimate Foundation of Hope is trying to do. They want to introduce, coordinate and provide support face to face.

The foundation is wanting to introduce a program to the University of Tasmania called Survivors Teaching Students. Survivors Teaching Students will allow ovarian and endometrial cancer survivors and/or their carers to share their stories in their words. This allows medical students to learn that even though a textbook will tell them the signs and the symptoms, not everyone has the same signs and symptoms.

The program will cost $15 000 per year and requires, on average, 12 volunteers to share their stories, hence the fundraising. The program has received two presidential awards in the United States and is currently running across the US, the UK, Canada and mainland Australia. We are hopeful to bring it to Tasmania as the next stop. Until a successful early detection test has been

developed, the Survivors Teaching Students program is the next best thing for ovarian and endometrial cancer patients.

As part of their fundraising, they have a cocktail function coming up on 27 September at 7 p.m. at the Mercedes Hobart showroom. The cocktail event will raise funds to introduce this much-needed and very important program to Tasmania. The foundation is growing in strength each week from where it started. It was created to share awareness of ovarian cancer and is now looking at bringing a life-changing program to the state, which is wonderful to see.

I acknowledge the work of Katrina and the volunteers who work with her to raise awareness and support about this disease and we wish them all the best.

Legacy Week - Activities

***Bridging the Strait* - Lieutenant Arthur Leonard Long**

Second World War - 80th Anniversary

Battle of Britain Day

National Peacekeeper and Peacemaker Day

Teddy Sheean Memorial Grants

[6.35 p.m.]

Mr BARNETT (Lyons - Minister for Veterans' Affairs) - Madam Deputy Speaker, as Minister for Veterans Affairs I am pleased to pay respects tonight to more than 10 000 Tasmanian veterans and their families. There have been many special events in the last number of weeks and will be more in the weeks coming up. I want to pay my respects and pay tribute to those men and women who fought for us, for our sake and to preserve the freedoms we enjoy today.

There have been a number of particular events, specifically Legacy Week from 1 to 7 September, and it was great to be able to promote and launch it in Launceston last week. We had badge day, I hosted a lunch in Parliament House for Hobart and Launceston Legacy with representatives and I met with Legacy executives again today to look towards the 100-year anniversary of Legacy, which will be in 2023. It is such a wonderful organisation and I am proud to say my grandfather, HS Barnett, was a president of Hobart Legacy and did so much. He fought in the First World War in the Royal Flying Corps. He flew a biplane and survived, a very precarious occupation at the time.

As a segue, I would like to commend and say congratulations to Joan Rylah for hosting the launching of the book *Bridging the Strait*, a salute to the first man to fly across Bass Strait 100 years ago. Lieutenant Arthur Leonard Long was one of the lucky ones, it says on the back of the book. He had survived the ordeals of World War I as a pilot in the Australian Flying Corps. It tells of his story and then coming back to be the first man to fly across Bass Strait. It was written by Pirrie Shiel and we heard from Pirrie today in Parliament House. It was a wonderful book launch and well done to Joan Rylah for organising that and for so many people from the Circular Head community to be present today.

We have had the 80-year anniversary of World War II being commenced. Former prime minister Robert Menzies announced that on 3 September 80 years ago. I just want to say thank you to the Honourable Darren Chester, Minister for Veterans' Affairs and Defence Personnel. He has

been doing a sterling job in that role. He is standing up for our veterans and their families and our ex-servicemen and women and he has highlighted that again this past week. We had 39 000 Australians die during that conflict and some 30 000 taken prisoner. We had major battles in Tobruk, the Coral Sea and Kokoda. I walked the Kokoda Track in 2008 with Ivan Dean MLC, a wonderful man, friend and colleague, and Bruce Scott, RSL president from Scottsdale, and we paid tribute to those men who walked the Kokoda Track and helped save Australia back in 1942.

Milne Bay, Borneo and Bomber Command's offensive in the skies over Europe have all been iconic parts of our military history during World War II. My great-uncle was one of those who was captured. He was in the 2/40th Battalion out of Launceston primarily, but a Tasmanian battalion, and five days after they got to Timor they were captured by the Japanese and then spent three-and-a-half years as a prisoner of war, including much time on the Thai-Burma railway. He survived, thankfully, but we often forget the service and sacrifice of people like him and so many other prisoners of war we often forget, so I want to pay tribute.

During World War II Tasmania was seen as somewhat isolated from the war's impact, however the sense of vulnerability to attack from seaborne forces was increased when enemy mines were found near the River Derwent's entrance when the sinking of a ship temporarily closed Bass Strait to shipping in November 1940, particularly when the HMAS *Sydney* was sunk off the Western Australian coast in 1941 and a Japanese submarine-launched seaplane flew a reconnaissance mission over the Hobart area in March 1942. We were certainly not immune; we were right up there.

This Sunday is the Battle of Britain Day. It is a very special day in remembrance of those who fought and died in the Battle of Britain, history's first entirely aerial campaign and a strategic turning point in World War II. It went from 10 July 1940 to 31 October 1940 between the air forces of Nazi Germany and the then British Empire and the Commonwealth. We particularly remember the tribute paid by Winston Churchill to the few who he immortally named, those fighter pilots fighting in the skies over Britain, for their service, courage and sacrifice, including more than 30 Australians, 14 of whom died in the battle. This included Flight Lieutenant Stuart Walch of Hobart, who attended the Hutchins School before joining the RAAF. I acknowledge that service and sacrifice in advance of Sunday 15 September. The Attorney-General will be laying a wreath on behalf of the Premier at the Hobart Cenotaph in honour of those who fought and died at the Battle of Britain.

National Peacekeeper and Peacemaker Day is coming up on Saturday 14 September. We pay our respects and express our thanks to those involved in peacekeeping operations all around the world, whether it has been the Pacific, Solomon Islands or elsewhere, in the Middle East, in Africa; they play a very important role.

Finally, to the Teddy Sheean, World War II hero for Tasmania who went down with the ship, the *Armidale*, on 1 December 1942. This Government is proud that we have the Teddy Sheean Memorial Grants. They play an important role. They opened on 9 August, some weeks ago, and they are available for those RSL and ex-service organisations to apply for those grants, $10 000 for minor capital works and $5000 for equipment purchases for RSL clubs, sub-branches and those ex-service organisations. It is a wonderful grant program that operates under the Hodgman majority Liberal Government.

With respect to Teddy Sheean, we will fight on because he deserves that recognition of a Victoria Cross in my view. That submission was made by me as the applicant on behalf of the state government, family members and many others at the end of March. The Defence Honours and

Awards Appeals Tribunal heard the submission and the evidence during a two-day hearing. I believe the evidence is overwhelming with seven independent adult witnesses. It was a wonderful case and I thank the House.

Time expired.

North East Axemen's Association

[6.42 p.m.]

Mr TUCKER (Lyons) - Madam Deputy Speaker, I rise to speak about the North East Axemen's Association and veteran axeman, Break O'Day Mayor, Mick Tucker. Woodchopping is a great sport and, as legend has it, originated from a bet between two men in an Ulverstone bar in 1870. A Victorian and a Tasmanian went head to head for a £25 wager, seeing who could fell a tree the fastest. To this day we do not know who won, but considering the strength of the Tasmanian woodchopping community and according to the Tasmanian Axemen's Association, the answer may be obvious.

Between 1870 and 1890, a number of contests were held on a wager basis before Tasmanian, H.R. Nichols, established the first Axemen's Association and laid out official rules in June 1890. Founded on 13 June 1891 at Whittaker's Coffee Palace in Latrobe, Tasmania, the first world champion contest was held at Latrobe. Since then, the sport has evolved into a system of handicaps and championships designed to create a fair and entertaining contest. Their mission is to be the leading entity of the sport in Australia, to actively promote, grow and encourage the sport of woodchopping and its disciplines, aiming to ensure that the participation and membership in the sport is available to everyone regardless of gender, age, race or disability.

From October through to April, competitors join at small country shows, dedicated woodchopping festivals, state, national and international competitions across Tasmania. From Launceston to Cygnet, Port Arthur to Ross, woodchoppers take their axes to the arena bringing with them the echoes of history.

Break O'Day Mayor, Mick Tucker, was asked to represent the nation in the Australia versus New Zealand woodchopping competition, which was held at the Adelaide Regional Show during August. Mr Tucker, along with eight others, competed in the veterans over-60s team. Mr Tucker said it was an honour and a privilege to represent Australia, Tasmania and especially Break O'Day. It is good for people to know that mayors have an active life outside of council, being responsible and committed to other events.

Woodchopping is an internationally recognised and accredited sport, a test of strength, timing, agility and a good eye, where competitors test their skills. Mayor Tucker has been competing for more than 42 years and has represented Tasmania on a number of occasions. Australia sent a strong team consisting of 10, nine competitors and one reserve, who competed in about six different events. All levels were won, defeating New Zealand. The Australian Women's Team and the under-21 men's team also won against New Zealand.

The Australian Axemen's Association has a good working relationship with forestry and across all levels of government. This level of support is vital for continued access to good quality timber and remaining a cultural heritage sport. It is times such as these that makes one proud to be Australian and that we as a parliament can be proud of.

The House adjourned at 6.46 p.m.